



STAFF REPORT

TO: Environment & Planning Subcommittee

FROM: Deborah Hewett, Consent Planner, Subdivision

REFERENCE: RM060545

SUBJECT: **M HUME and K JARRETT – REPORT EP07/02/14 – Report prepared for 19 February 2007 hearing**

1. OBJECTION

On 20 October 2006 the Council received an objection under Section 357 of the Resource Management Act 1991 to conditions of Resource Consent RM060545 from Gowland Surveyors, agent for the applicant M Hume and K Jarrett.

The agent / applicant objects to the following Condition:

Right-of-way

3. a) Right-of-way A shall have a minimum legal width of 4.0 metres, and a minimum carriageway width of 3.5 metres.
- b) Right-of-way A shall be formed and permanently surfaced to a minimum width of 3.5 metres. Kerb and channel (1 x 0.5 metres) shall be placed on one side and a concrete edge restraint on the other side, with adequate provision for drainage, including sumps as necessary.
- c) The permanent surface of Right-of-way A shall be a minimum surface standard of a Grade 4 chip first coat, followed by a Grade 6 void fill second coat.
- d) The seal formation shall extend to the back of the kerb crossing.

The subdivision plan (Attachment 1) shows the location of the property and the Right-of-way A.

2. REASONS FOR THE OBJECTION (Refer letter dated 20 October 2006 (Attachment 2))

1. The circumstances do not warrant a full upgrade of the right-of-way.
 - The land to be transferred as part of the boundary adjustment contains an old storage shed that houses a classic car
 - Access to the storage shed is, and has always been, by means of the sealed driveway.

- Access is used about once a week, and the proposed ROW is solely to protect that usage
 - The right-of-way is not for the benefit of the existing dwelling on Lot 2. That dwelling has access off Waitapu Road and does not need alternative access.
2. The applicants accept that some maintenance work is required on the existing sealing of the driveway of Lot 1
 3. The condition is neither fair nor reasonable and out of context with the minor nature of the application.

3. RELEVANT PROVISIONS

Proposed Tasman Resource Management Plan

Proposed TRMP Chapter 16.2 sets out the permitted activity standards for access. Rule 16.2.2 Access (b) “The site of the activity is provided with an access, laid out and constructed in accordance with the standards in Figure 16.2A...”

Schedule 16.3A also sets out the assessment criteria for subdivision (Transport, Access and Roads)

The relevant matters are:

(26) The degree of compliance with provisions of the current Tasman District Council Engineering Standards, or the ability to achieve acceptable standards by alternative means.

(28) The ability to comply with the site access and vehicle crossing requirements of Rule 16.2.2 (Attachment 3).

4. RESPONSE TO OBJECTION POINTS

The following provides a brief response to the three matters identified in the S357 objection lodged with the Council.

1. The condition imposed reflects the permitted activity requirements of the TRMP relating to ‘Standards for On-site Access and Vehicle Crossing’ (Figure 16.2A) for 2-4 users in the residential zone. The application did not seek an alternative to the permitted activity standard.
2. The standard does not deal with vehicle movements but discrete household or business units. The subdivision and subsequent right-of-way results in Lot 2 having rights to use the right-of-way but does not limit vehicle movements. A consequence of the subdivision and right-of-way is that the allotments are highly likely to end up in different ownership unlike the existing situation. The formation standards for right-of-ways ensure that the right-of-way has a formation and surface standard that is robust, able to provide for stormwater disposal, and capable of accommodating the present and future use.

3. The access at present is substandard for a right-of-way; whilst there is sufficient width to meet the minimum legal width the formation and seal standards are not adequate. No kerb and channel is provided for stormwater management (and sumps) and an area of the proposed right-of-way is not sealed. In some places the existing seal has failed.
4. It is possible to further subdivide Lot 2 or erect a second dwelling as a controlled activity with the present arrangement of dwellings any access would make use of the right-of-way.

Photographs of the access to become Right-of-Way A are shown in Attachment 4.

5. RECOMENDATION

That the section 357 objection be declined and Condition 3 be upheld.

Deborah Hewett
Consent Planner, Subdivision









STAFF REPORT

TO: Environment & Planning Subcommittee
FROM: Dugald Ley, Development Engineer
REFERENCE: RM060545
SUBJECT: 357 OBJECTION – HUME AND JARRETT, 19-21 WAITAPU ROAD

1. INTRODUCTION

The above two properties are to have a boundary alteration together with the creation of a right-of-way over Lot 1 in favour of Lot 2.

2. BACKGROUND

The above consent carried with it Council's standard conditions requiring stormwater control and sealing to a specified width as per the Tasman District Council Engineering Standards.

The application and attached photos show that parts of the access have a seal coat which is showing signs of deterioration and parts of the access are in a gravel formation.

3. DISCUSSION

Council has a duty under its standards to ensure that when a right-of-way is constructed it will give good service and be constructed with materials that are competent for the intended use.

The present surfacing which has an unknown pavement depth may fail prematurely due to lack of pavement depth and lack of stormwater control where stormwater can gain access to those pavement layers. Subsequently, soft areas will eventuate and failure will occur.

The southern part of the proposed right-of-way is also only formed with gravel and again, with increased vehicle use, will deteriorate over time.

The applicant advises that the right-of-way will only have intermittent use. However, Council cannot tag a right-of-way to a particular use or to a set number of vehicle movements.

It is highly likely that there is potential for a re-subdivision of Lot 2 to create a new residential section and this could create the potential for ten vehicle movements per day in addition to the front lots vehicle movements.

4. SUMMARY

It is Engineering's view that the right-of-way needs to be constructed to a standard. If the existing pavement under the seal can be shown to be competent in regard to base-course depth and compaction, then that area may only need to be patched and resealed.

The remaining unformed parts of the right-of-way to gain the 3.5 metre width, together with stormwater control, i.e. kerb and channel and sumps are required to be formed up and constructed.

5. RECOMMENDATION

THAT the conditions of consent under Clause 3 "Right-of-Way" be confirmed.

Dugald Ley
Development Engineer