

MINUTES

TITLE: Environment & Planning Subcommittee
DATE: Monday, 26 January 2009
TIME: 10.30 am
VENUE: Tasman District Council Chamber, 189 Queen Street, Richmond

PRESENT: Cr N Riley (Chairman), Crs J L Edgar and E J Wilkins

IN ATTENDANCE: Environment & Planning Manager (D C Bush-King), Consent Planner (P Webby), Development Engineer (D Ley), Community Services Planner (R Squire), Administration Officer (B D Moore)

1. C TUFFNELL, HART ROAD, RICHMOND – APPLICATIONS RM080373, RM080374 AND RM080810

1.1 Proposal

The property is located at 42 Hart Road, Richmond and is legally described as Part Section 34 District of Waimea East and Defined on Deposited Plan 4588 (Certificate of Title NL3D/844) and Part Section 34 District of Waimea East (Certificate of Title NL75/67).

The subdivision proposal is to subdivide a 1.8580 hectare title (CT NL3D/844) into two allotments, creating proposed Lot 1 which would have an area of 1.058 hectares (containing an existing dwelling) and proposed Lot 2 (bare land) which would have an area of 0.8 hectares. The application also seeks to retain the existing vehicle access from Hart Road (which includes CT NL75/67) in its current state with no carriageway widening, formation, or sealing proposed. Part of CT NL75/67 which is covered by an indicative road area would be vested in the Council as road reserve.

The land use proposal is to construct a dwelling on proposed Lot 2 which is zoned Rural 1 and an additional land use consent (section 13 of the RMA) to provide a stream crossing over the water course bisecting the property providing access to proposed Lot 2.

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 Edgar / Wilkins
EP09/01/19**

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

C Tuffnell

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
C Tuffnell	Consideration of a planning application	A right of appeal lies to the Environment Court against the final decision of Council.

CARRIED

**Moved Crs Wilkins / Edgar
EP09/01/20**

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

CARRIED

2. C TUFFNELL, HART ROAD, RICHMOND – APPLICATIONS RM080373, RM080374 AND RM080810

**Moved Crs Riley / Edgar
EP09/01/21**

THAT pursuant to Section 104B of the Resource Management Act, the Committee GRANTS consent to C Tuffnell 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 Monday, 26 January 2009, commencing at 10.30 am

A Hearings Committee (“the Committee”) of the Tasman District Council (“the Council”) was convened to hear the applications lodged by Christine Tuffnell (“the Applicant”), to create a to lot subdivision, land-use consent for the construction of a dwelling on rural 1 zoned land and a s13 land use application to allow the establishment of stream crossing to enable access to Lot 2.. The application, made in accordance with the Resource Management Act 1991 (“the Act”), was lodged with the Council and referenced as RM080373, RM080374 and RM080810.

PRESENT:

Hearings Committee
Cr N Riley, Chairperson
Cr J Edgar
Cr E Wilkins

- APPLICANT:** Mr G Praat (Solicitor), Ms C Tuffnell (applicant),
Mr G Thomas (Resource Management Advisor)
- CONSENT AUTHORITY:** **Tasman District Council**
Ms P Webby (Consent Planner), Mr D Ley (Development
Engineer), Ms R Squire (Reserve Planner)
- SUBMITTERS:** Mr P Lough, Mr B Hanna, Mr K Edwards
- IN ATTENDANCE:** Mr D C Bush-King (Environment & Planning Manager) –
Assisting the Committee
Mr B Moore (Committee Secretary)

1. DESCRIPTION OF THE PROPOSED ACTIVITY

The property is located at 42 Hart Road, Richmond and is legally described as Part Section 34 District of Waimea East and Defined on Deposited Plan 4588 (Certificate of Title NL3D/844) and Part Section 34 District of Waimea East (Certificate of Title NL75/67).

The subdivision proposal is to subdivide a 1.8580 hectare title (CT NL3D/844) into two allotments, creating proposed Lot 1 which would have an area of 1.058 hectares (containing an existing dwelling) and proposed Lot 2 (bare land) which would have an area of 0.8 hectares. The application also seeks to retain the existing vehicle access from Hart Road (which includes CT NL75/67) in its current state with no carriageway widening, formation, or sealing proposed.

The land use proposal is to construct a dwelling on proposed Lot 2 which is zoned Rural 1 and an additional land use consent (section 13 of the RMA) to provide a stream crossing over the water course bisecting the property providing access to proposed Lot 2.

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

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

Zoning: Rural 1 although the area to the north east of the stream which bisects the site is encompassed within a proposed deferred residential zoning within the Richmond South Development Area although the plan change is still under appeal. In relation to the application site the TRMP planning maps show an indicative reserve (part drainage and part recreation) with a total width of 25.2 metres spanning the width of the stream that crosses the property and an indicative road area over part of the access leg.

Area: Land Disturbance Area 1

The subdivision is a Discretionary Activity under Rule 16.3.5.2 of the Tasman Resource Management Plan in that the minimum lot size is less than the 12 hectares specified under controlled activity Rule 16.3.5.1 for Rural 1 zoned land.

The construction of one dwelling on Lot 2 would constitute a controlled activity if all controlled activity standards were complied with. However the controlled activity standard in Rule 17.5.3.2 which specifies that a minimum area of 12 hectares is required for a single dwelling is not met. Therefore the construction of a dwelling is a restricted discretionary activity pursuant to Rule 17.5.3.3.

Section 13 of the RMA requires that resource consent be obtained to erect a structure in, on, under, or over the bed of a river, unless expressly allowed by a rule in a regional plan, any relevant proposed regional plan or resource consent. Consent is required under the Transitional Regional Plan and is a discretionary activity under Section 77C (1) of the Act

3. NOTIFICATION AND SUBMISSIONS RECEIVED

The application(s) was notified on 8 November 2008 pursuant to Section 93(1) of the Act. A total of five submissions were received, with one stating their neutral position, two opposing the applications and two in support

4. EVIDENCE HEARD

The Committee received submissions from Counsel for the applicant and heard evidence from the applicant's expert witnesses, submitters, and the Council's reporting officers. The following is a summary of the evidence heard at the hearing.

4.1 Applicant's Evidence

The application was being advanced because of the split zoning arising from Variation 50. The applicant contended that it was effectively a boundary adjustment in that there were two titles and that except for the access strip, the subdivision would result in two titles. The applicant did not accept the recommended conditions concerning the vesting of reserves or road and suggested this should await further subdivision of Lot 1. Lot 2 which was zoned Rural 1 was sloping except for the upper part on which a building platform had been located following geotechnical advice.

4.2 Submitters Evidence

Mr Edwards was present in support of the application but did not speak. Mr Lough's concerns focussed on the proximity of the building site on Lot 2 to his dwelling and the general effect this would have on outlook and amenity. He wanted the building platform to be relocated further from the adjoining boundary, with height and planting control. Mr Hanna was concerned about the access to his property and the closeness of the building platform to his property which was under active glasshouse production. He wanted the protection of a rural emanations easement. Mr Hanna said that the stream through the subject property flows most of the year and only stops about two months of the year. The Committee noted the written submission on behalf of New Zealand Fire Service and Mr D Fry.

4.3 Council's Reporting Officer's Report and Evidence

Consent Planner, Ms P Webby, spoke to her report of 14 January 2009 contained within the agenda. She said that the application has been assessed as fully discretionary and explained how proposed conditions of consent contained within that report addressed the concerns of the submitters. She acknowledged that the

applicant did not wish to vest in Council proposed road reserve and drainage/recreation reserve. She said that although the existing narrow access lot cannot be built on, the final subdivision will result in three separate allotments.

Development Engineer, Mr D Ley, addressed the issue of indicative roads and suggested that the existing 8.7 metre wide strip be shown as road reserve out to Hart Road and be used for access to the applicant's property, until alternative access is provided by the indicative road. He said that the indicative road traverses the Tuffnell access leg for approximately 170 metres. In his report, Mr Ley sought the creation of a 25.2 metre wide drainage/recreation reserve following the existing stream. He suggested conditions of consent to provide practical and legal access over this reserve area to the proposed new dwelling site. He said that Council should require the road reserve and recreation/drainage reserve areas now, rather than deal with multiple future landowners.

Community Services Planner, Ms R Squire, sought that the indicative reserve for drainage and recreation purposes be vested in Tasman District Council and form part of the financial contribution for reserves and Community Services.

5. PRINCIPAL ISSUES

The principal issues that were in contention were:

- a) What weight should be given to the proposed deferred residential zoning and accompanying plan provisions in Variation 50?
- b) Will the development be able to maintain an acceptable level of rural character and amenity that is anticipated by its Rural 1 zoning and avoid cross boundary affects on adjoining properties and neighbours?
- c) Will the development affect productive use of the land in a manner that is contemplated by the Rural 1 zoning?
- d) Should the indicative road, drainage and recreation reserve be vested at the time of this proposed subdivision?
- e) Can access be provided across the proposed and water course to proposed Lot 2 and meet any access requirements for the drainage and recreation reserve?

6. MAIN FINDINGS OF FACT

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

The applicant advanced the subdivision proposal on the basis of the proposed split zoning and yet considers other features of the proposed deferred residential zoning should not apply to Lot 1 at this stage. If considered solely as a subdivision of Rural 1 land, the subdivision of 1.8ha is further fragmentation of an already undersized allotment and would be contrary to the relevant objectives and policies. However the Committee accepts Variation 50, although subject to appeals, is a relevant consideration and if there is merit in using the proposed zone boundary to justify the subdivision there is also merit in considering the other dimensions of the variation as it relates to the land being subdivided.

There is an existing dwelling and ancillary building on Lot 1. The land to the northwest of the stream is predominantly pasture covered hillside. The proposal seeks to create one additional rural title so is not a boundary adjustment; there are two titles going to three. The site's topography, small size and existing lifestyle developments (buildings/gardens) mean that the land has low productive potential.

The geotechnical report indicates that practical access can be achieved and a building envelope has been identified. On the evidence there is little room to alter the location of the building envelope but there would be scope to confine the location of any dwelling within this envelope. Lot 2 would essentially become a lifestyle block adjoining land under active rural production and reverse sensitivity may be an issue.

Because it is down-slope of the Hanna and Lough properties, the Committee acknowledges development of Lot 2 will introduce another structure into the immediate environment but this could happen under the existing Rural 1 zoning if there were not already a dwelling on the site. The Committee also considered any dwelling would be sufficiently removed from the Lough property to not cause more than minor effect on outlook.

7. RELEVANT STATUTORY PROVISIONS

7.1 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);
- d) the Transitional Regional Plan (TRP);
- e) the Tasman Resource Management Plan (TRMP);

7.2 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.

8. DECISION

Subdivision Consent (RM080373)

That pursuant to Section 104B of the Resource Management Act 1991 the Tasman District Council **GRANTS** consent to the application by Christine Tuffnell to subdivide Part Section 34 District of Waimea East and Defined on Deposited Plan 4588 into two allotments subject to conditions.

Land Use Consent (RM080374)

That pursuant to Section 104B of the Resource Management Act 1991 the Tasman District Council **GRANTS** consent to the application by Christine Tuffnell to construct one dwelling on Lot 2 of RM080373 subject to conditions.

Land Use Consent-Stream Crossing (RM080810)

That pursuant to Section 104B of the Resource Management Act 1991 the Tasman District Council **GRANTS** consent to the application by Christine Tuffnell to construct a stream crossing shown as Lot 2 (but within the area to be vested with Council as Local Purpose Reserve (recreation and drainage)) of RM080373, subject to conditions.

9. REASONS FOR THE DECISION

The Committee accepts the lot boundaries are designed in accordance with Variation 50 and reflect the topographical features of the subject land. Subject to compliance with the conditions, it is considered the effects of granting consent will not be more than minor.

To protect against cross boundary issues the Committee has proposed conditions concerning a rural emanations easement and a building line restriction affecting the location of the dwelling on Lot 2. Given the adjoining Hanna access and the down-slope nature of the land, it was not considered appropriate or necessary to require any additional planting or height controls.

The ephemeral stream bisecting the site is part of the drainage network in the vicinity and the Committee considers that this needs to be accounted for at this time. The applicant would contend that this can await the further subdivision of Lot 1 but as to when or if this might happen is unknown. The drainage reserve of 15.2 metres is appropriate and shall vest in Council. However the 5 metre reserve on either side shall form part of the reserve contribution and be credited to the applicant using the normal formula in the TRMP. An additional buildable allotment is created by this subdivision and the Committee sees no reason not to apply the normal standards.

The Committee accepts that requiring provision for the indicative road is premature. Where it cuts across the access lot may not be the eventual alignment depending on what happens on adjoining allotments. The length of the indicative road where it overlays the Tuffnell/Hanna access may also be subject to change. While these matters may present an issue for integrated uptake of the development opportunities, this subdivision does not alter that significantly, certainly not to the point where vesting could be justified where the roads are not required to service this subdivision.

The configuration of the property boundaries is an historical reality. The Hanna access passes through a very narrow piece of land at the western boundary of Lot 2 and the Lough residence is positioned very close to this access. To account for these factors the Committee considers that a rural emanations easement should be issued on Lot 2 and considers the building line restriction offered by the applicant is appropriate. However given the down-slope nature of Lot 2 and that there is no change in the common boundary alignment, the Committee does not consider a height limit or further boundary planting is required.

While the creation of Lot 2 for what will be a rural residential allotment does represent fragmentation of rural 1 zoned land, it does not increase any loss of productive capacity over and above the current situation. Subject to the conditions, the effects of the subdivision are considered to be minor.

The construction of a culverted crossing in a watercourse, such as proposed in this application, can have an adverse effect on the environment. It can be designed and constructed in a way to ensure effects are minimised and that the drainage capacity can be provided for.

10. LAPSING OF CONSENTS

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.

Section 125(2) of the Act makes particular provision for the lapsing of subdivision consents. In the case of the subdivision consent (RM080373), 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.

Land Use Consent, (RM080374 - erect dwelling) will lapse five years after the issue of the certificates of title for Lot 2. This is provided in Condition 1 of the consent. This is a pragmatic approach to ensure that delays with the subdivision do not compromise the effective 'life' of the land use consent for the dwellings to be erected on the titles created by the subdivision.

11. EXPIRY OF CONSENTS

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.

An exception is made for Land Use (RM080810) which otherwise contravenes section 13 of the Act. The maximum expiry period of 35 years is proposed to reflect the on-going nature of the access culvert.

Consents that have a set duration have the relevant date of expiry recorded on each consent.

Issued this 10th day of February 2009



Cr Noel Riley
Chair of Hearings Committee

RESOURCE CONSENT NUMBER: RM080373

Christine Tuffnell
(hereinafter referred to as “the Consent Holder”)

ACTIVITY AUTHORISED BY THIS CONSENT:

The subdivision proposal is to subdivide a 1.8580 hectare title (CT NL3D/844) to create proposed Lot 1 which would have an area of 1.058 hectares (containing an existing dwelling) and proposed Lot 2 (bare land) which would have an area of 0.8 hectares.

CONDITIONS

General

1. The subdivision shall be undertaken in general accordance with the information submitted with the application for consent and in particular with the plan entitled “*Proposed Subdivision of Pt Sec 34 DP4588*,” Job No. R731, June 2008, prepared by Cotton & Light Limited and attached to this consent as Plan A; “*Investigation Location Plan*,” Job No. 06010, 1/5/06, prepared by Terra Firma Engineering Ltd and attached to this consent as Plan B and the report entitled “*Geotechnical Building Site Assessment, Proposed Subdivision of 42 Hart Road Richmond*” dated 1 May 2006 and prepared by Terra Firma Engineering Ltd and attached to this consent as Appendix 5. 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.

Easements

2. Easements are to be created over any services located outside the boundary of the allotment that they serve. Reference to easements is to be included in the Council resolution on the title plan and endorsed as a Memorandum of Easements.
3. Easements shall be created over any right of way and shall be shown in a Schedule of Easements on the survey plan submitted for the purposes of Section 223 of the Act. Easements shall be shown on the land transfer title plan and any documents shall be prepared by a solicitor at the Consent Holder’s expense.
4. The survey plan that is submitted for the purposes of Section 223 of the Act shall include reference to easements.
5. A rural emanations easement shall be registered over Lots 2 in favour of Lot 2 DP 20243, (currently owned by B.W and K.J Hanna). This easement shall be in general accordance with the wording set out in Appendix A attached to this consent.

Financial Contributions

6. 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 site within Lot 2.

- 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.
- d) Credit shall be given for the value Local Purpose Reserve (Walkway/recreation) under Condition 7.

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 Note:

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.

Vesting of Ownership

- 7. The survey plan which is submitted for the purposes of Section 223 of the Act shall show:
 - a) The land shown as indicative reserve in the Tasman Resource Management Plan shall be vested in the Tasman District Council as Local Purpose Reserve (Drainage) and Local Purpose Reserve (Walkway/Recreation). The drainage portion of the reserve shall be 15.2 metres in width and the two walkway/recreation reserves on either side shall be 5 metres in width. The Local Purpose Reserve (Drainage) and (Walkway/Recreation) shall be shown as separate allotments on the scheme plan submitted for 223 approval.
 - b) In accordance with Rule 16.5.2.4 the area of land vested as Local Purpose Reserve (walkway/recreation) shall form part of the financial contribution for Reserves and Community Services.

Advice Note:

Easements will be required over any land vested with Council to allow access to be maintained to Lot 2.

Power and Telephone

8. Full servicing for underground power and telephone cables shall be provided to the boundary of Lot 2. 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.

Commencement of Works and Inspection

9. No works shall begin on-site until the Engineering Plans have been approved pursuant to Condition 11.
10. Engineering plans detailing all services and the culvert crossing are required to be submitted to the Tasman District Council Engineering Manager for approval prior to the commencement of any works. All engineering details are to be in accordance with the Tasman District Council Engineering Standards & Policies 2008. All necessary fees for engineering plan approval shall be payable.

Advice Note

Prior to the commencement of work the Consent Holder and its representatives may be invited to meet with Council staff to discuss the work to be undertaken including (but not limited to) roles and responsibilities, timing of the works and reporting.

Engineering Works and Plans

11. a) All engineering works, (except the stream crossing) shall be constructed in accordance with the Council's Engineering Standards and Policies 2008 or to the satisfaction of Council's Engineering Manager
- b) The stream crossing shall be constructed in accordance with the Council's Engineering Standards and (with regards to fish passage) Council's Resource Scientist - Environmental.

Engineering Certification

12. At the completion of works, a suitably experienced chartered professional engineer or registered professional surveyor shall provide the Council's Engineering Manager with written certification that all works, including stream crossing have been constructed in accordance with the approved Engineering Plans and the conditions of this consent.
13. Certification from a chartered professional engineer or geotechnical engineer experienced in the field of soils engineering (and more particularly land slope and foundation stability) that all building platforms and nominated building sites on Lot 2 are suitable for the erection of residential buildings shall be submitted to the Council's Engineering Manager. The certificate shall define on Lot 2 within the building location area, the area suitable for the erection of residential buildings and shall be in accordance with Schedule 2A of NZS 4404:2004 Land Development and Subdivision Engineering.

Advice Note

Any limitations identified in Schedule 2A may, at the discretion of the Council, be the subject of a consent notice pursuant to Section 221 of the Resource Management Act 1991 prior to the issue of the Section 224(c) certificate. This consent notice shall be prepared by the Consent Holder's solicitor at the Consent Holder's expense and shall be complied with by the Consent Holder and subsequent owners on an ongoing basis.

Building Location Areas

14. The building location area shall be as shown on Lot 2 of the "*Proposed Subdivision of Pt Sec 34 DP4588*," Job No. R731, June 2008, prepared by Cotton & Light Limited and attached to this consent as Plan A; "*Investigation Location Plan*," Job No. 06010, 1/5/06, prepared by Terra Firma Engineering Ltd and attached to this consent as Plan B attached to this consent as Plan B. The building location areas shall be shown on the survey plan which is submitted for the purposes of Section 223 of the Act.

Access within Lot 2 to the Building Site

15. Access shall be constructed to the minimum standards for a single user as specified in Figure 16.2 A of the TRMP.

Consent Notices

16. The following consent notices shall be registered on the certificate of title for Lots 1 and 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.

Building Location Areas

1. The location of any buildings shall be restricted to the building location area shown on the Survey Plan for 2 DP XXX and all dwellings shall be fully contained within the area identified subject to no dwelling being located within a 16 metre setback parallel with the western snipe boundary adjoining the Hanna access.;and the conditions of RM080374 are complied with.

Water Storage

2. Lot 2 shall be subject to a requirement to store on site a minimum of 23,000 litres to be provided at the building consent stage for any dwelling on the property. The tank is to be fitted with an accessible 50 millimetre camlock coupling to enable connection with firefighting equipment.

Building Colour

3. The exterior of all buildings shall be finished in colours that are recessive and which blend in with the immediate environment. The consent holder shall submit to the Council for approval, prior to applying for building consent for a building, the following details of the colours proposed to be used on the walls and roof of the buildings:

- a) the material to be used (e.g. paint, colour steel);
- b) the name and manufacturer of the product or paint;
- c) the reflectance value of the colour;
- d) the proposed finish (e.g. matt, low-gloss, gloss); and
- e) Either the BS5252:1976 (British Standard Framework for Colour Co-ordination for Building Purposes) descriptor code, or if this is not available, a sample colour chip.

The building shall be finished in colours that have been approved by the Council.

Advice Note:

As a guide, the Council will generally approve colours that meet the following criteria:

Colour Group*	Walls	Roofs
Group A	A05 to A14 and reflectance value ≤50%	A09 to A14 and reflectance value ≤25%
Group B	B19 to B29 and reflectance value ≤50%	B23 to B29 and reflectance value ≤25%
Group C	C35 to C40, reflectance value ≤50%, and hue range 06-16	C39 to C40, reflectance value ≤25%, and hue range 06-16
Group D	D43 to D45, reflectance value ≤50%, and hue range 06-12.	Excluded
Group E	Excluded	Excluded
Finish	Matt or Low-gloss	Matt or Low-gloss

* Based on BS5252:1976 (British Standard Framework for Colour Co-ordination for Building Purposes). Where a BS5252 descriptor code is not available, the Council will compare the sample colour chip provided with known BS5252 colours to assess appropriateness.

Advice Note:

The consent holder should engage the services of a professional to ensure the exterior cladding and colour selection are compatible with the long term durability of the building material in the subject environment and in accordance with the requirements under the Building Act 2004.

Advice Note:

A general condition limiting the building height, recessive colours and general building location was volunteered by the applicant (page 7 of the assessment of effects).

GENERAL ADVICE NOTES

Council Regulations

1. This resource consent is not a building consent and the Consent Holder shall meet the requirements of 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:

1. the provisions of a relevant permitted activity rule in the Proposed Tasman Resource Management Plan; or
2. the conditions of separate resource consent for such an activity.
3. In respect of stormwater discharges on Lot 2, the criteria of Tasman Resource Management Plan Permitted Activity Rule 36.4.2 must be complied with or, alternatively, a resource consent (discharge permit) is obtained for the stormwater discharge.
4. Access by the Council's Officers or its Agents to the property is reserved pursuant to Section 332 of the Resource Management Act 1991.
5. Council draws your attention to the provisions of the Historic Places Act 1993. In the event of discovering an archaeological find during the earthworks (e.g. shell, midden, hangi or ovens, garden soils, pit depressions, occupation evidence, burials, taonga, etc) you are required under the Historic Places Act, 1993 to cease the works immediately until, or unless, authority is obtained from the New Zealand Historic Places Trust under Section 14 of the Historic Places Act 1993.

Street Numbering

6. The Consent Holder should lodge a road/street numbering application at the time the survey plan is lodged pursuant to Section 223 of the Act.

Issued this 10th day of February 2009



Cr Noel Riley
Chair of Hearings Committee

RESOURCE CONSENT NUMBER: RM080374

Christine Tuffnell
(hereinafter referred to as “the Consent Holder”)

ACTIVITY AUTHORISED BY THIS CONSENT:

To construct a dwelling on proposed Lot 2 of the subdivision application RM080373.

CONDITIONS

Development

1. The location of any building site and construction of any access shall be undertaken in general accordance with the information submitted with the application for consent and in particular with the plan entitled “*Investigation Location Plan,*” Job No. 06010, 1/5/06, prepared by Terra Firma Engineering Ltd and attached to this consent as Plan B and the report entitled “*Geotechnical Building Site Assessment, Proposed Subdivision of 42 Hart Road Richmond*” dated 1 May 2006 and prepared by Terra firma Engineering Ltd and attached to this consent as Appendix 5. 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.

Commencement Date and Lapsing of Consent

2. The commencement date for this land use consent shall be the issue date of the certificate of title for Lot 2.
3. This consent will lapse five years after the issue of the certificate of title for the respective allotments unless given effect to or otherwise extended pursuant to section 125 of the Resource Management Act 1991.

Building Location Areas

4. The location of any buildings shall be restricted to the building location area shown on the Survey Plan for 2 DPXXX and all dwellings shall be fully contained within the area identified subject to no dwelling being located within a 16m setback parallel with the western snipe boundary adjoining the Hanna access.

Building Colour

5. The exterior of all dwellings shall be finished in colours that are recessive and which blend in with the immediate environment. The consent holder shall submit to the Council for approval, prior to applying for building consent for a building, the following details of the colours proposed to be used on the walls and roof of the buildings:
 - a) the material to be used (e.g. paint, colour steel);
 - b) the name and manufacturer of the product or paint;
 - c) the reflectance value of the colour;
 - d) the proposed finish (e.g. matt, low-gloss, gloss); and
 - e) Either the BS5252:1976 (British Standard Framework for Colour Co-ordination for Building Purposes) descriptor code, or if this is not available, a sample colour chip.

The building shall be finished in colours that have been approved by the Council.

Advice Note:

As a guide, the Council will generally approve colours that meet the following criteria:

Colour Group*	Walls	Roofs
Group A	A05 to A14 and reflectance value ≤50%	A09 to A14 and reflectance value ≤25%
Group B	B19 to B29 and reflectance value ≤50%	B23 to B29 and reflectance value ≤25%
Group C	C35 to C40, reflectance value ≤50%, and hue range 06-16	C39 to C40, reflectance value ≤25%, and hue range 06-16
Group D	D43 to D45, reflectance value ≤50%, and hue range 06-12.	Excluded
Group E	Excluded	Excluded
Finish	Matt or Low-gloss	Matt or Low-gloss

* Based on BS5252:1976 (British Standard Framework for Colour Co-ordination for Building Purposes). Where a BS5252 descriptor code is not available, the Council will compare the sample colour chip provided with known BS5252 colours to assess appropriateness.

Advice Note:

The consent holder should engage the services of a professional to ensure the exterior cladding and colour selection are compatible with the long term durability of the building material in the subject environment and in accordance with the requirements under the Building Act 2004.

Advice Note:

This condition was volunteered by the applicant (page 7 of the assessment of effects).

Waste Water Disposal

6. Onsite waste water disposal shall be in accordance with the Terrafirma report attached to this consent as Appendix 5.

Advice Note:

Further consents could be required if the wastewater discharge does not meet the permitted standards in Chapter 36 of the TRMP for the rural 1 zone.

GENERAL ADVICE NOTES

Council Regulations

1. The applicant shall meet the requirements of Council with respect to all Building Bylaws, Regulations and Acts.

Other Proposed Tasman Resource Management Plan Provisions

2. This resource consent only authorises the activity described above. Any matters or activities not referred to in this consent or covered by the conditions must either:

1. comply with all the criteria of a relevant permitted activity rule in the Proposed Tasman Resource Management Plan (PTRMP);
2. be allowed by the Resource Management Act; or
3. be authorised by a separate resource consent.

Consent Holder

3. 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 which are required to be complied with on an ongoing basis.

Development Contributions

4. The Consent Holder is liable to pay a development contribution in accordance with the Development Contributions Policy found in the Long Term Council Community Plan (LTCCP). The amount to be paid will be in accordance with the requirements that are current at the time the relevant development contribution is paid.

Council will not issue a Code Compliance Certificate until all development contributions have been paid in accordance with Council's Development Contributions Policy under the Local Government Act 2002.

Provision of Water Storage

5. The Consent Holder is advised that on-site water storage should be in accordance with the consent notice registered on the title which requires any dwelling to be provided with on-site water storage of not less than 23,000 litres. The tank is to be fitted with an accessible 50 millimetre camlock coupling to enable connection with firefighting equipment.

Cultural Heritage

6. Council draws your attention to the provisions of the Historic Places Act 1993. In the event of discovering an archaeological find during the earthworks (e.g. shell, midden, hangi or ovens, garden soils, pit depressions, occupation evidence, burials, taonga, etc) you are required under the Historic Places Act, 1993 to cease the works immediately until, or unless, authority is obtained from the New Zealand Historic Places Trust under Section 14 of the Historic Places Act 1993.

Issued this 10th day of February 2009



Cr Noel Riley
Chair of Hearings Committee

RESOURCE CONSENT NUMBER: RM080810

Christine Tuffnell
(hereinafter referred to as “the Consent Holder”)

ACTIVITY AUTHORISED BY THIS CONSENT:

To construct a crossing across an unnamed tributary of the Waimea Inlet to provide vehicle access to proposed Lot 2 of the subdivision described in application RM080373.

CONDITIONS

General

1. All works shall be carried out in general accordance with the application and plans submitted on the application for resource consent RM080810, unless inconsistent with the conditions of this consent, in which case the conditions shall prevail

Commencement of Works and Inspection

2. No stream crossing works shall begin on-site until the Engineering Plans have been approved pursuant to Condition 5.

Advice Note

Prior to the commencement of work the Consent Holder and its representatives may be invited to meet with Council staff to discuss the work to be undertaken including (but not limited to) roles and responsibilities, timing of the works and reporting.

Engineering Works and Plans

3. All engineering works, associated with the stream crossing shall be constructed in accordance with the Council’s Engineering Standards and Policies 2008 **and** to the satisfaction of Council’s Engineering Manager and Council’s Resource Scientist – Environmental.

Engineering Certification

4. At the completion of works, a suitably experienced chartered professional engineer or registered professional surveyor shall provide the Council’s Engineering Manager with written certification that all works, including stream crossing have been constructed in accordance with the approved Engineering Plans and the conditions of this consent.
5. The structure shall not alter the natural course of the river or reduce the channel’s capacity to convey flood flows. The culvert shall not cause any increase in upstream water levels which may cause flooding upstream or on neighbouring properties.
6. The culvert shall be built to safely overtop without causing structural failure and include a spillway to ensure safe passage of flood flows. The stream bank shall be armoured at the inlet and outlet of the culvert to prevent erosion.
7. The Consent Holder shall ensure that for the duration of this consent the flood overflow path and the low flow channel are maintained.

8. The Consent Holder shall ensure that for the duration of this consent any debris build-up is removed and ensure scour protection measures are installed and maintained at the inlet and outlet.
9. The culvert invert shall be submerged such that the structure provides for the safe passage of fish both upstream and downstream. There shall be no significant adverse effects on aquatic life or instream habitat as a result of the placement of the culvert.
10. No significant erosion, scour or deposition shall result from the placement of the culvert.
11. The disturbance of the bed shall be the minimum necessary to carry out the required works. Excess construction materials shall be removed from the river bed.
12. All equipment and surplus construction materials shall be removed from the river and the floodplain on the completion of that activity.
13. No contaminants (including, but not limited to, oil, hydraulic fluids, petrol, diesel, other fuels, paint or solvents, but excluding sediment) shall be discharged to water from the activity and no refuelling of equipment shall take place on any area of the river bed.
14. For monitoring purposes the Consent Holder shall inform the Council's Co-ordinator Compliance Monitoring at least 24 hours prior to the works commencing.

Review of Consent Conditions

15. The Council may, during the month of March each year, review any or all of the conditions of the consent pursuant to Section 128 of the Resource Management Act 1991 for all or any of the following purposes:
 - a) to deal with any adverse effect on the environment which may arise from the exercise of the consent that was not foreseen at the time of granting of the consent, and which is therefore more appropriate to deal with at a later stage; and/or
 - b) to require the Consent Holder to adopt the best practical option to remove or reduce any adverse effects on the environment resulting from the discharge; and/or
 - c) to review the contaminant limits, loading rates and/or discharge volumes and flow rates of this consent if it is appropriate to do so; and/or
 - d) to review the frequency of sampling and/or number of determinands analysed if the results indicate that this is required and/or appropriate.
 - e) to require consistency with any relevant Regional Plan, District Plan, National Environmental Standard or Act of Parliament.

Expiry

16. The consent is granted for a period of 35 years, which is the maximum duration allowed under Section 123 of the Resource Management Act 1991.

ADVICE NOTES

1. To allow for fish passage, the culvert inlet should be set well below the current streambed.
2. Both the culvert's gradient and alignment should be equal to the stream's natural shape.
3. Officers of the Council may also carry out site visits to monitor compliance with resource consent conditions.
4. The Consent Holder should meet the requirements of the Council with regard to all Building and Health Bylaws, Regulations and Acts.
5. Access by the Council or its officers or agents to the property is reserved pursuant to Section 332 of the Resource Management Act.
6. All reporting required by this consent should be made in the first instance to the Council's Co-ordinator Compliance Monitoring.
7. 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 Tasman District Council and the New Zealand Historic Places Trust should 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.
8. This resource consent only authorises the activity described above. Any matters or activities not referred to in this consent or covered by the conditions must either:
 - a) comply with all the criteria of a relevant permitted activity rule in the Tasman Resource Management Plan (TRMP);
 - b) be allowed by the Resource Management Act; or
 - c) be authorised by a separate resource consent.
9. 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 the Council Standards and documents referred to in this consent are available for viewing at the Richmond office of the Council.

Issued this 10th day of February 2009



Cr Noel Riley
Chair of Hearings Committee

APPENDIX A Rural Emanations Easement

Right to Emit Noise from Hail Cannons and Other Farming Activities/Equipment, Dust and Odour from Farming Activities, and Drift from Agricultural and Horticultural Sprays

1. Definition

In this easement the term “authorised farming activities” means all rural activities, including farming and horticultural crop production (and in particular, odour and noise from farming activities, the spraying for weeds and horticultural pests and diseases and the use of hail cannons to protect against hail damage to fruit crops) together with any other activity permitted under the relevant District Resource Management Plan for the time being in force and any existing uses and any activity permitted by any resource consent(s). The term “authorised farming activities” shall also include any other activity ancillary to the activities already defined or necessary therefore.

2. Rights and Powers

The owners or occupiers from time to time of the Dominant Tenement shall have the full, free, uninterrupted and unrestricted right, liberty and privilege for themselves and their respective servants, tenants, agents, licensees and grantees from time to time to emit noise from hail cannons and other farming practices and equipment, odour from farming activities, and drift from agricultural and horticultural sprays and to allow such emanations to escape, pass over or settle on the Servient Tenement in the course of the use of the Dominant Tenement for rural purposes with the intent that such aforementioned rights shall run with the Servient Tenement and be forever appurtenant to the Dominant Tenement.

3. Terms, Conditions, Covenants, or Restrictions in Respect of the Above Easement

- a) The owners or occupiers from time to time of the Servient Tenement shall allow authorised farming activities to be carried out on the Dominant Tenement without interference or restraint.
- b) All noise emitted from hail cannons, and farming practices and equipment shall not exceed the maximum level permitted in any relevant District Resource Management Planning document.

The owners or occupiers from time to time of the Servient Tenement shall not:

- i) make or lodge; nor
- ii) be party to; nor
- iii) finance nor contribute to the cost of;

any submission, application, proceeding or appeal (either pursuant to the Resource Management Act 1991 or otherwise) designed or intended to limit, prohibit or restrict the continuation or recommencement of the authorised farming activities by the owners or occupiers from time to time of the Dominant Tenement.

- c) The owners or occupiers from time to time of the Dominant Tenement shall at all times use sprays in accordance with usual agricultural and horticultural practices in the District.

Date Confirmed:

Chair: