

MINUTES

TITLE: Environment and Planning Subcommittee
DATE: Friday, 5 May 2006
TIME: 1.50 pm
VENUE: Council Chamber, 78 Commercial Street, Takaka
PRESENT: Crs E M O'Regan (Chair), S J Borlase, N Riley

IN ATTENDANCE: Manager Consents (J Hodson), Resource Scientist (E Verstappen), Senior Consent Planner Subdivisions (M Morris), Minute Secretary (V M Gribble)

1. K and S MASON, WAITAPU ROAD, TAKAKA - APPLICATION RM050602

1.1 Presentation of Application

T Gowland presented the application on behalf of the applicants, Kathy and Steve Mason who were in attendance.

The application seeks to undertake a three lot subdivision. Proposed Lots 2 and 3 are vacant land.

The application site is located at 60 Waitapu Road, Takaka being legally described as Lot 2 DP 10570 (CT NL5D/906).

Mr R V Stocker, Consulting Engineer, tabled and read his evidence in support of the application.

Cr Borlase asked if the water was flowing over the property during the May 1983 flood event. Mr Stocker said it was.

Cr Borlase, asked if the possibility of the Te Kakau Stream being piped would make any difference.

Mr Stocker, did not believe the Council would consent piping of the Te Kakau Stream that would significantly increase flooding in the Takaka area. The Council did require a freeboard of 300 mm above 2% AEP flood level, and as of 2004 it has been raised to 500 mm. To some degree that is acknowledgement of climate change issues and the 500 mm freeboard has got to be viewed in perspective of the possible increase in flood level between a 50 year flood and 100 year flood which may be in the order of 100 mm.

Cr Borlase asked how much more severe will these be. In the 1983 flood the 500 mm freeboard would have covered the situation. Is it going to be enough now?

Mr Stocker said when considering likely life of a building being 50 - 70 years, 500 mm is likely to cover the climate change scenario.

Cr Riley asked what the proposed floor height of the building would be above the crown of the road.

Mr Stocker said the road would not be a controlling factor in the flood level in this case.

Mr Gowland said the level in the middle is 7.23 metres, so it would be higher. The applicants are suggesting it could be a two metre floor level.

Mr Gowland continued presenting his evidence and also read a legal opinion from McFadden McMeeken Phillips.

Mr Cashman, who was present in the immediate locality during the 1983 flood, tabled and read his evidence.

Mr Gowland confirmed Mr Cashman's statement on the height of the flood.

1.2 Staff Reports

Mr Morris, Senior Planner – Subdivisions, said concerns of staff are that while you can mitigate effects of water entering a house, there are issues with having a house in the middle of a flooded property. People become marooned and there are issues relating to that. What do you do with your vehicle? There are issues with flooding that relate to not only floor level of the house. Flooding levels on this property are generally higher than a lot of other areas in the Takaka township. He accepts it is a controlled activity in terms of the Plan, and complies with all rules, but is subject to Section 106 Resource Management Act which in effect means if the property is subject to a flooding hazard, it can be declined if Council is not satisfied conditions can be imposed to mitigate flood hazard. Transit has given consent to access, subject to conditions. He accepts that setting back of the fenceline was not part of Transit conditions and therefore asked that his condition 2 be removed from recommended conditions.

Cr O'Regan said the suggested conditions did not include a consent notice with relation to minimum floor levels.

Mr Morris said the applicant had volunteered a two metre high floor level.

Cr Riley commented on section 5.5 in Mr Morris's report about precedence and cumulative effects. He asked if Section 106 accommodates any concerns in that regard.

Mr Morris said if Council makes a decision that this is an acceptable flooding hazard, then it could set a precedent. Be aware if you approve this that you could expect that people with similar hazards would expect similar treatment.

Mr Verstappen, Resource Scientist, presented his report. He tabled a map showing the flood plain on the right bank of the Takaka River and west of the township bounded by Te Kakau Stream and said that up until recently waters could flow reasonably unimpeded into the Mason property. He noted there are houses built since 1983 and Mr Stocker indicated that the building of another house on the Harris/Cole property would have very little effect on flood levels. He suggested flood levels observed and recorded on the Mason property and environs in 1983 may well be altered in a minor way.

Mr Verstappen said Council holds detailed map of floods that occurred in 1972, 1967 and 1983 and recorded flood marks may or may not be recording accurately. The effects suggest the floor level should be higher. The Q50 that we regard the 1983 flood as being is in terms of damage effect because of the long duration of high peak, but not in terms of absolute flood peak. In terms of climate change, all models have suggested increase in westerlies and rainfalls that could affect rainfall in the catchment. He has incorporated an element of effect on human occupancy rather than effect on land and buildings. With 800 mm of flowing water the potential of access to and from this house will be completely removed. If they need evacuation it is very difficult to remove them from the site. That is not a Section 106 issue. If we raise the minimum floor level to 2 metres, cars might be parked underneath and 600 mm of flowing water will move a car and bang into the foundations. There is a possibility that in a major flood, with a vehicle under the house, the structure on the land is likely to be subject to inundation. If the basement of the house is boarded up, then if you do not get water going through it goes around and the effects on the neighbours needs to be thought about. That is not to say the house could not be made safe. A condition could be that no habitable space be under the house. Council needs to be mindful of how much enclosing it would allow. Essentially the house has to be elevated and not enclosed.

Cr O'Regan asked if in relation to the 1983 flood, there is any record of scouring.

Mr Verstappen said there is nothing written down. It depends whether it is in good pasture or has been recently grazed / disturbed.

Cr O'Regan asked would it be sensible for the land to be elevated at the road edge so that it forms a gentle slope from road edge to back of property.

Mr Verstappen said the property boundary starts 10 to 11 metres in from the edge of the road and he would leave it like that.

Cr Riley commented that a future owner may take Council to task for increasing potential of flood risk and damage on the existing property.

Mr Verstappen said there is the possibility of damage to neighbours when water is prevented from going through and has to go around and my create scour points.

1.3 Right of Reply

Mr Gowland said concerning Mr Verstappen's comments about cars moving under pole houses, there has never been a car lost in a Takaka flood. Mr Cashman said there was no scouring anywhere on Waitapu Road as a result of the 1983 flood.

The meeting adjourned at 3.37 pm.

Moved Crs Riley / Borlase EP06/05/23

THAT the public be excluded from the following part of the proceedings of this meeting, namely:

K and S Mason

The general subject of the matter to be considered while the public is excluded, the reason for passing this resolution in relation to the matter, and the specific grounds under Section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

Subject	Reasons	Grounds
K and S Mason	Consideration of a planning application.	A right of appeal lies to the Environment Court against the final decision of Council.

CARRIED

Moved Crs Borlase / O'Regan EP06/05/24

THAT for the purposes of discussing the application of K and S Mason as an "In Committee" item, the Manager Consents be authorised to be in attendance as advisor.

CARRIED

Moved Crs O'Regan / Borlase EP06/05/25

THAT the public meeting be resumed and that the business transacted during the time the public was excluded be adopted and that the following resolutions be confirmed in open meeting.

CARRIED

2. K and S MASON, WAITAPU ROAD, TAKAKA - APPLICATION RM050602

**Moved Crs Riley / O'Regan
EP06/05/26**

THAT pursuant to Section 104 and 104A of the Resource Management Act 1991, the Council **GRANTS** consent to K and S Mason to subdivide Lot 3 DP 10570 (CT NL5D/906) into three allotments.

The consent is granted subject to the following conditions and granted for the following reasons:

CONDITIONS:

1. Financial Contributions

The following Financial Contribution payments are to be made:

Financial contribution payment on two lots (GST inclusive)

Reserves and Community Services

A reserves and community services levy equivalent to 5.5% of the assessed market value of two allotments shall be payable. The valuation shall be by way of a special valuation undertaken by a registered valuer at the applicant's request and cost. The applicant is requested to forward a copy of the consent plan to the registered valuer when the valuation is requested. This valuation is to be forwarded to the Tasman District Council for calculation of the reserve fund contribution.

Advice Note

Council will not issue the Section 224(c) certificate in relation to this subdivision until all development contributions have been paid in accordance with Council's Development Contributions Policy under the Local Government Act 2002.

The Development Contributions Policy is found in the Long Term Council Community Plan (LTCCP) and the amount to be paid will be in accordance with the requirements which are the amount to be paid and will be in accordance with the requirements that are current at the time the relevant development contribution is paid in full.

This consent will attract a development contribution on two allotments in respect of roading, stormwater and wastewater.

2. Access

The two combined access crossings (CP62A and 61A) as shown on the application plan shall be formed and sealed in accordance with the Diagram C access standard from Transit New Zealand (Attachment 1).

The shared access crossing places are constructed to a minimum sealed width of 7 metres (with a minimum width of 3.5 metres per property access).

Advice Note

Prior to the physical work being undertaken, the consent holder should obtain a Section 51 consent to work within the state highway road reserve, as required under the Transit New Zealand Act 1989. Such an application should be made to Transit's network consultant (Opus International Consultants Ltd – Nelson) at least one month prior to work commencing.

The consent holder should seek a Section 93 Minister's Notice from Transit New Zealand in order for the newly created titles to be uplifted from LINZ.

3. Sewer

Full sewer reticulation complete with any necessary manholes and a connection to Lot 2 and 3 shall be provided. This may include work outside the subdivision.

4. Telephone and Power

Live telephone and power connections shall be provided to Lot 2 and 3 and all wiring shall be underground as per the requirements of Tasman District Council.

Confirmation of the above from the line operator and copy of the certificate of compliance will be required prior to the release of the Section 224 Certificate.

5. Engineering Plans

As-built plans detailing access and sewer connections, including exact locations of pipes, laterals, connections, etc., complete with depths of sewer connections shall be provided.

All engineering details are to be in accordance with the Council's Engineering Standards 2004. All necessary fees for plan approval shall be payable.

6. Commencement of Works and Inspection

The Engineering Department shall be contacted two working days **prior** to any engineering works.

7. Engineering Supervision

All work shall be constructed in strict accordance with the Council's Engineering Standards 2004 and are to be to the Engineering Manager's satisfaction.

The applicant shall engage a suitably qualified consultant (surveyor/engineer) for advice and to supervise/test the construction of the work. The completion certification pursuant to Section 224 of the Resource Management Act 1991 shall not be released by the Tasman District Council until a "Certificate of Supervision" signed by the consultant is provided and all necessary fees have been paid.

11. Easements

Easements are to be created over any services located outside the boundaries of the lots that they serve as easements-in-gross to the Tasman District Council or appurtenant to the appropriate allotment.

12. Engineering Certification

- a) At the completion of works, a suitably experienced chartered professional engineer or registered surveyor shall provide Council with written certification that the works have been constructed to the standards required.
- b) Certification that a site has been identified on Lot 2 and 3 suitable for the erection of a residential building shall be submitted from a chartered professional engineer or geotechnical engineer experienced in the field of soils engineering (and more particularly land slope and foundation stability). The certificate shall be in accordance with Appendix B Section 11 of the Tasman District Engineering Standards 2004.
- c) Where fill material has been placed on any part of the site, a certificate shall be provided by a suitably experienced registered engineer, certifying that the filling has been placed and compacted in accordance with NZS 4431:1989.

13. Consent Notices

Pursuant to Sections 108 and 221 of the Resource Management Act 1991, the following consent notices shall be registered on Lot 2 and 3:

- a) The discharge of stormwater from the any proposed dwelling and garaging on Lot 2 and Lot 3 shall discharge in to an approved stormwater soakage or drainage system.
- b) The minimum floor level for any building intended to be used for habitable purposes on Lot 2 and 3 shall be a minimum of 7.76 metres above LINZ datum and the sub-floor area shall not obstruct the passage of flood waters.

REASONS FOR THE DECISION:

1. The land is zoned Residential under the Proposed Tasman Resource Management Plan (TRMP). The application is a controlled activity under the Tasman Resource Management Plan. The subject land is on the outskirts of the Takaka residential area, and is adjacent to farmland to the north-east.
2. There are no relevant references to the Residential zone subdivision objectives, policies and rules of the Proposed Tasman Resource Management Plan and therefore in accordance with Section 19 of the Amendment Act, no weight is given to the Transitional Plan.
3. The Committee noted that the application had not been notified and therefore there were no submissions. The application had been referred to the Committee as there was a negative staff recommendation and it was considered that the application should be determined by the Committee in accordance with the delegated authority in place.

4. The Committee carefully considered the concerns raised by the staff about the potential impact of flooding on the future occupants of dwellings on Proposed Lot 2 and 3. This was clearly the key issue associated with the application and the Committee was referred to Section 106 of the Resource Management Act 1991.
5. It was clear that a flood hazard existed for the Takaka township and surrounding floodplain area and the Committee heard that the flood in 1983 probably equated to a flood of a 2% AEP. The Committee was told that during that flood event approximately 600-800 mm of water would have flowed over the subject land. The applicant in this case had volunteered a condition requiring the dwelling to be constructed at a minimum level of 7.69 metres above LINZ datum which would mean that there would be approximately 500 mm of freeboard above the level of the 1983 flood.
6. The Committee noted the provisions of Section 106 of the Resource Management Act 1991, which provided for subdivisions to be declined if the land or any structure on the land would be likely to suffer material damage by flooding or inundation. The Committee considered that based on the evidence presented, that if the minimum floor level was imposed, there would be no likelihood of material damage being suffered by the future dwellings. It was also considered that the land itself would not suffer from material damage by being inundated with water in such an event.
7. The Committee noted that the minimum floor level condition would not prevent the land being affected by a flood in the Takaka floodplain, and therefore a Notice under the Building Act would be applied to the titles at the time of a building consent for the dwellings.
8. The Committee considered that if the Council wanted to prevent further subdivision in the Takaka floodplain area, then clear rules should be incorporated into the Tasman Resource Management Plan including a strategic plan regarding where future development should take place. This would involve the appropriate level of community consultation to take place to signal such a change of direction in the Council's planning framework.
9. The Committee noted that the location of the existing fence along the state highway was not on the boundary but this was accepted by Transit New Zealand and that the crossings would be designed in accordance with the relevant standards.
10. In summary, the Committee considered that the proposal was consistent with the objectives and policies of the Proposed Tasman Resource Management Plan and the Resource Management Act 1991 and subject to the conditions imposed, the effects on the environment will be no more than minor.

CARRIED

Date Confirmed:

Chair: