



STAFF REPORT

TO: Environment & Planning Subcommittee

FROM: Mark Morris, Senior Consent Planner, Subdivision

REFERENCE: RM030632

SUBJECT: **CBH LTD – REPORT EP05/11/16** - Report prepared for 28 November 2005 Hearing

APPLICANTS

CBH Ltd

PROPOSAL

Section 127 application to resource consent RM030632 in regard to the land use consent and the subdivision consent.

LOCATION

The Coastal Highway/Greenacres Road

LEGAL DESCRIPTION

CT's NL 84441, 84439, 1D/1219, 95551, 116/69, 10A/1078 and Id. 79823.

1. INTRODUCTION AND BACKGROUND

The subdivision and landuse consent RM030632 was issued on 21 July 2005. No appeals have been received and so the consent is considered to be in "effect".

On 25 August a section 127 variation application was received by Council to the seek the following:

1. Vary the subdivision so that Lots 57 and 58 are contained within Lot 57 and there be no Lot 58.
2. Except for the main Access road to vest, all the approved Access places are to become rights of way.
3. The esplanade strip along the Redwood Valley Stream is to be 10 metres on the northern bank and 5 metres on the southern bank.
4. Minor change to Lot 47 boundary to allow frontage to the access road for Pt Lot 5 DP 8252.

5. The approved building site within the existing Lot 2 is contained within Lot 77 and the Lot 2 is to be held together in common with Lots 45 and 66.
6. Lot 1 is to be subdivided by way of a boundary adjustment and amalgamated with Lot 2 DP 320175 (CT 79823).

A discharge consent was also applied for under RM050727. Any issues relating to this consent will be dealt with in Natasha Lewis's report.

This report will be limited to matters relating to the variation to the subdivision and land use consent.

The proposed variation was publicly notified on 10 September 2005 and following is a summary of the submissions that were specific to the proposed variation.

JA Johnston

Opposed to the creation of Lot 77 as it is outside the Rural 3 zone and this would set a precedent for other applications.

2. SECTION 127 VARIATION TO RM030632

1. Vary the subdivision so that Lots 57 and 58 are contained within Lot 57 and there will be no Lot 58.

Comments:

This is in response to the requirement of Condition 1(a) of the subdivision consent which requires that "Lot 58 shall be deleted and merged with Lots 59 and 57 in equal parts."

This variation meets the requirements of this condition.

2. Except for the main Access road to vest, all the approved access places are to become rights-of-way.

In the subdivision consent decision four access places were required. Access Places are generally required where there are more than six users. In this case each of the access places is relatively short and the section of road that has more than six users is very short, usually no more than 30 metres.

The Council's Development Control Engineer, Dugald Ley has advised that in this particular location, the Engineering Department would be happy with them changing to rights-of-way.

None of the public walkways link through to these access places so there does not appear to be any public access concerns from having them as rights-of-way instead of roads.

3. The esplanade strip along the Redwood Valley Stream is to be 10 metres on the northern bank and 5 metres on the southern bank.

This is a relatively minor variation as the proposed walkway and planting will be on the northern side. The 5 metre width on the southern side is in line with the adjoining Lot 2 DP 320175 (upstream) which also has a 5m width.

4. Minor change to Lot 47 boundary to allow frontage to the access road for Pt Lot 5 DP 8252.

This is a very minor change to the Lot 47 boundary that was required under condition 1 (d) of the consent decision.

5. The approved building site within the existing Lot 2 is contained within Lot 77 and the Lot 2 is to be held together in common with Lots 45 and 66.

The reason for this variation is now that Lot 2 is now to be used for the effluent disposal field for the main subdivision and is to be held with Lots 45 and 66 which will be managed by the resident's association.

The original Lot 1 and 2 title had at least 12 hectares of Rural 1 land and therefore had the right for at least one dwelling which was located in what is now Lot 77. The overall density of the Rural 1 zone is unchanged in that no dwelling will allowed to be built on Lot 2 and Lot 1 will be amalgamated with an adjoining orchard.

There is concern from one of the submitters that the creation Lot 77 will create a precedent for further residential subdivision outside the Rural 3 zone.

However in the context of the fact that the site has over 12 hectares of Rural land and that no more than one dwelling will be allowed on the Rural 1 side of the ridgeline running through the site, I do not believe the creation of Lot 77 will create a precedent for further residential development in the Rural zone.

6. Lot 1 is to be subdivided by way of a boundary adjustment and amalgamated with Lot 2 DP 320175 (CT 79823).

Lot 1 contains the main area of land that could be considered to be highly productive. It is physically separate from the rest of the site by the Redwood Valley stream. It is more practical that it be managed as part of an amalgamated title with Lot 2 DP 320175 which will create an amalgamated lot of 20.8 hectares which will provide a greater degree of productive versatility than the single 2.8 hectares area within Lot 1.

3. RECOMMENDATION

Resource Consent be varied in regard to the following conditions:

Condition 1 be replaced with the following :

1. The subdivision and development shall be carried out in accordance with the application plan by Aubrey Survey and Land Development Consultancy Job No R594 dated August 2005.

Condition 5 be varied in regard to with the following:

- i) Lot 1 hereon be amalgamated with Lot 2 DP 320175 (CT 79823) and one certificate of title issue.
- ii) (unchanged)
- iii) (unchanged)
- iv) Lot 2, 45 and 66 hereon be held together and one certificate of title be issued for the three parcels.

DLR reference to be advised.

Condition 7 to be deleted.

Condition 11 be varied to include the following paragraph:

“Where a site has a frontage to both an access road and a right-of-way (that it has access rights to), the vehicle crossing shall be located on to the right-of-way, ensuring that the crossing is as far from the intersection as possible.”

Condition 28 be replaced with the following:

“ No dwelling or residential dwelling shall be located on Lots 1 and 2.”

M D Morris
Senior Consent Planner, Subdivision