

MINUTES

TITLE: Commissioner Hearing (P D & M T Hill)
DATE: Monday, 5 December 2011
TIME: 10.30 am
VENUE: Tasman Council Chamber, 189 Queen Street,
Richmond.

PRESENT: Commissioner Jeff Jones

IN ATTENDANCE: Principal Resource Consents Advisor (J Butler)
Co-ordinator - Subdivision Consents (M Morris)
Development Engineer (D Ley)
Executive Assistant (V M Gribble)

1. APPLICATION No. RM110371, RM110372 - P D and M T HILL, PATON ROAD, HOPE

The applications seek the following:

Subdivision Consent RM110371

Subdivision consent to divide an existing 4.0512 hectare title to create the following allotments:

- Lot 1 of 1.9 hectares (with an existing dwelling);
- Lot 2 of 1450 square metres to vest as Local Purpose Reserve (Recreation and Drainage);
- Lot 3 of 2.0 hectares;
- Lot 4 of 26 square metres to vest as road

Land Use Consent RM110372

Land use consent to construct a dwelling on proposed Lot 3.

The property is zoned Rural 1 in the Tasman Resource Management Plan and is located at 86 Paton Road (at White Road Intersection), Hope, being legally described as Lot 1 DP 7938, CFR NL3C/832.

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

2. APPLICATION No. RM110371, RM110372 - P D and M T HILL, PATON ROAD, HOPE

THAT the Commissioner GRANTS consent to P D and M T Hill as detailed in the following report and decision.

Report and Decision of the Tasman District Council through an Independent Commissioner

**Meeting held in the Tasman Room, Richmond on 5 December 2011
Site visit undertaken on 5 December 2011
Hearing closed on 5 December 2011**

A Commissioner was appointed by the Tasman District Council ("the Council") to hear the application lodged by **Peter and Marie Hill** ("the Applicant"), to subdivide land at Patons Road and to construct a new dwelling on the resulting new lot. The application, made in accordance with the Resource Management Act 1991 ("the Act"), was lodged with the Council and referenced as RM110371 (subdivision) and RM110372 (land use).

COMMISSIONER: Dr Jeff Jones

APPLICANT: Mr Nigel McFadden (Counsel)
Mr Paul Newton (Surveyor)
Mr Peter and Ms Marie Hill (Applicants)
Mr Mark Lile (Consultant Planner)

CONSENT AUTHORITY: **Tasman District Council**
Mr Mark Morris (Co-ordinator Subdivision Consents)
Mr Dugald Ley (Development Engineer)
Ms Ros Squire (Forward Planner, Reserves)

IN ATTENDANCE: Mr Jeremy Butler (Principal Resource Consents Adviser) -
Assisting the Commissioner
Mrs Valerie Gribble (Secretarial support)

1. SUMMARY

The Commissioner has **GRANTED** resource consents, subject to conditions, to subdivide land to create Lot 1 of 1.9 hectares with an existing dwelling, Lot 2 of 2.0 hectares, Lot 3 of 1450 square metres to vest as Local Purpose Reserve (Recreation and Drainage), and Lot 4 of 26 square metres to vest as road; and also land use consent to construct a dwelling on Lot 2.

2. DESCRIPTION OF THE PROPOSED ACTIVITY

The applicants are the owners of the property and currently live in the existing dwelling on the proposed Lot 1.

The property is on the corner of Paton Road and Whites Road, with roughly half of the property at the southern end being relatively flat and currently in pasture. The northern half of the property is hillier and contains the applicants' house and

surrounding landscaping and pasture. The property is bisected by an old drainage channel known as the Whites Drain, and contains a dam and associated pond which is fed from this drain, with flood flows only passing down the channel.

Although the site is all zoned Rural 1, the northern portion of the property above the existing house is contained within the Richmond South Development Area (RSDA). The RSDA proposed under Plan Change 5 in 2006 allowed for new deferred residential zoned areas adjoining Hart Road and Bateup Road in Richmond. The plan change also introduced new policies for development in the RSDA including Policy 6.8.3.7 which allowed for consideration of future residential development on the land between Hart Road and White Road.

In 2009 the Council publicly notified a notice of requirement (RM090604) which included the designation of a 10 metre strip of land along the Whites Drain from Paton Road down to the Main Road, Hope as part of a designation requirement along most of the Borck Creek catchment from Hill Street to the sea. Appendix 1 shows the proposed designation route in relation to the applicant's property.

A large number of submissions were received on the designation proposal, including one from the applicants.

The proposed designation was approved on 22 October 2010, but was appealed on 12 November 2010. The appeal has not been resolved, though the appeal is only in regard to the lower reaches of Borck Creek and would not change the proposed designation over the applicants' property.

The applicant has stated that the drainage reserve effectively splits the property into two discrete areas and that a subdivision should be forthcoming to allow the two resulting areas to be owned and managed separately.

The application is for a subdivision to create the following:

- Lot 1 of 1.9 hectares with an existing dwelling,
- Lot 2 of 2.0 hectares,
- Lot 3 of 1450 square metres to vest as Local Purpose Reserve (Recreation and Drainage), and
- Lot 4 of 26 square metres to vest as road; and also land use consent to construct a dwelling on Lot 2.

3. 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

Areas: Aquifer Protection Area, Special Domestic Wastewater Area.

Activity	Relevant permitted rule	Applicable rule	Status
Subdivision in a Rural 1 zone.	Nil	16.3.5.2	Discretionary
Consent to erect a dwelling in the Rural 1 zone	Nil	17.5.3.3	Restricted Discretionary

Overall the proposal is a discretionary activity.

4. NOTIFICATION AND SUBMISSIONS RECEIVED

Written Approvals

Prior to notification written approvals were received from:

- R and D Gaskin
- M and J McLean
- Alexander Dobbin
- M and M Reid
- R and C Bennison
- A Johnston
- C and R Moreland
- D and C Ewers
- P and P Malcolm
- D and K Orange

Pursuant to Section 104(3)(a)(ii) of the Act I cannot have any regard to any effect on these parties.

The application(s) was publicly notified pursuant to Section 93 of the Act. One neutral submission was received. The following is a summary of the written submission received and the main issues raised.

Submitter	Reasons
New Zealand Fire Service Commission	Wanted a condition imposed on the proposed dwelling on Lot 2 that access and water supply for fire fighting purposes be installed in accordance with SNZ PAS 4509:2008 and that the optimal means of compliance with the code is the installation of a domestic fire sprinkler system.

5. PROCEDURAL MATTERS

There were no procedural matters that required consideration or a ruling.

6. EVIDENCE HEARD

I heard evidence from the applicant, their expert witnesses, and the Council's reporting officer. There were no submitters who were present to speak to their submissions at the hearing. The following is a summary of the evidence heard at the hearing.

6.1 Applicant's Evidence

Mr Nigel McFadden (Counsel)

Mr McFadden explained the circumstances of the site which he considered would distinguish it from other applications. These are summarised as:

- The site is bifurcated by a water course called Whites Drain;
- Proposed Lot 1 and proposed Lot 2 are distinguishable by a significant difference in levels;
- The existing designation is incorrect in its location and the vesting of a more appropriate location would be a positive effect of allowing this subdivision;
- Construction of Whites Drain where designated will cause significant impact and cost to the Council. Amendment of the location will avoid the necessity of lodging a new Notice of Requirement.

Mr McFadden emphasised that my decision must be made under Section 5 of the Act and that requires an overall assessment of the relevant considerations.

He then addressed the potential adverse effects on the environment. He said that the proposal will fragment the land but that the effects of this were minimal due to the low fertility and limitations on the productive use of the land.

Mr McFadden said that there are no issues of adverse effect on rural amenity as there are no submissions in opposition and, in fact, a large number of written approvals from neighbours.

He then said that a direct outcome of a grant of consent would be to enable Lot 2 as a local purpose reserve for recreation and drainage allowing public access and recreation.

Regarding precedent, Mr McFadden noted that there are sufficient circumstances about this case to set it apart from other applications that are likely to be lodged.

Turning to the conditions, several recommended conditions were opposed. In particular the immediate relocation of the hedge and fences in the road reserve were opposed (although there was no opposition to undertaking these measures when required for road widening or drainage development purposes).

The applicant also opposed the payment of a full reserves financial contribution as this gives no credit for the value of proposed Lots 3 and 4 which are being vested in the Council. Mr McFadden noted that without subdivision, the Council would be liable to pay compensation for the land that is the subject of the existing designation and that a credit should be given if this land is now to be vested.

The applicant opposed an advice note that suggested that a development contribution for wastewater would be required as a wastewater connection has already been paid for the property.

Mr Paul Newton (Surveyor)

Mr Newton emphasised the issues with the existing alignment of the Whites Drain designation. He described the methodology whereby he had located the designation on the applicants' property.

He then went on to describe the difficulties with constructing a channel and walkway following the current alignment of the designation.

Mr Newton described the anticipated difficulties in managing the property as one unit resulting from the implementation of the designation, i.e the construction of the Whites Drain and associated public reserve. He also emphasised the overall benefits in realigning the designation corridor through this subdivision process.

Mr Mark Lile (Consultant Planner)

Mr Lile emphasised the proposed bifurcation of the property by the implementation of the designation and also noted the fact that the site will not be able to be managed as efficiently as a result of the Notice of Requirement placing a designation on the drainage and recreation corridor.

Mr Lile said that a new dwelling and curtilage could be constructed on the new title but noted that there will still be land available for productive purposes. He also said that construction of a building is in keeping with what could be done as a permitted activity.

He did not consider that there were any adverse effects resulting from traffic creation, rural amenity, natural hazards or any cross boundary effects.

He then analysed the proposal against the objectives and policies of the TRMP and concluded that the proposal is not inconsistent with the relevant provisions.

6.2 Council's Reporting Officer's Report and Evidence

In consideration of the extent of the applicants' opposition to the proposed conditions as noted above, the Commissioner adjourned the hearing for lunch, earlier than expected with the suggestion that the applicants and their counsel meet with the Council's Reporting Officer, Mr Mark Morris, during the break in an attempt to resolve the differences. Mr Morris to advise on the result of the meeting when the Hearing resumed.

Mr Mark Morris (Co-ordinator Subdivision Consents)

Mr Morris advised that agreement has reached on most of the conditions. For recommended Condition 11 he considered that the second sentence, which requires existing fences on road reserve to be located back to the boundary, should remain.

Regarding Condition 4 of the land use consent for a new dwelling on proposed Lot 2 he favoured a consent notice restricting the total of all buildings to 2000 square metres.

Mr Dugald Ley (Development Engineer)

Mr Ley said that he and other Council staff were happy with the relocated designation.

Regarding boundary fencing, Mr Ley said that it is desirable to have the new alignment in place when the newly created property is sold to avoid conflict later.

He said that there is the potential for a new swale drain down Paton Road alongside new Lot 2. He said an alternative would be a consent notice on the new title.

Mr Ley tabled an indicative plan that showed how the two lots could be managed together and access over the designation be attained by the applicant. He suggested a gate system on Paton Road could be established by extending culverts and having two-gate system to link the property.

Mr Ley acknowledged that a wastewater connection fee payment has been made but that this does not change the circumstances that a new lot is being created and that it is the Council's policy that when a subdivider creates an extra lot they pay development fees for the increased demand on the overall sewerage system. He said that a connection fee is different to a Development Contribution which is effectively a levy on development.

Ms Ros Squire (Forward Planner, Reserves)

Ms Squire commented Condition 14 which requires the payment of reserve fund contribution. She said that the function of the reserve is to provide drainage, with secondary function being to add a walkway. She said that she stands by recommended Condition 14.

Mr Andrew Burton (Resource Scientist, Land)

Mr Burton's report was taken as read and no presentation was made by Mr Burton. His evidence is discussed later in this decision where relevant.

6.3 Applicant's Right of Reply

Mr McFadden noted that there is no call from the Council's officers that the subdivision should be declined.

Regarding the boundary fence, Mr McFadden considered that it could stay in place until it needs to be moved. He accepted a consent notice on the new title.

Regarding the Development Contribution for wastewater he said that the letters suggest that there has always be an understanding that wastewater services will be provided.

He also said that it is quite incorrect to say that the designation is primarily for drainage. The papers relating to the Notice of Requirement show that the corridor was for a dual purpose of drainage and recreation. He therefore considered that there should be a credit for the land which will be vested in the Council as no compensation will now be payable by the Council.

7. PRINCIPAL ISSUES AND OUR MAIN FINDINGS

The principal issues that were in contention and our main findings on these issues are:

a) What is the most desirable alignment of the Whites Drain reserve?

The most appropriate location for the drainage corridor and walkway is a somewhat academic consideration given that the Council has agreed to the alignment proposed by the applicant. Presumably the Council is also satisfied with the existing alignment and so there is no significant effect based on the outcome of this application.

On this matter though, I find that the applicant's criticism of the design of the designated drainage and recreation corridor to be somewhat pedantic. Mr Newton was very literal in overlaying the cross-section from the Notice of Requirement papers on the 10 metre corridor that has since been designated. It is clear that the cross-section was indicative only and it seems clear to me that the intention of the Council was to construct the drainage channel and walkway reserve according to the circumstances and considerations of each site. I note that Channel J extends far beyond just the applicant's property and therefore an indicative cross section was necessary.

To a certain extent I agree with Mr McFadden that the location of the plans accompanying the Notice of Requirement should be accurate and clear so that any effect on landowners can be determined. It seems that the Notice of Requirement process could have been handled with more precision. However, I understand that the Notice of Requirement was not contested by the Hills at any time and that there is plenty of opportunity for negotiation at a later date when the designation is being finalised.

Overall, I am satisfied with the new alignment along the dry channel as this has been agreed to by both parties.

b) To what extent will there be an adverse effect on rural productivity and land versatility?

Mr Burton is charged with presenting evidence for the maintenance of the productive potential of the lands of the Tasman District. Given this role it is noteworthy that Mr Burton has not strongly opposed the proposal. Instead he has simply pointed out the values of the land, such that they are, and said that the land may have some uses. However, all parties are in agreement that the land is Class C and has some serious limitations on use and versatility.

There was some discussion about the appropriate restrictions upon buildings and/or the dwelling on proposed Lot 2. I also had some concerns about the extensive setbacks that were volunteered by the applicant. The TRMP retains some control over the placement of dwellings on Rural 1 zoned properties. In fact, under Rule 17.5.3.2 which allows dwellings to be built, the first matter of control is over the "*location of the building on the site and the effects on the potential availability of productive land*". Therefore extensive setbacks from all boundaries would effectively require the new house to be positioned in the centre of the block, thereby potentially significantly limiting the efficiency of the productive use of the land. However, given the circumstances of this site (roads on two sides, a written approval from the neighbour to the west, and a predictable desire to not have winter sun blocked by tall vegetation on the drainage reserve) it seems not unreasonable

that a dwelling somewhere near the centre of the location will be desirable and appropriate. Therefore, I have not pursued any changes to the setbacks proposed by the applicant.

c) To what extent will a precedent effect be created? To what extent will adverse cumulative effects arise from any precedent effect?

Mr McFadden and Mr Morris are correct that a precedent effect is only created to the extent that two applications have comparable circumstances. In this case I agree that there are very site specific circumstances which set this application apart from other likely applications. In particular, the existence of a drainage and recreation designation through the centre of a grade separated property of this size and shape is a circumstance that is unlikely to be often repeated.

Also, while the land is zoned Rural 1, the productivity of the land is not high. Most other areas of Rural 1 will have much higher productivity levels and therefore the effect of the fragmentation will be a much more important consideration should subdivision of another such location be proposed. In addition, it is a relevant consideration that the northern part of the property, above the dwelling, is within the Richmond South Development Area.

It is this combination of circumstances which leads me to find that there is little likelihood of this application establishing a precedent that may cause an accelerated erosion of the productive Rural 1 land resource.

In conclusion, however I emphasise that the circumstances of this case are more complicated than simply an application to subdivide because the site is separated by a feature on the land (in this case a walkway and drainage designation). I accept that there are doubtless many instances of land which is separated by a feature which makes management of the land either side of the feature difficult. Such a feature could be, for example, a local road, a stream, a break in land levels caused by a river terrace, or a cycleway. This in itself is not necessarily a reason for subdivision and fragmentation of land.

d) Should the boundary fences be moved back to the boundary at the time of subdivision or should a consent notice be imposed on the title of the newly created lot?

I am satisfied that a consent notice on the title is a sufficient measure to ensure that future owners of Lot 2 will be aware that some of the land that is within the fencelines is not theirs and will be lost to them should the road reserve be required by the Council. There are clearly some benefits for the efficient use of land from leaving the land within the paddocks up to the time that the land is needed.

e) Should a Development Contribution be payable for wastewater?

The final decision on the payment of a Development Contribution is not a decision that I can make. All I am ruling on is whether it should be flagged as a likely cost in an Advice Note on the consent.

Despite the historical payment of a connection fee I am clear that payment of a development levy should occur when an additional lot is created. Development Contributions are to provide for the overall development of wastewater services and it is clear that developers should pay for this gradual increase in demand over time.

f) Should a Reserves Financial Contribution be payable by the applicant?

The matter of a credit for the recreational part of the land to be vested is less clear than the Development Contribution considered above.

Overall, I find that I agree with the applicant. Regardless of whether or not drainage is the primary use of the corridor a public access linkage and recreational opportunity will be created by the vesting of the corridor.

It could be argued that provision of the corridor for that purpose is already a requirement upon the landowner, but again I find that Mr McFadden was correct that in that case compensation would be paid to the landowner for the taking of the land for the stated purposes. Through the current course chosen by the landowner (i.e. to apply for a subdivision consent) this compensation will not be forthcoming and therefore I consider it appropriate that credit be given for the value of the land vested for recreational purposes.

8. RELEVANT STATUTORY PROVISIONS

8.1 Policy Statements and Plan Provisions

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

- a) Tasman Regional Policy Statement (TRPS);
- b) the Transitional Regional Plan (TRP); and
- c) the Tasman Resource Management Plan (TRMP).

8.2 Part 2 Matters

In considering this application, I have 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, I **GRANT** consent, subject to conditions.

10. REASONS FOR THE DECISION

Effects on the Environment

The only real adverse effect on the environment is the partial loss of a large paddock. This land which will have a house and other associated buildings somewhere near the centre is not particularly versatile but could be used for

grazing or for a home orchard. I agree with Mr McFadden and Mr Lile that many of these opportunities will remain, albeit at a lesser intensity and over a lesser area of land. However, as Mr Burton says, lifestyle rather than productive worth is the major influence. This is a product of the size of the land and its location. Overall, I do not consider that the fragmentation of this land into two rural-residential lots will have a more than minor effect.

Any other possible effects on the environment (natural hazards, rural amenity, traffic) are agreed by all parties to be minor and I agree with these conclusions for the same reasons given by both Mr McFadden and Mr Morris.

Objectives and Policies of the TRMP

The following objectives and policies of the TRMP are relevant to this application:

Objective 7.1.2 *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.*

Policy 7.1.3.1 *To avoid, remedy or mitigate the adverse effects of subdivision of rural land, particularly land of high productive value.*

Policy 7.1.3.2 *To avoid, remedy or mitigate the effects of activities which reduce the area of land available for soil-based production purposes in rural areas.*

Policy 7.1.3.3 *To avoid, remedy or mitigate adverse actual, potential, and cumulative effects on the rural land resource.*

Policy 7.1.3.4 *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, the management of cross-boundary effects, access, and the availability of servicing.*

On balance the application is not absolutely consistent with these objectives and policies due to the fundamental fragmentation of rural land that is of some, although not high, productive value. However, the origin of the fragmentation is, in a sense, pre existing and not caused by the application as it came about as a result of the Council's Notice of Requirement. I am satisfied that this subdivision is simply "formalising" the effective splitting of the land.

Policy 7.1.3.4 is satisfied but the large setbacks from the boundaries are likely to contribute to a lack of productive use of Lot 2.

Objective 7.2.2 *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.*

Policy 7.2.3.1 *To enable activities which are not dependent on soil productivity to be located on land which is not of high productive value.*

The proposal is consistent with this Objective and Policy as the land is not of high productive value as it is defined in the TRMP.

Objective 7.2.4 *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.*

Policy 7.4.3.3 *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.*

I agree with Mr Morris about this policy. The proposal will change a single grassy paddock into a rural residential site. However, the size and dimensions of Lot 2 will mean that the greenness and openness of the overall area will not be significantly compromised.

On the matter of traffic, there is clear guidance that access to a new site should be preferentially taken from the lower ranked road (when there is a choice of two). Therefore, I have required that access be obtained off Whites Road as was sought by Mr Morris.

Other Matters

For the reasons set out earlier in this decision I am satisfied that no precedent that is likely to cause adverse cumulative effects will be established due to the circumstances of the application which set it apart from other likely applications. The chances of another application coming forward which has sufficiently similar circumstances to rely on this application to gain approval are extremely small.

Purpose and Principles of the Act

Adopting a broad overall judgement approach to the purpose of the Act, I am satisfied that the proposal is consistent with Part 2 and achieves sustainable management of natural and physical resources as set out in Section 5 of the Act.

11. 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.

Section 125(2) of the Act makes particular provision for the lapsing of subdivision consents. In the case of the subdivision consent (RM110371), 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 (RM110372) will lapse five years after the issue of the certificate of title for Lot 2. 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.

Issued this 18th day of January 2012

A handwritten signature in black ink on a light green rectangular background. The signature is stylized and appears to be 'J. Jones'.

Dr Jeff Jones
Independent Commissioner

UNCONFIRMED MINUTES

RESOURCE CONSENT

RESOURCE CONSENT NUMBER: RM110371

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

Peter and Marie Hill
(hereinafter referred to as "the Consent Holder")

ACTIVITY AUTHORISED BY THIS CONSENT:

To subdivide land to create Lot 1 of 1.9 hectares with an existing dwelling, Lot 2 of 2.0 hectares, Lot 3 of 1450 square metres to vest as Local Purpose Reserve (Recreation and Drainage), and Lot 4 of 26 square metres to vest as road.

LOCATION DETAILS:

Address of property:	86 Paton Road, Hope
Legal description:	Lot 1 DP 7938
Certificate of title:	NL3C/832
Valuation number:	1943015300
Easting and Northing:	2523868E 5983444N

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

CONDITIONS

1. The subdivision and development shall be carried out generally in accordance with the application plan prepared by Newton Survey titled "*Proposed Subdivision of Lot 1 DP 7938*", dated 8 April 2011 and attached to this consent as Plan A - RM110371

Easements

2. Easements are to be created over any services located outside the boundaries of the lots that they serve as easements-in-gross to the Tasman District Council for Council reticulated services or appurtenant to the appropriate allotment.
3. 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. Reference to easements is to be included in the Council resolution on the title plan at the section 223 stage.

UNCONFIRMED MINUTES

Electricity and Telephone

5. Full servicing for 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 power and telephone cabling has been provided to the boundaries of the allotments. The written confirmation shall be provided prior to a completion certificate being issued pursuant to Section 224(c) of the Act.

Access

6. A Vehicle Access Crossing Permit for Lot 2 off White Road shall be applied for from Council's Engineering Department prior to any construction works taking place on the crossing for Lot 2. The formation of the crossing construction shall be to the standards required by Vehicle Crossing Access Permit and no works shall be undertaken until the crossing permit has been approved. Inspections by Council's Engineering staff are required during the construction process.

The existing farm gate on to Paton Road shall be removed and replaced by a permanent fence.

Water Supply

7. Lot 2 shall be provided with a water connection in accordance with Council's Engineering Standards 2008.

Advice Note:

Please note that water connection fees under Council's Long Term Council Community Plan will be payable.

Engineering Certification

8. Certification from a Chartered Professional Engineer that the nominated building site on Lot 2 is suitable for the erection of residential buildings shall be submitted to the Council's Consent's Manager. The certificate shall define on Lot 2 within the building site, the area suitable for the erection of residential buildings and shall be in accordance with Schedule 2A of NZS 4404:2010. Any limitations identified in Schedule 2A shall be noted on 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.

Consent Notices

9. The following consent notices shall be registered on the certificates of title for 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) The construction of the dwelling on Lot 2 shall be in accordance with the condition set out in RM110372.
- (b) Any recommendations or recommended conditions resulting from the engineering certification required under Condition 12 of resource consent RM110371.
- (c) The existing fences along Paton and White Roads are within the road reserve. The Tasman District Council may at any time, although with the provision of reasonable notice, require the owner of Lot 2 to relocate the fences to the boundary, solely at the owner's cost.

Financial Contributions

9. 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 5.62 per cent of the total market value (at the time subdivision consent is granted) of a notional 2500 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 5.62 per cent contribution, less the value of the public access easement, shall be recalculated on the current market valuation. Payment shall be made within 2 years of any new valuation.

Compensation for the value of the walkway will be credited against the Reserves and Community Services Financial Contribution. A valuation will be undertaken by Council's valuation provider at the same time as that required to determine the Reserves and Community Services Financial Contribution.

Advice Notes:

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

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 the Council's Development Contributions Policy under the Local Government Act 2002.

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.

UNCONFIRMED MINUTES

Other 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 Tasman Resource Management Plan; or
 2. the conditions of separate resource consent for such an activity.

Resource Management Act 1991

3. Access by the Council's officers or its agents to the property is reserved pursuant to Section 332 of the Resource Management Act 1991.
4. Pursuant to Section 127 of the Resource Management Act 1991, the Consent Holder may apply to the Consent Authority for the change or cancellation of any condition of this consent.
5. 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 lot in respect of roading, water, wastewater and stormwater.

Issued this 18th day of January 2012



Dr Jeff Jones
Independent Commissioner

RESOURCE CONSENT

RESOURCE CONSENT NUMBER: RM110372

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

Peter and Marie Hill
(hereinafter referred to as “the Consent Holder”)

ACTIVITY AUTHORISED BY THIS CONSENT:

To construct a dwelling on Lot 2 as authorised by resource consent RM110371

LOCATION DETAILS:

Address of property:	86 Paton Road, Hope
Legal description:	Lot 1 DP 7938
Certificate of title:	NL3C/832
Valuation number:	1943015300
Easting and Northing:	2523868E 5983444N

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

CONDITIONS

1. The commencement date for this consent is the date of the issue of title for the proposed Lot 2 of RM110371.
2. The dwelling shall be located within the Building Location Area set out in the application plan prepared by Newton Survey titled “Proposed Subdivision of Lot 1 DP 7838”, dated 8 April 2011 and attached to this consent as Plan A - RM110371/RM110372
3. The dwelling shall be connected to Council’s wastewater reticulation. The wastewater connection shall be installed by an approved Council contractor at the applicant’s expense at the existing cleaning eye opposite Lot 1 DP9941.
4. The area of all buildings on the lot shall be no more than 2000 square metres.
5. The maximum height of the dwelling shall be 7.5 metres.

6. The dwelling shall have a floor height at least 500mm above the natural ground level or 500mm above the crest level of Whites Road perpendicular to the house site, whichever is the higher.
7. The exterior of the dwelling on Lot 2 shall be finished in colours that are recessive and blend in with the immediate environment. The Consent Holder shall submit to the Council for approval prior to applying for building consent the following details of the colours proposed to be used on the walls and roof of the building:
 - (i) the material to be used (eg, paint, Colorsteel);
 - (ii) the name and manufacturer of the product or paint;
 - (iii) the reflectance value of the colour;
 - (iv) the proposed finish (e.g. matt, low-gloss, gloss); and
 - (v) 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.

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 $\leq 50\%$	A09 to A14 and reflectance value $\leq 25\%$
Group B	B19 to B29 and reflectance value $\leq 50\%$	B23 to B29 and reflectance value $\leq 25\%$
Group C	C35 to C40, reflectance value $\leq 50\%$, and hue range 06-16	C39 to C40, reflectance value $\leq 25\%$, and hue range 06-16
Group D	D43 to D45, reflectance value $\leq 50\%$, 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.

8. The dwelling shall be provided with a water supply for fire fighting in accordance with the *New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008*.

Advice Note:

The New Zealand Fire Service Commission considers the optimal means of compliance with the Code is the installation of a domestic sprinkler system in accordance with Fire Sprinkler Systems for Houses NZS 4517:2010.

UNCONFIRMED MINUTES

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 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 Tasman Resource Management Plan; or 2) the conditions of separate resource consent for such an activity.

Resource Management Act 1991

3. Access by the Council's officers or its agents to the property is reserved pursuant to Section 332 of the Resource Management Act 1991.

Issued this 18th day of January 2012



Dr Jeff Jones
Independent Commissioner

