

MINUTES

TITLE: Environment & Planning Subcommittee
DATE: Monday, 10 March 2008
TIME: 9.30 am
VENUE: Council Chamber, 189 Queen Street, Richmond

PRESENT: Hearings Committee
Cr S G Bryant, Chairperson
Cr M J Higgins
Cr E J Wilkins

IN ATTENDANCE: Tasman District Council
Mr R Askew - Principal Resource Consents Adviser
Mr G Rae - Consultant Planner
Mr D Ley - Development Engineer
Mr B D Moore - Administration Officer

1. R and D FOX, CORNER OF PIGEON VALLEY ROAD AND GOLF ROAD, WALEKFIELD - APPLICATION RM070970

1.1 Proposal

The applicant sought consent to subdivide Lot 2 DP323686 comprised in CT 95445 into two allotments, Lot 1 of 2.390 hectares proposed as a new residential allotment and Lot 2 of 3.092 hectares being the balance area containing an existing house.

The Committee proceeded to hear the application, presentation of submissions and staff reports as detailed in the following report and decision.

The Committee reserved its decision.

RESOLUTION TO EXCLUDE THE PUBLIC

Moved Crs Wilkins / Borlase
EP08/03/20

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

R and D Fox

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 passing this resolution are as follows:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under Section 48(1) for the passing of this resolution
R and D Fox	Consideration of a planning application	A right of appeal lies to the Environment Court against the final decision of Council.

**Moved Crs Higgins / Borlase
EP08/03/21**

**THAT the open meeting be resumed and the business transacted during the time the public was excluded be adopted.
CARRIED**

2. R and D FOX, CORNER OF PIGEON VALLEY ROAD AND GOLF ROAD, WALEKFIELD - APPLICATION RM070970

**Moved Crs Borlase / Wilkins
EP08/03/22**

**THAT pursuant to Section 104B of the Resource Management Act, the Committee GRANTS consent to R and D Fox subject to conditions as detailed in the following report and decision.
CARRIED**

Report and Decision of the Tasman District Council through its Hearings Committee

Meeting held in the Tasman Room, Richmond

on 10 March 2008, commencing at 9.30 am

A Hearings Committee (“the Committee”) of the Tasman District Council (“the Council”) was convened to hear the application lodged by Rodney John Fox and Donna Jane Fox (“the Applicant”), to subdivide land. The application, made in accordance with the Resource Management Act 1991 (“the Act”), was lodged with the Council and referenced as RM070970.

PRESENT:

Hearings Committee

Cr S G Bryant, Chairperson

Cr M J Higgins

Cr E Wilkins

APPLICANT:

Mr N A McFadden, Legal Counsel

Mr A C Alley, Planning Consultant

Mr R Bennison, Registered Valuer and Farm Management Consultant

- CONSENT AUTHORITY:** **Tasman District Council**
Mr G Rae, Planning Consultant
Mr D Ley, Development Engineer
- SUBMITTERS:** No submitters appeared
- IN ATTENDANCE:** Mr R Askew, Principal Resource Consents Adviser –
Assisting the Committee
Mr B Moore – Committee Secretary

1. DESCRIPTION OF THE PROPOSED ACTIVITY

The Applicant sought resource consent to undertake a subdivision of land described as Lot 2 DP 323686, comprised in CT 95445, having an area of 5.4860 hectares to create two allotments of 1.4765 hectare (Lot 1), and 4.0085 hectares (Lot 2).

The property is located on the corner of Golf Road and Pigeon Valley Road, Wakefield and the land is zoned Rural 2.

The Applicant presented an amended plan of subdivision at the hearing showing that Lot 1 would now have an area of 2.3930 hectares and Lot 2 would have an area of 3.0920 hectares.

2. PROPOSED TASMAN RESOURCE MANAGEMENT PLAN (“PTRMP”) ZONING, AREAS AND RULE(S) AFFECTED

According to the PTRMP the following apply to the subject property:

Zoning: Rural 2

Area(s): No relevant Area overlay applies.

The proposed activity does not comply with Controlled Activity Rule 16.3.8(b) of the PTRMP as the proposed allotment sizes are less than 50 hectares and the subdivision therefore falls to be considered as a Discretionary Activity in accordance with Rule 16.3.9 of the Plan.

3. NOTIFICATION AND SUBMISSIONS RECEIVED

The application was notified on 10 November 2007 pursuant to Section 93 of the Act. A total of two submissions were received. The following is a summary of the written submissions received and the main issues raised:

Vicki Jane Eggers

Ms Eggers had concerns that:

- Her extended views across Pigeon Valley would be interrupted if substantial screen planting is undertaken as part of the subdivision;
- The Tasman District water allocation scheme has failed on occasions in the past; and

- The proposal would set an undesirable precedent and would encourage continued subdivision in the area.

The submitter did not wish to be heard and withdrew her submission prior to the hearing. The above summary has been included having regard to the amended plan presented at the hearing and to show that her submission was not affected by the amendment.

Russell Edwin Kiddle

The submitter had concerns that the proposal will set an undesirable precedent, and will lead to a change in character of the area.

Mr Kiddle wished to be heard but did not attend the hearing and made a written addition to his submission, which was tabled and read at the hearing.

4. PROCEDURAL MATTERS

The amended proposed plan of subdivision, which was tabled by the Applicant at the hearing, was a departure from the plan submitted with the application in that the proposed areas for Lots 1 and 2 were increased by 61% for Lot 1 and decreased by 23% for Lot 2. A “proposed building site” was shown on the amended plan

Mr McFadden and Mr Alley both presented evidence that the amended layout provided a more regular shape to the allotments and the proposed allotment areas were more in keeping with the general pattern of subdivision that had occurred in Pigeon Valley. The repositioned southern boundary of proposed Lot 1 also followed an existing fence line for 75% of the length of the proposed boundary.

Mr McFadden stated that in his opinion that the amended plan would have no greater adverse effect on the environment than was originally presented. In response to a question from the Chairman the Applicant produced a signed copy from adjoining neighbour of Lot 1 DP 323686, (Ms P Morris as at the date of the hearing of this consent), agreeing to the amended plan. The amended plan was in accord with the recommendations contained in the Council’s Reporting Officers’ report made pursuant to Section 42A of the Act.

A composite plan, attached to this report as Appendix 1 was prepared at the request of the Committee following the hearing to confirm the relative boundary positions of the new versus old layouts. This composite plan shows the original plan overlaying the amended plan and shows that the proposed building site would not be in a position significantly different from that which it could have been on the original plan and therefore the adverse effects of the amended plan would be no more than minor.

Mr McFadden had pre-circulated a letter from Ms V. Eggers withdrawing her submission to the proposed subdivision.

A written submission was received by the Committee from Dr E. Kiddle who had indicated he wished to be heard but apologised that he was unable to attend the hearing.

5. EVIDENCE HEARD

The Committee heard evidence from the Applicant, expert witnesses, and the Council's Reporting Officers. The following is a summary of the evidence heard at the hearing.

5.1 Applicant's Evidence

Mr N A McFadden tabled and read an opening submission and presented an amended subdivision layout showing Lot 1 being 2.3903 hectares and Lot 2 being 3.0920 hectares. Mr McFadden advised that the Applicant had obtained the written approval of all of the adjacent neighbours. Each of the allotments will have independent access off Golf Road, with good sight distances from each of the proposed driveways. Water can be supplied to the new allotment by way of a low-flow rural extension from the Wakefield urban area. Mr McFadden presented a history of subdivision in Pigeon Valley on Rural 2 zoned land.

McFadden referred to the submission from Dr R E Kiddle and disagreed with the submitter's claims regarding precedent and cumulative effect and state that this submitter failed to understand that the subject land has little if any value for soil based production.

Mc Fadden listed the reasons why this subdivision can be distinguished from other applications and proposed some alterations, additions and deletions to potential conditions of consent as put forward by Mr Rae in his Officer's Report. Within the written evidence was a letter of 3 March 2008 from Ms V Eggers withdrawing her objection to this subdivision application.

Mr A C Alley read a statement of planning evidence in support of the application. He described the effects of the proposal including the landscaping and visual effects. Mr Alley listed relevant policies and objectives of the Tasman Resource Management Plan to the application and expressed disagreement with the submission from Dr R E Kiddle. Mr Alley also referred to amended conditions of consent in his evidence and sought further clarification on the proposed fence set-back on the corner of Golf Road and Pigeon Valley Road.

Mr R Bennison gave his evidence on the productive capacity of the subject land. He described why the land does not meet the definition of high productive value as set out in the Tasman Resource Management Plan. He described the shallow low fertility soils of the subject site that is subject to heavy frost and a lack of water. He stated there will be minimal effect on the productive capacity of the land through subdivision and the construction of an additional dwelling.

5.2 Submitters Evidence

The written submission from Dr Kiddle was tabled at the hearing by the Council's Principal Resource Consents Adviser.

5.3 Council's Reporting Officer's Report and Evidence

The Council's Reporting Officer, Mr G Rae, referred to his report of 26 February 2008 contained within the agenda and agreed that the amended subdivision plan provides for a better outcome and that neighbours to the application are not offended by this

new plan and that no re-notification of the proposed was, in his opinion, necessary. Mr Rae stated that the application was appropriate for approval subject to recommended conditions of consent.

Mr D Ley tabled an amended plan to show the improved set-back at the corner of Golf Road and Pigeon Valley Road, which he explained was not to require a change of road pavement but will require the fence to be set-back and vegetation trimmed to provide better traffic sight lines. He was uncertain as to whether a stop or give way sign was necessary at that intersection.

Mr Ley confirmed that a low-flow water supply system was available that will entail a connection fee but no development contribution.

5.3 Applicant's Right of Reply

Mr McFadden confirmed that the neighbour, Ms Morris, had provided her agreement on the new subdivision plan. Mr McFadden said that the trees by the golf course are trimmed every autumn by the golf club. He reminded the Committee that conditions of consent are required for resource management purposes.

Mr McFadden stated that the proposed set-back for the fencing could be more efficiently done and that a 'stop' or 'give way' sign would not be necessary and that a financial contribution would not be required. Mr McFadden said it would therefore not be necessary to include a Section 128 Review condition in the conditions of consent. Mr McFadden suggested the set-back could be to the second fence post on Golf Road

6. PRINCIPAL ISSUES

The principal issues that were in contention were:

- a) Will there be adverse visual and landscape effects from an additional dwelling and associated buildings?
- b) Would the subdivision lead to reduction in productivity of the land;
- c) Would the fragmentation create precedence for other subdivision to occur elsewhere in the Pigeon Valley area and would there be any cumulative adverse effects from the proposal?
- d) Would the addition of a further dwelling have any adverse effect on road traffic and would the Golf Road-Pigeon Valley Road intersection require improvements to sight visibility.

7. MAIN FINDINGS OF FACT

The Committee considers that the following are the main facts relating to this application:

- a) The Applicant showed on the amended plan a proposed building site located on the north western side of the property, being at least 100 metres from the common boundary with Lot 1 DP 323686. The Applicant volunteered screen planting along the common boundary between proposed Lot 1 and Lot 1

DP 323686. An additional consent notice has been accepted by the Applicant to retain the mature totara trees on both Lots 1 and Lot 2 (with exception for safety or health of the tree).

- b) Evidence was presented at the hearing by the Applicant's Farm Management Consultant that the adverse effect on the productive capacity of the land would be minimal and there would be little change to the current usage which is stock management of the land being ancillary to the principal function as a 'rural lifestyle smallholding'.
- c) The Applicant's advisers and the Council's Reporting Officer agreed that the Pigeon Valley area has increasingly been subdivided and developed for rural-residential living, and that there has been several subdivisions that have occurred in recent years and the general appearance of development in the valley, in particular the land near the road frontage, bears little resemblance to other parts of the Rural 2 Zone in the wider district. The agreed facts were that the proposal "accords with the existing pattern of development in its immediate vicinity".
- d) Evidence presented at the hearing was that Golf Road currently has approximately 100 vehicle movements per day. The Council's Development Engineer advised that the additional dwelling is likely to create an additional 6 vehicle movements per day. The overall impact of the development in regards to traffic movements was therefore not considered to be minor. The Council's Development Engineer also advised that the intersection of Golf Road and Pigeon Valley Road had some issues with sight visibility and that these could be alleviated by trimming the trees on the property of Totaradale Golf Club and by realigning the fence along the Applicant's boundary frontage with Pigeon Valley Road.

The Applicant volunteered to realign the fence and presented an alternate plan showing an even greater setback of the fence than had been recommended by the Council's Development Engineer. The Applicant also advised that they had contacted the Secretary of the Totaradale Golf Club and were able to confirm that the Club was due to trim back the trees as part of their normal annual maintenance programme. The matter of any regulatory controls for the intersection, which is currently uncontrolled, was discussed and evidence presented by the Council's Development Engineer was that a Stop Sign would be required if sight visibility was less than 9 metres (at a distance 3.5 metres setback from the intersection), a 'Give Way' sign would be required if the sight visibility was between 9-35 metres and that the intersection could remain uncontrolled if the sight visibility was more than 35 metres.

The Committee viewed the intersection at the site visit it undertaken following the hearing and this helped to corroborate the evidence and opinion presented at the hearing that any regulatory signage would depend on the outcome of sight-line improvements.

8. RELEVANT STATUTORY PROVISIONS

8.1 Policy Statements and Plan Provisions

In considering this application, the Committee has had regard to the matters outlined in Section 104 of the Act. In particular, the Committee has had regard to the relevant provisions of the following planning documents:

- a) Tasman Regional Policy Statement (TRPS);
- b) the Proposed Tasman Resource Management Plan (PTRMP);

8.2 Part II Matters

In considering this application, the Committee has taken into account the relevant principles outlined in Sections 6, 7 and 8 of the Act, as well as the overall purpose of the Act as presented in Section 5.

9. DECISION

Pursuant to Section 104B of the Act, the Committee **GRANTS** consent subject to conditions.

10. REASONS FOR THE DECISION

In regards to the objectives of the Tasman Regional Policy Statement the Committee considered the following matters relevant to this application:

General Objectives

Objective 3.1 Maintenance and enhancement of the quality of the Tasman District Environment.

Objective 3.3 Avoidance, remedying or mitigation of the adverse effects on the environment and the community from the use, development or protection of resources.

Objective 3.4 Efficient use and development of resources.

Objective 3.5 Maintenance of economic and social opportunities to use, and develop resources in a sustainable manner.

The Committee considers that the proposal as amended accords with the existing pattern of development in its immediate vicinity and is located in the lower Pigeon Valley (closer to the Wakefield urban area) where the indicative settlement pattern is more rural-residential than rural. The proposed additional dwelling will be in an existing rural-residential neighbourhood which has closer separation distances with regard to dwellings than is the norm for Rural 2 zoned land. The land can be serviced by the Council's reticulated low-pressure domestic water supply which helps facilitate the use of the land for residential purposes.

Land Resources

Objective 6.1 Avoidance of the loss of the potential for land of productive value to meet the needs of future generations, particularly land with high productive values.

Objective 6.3 Avoidance, remedying, or mitigation of adverse cross-boundary effects of rural land uses on adjacent activities.

Policy 6.1 Council will protect the inherent productive values of land from effects of activities which threaten those values, having particular regard to:

- (i) the effects of land fragmentation on productive values; and*
- (ii) the protection of land with high inherent productive values; and*
- (iii) the protection of significant natural or heritage values; and*
- (iv) the availability of water to support productive values.*

Policy 6.2 The Council will ensure that subdivision and uses of land in the rural areas of the District, avoid, remedy or mitigate adverse effects on:

- (i) productivity and versatility of land, particularly in areas of high productive value; and*
- (ii) provision of services including roading, access, water availability, wastewater treatment or disposal; and*
- (iii) amenity, natural and heritage values of sites, places or areas including landscape features such as karst terrain;...*

Matters regarding issues of land productivity have been referred to in policies and objectives under Chapter 7 of the PTRMP which deals with Rural Environment Effects.

In regards to the objectives and policies of the PTRMP the Committee considered the following matters relevant to this application:

Chapter 5, Site Amenity Effects

5.1.0 Objective

Avoidance, remedying or mitigation of adverse effects from the use of land on the use and enjoyment of other land and on the qualities of natural and physical resources.

Policies

*To ensure that any adverse effects of... development on site amenity, natural and built heritage and landscape values, and... natural hazard risks are avoided, remedied, or mitigated.
To avoid, remedy, or mitigate effects of:*

Noise and vibration

- (g) Vehicles*

(h) Buildings and structures; beyond the boundaries of the site generating the effect

The Committee considered that the property had high amenity values which were based on its elevated aspect with views across Pigeon Valley and the presence of mature totara trees on the property adds to the amenity and landscape character values which would make the property desirable for residential use. The Committee also noted that the Applicant supported a condition that a consent notice be placed on both Lot 1 and Lot 2 to afford protection to the mature totara trees on the property. Further screen plantings have been required by consent conditions to mitigate any adverse effects on views and/or visual privacy for the proprietors of Lot 1 DP 323686.

Chapter 7, Rural Environmental Effects

7.0 Introduction

This chapter deals with the fragmentation of rural land, the availability of rural land for non-rural purposes, and the protection of the rural character and amenity.

The principal effect of land fragmentation is the cumulative reduction in opportunities for the productive potential of land to be taken up, either within sites or over larger areas. As subdivision lots become smaller, and as new structures or services are established, the range of soil-based production activities that can be physically or economically undertaken progressively reduces in scope. The reduction in productive potential of any land, together with the physical coverage of productive land, may reinforce the demand for further fragmentation...

The establishment of dwellings on rural land, without any productive use of the land, has been a significant cause of land fragmentation in the district. ...The prospect of residential development may increase the value of other rural land in the vicinity to the extent that soil-based productive activities are progressively rendered uneconomic... It is occurring predominantly near the larger settlements, where the demand for rural residential living is greatest...

7.1.0 Objective

Avoid the loss of potential for all land of existing and potential productive value to meet the needs of future generations, particularly land of high productive value.

Policies

7.1.2.1.1 *To avoid, remedy, or mitigate the effects of activities which reduce the area of land available for soil-based production purposes in rural areas.*

7.1.2A *To avoid, remedy, or mitigate adverse actual, potential, and cumulative effects on the soil resource and the productive value of the land.*

- 7.1.2 *To require land parcels upon subdivision to be of a size and shape that retains the land's productive potential, having regard to the actual and potential productive values, the versatility of the land, ecosystem values, access, and the availability of servicing.*

Whilst Objective 7.1.0 of the PTRMP notes that the Council is seeking to avoid the loss of potential farmland for productive value, evidence presented by the Applicant's Farm Management Consultant was that the productivity and versatility were marginal and that lack of irrigation further impeded the versatility of the productive land use. The Committee accepted that the site is one which has limitations for economically viable productive use and that the property had been subdivided in 2002 which created the current title which has since been used as limited stock grazing for pasture control/hobby farming. The Committee heard that the property had not been used for cropping for the last 30 years. The key restraint to the land's productive versatility is that it is in an area where irrigation is not available and the free-draining soils exacerbate loss of soil moisture. The Committee concluded that there will be minimal effect on productive values of the land itself from the proposed development.

7.2.0 *Objective*

Provision of opportunities to use rural land for activities other than soil-based production, including papakainga, tourist services, rural residential and rural industrial activities in restricted locations, while avoiding the loss of land of high productive value.

Policies

- 7.2.1 *To enable activities which are not dependent on soil productivity to be located on land which is not of high productive or versatile value.*

Whilst the above objectives and policies provide consideration for non-soil-based activities including rural-residential use the Committee has considered that although the subject property has limited productive potential it is important that any subdivision for rural-residential use must have consideration of the fragmentation effect, and the effect on rural character.

The Committee has granted consent for some other rural residential developments in the Pigeon Valley area and has considered the proposed development is consistent with previous decisions and that these decisions have not resulted in any cumulative adverse effects on the environment from any loss of productivity and that the rural character of the valley has been maintained albeit modified to provide for some rural residential opportunities.

7.3.0 *Objective*

Avoidance, remedying or mitigation of the adverse effects of a wide range of existing and potential future activities, including effects on rural character and amenity values.

Policies

- 7.3.3 *To provide for the maintenance and enhancement of local rural character, including such attributes as openness, greenness, productive activity, absence of signs, and separation, style and scale of structures.*
- 7.3.4 *To exclude from rural areas, uses or activities (including rural-residential) which would have adverse effects on rural activities, health or amenity values, where those effects cannot be avoided, remedied or mitigated.*
- 7.3.9 *To avoid, remedy or mitigate servicing effects of rural subdivision and development, including road access, water availability and wastewater disposal.*

In regards to any development on Lots 1 the defined house site would provide an infill development which was typical of the pattern of rural residential development occurring in Pigeon Valley. It was noted that the Council's reporting officer was supportive of the larger allotment size for Lot 1.

The Committee also considered that the proposed building area for the enlarged Lot 1 would not be significantly different from where a dwelling could have been erected on Lot 1 as shown on the original plan.

The Committee considered that the amended plan of subdivision will reduce further opportunities for subdivision of the land and that there is little prospect of an incremental creeping effect as a result of the subdivision because the Totaradale Golf Course bounds the site to the northwest, with larger farm blocks to the south, west and east.

The Committee considered that the activity does not offend the Regional Policy Statement and relevant Policies and Objectives of the Tasman Resource Management Plan and is consistent with the purpose and principles of the Resource Management Act as provided by Part 2 of the Act.

11. COMMENTARY ON CONDITIONS OF CONSENT

Condition 1 refers to the amended plan of subdivision which was presented at the hearing and which has been referred to under Procedural Matters earlier in this report and decision. The plan copy attached to the consent is the one signed by the proprietor of Lot 1 DP 323688. The Applicant had volunteered conditions in regards to the location of the dwelling on proposed Lot 1 and the provision of screen planting along the conterminous boundary of proposed Lot 1 and Lot 1 DP 323688.

Condition 2 includes limitations for residential buildings on proposed Lot 1 and the Committee, for the avoidance of doubt, has retained the reference to the building location area being no closer than 100 metres to the north western boundary of Lot 1 DP 323688. The location of the proposed amended boundary between Lots 1 and 2 has been described in Condition 2.

Condition 5 requires that a water storage tank having a minimum capacity of 23,000 litres be provided for Lot 1 for fire-fighting purposes. This provision is the same as required for a Permitted Activity for a dwelling in the Rural 2 zone and corrects the typographical error in the application that a 35,000 litre water storage tank was to be provided. An advice note clarifies that the reticulated water supply is a voluntary scheme and that there is no condition in the consent requiring any dwelling on Lot 1 to connect to the supply. Additional advice notes are provided regarding the need to ensure that any alternative water supply for potable use is appropriately collected, filtered and treated to meet the New Zealand Drinking Water Standards.

Condition 6 has included a copy of the diagram referred to in the reporting officer's recommended conditions.

Condition 7 has been included by the Committee because at the site visit it was noted that the existing access to the dwelling on the property has not been completed in accordance with the provisions of rule 16.2.2(b) and Figure 16.2A of the PTRMP. The condition therefore regularises that omission, except that the seal extension from the carriageway into the property has only been required to be 5 metres rather than 10 metres required by the rule, this dispensation acknowledging that the width of the unformed area of road reserve from the carriageway to the property boundary is about 7 metres already which would make the total extension of seal from the carriageway of Golf Road into the property to around 12 metres which is sufficient to minimise movement of gravel from the driveway of the properties onto the carriageway. The existing gates are considered to be sufficiently set back from the carriageway to allow a residential vehicle to pull safely off the carriageway.

Condition 8 has been amended from that recommended in the Officer's Report to clarify the required repositioning of the road boundary fence for Lot 1 along Pigeon Valley Road. The Committee considered the additional area volunteered by the Applicant but noted that a power pole stay could intrude into the new road reserve and possibly be a hazard. The Committee felt that the reduced setback recommended by the Council's Development Engineer was adequate to provide satisfactory sight lines to improve the safety of the intersection of Golf Road with Pigeon Valley Road.

The Committee has deferred any regulatory signage for the intersection of Golf Road with Pigeon Valley Road but has not required the Consent Holder to pay the costs for such regulatory signage and this cost will be borne by the Council.

The Committee however has retained the advice note as recommended in the Officer's Report that states that the consent will attract a development contribution on one allotment with respect to roading as the Committee considered that the development contribution was appropriate as this subdivision would add an estimated 6-10 vehicle movements per day on Golf Road which has low traffic volumes and was therefore a minor increase in the number of vehicles using the intersection of Golf Road onto Pigeon Valley Road. In addition, the Committee felt that the roading contribution, although relatively small, does provide for a fair share of the cost for new roading infrastructure for the Wakefield area. .

The recommended consent notice requiring the screen planting has been amended to improve certainty of the requirement that the screen planting is an evergreen species and that it has to be planted prior to the commencement of the next growing season following issue of title for Lot 1 (or earlier if the Consent Holder so chooses) and that the vegetative screen shall be maintained to retain its effectiveness in providing a visual screen for the proprietor of Lot 1 DP 323686.

12. LAPSING OF CONSENT(S)

Pursuant to Section 125(1) of the Act, resource consents, by default, lapse in five years unless they are given effect to it before then.

As erection of a dwelling is a Permitted Activity in the Rural 2 zone in the PTRMP there was no need for any resource consent to construct a dwelling however the consent notice on the title of Lot 1 will require a permitted dwelling to be erected within the defined area.

Section 125(2) of the Act makes particular provision for the lapsing of subdivision consents. In the case of the subdivision consent (RM070583), this consent is given effect to when a Survey Plan is submitted to the Council for the subdivision under Section 223 of the Act. Once the Survey Plan has been approved by the Council under Section 223 of the Act, the consent lapses three years thereafter unless it has been deposited with the District Land Registrar as outlined in Section 224 of the Act.

13. EXPIRY OF CONSENT(S)

Pursuant to Section 123 of the Act, land use consents have no expiry provided they are given effect to within the lapse period provided and also provided that the use is not discontinued for a continuous period of more than 12 months.

Issued this 17th day of March 2008



Cr S Bryant
Chair of Hearings Committee

Appendix 1



RESOURCE CONSENT NUMBER: RM070970

Pursuant to Section 104B of the Resource Management Act 1991 (“the Act”), the Tasman District Council (“the Council”) hereby grants resource consent to:

Rodney John Fox and Donna Jane Fox
(hereinafter referred to as “the Consent Holder”)

ACTIVITY AUTHORISED BY THIS CONSENT: To subdivide an existing title of 5.4860 hectares (more or less) into two allotments, being Lot 1 having an area of 2.3930 hectares and Lot 2 (which includes the dwelling for the property), having an area of 3.0920 hectares.

LOCATION DETAILS:

Address of property: Corner of Pigeon Valley Road and Golf Road, Wakefield
Legal description: Lot 2 DP 323686
Certificate of title: 95445
Valuation number: 1937006100

Pursuant to Section 108 of the Act, this consent is issued subject to the following conditions:

CONDITIONS

General

1. The subdivision shall be undertaken in general accordance with the information submitted with the application for consent, and the amended plan entitled “Proposed Subdivision, Mr R Fox” Project No. 24530, dated 03/07/2007, prepared by Davis Ogilvie, and attached to this consent as Plan A – RM070970. This Plan shows the south-western boundary of Lot 1 to be positioned immediately south-west of an existing entrance gate which is approximately 150 metres from the north-west boundary of the property. The new boundary will then run along an existing fence-line to join with the north western boundary of Lot 1 DP 323868. If there is any conflict between the information submitted with the consent application and any conditions of this consent, then the conditions of this consent shall prevail.

Advice Notes:

Plan A – RM070970 has the written agreement of the adjoining proprietor of Lot 1 DP 323686 (Paula Morris as at the date of this consent).

Plans attached to this consent are reduced copies and therefore will not be to scale and may be difficult to read. Originals of the plans referred to are available for viewing at the Richmond Office of the Council.

Copies of Council Standards and Documents referred to in this consent are available for viewing at the Richmond Office of the Council.

Building Location and Building Platform – Lot 1

2. The location of any new residential buildings on Lot 1 shall be subject to a consent notice pursuant to Condition 13(a) of this consent and requires any residential building to be located within the area marked on Plan A – RM070970 as “Proposed Building Site”, and to be no closer than 100 metres to the north-western boundary of the adjoining property, Lot 1 DP323686. The building location area shall be shown on the Survey Plan which is submitted for the purposes of Section 223 of the Act.

Easements

3. The Survey Plan which is submitted for the purposes of Section 223 of the Act shall include references to easements.

Advice Note:

Any services located within the Council’s road reserve will require a License to Occupy to be obtained.

Power and Telephone

4. Full servicing for live underground power and telephone cables shall be provided to the boundary of Lot 1. The Consent Holder shall provide written confirmation to the Council’s Engineering Manager from the relevant utility provider that live power and telephone connections have been made to the boundaries of the allotment. The written confirmation shall be provided prior to a completion certificate being issued pursuant to Section 224(c) of the Act.

Advice Notes Regarding Water Supply

The Consent Holder and/or title holder for Lot 1 may choose to join onto the Council’s reticulated water supply. This is a voluntary scheme and there is no condition in this consent to require connection to the reticulated supply. Water connection fees are payable under the Council’s Long Term Community Council Plan for any new water connections.

The provision of a minimum capacity 23,000 litre water storage tank meets the Permitted Activity rule criteria for a water supply for firefighting (and domestic water supply) for a dwelling in the Rural 2 zone. If any dwelling on Lot 1 is not connected to the reticulated Council water supply then the dwelling will need to provide an alternative potable water supply which could be roof-water from the dwelling. As roof water is unlikely to be of potable quality the collected water should be provided with a rain water separator in line to discharge to waste the first flush of water from the collecting surfaces.

Water provided for potable use should also be provided with an appropriate water filtration device and ultra-violet disinfection system so that rainwater collection will achieve a potable standard (as defined in the current New Zealand Drinking Water Standards). Details of the first-flush device, filtration and disinfection system and its on-going maintenance will need to be provided with the building consent application for the dwelling on Lot 1.

Accesses

5. The access crossing to Lot 1 shall be sealed and constructed in accordance with the Diagram B – RM070970 attached to this consent. For the purposes of this condition, “sealed” shall mean a surface that has, as a minimum, a Grade 4 Chip first coat, overlain by a Grade 6 void fill second coat.
6. The existing access to the dwelling on Lot 2 shall be sealed to the same standard as the access to Lot 1 as required in Condition 5 of this consent.

Intersection Sight Distances

7. The boundary fencing on proposed Lot 1 at the intersection of Pigeon Valley Road and Golf shall be relocated approximately 2 metres back as shown on Plan C – RM070970 attached to this consent. This setback area is to be identified as road reserve vested in the Council on the Survey Plan submitted for the purposes of Section 223 of the Act. The road reserve shall be vested at no cost to the Council.

Advice Notes: Vegetation along the Totaradale Golf Club frontage is obstructing visibility to the west for vehicles exiting onto Pigeon Valley Road from Golf Road. At the hearing of this consent the Applicant advised that it had made contact with the secretary of the golf club and that the club was to trim back the trees as part of its annual maintenance programme.

Signage and pavement markings may be required at the intersection of Golf Road and Pigeon Valley Road as either a “STOP” or “GIVE WAY” requirement depending on the outcome of the matter noted above. Any such signage and road marking will be carried out by the Council at the Council’s cost.

Engineering Works

8. All engineering works shall be constructed in accordance with the Council’s Engineering Standards and Policies 2004 or otherwise shall be to the Council’s Engineering Manager’s satisfaction.

Commencement of Works and Inspection

9. The Council’s Engineering Department shall be contacted at least five working days prior to the commencement of any engineering works. In addition, five working days’ notice shall be given to the Council’s Engineering Department when soil density testing, pressure testing, beam testing or any other major testing is undertaken.

Engineering Certification

10. At the completion of works, a suitably experienced chartered professional engineer or registered surveyor shall provide the Council’s Engineering Manager written certification that the accesses to Lots 1 and 2 referred to in Conditions 6 and 7 of this consent have been constructed in accordance with the consent conditions of this consent and the Council’s Engineering Standards and Policies 2004.

11. Certification that the building platform and nominated building site on Lot 1 is suitable for the erection of residential buildings 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 define on Lot 1 within the building location area, the area suitable for the erection of residential buildings and shall be in accordance with Appendix B Section 11 of the Council's Engineering Standards and Policies 2004.

Financial Contributions

12. The Consent Holder shall pay a financial contribution for reserves and community services in accordance with following:
 - a) The amount of the contribution shall be 5.5 per cent of the total market value (at the time subdivision consent is granted) of a notional 2,500 square metre building sites within Lot 1.
 - b) The Consent Holder shall request in writing to the Council's Consent Administration Officer (Subdivision) that the valuation be undertaken. Upon receipt of the written request the valuation shall be undertaken by the Council's valuation provider at the Council's cost.
 - c) If payment of the financial contribution is not made within two years of the granting of the resource consent, a new valuation shall be obtained in accordance with (b) above, with the exception that the cost of the new valuation shall be paid by the Consent Holder, and the 5.5 per cent contribution shall be recalculated on the current market valuation. Payment shall be made within two years of any new valuation.

Advice Note:

A copy of the valuation together with an assessment of the financial contribution will be provided by the Council to the Consent Holder.

Advice Notes Regarding Development Contributions:

The Council will not issue a completion certificate pursuant to Section 224(c) of the Act 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 that are current at the time the relevant development contribution is paid in full.

This consent will attract a development contribution on one allotment in respect of roading.

Consent Notices

13. The following consent notices shall be registered on the certificate of title for Lot 1 pursuant to Section 221 of the Act. The consent notices shall be prepared by the Consent Holder's solicitor and submitted to the Council for approval and signing. All costs associated with approval and registration of the consent notices shall be paid by the Consent Holder.

- a) That the construction of residential buildings shall be restricted to the building location areas shown on the Title Plan and the buildings shall be fully contained within the identified area and shall be no closer than 100 metres to the north-western boundary of the adjoining property Lot 1 DP 323686.
- b) Reticulated power and telephone services to any buildings, where provided, shall be located underground from the property boundary of the property to the building.
- c) A water storage tank with a minimum capacity of 23,000 litres shall be installed at the building consent stage for a dwelling. The water storage tank shall be equipped with a 50 millimetres diameter Camlock fitting, or such other fitting as may be to the satisfaction of the Wakefield Volunteer Fire Brigade that will enable connection of fire-fighting equipment.
- d) Vegetative screen planting shall be carried out along the boundary of the adjoining property, Lot 1 DP323686. The screen planting shall be of a dense growing evergreen species, which at maturity will grow to a height of not less than 2 metres and which shall not be trimmed below that height. The screen planting if not already in place shall be established prior to the commencement of the next growing season after title has been issued and shall thereafter be maintained by the Consent Holder in accordance with this consent notice and any gaps in the screen however so caused shall be in-filled by further planting of a species of vegetation similar to the existing screen plantings.

Advice Note:

The provisions of this consent notice do not preclude the Consent Holder from planting the vegetative screen prior to the issue of title for Lot 1.

- 14. The following consent notice shall be registered on the certificates of title for Lot 1 and Lot 2 pursuant to Section 221 of the Resource Management Act. The consent notices shall be prepared by the Consent Holder's solicitor and submitted to the Council for approval and signing. All costs associated with approval and registration of the consent notices shall be paid by the Consent Holder.
 - a) None of the existing mature totara trees shall be physically removed, cut or damaged other than for safety reasons or for the health of the tree.

GENERAL ADVICE NOTES

Council Regulations

- 1. This resource consent is not a building consent and the Consent Holder shall meet the requirements of the Council with regard to all Building and Health Bylaws, Regulations and Acts.

Other Proposed Tasman Resource Management Plan Provisions

- 2. Any activity not covered in this consent shall either comply with:
 - a) The provisions of a relevant permitted activity rule in the Proposed Tasman Resource Management Plan; or

- b) the conditions of separate resource consent for such an activity.

In particular the Consent Holder should note:

- c) A resource consent is required for the construction of any residential building(s) on the new allotment if they are not within the defined proposed building site on Lot 1.
- d) In respect of stormwater discharges on Lot 1, the criteria of PTRMP rule 36.4.2 must be complied with or, alternatively, a resource consent (discharge permit) is obtained for the stormwater discharge.
- e) In respect of effluent disposal on Lot 1 the criteria of PTRMP rule 36.1.4 must be complied with or, alternatively, a resource consent (discharge permit) is obtained for the stormwater discharge.
- f) Access by the Council's Officers or its Agents to the property is reserved pursuant to Section 332 of the Resource Management Act 1991.

Monitoring

- 3. Monitoring of this resource consent is required under Section 35 and 36 of the Resource Management Act 1991, and a deposit fee is payable at this time. Should monitoring costs exceed this initial fee, the Council will recover the additional amount from the Consent Holder. Monitoring costs can be minimised by consistently complying with the resource consent conditions.

Archaeological Finds

- 4. The Council draws your attention to the provisions of the Historic Places Act 1993 that require you in the event of discovering an archaeological find (eg, shell, midden, hangi or ovens, garden soils, pit, depressions, occupation evidence, burials, taonga) to cease works immediately, and tangata whenua, the Council and the New Zealand Historic Places Trust shall be notified within 24 hours. Works may recommence with the written approval of the Council's Environment & Planning Manager, and the New Zealand Historic Places Trust.

Consent Holder

- 5. This consent is granted to the abovementioned Consent Holder but Section 134 of the Act states that such land use consents "attach to the land" and accordingly may be enjoyed by any subsequent owners and occupiers of the land. Therefore, any reference to "Consent Holder" in the conditions shall mean the current owners and occupiers of the subject land. Any new owners or occupiers should therefore familiarise themselves with the conditions of this consent, as there may be conditions that are required to be complied with on an ongoing basis.

Meanings of Words

- 6. Unless otherwise specifically defined, the meanings of words in this consent are as provided in Chapter 2 of the Proposed Tasman Resource Management Plan or Sections 2 and 3 of the Resource Management Act.

Advice Notes

7. Advice notes are provided for the information and guidance of the Consent Holder and are not conditions of consent.

Issued this 17th day of March 2008

A handwritten signature in black ink, appearing to read 'S G Bryant', is written over a light grey rectangular background.

Cr S G Bryant
Chair of Hearings Committee

Plan A – RM070970

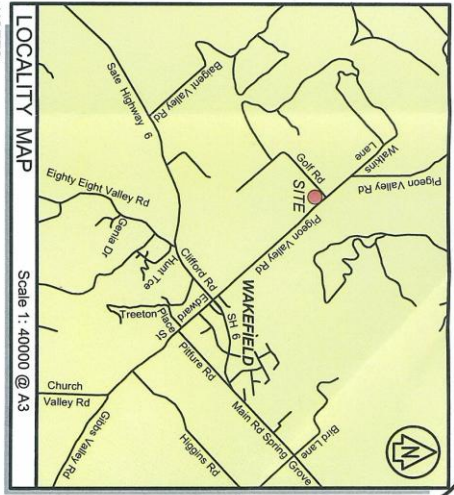
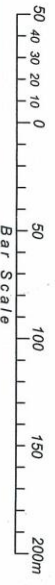


PROPOSED SUBDIVISION
LOTS 1 & 2 BEING SUBDN OF LOT 2 DP 323686

PREPARED FOR MR R. FOX, PIGEON VALLEY ROAD, WAKEFIELD. - COMPRISED IN CT 95445

do
 Land Development Professionals
 277 Hardy St
 Nelson
 Phone: 548 4425
 Fax: 546 8420

Revision:	Date:	Description of Amendments:	Designed:	EH	Scale:	1 : 2000 @ A3
B	22/01/08	Revised boundaries	Date:	07/07	Sheet:	1 of 1
C	4/03/08	Building Site Added	Drawn:	3/07/07	Project No.:	24530
CAD File: (D)24530 Scheme Plan Photo						

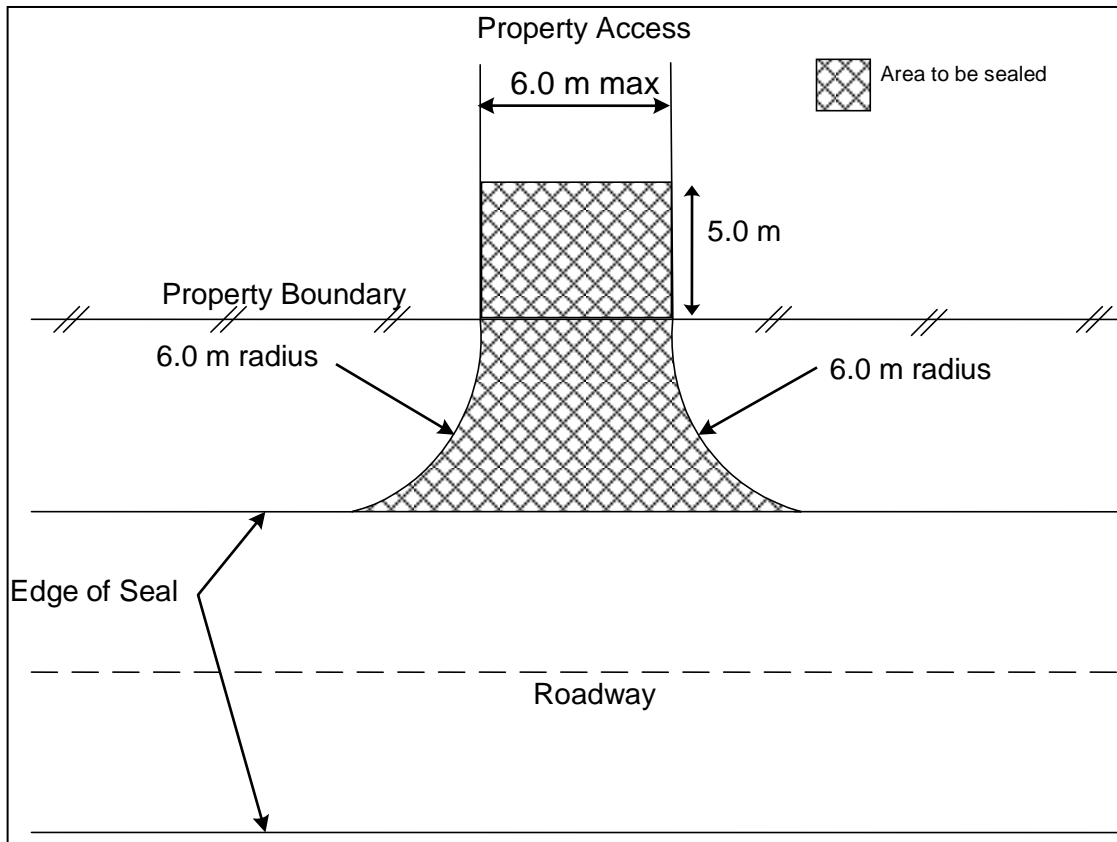


- NOTES:**
1. Areas & dimension are subject to survey.
 2. Buildings & drive are approximate position only.

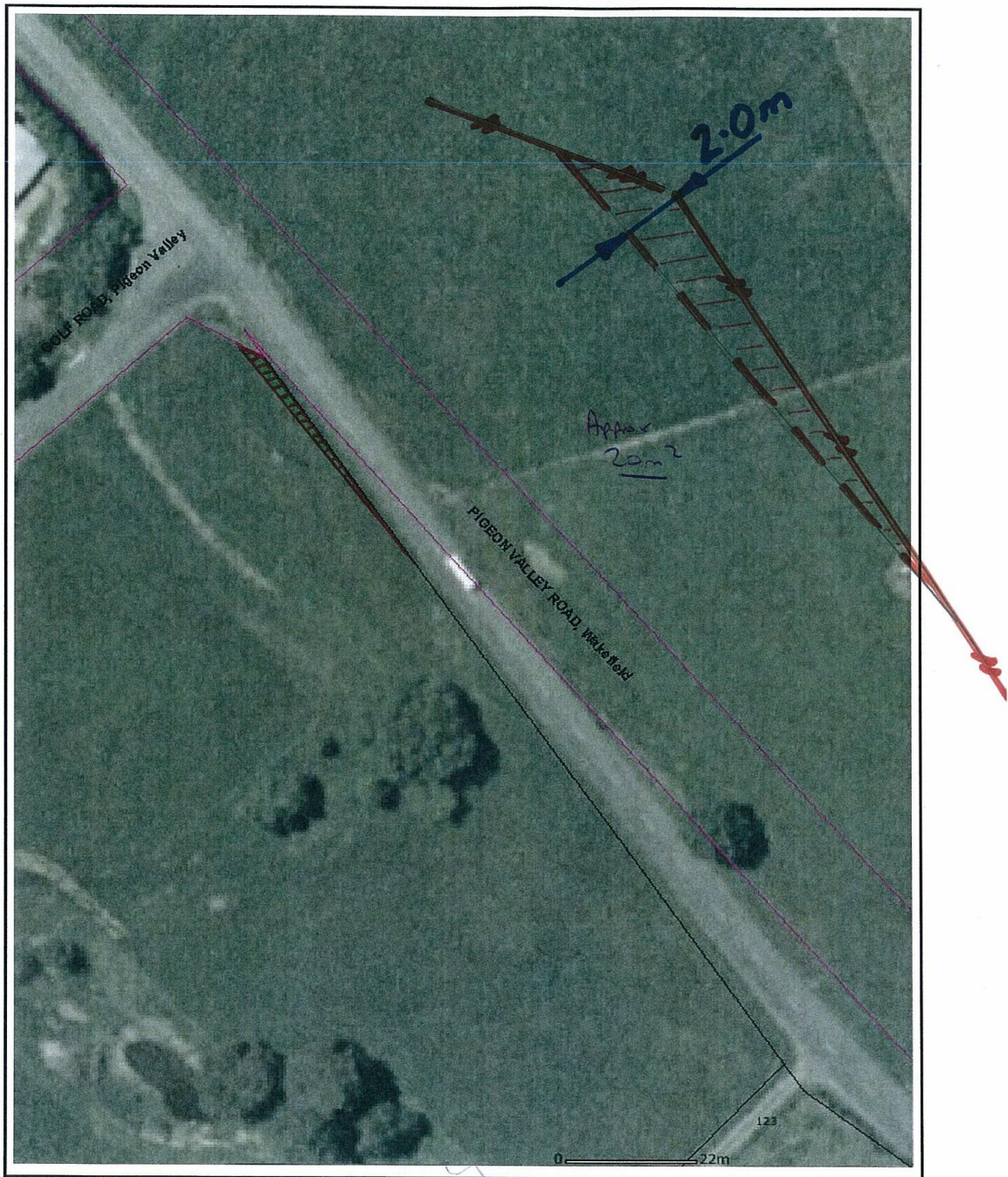
I recall Morris cycle to the change, subject to the trees being extracted. along adjoining boundary of 61111.

M 10/3/08.

Diagram B – RM070970



Plan C – RM070970



ExploreTasmanMap

10/3/2008 **DISCLAIMER:**

This map is derived from ExploreTasman and has generally been compiled from data generated by and supplied to the TDC. It has no legal status and is known to be incomplete. To ascertain the exact location of any item, TDC advises that the customer arrange onsite verification. TDC will not be liable for any damages or loss whatsoever suffered from the use of this information. Cadastre sourced from Land Information New Zealand data. Crown Copyright reserved.

Date Confirmed: _____

Chair: _____