



STAFF REPORT

TO: Environment & Planning Subcommittee

FROM: Andrew Tester – MWH Consultant Consent Planner

REFERENCE: RM050279 (Subdivision) and RM050633 (Discharge)

SUBJECT: **TRACEY OSBORNE – REPORT EP05/11/01** – Report prepared for 7 November 2005 hearing.

1. INTRODUCTION

1.1 Outline of Proposal

The applicant is seeking resource consent (RM050279) to subdivide her property at Ironworks Road, Onekaka into two allotments, Lot 1 being 2270 m² and Lot 2 being 3361 m². Proposed Lot 1 contains the existing dwelling, sleepout and large shed. Proposed Lot 2 contains a small shed that will likely be removed. The allotment sizes of the subdivision are below the 5000 m² standard for Rural Residential zoned land in the Onekaka area, and the existing shed and sleepout on Lot 1 are within the 5 metre set back requirement from boundaries for the Rural Residential Zone. The scheme plan for the subdivision is appended to Appendix A.

Lot 1 will utilise the existing onsite wastewater disposal system. Water supply for Lot 1 is proposed to come from existing roof collection and storage system, with the addition of the substantial shed roofing area.

Water supply for Lot 2 is to come from the Onekaka Community Water Supply (from which the existing house and allotment will be disconnected). The applicant proposed that a composting toilet would be installed to treat blackwater generated from the proposed dwelling on Lot 2. Greywater generated from water producing facilities (excluding the toilet) within the proposed two bedroom dwelling was to be collected and treated through a grease trap, followed by a 600 litre septic tank with outlet filter prior to disposal by soakage trench. The wastewater discharge will be located within 20 metres of the pond located on Proposed Lot 2 (applicable permitted activity standard) so authorisation has been sought concurrently discharge permit application RM050633.

RM050279 and RM050633 are being heard together, as the application to discharge wastewater is dependant on subdivision consent being granted, and subsequently allowing a house to be built on Proposed Lot 2. At this state, the applicant has not sought a land use consent for a dwelling on Proposed Lot 2.

1.2 Location and Legal Description

The property is legally described as Lot 2 DP 13610, held in Certificate of Title NL 8B/844, with an area of 5561 m², and is located on the southern side of Ironworks Road, Onekaka.

The site is substantially covered in vegetation and is screened from Ironworks Road by a tall fence and trees. Ironworks Road is formed and metalled with a width of 4 metres.

2. STATUS UNDER TRANSITIONAL AND PROPOSED PLANS

RM050279 is an application for subdivision consent, and is classed as a **discretionary activity**. The minimum allotment size for Rural Residential zoned land in the Onekaka – Ironworks Road area is 5000 m². As the allotment sizes are 2270 m² and 3361 m² they fail to comply with controlled activity criteria. The application was publicly notified given the effects of the proposal are considered to be more than minor.

RM050633 (discharge permit application) is classed as a discretionary activity under the proposed Tasman Resource Management Plan. The discharge of domestic wastewater is a permitted activity at this site provided compliance with relevant conditions, the applicant has proposed that these standards cannot be met so resource consent has been sought in accordance with Rule 36.1.16 of the PTRMP.

2.1 Transitional Tasman District Plan

Given the Proposed Tasman Resource Management Plan is more or less operative, the majority of weighting will be applied to this Plan, as opposed to the Transitional Tasman District Plan.

2.2 Proposed Tasman Resource Management Plan

Under the Proposed Tasman Resource Management Plan (PTRMP) the property is zoned Rural Residential. The proposed subdivision is in breach of rules for subdivision in the Rural Residential Zone in the following respects:

(a) Rule 16.3.10(b)

This rule refers to Figure 16.3D controlled activity allotment sizes. Rural Residential allotment sizes for the Onekaka area are to be a minimum of 5000m². This proposal fails to meet this rule, as the allotment sizes are 2270m² and 3361m² respectively.

As a discretionary subdivision activity, when considering an application for a subdivision consent, the Council will have regard to criteria listed in Schedule 16.3A. The relevant criteria from this schedule are included in Appendix B.

(b) Rule 17.6.4(e)(i)

The existing shed and sleepout on proposed Lot 1, located 1.5 metres from the boundary with proposed Lot 2, are within the 5 metres required for internal boundaries on Rural Residential zoned land.

(c) 36.1.6 c) (i)

The applicant has sought consent to discharge up to 500 litres per day of greywater, although the volume is well within the 2000 litres permitted by Rule 36.1.6, the proposal does not meet the setback requirements for watercourses. Condition c) (i) of Rule 36.1.6 requires that any disposal field is setback 20 metres from any waterbody, the applicant has proposed to locate the disposal field up to 5 metres from a pond (i.e. water body) so this requirement cannot be met, so resource consent is required in accordance with Rule 36.1.16. The applicant proposed to meet all other requirements of Rule 36.1.6.

3. STATUTORY CONSIDERATIONS

The operative plan is the Transitional District Plan. However, the Proposed Tasman Resource Management Plan was publicly notified on 25 May 1996, and as noted earlier is considered to be the dominant document under which to assess applications for resource consent.

Under Section 104 (1) of the Resource Management Act 1991 when considering an application for resource consent and any submissions received, the consent authority must, subject to Part II of the Act, have regard to -

- a) any actual and potential effects on the environment of allowing the activity; and
- b) any relevant provisions of –
 - iii) a regional policy statement or proposed regional policy statement
 - iv) a plan or proposed plan; and
- c) any other matter the consent authority considers relevant and reasonably necessary to determine the application.

Under Section 104B – Determination of applications for discretionary or non-complying activities, after considering an application for a resource consent for a discretionary activity, a consent authority –

- a) may grant or refuse the application; and
- b) if it grants the application, may impose conditions under Section 108.

Section 15(2) of the Resource Management Act 1991 (RMA) prohibits any person from discharging contaminants into or onto land from any place in a manner that contravenes a rule in a regional plan or proposed regional plan unless the discharge is expressly allowed by resource consent.

4. SUBMISSIONS

The application was notified on Wednesday 27 August 2005, with submissions closing on Friday, 23 September 2005. Received were six submissions in support, one not stating whether they support or oppose the application, and one submission in opposition. Two supporting submitters and one opposing submitter wished to be heard at the hearing. A summary of the submissions follows:

Submitters (Do not wish to be heard)	Oppose/Support	Summary of Submission
<i>LEIGHT, Bidy, Ironworks Road, Onekaka</i>	Support	Supports the application, citing: <ul style="list-style-type: none"> The composting toilet and rainwater collection will ensure the environmental impact is minimal.
<i>KINA, Ross & Christine, Ironworks Road, Onekaka</i>	Support	Supports the development in general, citing: <ul style="list-style-type: none"> Provided water supply is obtained from rain water, then there is no opposition to the proposal; If this subdivision will result in Ironworks Road being upgraded, they do not wish to contribute towards the cost.
<i>SIMON, Carolyn Ann, Ironworks Road, Onekaka</i>	Support	Supports the development in its entirety, citing: <ul style="list-style-type: none"> The effects are no more than minor.
<i>CROMBIE, Elaine & SADOWSKI, Peter</i>	Support	Supports the development in its entirety, citing: <ul style="list-style-type: none"> Environmental soundness of development proposed for Lot 2; The fact that the subdivision will provide an affordable house in an area with increasingly rising property values.
<i>TURNER, G. A.</i>	Not stated	Does not state whether supports or opposes the application, citing: <ul style="list-style-type: none"> Water for Lot 1 needs to be supplied from stormwater and tank storage, as cited in the application; If this subdivision will result in Ironworks Road being upgraded, they do not wish to contribute towards the cost.
<i>MILNE, Alec, Ironworks Road, Onekaka</i>	Support	Supports the application, citing: <ul style="list-style-type: none"> Low impact nature of the subdivision; Does not wish the road to be upgraded given the change in amenity values it would bring.
<i>BLITHE, Thora & GRIGSON, Chris, 80 Ironworks Road, Onekaka</i>	Support	Supports the development in its entirety, citing: <ul style="list-style-type: none"> Environmentally sound provision for water, stormwater and wastewater; Provision of an affordable home in the area; No sealing of Ironworks Road should be required. Ironworks Road needs better provision for stormwater (extension of road side drain).
<i>Transit New Zealand</i>	Oppose	Oppose the development in its entirety, citing: <ul style="list-style-type: none"> Insufficient site distances at the Onekaka/SH60 Intersection; Existing intersection does not meet design standards outlined in Transit's <i>Planning Policy Manual</i> in terms of the number of vehicle movements and capacity of the intersection; Site distances are not adequate; Concern of precedent effect allowing substantially smaller allotment sizes than permitted and the potential of this to negatively impact the State Highway network.

5. ASSESSMENT

In accordance with Section 104 of the Resource Management Act 1991, Council must consider the actual and potential effects on the environment of allowing the activity, have regard for any objectives, policies, and rules, and consider any other matters relevant and reasonably necessary to determine the application.

5.1 Assessment of Environmental Effects

Pursuant to Section 104(1)(a) of the Resource Management Act 1991, the following assessment of environmental effects has been set out. The assessment has been based on criteria in the Proposed Tasman Resource Management Plan, following key environmental effects in relation to this proposal:

5.1.1 Impacts on Rural Residential Character and Amenity Values

The assessment of effects in the application states that all the properties in the vicinity of the subject site are used in a residential manner, also noting that Ironworks Road contains a range of section sizes from 1464 m² to 7 hectares. The application contends that at 2270 m² and 3361 m² the proposed allotment sizes are in keeping with the existing residential activity along the eastern side of Ironworks Road.

The smaller sub-5000 m² sections are clustered to the south of the Osborne property along a length of approximately 140 metres. By creating two further sub-5000 m² sections on the Osborne property, the length of higher density housing along Ironworks Road will increase by over 50% to 220 metres. This will visually affect the rural residential amenity that still is characteristic of Ironworks Road further intensifying development along its eastern portion. It is contended that the proposed allotment sizes would be more residential in nature than rural residential.

Of additional concern is the proximity of the existing sheds and sleepout located on Lot 1, 1.5 metres from the boundary with Lot 2. This setback is substantially below the 5 metres required for Rural Residential zoned land. The applicant states that by locating the boundary as it is, it will provide for the top of the bank to be the boundary between Lots 1 and 2, and allow any owners of Lot 2 to vegetate the slope for privacy. While planting could be carried out, this reduced setback is more in keeping with Residential zoned land as opposed to Rural Residential zoned land. Despite the vegetated nature of the site, this may adversely affect privacy, noise and visual amenity between the Lots 1 and 2. The following photos (Figures 1 & 2) provide an example of the proximity of the existing dwelling and sheds located on proposed Lot 1 to Lot 2 and the general area on Lot 2 of the gravelled access (Figure 1) and building site (Figure 2).



Figure 1: view from driveway on proposed Lot 2 towards Lot 1 (left) and proposed building site on Lot 2 right (past tree line)



Figure 2: view from driveway (Lot 2) across general area of building site. Note the existing building on Lot 1 in the back right of photo.

5.1.2 Impacts on Traffic

The application states that an extra 6 traffic movements per day along Ironworks Road will be created by this proposal, and that Ironworks Road is formed to a sufficient width, with adequate site distances to cope with the additional vehicle movements.

Section 18.10 of the Proposed Tasman Resource Management Plan deals with the road area of Tasman District. Figure 18.10A 'Road Construction Standards' requires 2-coat chip seal for an access place that serves 7-19 household lots (rural, with dwellings). Currently serving approximately 18 household lots, this standard indicates that Ironworks Road should be sealed. Although this application is for one additional lot only, it will place increased pressure on Ironworks Road (Ironworks Road not being up to the standard required by the Tasman District Council).

Council Development Engineer Dugald Ley has indicated that there will be an effect of extra traffic along Ironworks Road and the safety of the public and pedestrians, based upon the 6-8 additional daily vehicle movements created from this new allotment. He states that if consent is granted conditions involving road widening to 5 metres would be required to the southern boundary of Lot 2, and potentially a footpath required, and site distances from the vehicle accesses to the two allotments would require improvement. This is potentially a more realistic option for mitigating traffic effects on Ironworks Road than sealing the road.

Transit New Zealand has also expressed concerns about traffic safety, due to the substandard nature, and insufficient sight distance of the intersection of Ironworks Road and State Highway 60, and the increased pressure on this intersection, brought about by the additional vehicle movements. Transit predicts an additional 8 vehicle movements per day to be created through this subdivision. The decreasing site distance is substantially below the minimum requirement and may adversely affect safety at the intersection.

5.1.3 Servicing

Both allotments can be adequately serviced on site for both wastewater and water supply. The application includes a composting toilet proposed for Lot 2, and the use of stormwater from rooftops for water supply. The composting toilet will be required to be a specifically designed toilet to ensure appropriate processing and no discharge output (this would be confirmed at building consent stage). No authorisations to discharge waste from the composting toilet have been sought as part of these applications so any discharge would have to meet permitted activity provisions unless subsequently authorised by resource consent. The applicant has sought consent to discharge up to 500 litres per day of greywater, although the volume is well within the 2000 litres permitted by Rule 36.1.6, the proposal does not meet the setback requirements for watercourses. However, the applicant proposed that the bank between the disposal site and the pond will be densely planted therefore “will act as an informal secondary effluent treatment area”. The presence of appropriate plant species will assist to increase the amount of wastewater taken up by the plants, thereby reducing the volume required to infiltrate to subsoils. The pond does not supply a potable water source and is not authorised by resource consent, its usage appears to be for amenity purposes.

The activity meets most requirements of the relevant permitted activity rule, the investigative work that has been undertaken as part of this application for consent has produced a greater understanding of site constraints than may have been obtained had this not been required, so I consider that the effects of the non compliance (i.e. proximity to the pond) are adequately mitigated through design features and recommended conditions of consent such that the effects would be expected to be no more than minor. Particularly given the volume of discharge requested as opposed to that permitted under Rule 36.1.6 and Rule 36.1.4.

Lot 1 will be serviced by an existing onsite wastewater disposal system, this system is required to meet the requirements of Rule 36.1.4 of the proposed TRMP. Roof collection and storage will supply water. Thus the effects of providing adequate services to the site can be mitigated through appropriate conditions and provided compliance are considered to be no more than minor.

5.1.4 Cumulative Effects

As noted in Sections 5.1.1 and 5.1.2, this proposal may have adverse effects on amenity and traffic safety. There are a number of smaller sub-5000m² allotments already existing along Ironworks Road. The cumulative effects of two smaller allotments may adversely affect the existing rural residential character that exists along the length of Ironworks Road.

In terms of cumulative effects, the increase of traffic along Ironworks Road, and the need to upgrade the road must be considered. Although the subdivision will result in only a 6-8 increase in daily vehicle movements, the nature of Ironworks Road as unsealed and without complete drainage along its length, is such that upgrading should be considered if this subdivision consent is granted. Similarly, the cumulative impacts on the intersection of Ironworks Road with State Highway 60 should also be considered, given the safety issues identified by Transit New Zealand.

5.2 Relevant Policy Statement and Plans

The subdivision and any resulting land use activities must be deemed to be consistent with relevant objectives and policies pursuant to Section 104(1)(c) and (d) of the Act. As discussed earlier, the most relevant Plan is considered to be the proposed Tasman Resource Management Plan and will be used in this assessment. Because this was developed to be consistent with the Regional Policy Statement, the assessment would also be considered satisfy assessment under the Policy Statement.

The following summarises the most relevant plan matters and provides brief assessment commentary:

<i>Chapter 5 - Site Amenity Effects</i>	Council must ensure that the character and amenity values of the site and surrounding environment are protected, and any actual or potential effects of the proposed subdivision must be avoided remedied or mitigated, including cross boundary effects.
<i>Objectives: 5.1, 5.2, and 5.3</i> <i>Policies: 5.1.1, 5.1.3, 5.2.1, 5.2.2, 5.2.8, 5.3.2</i>	Policy 5.2.1 is to maintain privacy in residential properties, and for rural dwelling sites. The existing shed's setback of 1.5 metres from the boundary of Lot 2 is inadequate to maintain privacy and amenity values. The reduced allotment sizes may compromise the open space values of the rural area of Onekaka.
<i>Chapter 7 – Rural Environment Effects</i>	Council must manage the effects of land fragmentation on the productive values of land, provide for a range of activities in rural areas, and manage the effects of activities in rural areas, including cross-boundary issues, and effects on rural character and amenity values.
<i>Objectives: 7.2, and 7.3,</i> <i>Policies: 7.2.1A, 7.3.1, and 7.3.9,</i>	Policy 7.2.1A is to enable specific location to be used for purposes such as rural residential activity, but having regard to matters such as servicing availability, transport effects, and the potential for cumulative adverse effects from further land fragmentation. This site has been specifically zoned for rural residential purposes. However an allotment minimum size limit of 5000m ² has been set for Onekaka, and by going below this minimum lot size, the anticipated amenity and character for Ironworks Road is being compromised.

<p><i>Chapter 11 - Land Transport Effects</i></p> <p><i>Objectives 11.1</i></p> <p><i>Policies: 11.1.2B.</i></p>	<p>The potential effects of the proposed subdivision on traffic safety must be avoided, remedied or mitigated. Transit New Zealand has highlighted an issue with the intersection of Ironworks Road and State Highway 60. In its current format this intersection is inadequate, and any additional allotments will add pressure to this situation.</p>
<p><i>Chapter 16.3 – Subdivision</i></p> <p><i>Assessment Criteria: Schedule 16.3A</i></p>	<p>Requires Discretionary Activity resource consent for Residential Zone subdivision.</p> <p>Assessment criteria set out in Schedule 16.3A provide guidance in the assessment of the application for determining appropriate conditions. Key matters such as servicing, amenity values, natural hazards and the effect of the proposal on key resources must be addressed when assessing any application for subdivision consent. Matters most relevant to this application have been covered in the assessment of effects of this report.</p>
<p><i>Chapter 33 - Discharges to Land and Fresh Water</i></p>	<p>Objective 33.1.0 seeks to ensure that discharges of contaminants occur in such a way that avoids, remedies or mitigates adverse effects while maintaining existing water quality and enhances water quality where existing water quality is degraded for natural and human uses or values.</p> <p>Policy 33.1.10 of the proposed Tasman Resource Management Plan promotes and encourages the discharge of wastes to land or constructed wetlands in preference to water because water contamination risks can be significantly less with land disposal systems and land-based systems can provide better opportunities for nutrient recycling and soil improvement.</p> <p>Policy 33.4.1 of the proposed Tasman Resource Management Plan aims to ensure householders are aware of the potential adverse effects that may be created from discharges from on-site wastewater systems, and methods of avoiding, remedying or mitigating them.</p> <p>Policy 33.4.4 proposes to avoid, remedy or mitigate the adverse effects of discharges of domestic wastewater, including cumulative effects, particularly those in the Special Domestic Wastewater Disposal Areas.</p>
<p><i>Chapter 36</i></p>	<p>Required Discretionary Activity resource consent for discharge of greywater to land in a manner than cannot meet permitted activity provisions.</p>
<p><i>Assessment Criteria: Schedule 36.1D</i></p>	<p>Assessment criteria set out in Schedule 36.1D provide guidance in the assessment of the application and to assist in the determination of appropriate conditions.</p>

It is considered that this while this proposal is not contrary to a number of objectives and policies relating to protection of productive land capacity, and the ability to adequately service properties on site, that it is contrary to a number of important objectives and policies relating to amenity values, cumulative effects, and traffic safety.

5.3 Other Matters

5.3.1 Precedent Effects

Precedent effect should be considered if there is nothing that would make this application unique or unusual, and that it is reasonable to assume other residents of Ironworks Road would likely carry out similar subdivisions in future.

As has been noted in the assessment of effects on the environment, the allotment sizes for this subdivision are substantially below the 5000 m² controlled activity criteria. The overall impact of these two smaller allotments on Ironworks is limited to the immediately adjacent sites and portion of the road north to the State Highway.

However, this site is similar to many others along Ironworks Road. If more allotments substantially less than 5000 m² were to be granted subdivision consent along this road, the amenity of the area would be adversely affected. Substantial urbanisation of the area, with both increased building density and the associated increase in traffic would occur.

There is substantial Rural Residential zoned land bordering Ironworks Road that could be subdivided as a controlled activity. A precedent created for discretionary allotments substantially below 5000 m² will have adverse effects that are more than minor upon the character, amenity and servicing of Ironworks Road.

6. CONCLUSION

This subdivision and discharge applications were assessed as Discretionary Activities under the Proposed Tasman Resource Management Plan. It has been processed as a notified application and attracted eight submissions, six in support, one not stating whether supporting or opposing the application, and one opposing.

This application is to subdivide Lot 2 DP 13610, a 5631 m² section located along Ironworks Road, Onekaka, and to discharge greywater within 20 metres of a waterbody on proposed Lot 2 of the subdivision.

A reduced building setback for proposed Lot 1 exists (the existing shed and sleepout to be located 1.5 metres from the boundary of proposed Lot 2 as opposed to 5 metres). In terms of a rural residential environment, the existing buildings on Lot 1 are in close proximity to the proposed building site on Lot 2.

The information provided by the applicant was assessed against the subdivision criteria (Schedule 16.3A). An analysis of the actual and potential effects of allowing the activity, relevant objectives, policies, rules and other provisions of the Proposed Tasman Resource Management Plan, the submissions received and any other matters considered relevant and reasonably necessary to determine the application was carried out.

It is recognised that Transit has strong objections to this proposal based upon effects of increased traffic on the Ironworks Road/SH60 intersection. It is also recognised that several residents/users of Ironworks Road supported the application through submissions, mentioning the low environmental impact of the proposal in terms of servicing, and one specifically requesting that the road not be upgraded.

While the effects on the environment of servicing the proposed allotments could be adequately mitigated through conditions such that the effects would be no more than minor, overall it is considered that the adverse environmental effects associated with this application are more than minor. This is because of the impacts on the rural residential amenity values of Ironworks Road, and the reduced setbacks of buildings between the proposed allotments, affecting privacy and amenity.

Consideration needs to be given to Section 16.5.14 of the Proposed Tasman Resource Management Plan which states:

"Where works, services or land are not available, nor likely to be available within a reasonable timescale, that are considered necessary to meet the needs of a proposed subdivision or development in order to avoid, remedy or mitigate actual or potential adverse effects on the environment; and the applicant will not accept responsibility of providing such works, services or land, nor the money needed by Council to undertake them, the Council may refuse to grant consent."

Given the level of works required on Ironworks Road to ensure the adverse effects are adequately mitigated, it can be considered unrealistic to expect the applicant to pay for this as a condition of consent. As such, the above rule applies in this application.

In terms of objectives and policies of the Proposed Tasman Resource Management Plan, while the proposal is not contrary to many, given it will be providing for residential activity in the rural residential zone, it is contrary to a number of important objectives and policies. These include amenity and traffic related policies.

It is important to consider precedent effect. This subdivision is of an allotment similar in character to others along Ironworks Road, and it is reasonable to assume that if this consent is granted, other similar applications will likely be made. Given the allotment sizes are substantially below the controlled activity 5000 m² minimum, a precedent could be created which will adversely affect the rural residential amenity values along the length of Ironworks Road, by encouraging a much greater density of development than anticipated by the Proposed Tasman Resource Management Plan, and local residents, alike.

The standard of Ironworks Road, and the intersection with State Highway 60 are not adequate enough to cope with the substantial increase in traffic that may result from precedent related subdivisions. In their current format both would require upgrading to satisfy Council and Transit New Zealand for this subdivision.

The proposal is similarly contrary to the assessment criteria from Schedule 16.3A (attached in Appendix B). Assessment criteria 2 relates to the potential effects of subdivision on amenity values and natural and physical character of the area. As described throughout this report, the increased building density that would result from this subdivision, and the reduction in privacy from the reduced setbacks, would adversely affect amenity and character of the area.

Assessment criteria 20 reiterates the need for existing or proposed buildings to comply with the Plan. As noted the sleepout and substantial sized shed on proposed Lot 1 would not meet the requirements, and adversely affect privacy and rural residential amenity within the subdivision.

Assessment criteria 26C and 42 relate to traffic and roading, including the need for adequate safety and site distances. As noted, the intersection of Ironworks Road with State Highway 60 requires upgrading, and the standard of Ironworks Road itself will require improving to cope with additional demand.

6. RECOMMENDATION

It is recommended that pursuant to Section 104B of the Resource Management Act 1991, that Tracey Osborne's subdivision and discharge permit (RM050279 and RM050633) be declined.

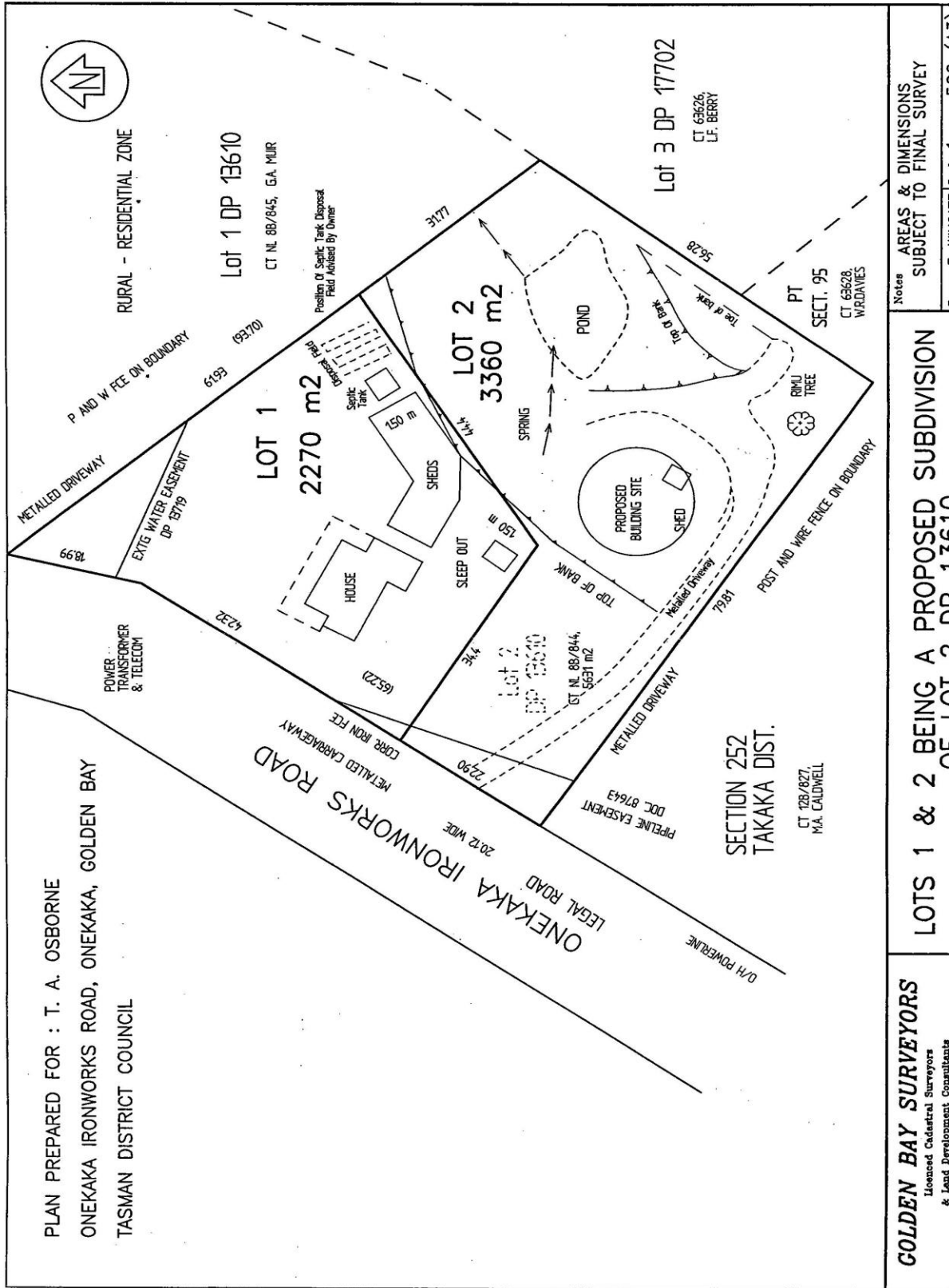
7. REASONS FOR RECOMMENDATION

- a) The allotment sizes are substantially below the controlled activity 5000 m². By substantially increasing the density of buildings, the rural residential amenity values will be adversely affected.
- b) The proximity of the existing buildings on Lot 1 to Lot 2 are such that privacy and amenity values will also be adversely affected.
- c) The standard of the intersection of Ironworks Road with State Highway 60 is inadequate, and effects on traffic movement and safety will be more than minor. Safety will be compromised due to the inadequate.
- d) The precedent effect of allowing a subdivision that is significantly below the controlled activity criteria of 5000 m² is more than minor. The site has much in common with others along Ironworks Road, and it is reasonable to expect that if this subdivision is granted other similar subdivision applications will be made. With further increased density of allotments and buildings along Ironworks Road, the character and amenity will be adversely affected. Pressure on Ironworks Road and the intersection with State Highway 60 would also greatly increase, requiring significant upgrading of both to be up to an acceptable standard.
- e) The improvements required to Ironworks Road and the intersection with State Highway 60 to mitigate any adverse effects would be too costly and would create a situation where the applicant could not reasonably expect to fulfil the conditions of consent.

8. CONDITIONS

The recommendation is that this resource consent application is declined. However, should the Hearings Committee wish to grant the subdivision consent and discharge permit, suggested consent conditions are appended to Appendix C. Transit New Zealand has also supplied draft conditions of consent, should the Hearings Committee wish to grant the subdivision consent. These are appended to Appendix D.

Andrew Tester
MWH Consultant Consent Planner



Schedule 16.3A of the Proposed Tasman Resource Management Plan**General**

- (2) *The potential effects of the subdivision on the amenity values and natural and physical character of the area.*
- (4) *The potential effects of the subdivision on the natural character of the coastal environment, wetlands, lakes and rivers.*
- (5) *Adequacy of provision for public open space, esplanade reserves and esplanade strips.*
- (7) *The adequacy of design, capacity, standard and staging of existing or proposed public utilities servicing the subdivision, including any impact on utilities servicing the wider area and outlets to, or connections with, public systems, and the ability to accommodate future developments on adjoining land, and their ability to avoid, remedy or mitigate effects on a temporary or permanent basis.*
- (8) *The cumulative effects of the subdivision on the District's infrastructure and its efficient use and development, including the capacity and capabilities of the road network and utility services to meet demands arising from the subdivision.*
- (8A) *For water supply, the extent of compliance with the "Drinking Water Standards for New Zealand 1995" or any subsequent replacement of this standard.*
- (9) *The relationship of the proposed allotments with the pattern of adjoining subdivision, land use activities and access arrangements, in terms of future potential cross-boundary effects.*
- (9A) *Where wastewater disposal will occur within the net area of the allotment, the extent of compliance with NZS 4610 "Household Septic Tank Systems" or any subsequent approved replacement of this Standard. For package wastewater systems, whether an equivalent or better level of service can be achieved.*
- (10) *The adequate provision of potable water and water for fire fighting.*
- (11) *Whether the treatment and disposal of wastewater and stormwater from the proposed allotments is likely to adversely affect water quality, public health or environmental health, or safety, taking into account the provisions of Schedule 16.3C and the powers under Section 220(d) of the Act.*
- (12) *Whether the subdivided land has been, or is, subject to contaminants that may be hazardous to the future occupiers of the land and whether sufficient works or other solutions have been undertaken to avoid, remedy or mitigate the hazardous effects.*
- (13) *Taking into account local land form, whether allotments are of a regular shape that will maximise the range and efficiency of potential activities that may take place on the land in the future.*
- (14) *Whether engineering design is appropriate for the circumstances. D 10/98*
- (15) *Whether any landscaping features are proposed and their effects on pedestrian and traffic safety, the functional and aesthetic quality of the area, and potential maintenance costs.*
- (15C) *Proximity of future residential use and development of land to existing transmission lines and provisions to avoid any actual and potential effects on the integrity of existing transmission lines and the health and safety of people.*
- (15D) *The ability of any existing shelter belt, orchard or plantation forest to comply with height and setback requirements of this Plan.*

Buildings

- (20) *The ability of any existing or proposed building to comply with this Plan, including avoiding adverse effects on ridgelines shown on the planning maps.*
- (21) *The effects of existing or future buildings on an allotment in relation to natural hazards and effects on adjoining sites and whether future building or development should be limited to particular parts of the allotment, or minimum floor levels set.*

Site Works Effects

- (25) *The adequacy of provisions for management of construction and site works, including an environmental management plan, to avoid or mitigate any adverse effects from noise, dust, stormwater and silt run-off, and the clearance and disposal of vegetation and other waste.*

Transport, Access and Roads

- (26) The degree of compliance with provisions of the current Tasman District Council District Engineering Standards, or the ability to achieve acceptable standards by alternative means.*
- (26A) The proximity, safety and ease of access between any site and the nearest collector, distributor or arterial road, including:
 - (i) the number of intersections between the frontage of any site and the nearest of those roads;*
 - (ii) the driving time between any site and the nearest of those roads;*
 - (iii) the walking distance between any site and an arterial or distributor road, along public roads, pedestrian ways, or footpaths through reserves.**
- (26C) The extent to which an existing road needs to be up-graded to manage effects of traffic generated by the subdivision, taking into account the existing state and use of the road and the construction standards of Chapter 18.10 rules for that particular class of road.*
- (28) The ability to comply with the site access and vehicle crossing requirements of Rule 16.2.2.*
- (31) The adequacy of road layout, including road access to adjoining land.*
- (32) The provision, design and routes of cycleways, walkways and bridle-paths, including linkages between any site and local retail areas, schools, reserves, bus routes and arterial roads.*
- (33) The effect of roads and private vehicular access on waterways, ecosystems, drainage patterns or the amenities of adjoining properties.*
- (35) The necessity for, and appropriateness of, sealing Rural Collector and Access Roads.*
- (39) The necessity for, and appropriateness of, the provision of footpaths and kerb drains on rural roads.*

Stopping and Sight Distances

- (42) The effects of road safety where prescribed safe stopping distances and minimum sight distances are not provided.*

Frontage to Unformed Legal Roads

- (43) The appropriateness and cost effectiveness of the formation of the road.*
- (44) The need for improvements to intersections.*
- (45) The need for and extent of any financial contributions towards the road formation.*

Recommended Conditions, if the Hearing Committee chooses to grant consent:

If Council is satisfied that the application meets the requirements of the Resource Management Act 1991, the following consent conditions may be appropriate:

RM050279

Subdivision Consent

1. The subdivision development shall be undertaken in general accordance with the application and scheme plan and additional information supplied, particularly the scheme plan date stamped 12 July 2005, prepared by F. Wingate of Golden Bay Surveyors, the resource consent application dated 5 April 2005, and the additional information date stamped received 12 July and 26 July 2005. In addition, if there is any conflict between the information submitted with the consent application and any conditions of this consent, then the conditions of consent shall prevail.
2. Live telephone and electric power connections shall be provided to the boundary of Lot 2 and all wiring and connections shall be located underground and be to the standard required by the supply authority. Confirmation that these requirements have been met shall be provided by way of a statement from the supply authority and a copy of the supplier's certificate of compliance shall be provided to the Council prior to a completion certificate being issued pursuant to Section 224(c) of the Resource Management Act 1991.
3. The consent holder shall pay a financial contribution (for reserves and community services) to the Council. The amount of the financial contribution payable shall be 5.5% of the total market value (at the time the subdivision is granted) of a notional building site on Lot 2 of 2500m². The consent holder shall engage the services of a registered valuer to undertake this assessment and a copy of the valuations shall be forwarded to the Council for calculation of the financial contribution. If the financial contribution payment is not made within two years of the date of granting of this consent, the consent holder shall prepare a revised valuation and the financial contribution shall be recalculated.
4. That Ironworks Road shall be widened to a 5.0 metre basecourse carriageway width, with widening carried out to its eastern side. This widening should be from the intersection with State Highway 60 up to the southern boundary of Lot 2.
5. Site distances from the vehicle accesses to Lots 1 and 2 shall be improved to meet Council standards (insert Figure 16.2C from Proposed Tasman Resource Management Plan). This may involve removal of shrubs and vegetation along the road reserve.
6. (A gravel footpath separate from the carriageway shall be laid on road reserve from the southern boundary of Lot 2 to the intersection of Ironworks Road with State Highway 60. Exact positioning of this footpath shall be submitted for approval from Council's Engineering Department.)
7. That a chartered professional engineer shall certify that an appropriate building site is available on Lot 2.

8. That a landscape plan for the length of the shared boundary of Lots 1 and 2 shall be submitted to Council for approval, and carried out within one planting season of approval. The landscape plan shall address privacy between the two allotments.

Consent Notice:

9. That any discharge of domestic wastewater shall be undertaken in accordance with Resource Consent RM050633 or in accordance with permitted activity criteria of the Proposed Tasman Resource Management Plan.

Advice Notes:

1. The consent holder is advised that the Council will require the payment of a development contribution prior to the issue of a completion certificate, issued pursuant to Section 224(c) of the Resource Management Act 1991. The development contribution that is payable is as is set out in the Development Contributions Policy, prepared pursuant to the Local Government Act 2002. The Development Contributions Policy is found in the Long Term Council Community Plan (LTCCP). The consent holder is advised that the amount to be paid will be in accordance with the requirements which are current at the time the relevant development contribution is paid in full. This consent will attract a development contribution in respect of roading only and will be based on the creation of 1 additional allotment.
2. Rainwater from the roofs of buildings built on Lot 1 shall be collected and stored in an on-site water storage tank that has a capacity of not less than 35,000 litres. This tank shall be fitted with an accessible 50 millimetre diameter "Camlock" coupling to enable connection with fire fighting equipment.
3. That a 23000 litre minimum size water supply tank shall be installed prior to building on Lot 2.
4. That discharges of stormwater shall be in accordance with Rule 36.4.2 of the Proposed Tasman Resource Management Plan unless subsequently authorised by resource consent.

RM050633

Discharge of Greywater

1. All domestic wastewater shall be treated and discharged to ground by soakage trenches in accordance with the information submitted with the application for resource consent RM050633 and Appendix 1 attached.
2. The discharge shall only comprise of wastewater generated from the domestic dwelling on Lot 2 but shall not include toilet waste from this dwelling.

Advice Note:

A composting toilet has been proposed to deal with toilet waste from the dwelling, no discharge from the composting toilet was sought to be included in this consent. The discharge of wastewater authorised by this consent would include wastewater generated from laundry, bathing, hand washing, and kitchen.

3. The maximum daily discharge volume shall not exceed 500 litres.
4. All pipe work and fittings associated with the treatment and disposal system shall be specifically constructed for the disposal of domestic wastewater.
5. The construction and installation of the wastewater treatment plant and disposal system shall be carried out under the supervision of a person who is suitably qualified and experienced in wastewater treatment and disposal systems.

The person supervising the construction and installation of the system shall provide a written certificate or producer statement to the Council's Co-ordinator, Compliance Monitoring prior to the exercise of this resource consent. This certificate or statement shall include sufficient information to enable the Council to determine compliance with Conditions of this consent and shall include a set of final "as built" plans.

6. The wastewater disposal area (including the reserve area) shall be located not less than; 5 metres away from any surface water body; and 20 metres from any bore for domestic water supply; and 1.5 metres from any adjoining property; and there shall be not less than 600 millimetres of unsaturated soil from base of disposal trench to the seasonal groundwater level.
7. A suitable wastewater disposal reserve area equivalent to not less than 100 % the size of the primary disposal area shall be kept available for future use for wastewater disposal. This reserve area shall remain undeveloped and shall be located within the boundaries of the subject property.
8. The disposal area including the designated buffer area (marked on Appendix 1) shall be planted with species suitable for wastewater uptake prior to the exercise of this consent; these plants shall be maintained in good health for the duration of this consent. The disposal area shall only be used for wastewater disposal and the boundaries of the area shall be clearly delineated by vegetation or other type of border.
9. There shall be no ponding or runoff of wastewater on the ground surface or any direct discharge or run-off of wastewater to surface water.
10. The wastewater treatment and disposal system shall be inspected and serviced on a regular basis (not less every three years) by a suitably experienced Wastewater Service Provider. A copy of the service provider's maintenance report shall be forwarded to the Council's Co-ordinator, Compliance Monitoring within one month of each inspection. The inspection report shall include, but not be limited to, the following information: the date the inspection was undertaken and the name of the service provider; any maintenance undertaken during the visit or still required; a description of the appearance of the filter/s and tanks; the location and source of any odour detected from the system during the inspection; and a description of the appearance of the disposal area (ponding, vegetation growth etc).
11. The wastewater treatment system shall be maintained and operated in a well functioning and appropriate manner at all times.

Advice Note:

The Consent Holder is advised that the discharge of wastewater from an appropriately designed, well functioning greywater treatment system should comply with the following wastewater quality standards;

- | | |
|--|-------------------------|
| (i) Five day biochemical oxygen demand | 30 milligrams per litre |
| (ii) Total suspended solids | 45 milligrams per litre |

The Consent Holder is further advised that careful management of inputs to the treatment plant will be required to enable adequate treatment to occur, cleaning products will need to be carefully controlled and inputs from the kitchen sink (foodscraps, fats, oils and greases) will need to be minimised.

12. A sampling point, to allow collection of a sample of the treated wastewater, shall be provided at a point located directly after the final pump-out chamber and before the point where the wastewater discharges to the disposal field. Details of the location of this sampling point shall be forwarded to the Council's Co-ordinator, Compliance Monitoring prior to the exercise of this consent.

Advice Note:

Specific sampling of the wastewater discharge authorised by this consent has not been required by condition of consent due to the low discharge volumes anticipated. However, Council may undertake visual inspections of the wastewater treatment and disposal system and in addition the Council reserves the right to collect samples of the discharge at any time, and irrespective of whether the conditions of consent are being complied with.

13. The Council may, in the period 31 May to 31 August 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:

- (i) 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
- (ii) 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
- (iii) reviewing the contaminant limits, loading rates and/or discharge volumes and flow rates of this consent if it is appropriate to do so; and/or
- (iv) reviewing the level of and frequency of monitoring and/or number of determinants analysed if the results indicate that this is required and/or appropriate.

14. Pursuant to Section 36 of the Resource Management Act 1991, the permit holder shall meet the reasonable costs associated with the monitoring and administration of this permit. Costs can be minimised by consistently complying with the conditions of this consent and thereby reducing the frequency of Council visits.

Advice Notes:

1. Any matters not referred to in this application for resource consent or otherwise covered in the consent conditions must comply with the proposed Tasman Resource Management Plan and/or the Resource Management Act 1991.
2. The Consent Holder is reminded with regards to Advice Note 1, the discharge may not create an offensive or objectionable odour beyond the property boundary and all associated excavation work must comply with the permitted activity requirements of the Tasman Resource Management Plan unless otherwise authorised by resource consent.
3. Health Bylaws, Regulations and Acts. A Building Consent is required for any drainage works.
4. All reporting required by this consent shall be made in the first instance to the Tasman District Council's Co-ordinator, Compliance Monitoring.
5. Council draws your attention to the provisions of the Historic Places Act 1993 that require you in the event of discovering an archaeological find (e.g. 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 shall be notified within 24 hours. Works may recommence with the written approval of the Council's Environment and Planning Manager, and the New Zealand Historic Places Trust.
6. References to wastewater in this consent refer to all domestic wastewater generated from the proposed dwelling excluding toilet waste.

Appendix D

Transit New Zealand – Draft recommended conditions should the Hearings Subcommittee choose to grant consent

- i) That the Iron Works Rd / SH60 intersection be relocated to the south, to a point in the vicinity of the southern entrance to the existing bus bay, so that sight distances to the south are improved and sight distances to the north are retained. The new intersection is to be constructed to a standard suitable for the anticipated AADT of >100vmpd, with the design to be approved by Transit New Zealand.

Alternately; the do minimum approach would be:

- ii) Remove and re-establish the exiting 'Iron Works Road' sign and the small landscaped berm that currently separates the bus bay from the state highway so as to improve sight distances to the south (note: this improvement will not achieve Transit's minimum standards as per the PPM).