



## STAFF REPORT

**TO:** Environment & Planning Subcommittee

**FROM:** Mark Morris, Senior Consent Planner, Subdivision

**REFERENCE:** RM070169 and RM070170

**SUBJECT:** **I F and N D KEARNEY - REPORT EP07/09-16** - Report prepared for 24 September hearing

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### 1. APPLICATION BRIEF

#### 1.1 Proposal

The application is for the following consents:

- **RM070169**  
Subdivision consent to subdivide an two existing titles of 2.0863 hectares (being CT NL 111/234 and CT 8178) to create the following:
  - Seventeen allotments (proposed Lots 1-17) of between 830 and 860 square metres)
  - Road to vest of 1,365 square metres.
  - One allotment (proposed Lot 18) of 4,729 square metres containing an existing dwelling.
- **RM070170**  
A land use consent to construct a single dwelling on each of the proposed Lots 1-17 of the subdivision described above (Application RM070169). The application seeks, for each dwelling on the proposed Lots 1-17, to apply the Residential Zone permitted activity rule criteria in respect of site coverage (up to 33% site coverage) and setbacks (as set out in Rules 17.1.4(r)-(t) of the Proposed Tasman Resource Management Plan.

#### 1.2 Location, Legal Description and Background

The property is located at 104 Champion Road, being the corner of Champion Road and Park Drive, Richmond.

The legal description of the land is Pt Sec 93 Waimea East District (CTs NL 111/234 and 8178).

#### 1.3 Zoning and Consent Requirements

The land is zoned Rural Residential (Serviced) under the Proposed Tasman Resource Management Plan.

The subdivision is considered to be a Discretionary Activity under the relevant rules of the Proposed Tasman Resource Management Plan in that the minimum lot size is less than 2000 square metres required under the controlled activity rule 16.3.10 for the Rural Residential (Serviced) zoned land.

## **2. INTRODUCTION**

### **2.1 The Application Site and Background.**

The 2 hectare site is at the intersection of Champion Road and Park Drive.

The property has house and established trees and gardens in the north eastern corner, with the rest of the site divided into small paddocks divided by shelter belts.

The entire site is relatively flat sloping towards the north.

The applicant proposed to create a larger title (lot 18) of 4729 square metres with the rest of the lots (1-17) being between 830m<sup>2</sup> and 866m<sup>2</sup>. Most of the lots (1-14) will access via a proposed cul-de-sac off Park drive and three lots (15-17) will access directly off Champion Road.

## **3. NOTIFICATION, SUBMISSIONS and AFFECTED PARTIES CONSENT.**

The application was publicly notified on 7 July 2007.

Fourteen submissions were received.

### **1. Graham L Clark (38 Park Drive)**

Did not support or oppose the application, but was concerned about the increased traffic entering the Champion Road and Hill Street intersection, which is already poorly designed and confusing. Extra traffic will add to this confusion. This corner needs a traffic island.

Did not wish to be heard.

### **2. Dunstan Group Ltd**

Supported the application for the following reasons:

- This is the best use of the land.
- The size of the sections are big enough to create a nice visual open area with clustering of the houses.
- The applicant has taken time to considered the existing surrounding developments as being the best way to improve the land.

Did not wish to be heard.

### **3. Granville Dunstan**

Supported the application stating that the proposed activity is in keeping with other developments surrounding it and it will be the best use of this land.

Did not wish to be heard.

### **4. Malcolm J and Doreen A Newport (1 Highland Drive)**

Opposed to the application for the following reasons:

- The section sizes should be consistent with the rest of the Park Drive area.
- The average size (excluding Lot 18) is 841 square metres, whereas the average for the rest of the Park Drive Area is approximately 1010 square metres.
- There is no provision for a reserve area. It will be a long walk to the nearest play area in Highland Drive.

There should be a walkway established so that people can connect up with the walkway in Riding Grove.

Any subdivision of this block should have a footpath formed from Park Drive to Hill Street.

When we purchased our property we understood that this block could only be subdivided into a minimum of 2000m<sup>2</sup> sections.

Wished to be heard.

### **5. Tony Gray (15 Park Drive)**

Opposed to the application for the following reasons:

- Previous developments in the Park Drive area were consented for larger sections with significant restrictions on the type and nature of development. These restrictions are undermined by this application.
- The building of second road access onto Park Drive next to the proposed right-of-way access for the adjoining subdivision of six sections would lead to possible exit/entry problems.

The number of sections should be decreased so that the individual lot size coincides with the average size of the existing sections in Park Drive.

Access needs to be created on to Champion Road and a pedestrian walkway needs to be formed on Champion Road.

Did not wish to be heard.

## **6. Stephen G Russ (24 Park Drive)**

Opposed to the application for the following reasons:

- The subdivision into Lots under 950 square metres would be detrimental to the character of the area.
- The attraction of this area is the rural nature of the surroundings.
- Having another access road will also be detrimental to the area, particularly as it is so close to Perendale Close.

The shelter trees along the Park Drive boundary should be retained.

Each of the allotments should be a minimum of 950m<sup>2</sup> in area and that the access should be from Champion Road only.

Specimen trees should be incorporated into the roadside planting within the new development.

Did not wish to be heard.

## **7. Derrick Byron (6 Ridings Grove)**

Opposed to the application for the following reasons:

- The development further erodes green space between Richmond and Stoke.
- The residential zone status should not be granted over rural residential.

All sections should take their access from Champion Road to ensure road safety in the area.

The Champion Road/Hill Street intersection needs improvement to ensure road safety.

Champion road requires full pedestrian footpaths and verges and a cycle lane to ensure pedestrian safety.

Did not wish to be heard.

## **8. Lynne Robinson (3 Highland Drive)**

Opposed to the application for the following reasons:

- Subdivision into smaller lots is not in keeping with the rest of the Park drive estate.
- Driveways directly accessing onto Upper Champion Road are dangerous and not in keeping with the rural nature of the area.

- The cross roads at the intersection of Hill street and Champion Road will be dangerous with more traffic. This would be further compounded by the additional subdivisions in lower Champion Road.
- With other subdivision developments approved in lower Champion road, next to Garin College, there is currently sufficient supply of sections in the area.

Did not wish to be heard.

#### **9. Russell Gifford and Diana Remington (9 Park Drive)**

Opposed to the application for the following reasons:

- The lot sizes are less than what is allowed under the rural residential zone rules.
- The proposed allotments are smaller than the other approved subdivisions in the area.
- To approve a subdivision would be a huge disservice to the people who purchased properties in this area on the understanding that they would be protected by the rural residential rules.
- This subdivision will create a precedent for further reductions in lot sizes in the development of adjoining land.
- The new access road will cause major problems increased traffic from the 14 lots.
- There is no mention of reserves or tree planting as part of the subdivision.
- The large oak tree close to the Park drive frontage should be retained and protected.

Wished to be heard.

#### **10. Colin Delaney (7 Park Drive)**

Opposed to the application for the following reasons:

- Having the main access off Park drive will cause traffic access problems because of the narrowness of the road.
- The lot sizes should not be smaller than what has already been approved in the area.

Requested that the large oak tree close to the Park drive frontage should be protected.

Wished to be heard.

## **11. David and Judith Spenser (10 Park Drive)**

Opposed to the application for the following reasons

- The proposed lot sizes are not in accordance what has already been approved in the area. The average size for the new allotments is 841 square metres which is much smaller than the adjoining Perendale Close subdivision which has an average section size of 1015 square metres. The overall average lot size in the Park Drive area is 1012 square metres.
- The proposed lot size should not be less than the 1000 square metre lot size that is common in the Park Drive Area.
- The proposal to take the main access off Park Drive will create traffic problems.
- The proposed street intersection on to Park Drive will have access problems because of the curve in Park Drive that hinders visibility.
- A significant oak tree is sited on the Park Drive boundary and is a significant feature of the Park Drive landscape.
- The approval of a subdivision such as this one, would create an undesirable precedent for further subdivision to create smaller lots on the other properties in the Park Drive area.
- The application gives no information on the "covenants" that are mentioned in the application.

Wished to be heard.

## **12. Richmond South Gospel Hall Trust Incorporated. (61 Hill Street)**

Are neighbours to the applicant's property.

Did not support or oppose the application, but asked that the application be granted.

Did not wish to be heard.

## **13. Jeffrey Alexander and Rosalie Jones (12 Park Drive)**

Opposed to the application for the following reasons:

- The subdivision will significantly adversely affect the environment and amenity of the neighbourhood of Park Drive.
- It will create additional traffic effects and in particular there will be traffic conflicts at the new road connection to Park Drive which is only 100 metres before the major Park Drive/Champion Road intersection.

- The narrowness of the proposed road coupled with the right-of-way access at the cul-de-sac head and the smaller lot size will inevitably result in overflow parking on Park Drive.
- The main access to the subdivision should come off Champion Road not Park Drive.
- The average size of the residential lots is 841 square metres not the 1056 implied in the application.
- The reference to the adjoining subdivision (RM060753) is misleading in that it includes the access lot in the lot sizing when the average lot size is bigger than this subdivision.
- This subdivision will create a new “minimum” standard instead of the present 1000 square metre average for Park Drive that exists at present.
- It is unreasonable to reduce lot sizes further, at the tail end of a staged development when landowners have purchased into the area on the basis of the protection of the rural residential zone.
- The subdivision will create a precedent for further development on the hill block on the south east side of Park Drive.

The large Oak Tree next to Park Drive should be protected.

Wished to be heard.

#### **14. John and Kathleen Gale (16 Park Drive)**

Opposed to the application for the following reasons:

- The average lot size in this subdivision is significantly smaller than all the previous subdivisions in the Park Drive area.
- The main access road should be off Champion Road, not Park Drive, which will cause additional traffic movements on to the Park Drive Champion Rd intersection.
- The applicant should have to provide footpath from the corner of Park Drive to the Hill Street intersection with Champion Rd.
- We bought into this area on the understanding that lot sizes would not be reduced further than the current 1000 square metre average and that this “modified” rural residential standard would be kept.
- The existing Park Drive reserve is too far for young kids to walk to. An open space reserve should be provided as part of the subdivision.

Wished to be heard.

## **Affected Parties Consent**

The applicant has provided the signed written consent from the following parties:

- i) Owner of 51 Hill Street
- ii) Owner of 53 Hill Street.
- iii) Owner of 55A Hill Street
- iv) Owner of 57 Hill Street.
- v) Owner of 59 Hill Street
- vi) Owner of 61, 65 and 67 Hill Street. (B Richards, who owns the property adjoining the south western boundary which is being developed under RM060753)
- v) Owner of Lot 74 DP 302052, which is narrow strip of land separating the site from Park drive.

## **4. STATUTORY CONSIDERATIONS**

### **4.1 Resource Management Act**

#### **Part II Matters**

In considering an application for resource consent, Council must ensure that if granted, the proposal is consistent with the purpose and principles set out in Part II of the Act.

If consent is granted, the proposed subdivision must be deemed to represent the sustainable use and development of the land resource. The critical issue of this consent is the potential effect of that subdivision and development on rural land values.

These principles underpin all relevant Plans and Policy Statements, which provide more specific guidance for assessing this application.

#### **Section 104**

Subject to Part II matters, Council is required to have regard to those matters set out in Section 104. Of relevance to the assessment of this application, Council must have regard to:

- Any actual and potential effects of allowing the subdivision to go ahead (Section 104 (1) (a));
- Any relevant objectives and policies in the Tasman Regional Policy Statement, and the Proposed Tasman Resource Management Plan (Section 104 (1) (b) );



- Any other relevant and reasonably necessary matter(s) to determine the consent (Section (1) (c)).

In respect of Section 104 (1) (b), the Proposed Tasman Resource Management Plan is now considered to be the dominant planning document, given its progress through the public submission and decision-making process.

Section 104B sets out the framework for granting or declining consent based on the status of an activity as set out in the relevant Plan.

## **4.2 Tasman Regional Policy Statement**

The Regional Policy Statement seeks to achieve the sustainable management of land and coastal environment resources. Objectives and policies of the Policy Statement clearly articulate the importance of protecting land resources from inappropriate landuse and development.

Because the Proposed Tasman Resource Management Plan was developed to be consistent with the Regional Policy Statement, it is considered that an assessment under the Proposed Plan will satisfy an assessment against Policy Statement principles.

## **4.3 Tasman Resource Management Plan**

The Plan that is most relevant in the assessment of this application is the Proposed Tasman Resource Management Plan, due to the fact that the Rural 2 zoning that applies to this property is effectively operative.

The most relevant Objectives and Policies are contained in: Chapter 5 'Site Amenity Effects' and Chapter 6 'Urban Environment Effects'. These chapters articulate Council's key policies and objectives that would relate to this site.

The most relevant Rules which follow from these imperatives are contained in Chapter 16.3 'Subdivision' and Chapter 17.6 'Rural Residential Zone'. The assessment criteria set out in 16.3A, which are provided to guide Council in evaluating the proposed subdivision.

Details of the assessment of the proposed subdivision in terms of these matters is set out in the chapters following.

## **5. ASSESSMENT**

In accordance with Section 104 of the Resource Management Act, Council must consider the actual and potential effects on the environment of allowing the activity, have regard for any relevant objectives, policies, 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, the following effects assessment has been set out.

### 5.1.1 Amenity Effects

The amenity of this area changed significantly with the approval of the Midas Trust subdivision (now St Leger) in May 2000 (RM990481), which allowed for the approval of 62 residential allotments with areas between 820 square metres and 1242 square metres with average area of 1003 metres (according to the decision).

The applicant's for the Midas Trust subdivision successfully argued that with the 2000 metre lot size and full urban servicing required, it was more efficient and better use of the land if the lot sizes were smaller and with good design and landscaping a very attractive urban environment could be achieved.

The choice of the larger size residential allotments was essentially market driven, with evidence being provided by a registered valuer that there was large demand for sections in the 800m<sup>2</sup> -1200m<sup>2</sup> size range.

The advantage of these larger sections is that with the 33% site coverage, is that a larger house could be built on the bigger sites and this has helped with the marketing of the sections. Other developers in the Richmond area have also found it commercially successful to have larger sections around the 1000m<sup>2</sup> mark. Examples of this are the last stage of the Otia Drive subdivision around Aratia Way where all the lots are between 1000-1300m<sup>2</sup> in area. This was done by choice by the developer who actually could have had a lot more allotments around the 7-800m<sup>2</sup> size if he wanted, but found there was a niche market for higher priced sections, where people could build bigger sized homes.

Another subdivision with the larger lots is the Clenshaw/Dewer subdivision, on Heron Grove off Templemore Drive which also, by choice, has gone for larger sized sections of between 900-1400 square metres which demand a premium price and allow a larger, and usually more expensive, house to be built.

These have been purely commercial decisions to create "upmarket" subdivision with larger sections that allow a bigger houses to be built on them.

The Park Drive area (that is the area which has currently been subdivided) is essentially residential in character, the main difference being the sections are larger than normal, allowing a larger than normal house to built on them. With the rapid increase in section prices in recent years, the price of 1000m<sup>2</sup> sections has become extremely expensive, meaning that they are out of reach for most people wanting to building a house.

It is my conclusion that, in this area which has essentially has become a residential neighbourhood, except the lots and houses are generally larger, that all other landowners should not have to provide exactly the same sized allotments.

The proposed subdivision should be able to provide an attractive residential amenity, the main difference being that the section sizes and the houses are slightly smaller.

I accept that the applicant could have easily decided to go for larger size sections, but he has made marketing decision to go for larger than average residential sections (in comparison with the standard residential section of around 700m<sup>2</sup>) but smaller than the 1000m<sup>2</sup> section size that is found in Aratia Drive, Heron Grove and Park Drive. The proposed subdivision should still be able to provide an attractive urban amenity very similar to the Park Drive.

I consider that adverse amenity effects proposed subdivision in the context of the existing Park Drive subdivisions are no more than minor

There is no fixed size limit for section sizes in this area. Clearly any subdivision below 2000m<sup>2</sup> is a discretionary activity, but I do not see a significant diminishment in urban amenity between lots of 820m<sup>2</sup>-1200 m<sup>2</sup> and lots of 830m<sup>2</sup> and 860m<sup>2</sup>.

### **5.1.2 Traffic Effects**

Champion Road and Park Drive provide road access to the site. The existing house on Lot 4 gains access off Champion Road. Lots 15-17 will gain access off Champion Road.

The remaining allotments (Lots 1-14) will gain access via a new road that intersects with Park Drive in the southern corner of the site.

There have been a number of concerns raised in the submissions in regard to traffic effects arising from the subdivision. These are summarised below and have dealt with a memorandum from Council's Development Engineer; Dugald Ley, which is set out in full under Attachment 1 which is appended to this report.

- a) Traffic effects on the Champion Road and the Hill Street/Champion Road intersection.

The stretch of Champion Road between the Park Drive intersection and the Hill street intersection is due to be upgraded as part of the Council's Long Term Council Community Plan (LTCCP) and is programmed to be completed in 2010. This will include seal widening, kerb channelling, a footpath down the southern side and an upgrade of the Hill street intersection.

My Ley has advised that the proposed upgrade will be required to deal with the traffic effects of this subdivision and that the upgrade will need to be completed prior to the subdivision being completed.

- b) Traffic effects arising from the proposed access road to the subdivision and the intersection with Park Drive.

The proposed access road to the subdivision can easily be constructed to comply with Council's Engineering Standards and to comply with Council's intersection spacing rules (60m minimum for an access place to a Collector Road) and the intersection sight distances for a 50kmh road. The District Plan does not require a separation distance from a right-of-way such as Perendale Close.

- c) Issue of overflow carparking from residents of the proposed access road.

There is a concern from some submitters that with the combination of the cul-de-sac head and the right of way at the head will mean there will be little street parking in relation to the number of allotments.

While the District Plan requires that at least two on-site carparks be provided with each dwelling, there are times when vehicles are parked on the road and this can cause problems at the cul-de-sac head where there is little road frontage for parking. To deal with this problem a modified wider longer cul-de-sac head can be provided that provides additional street parks.

### 5.1.3 Servicing Effects

The application stated that the following will be provided in regard to servicing for the subdivision:

- a) Water supply

The subdivision will connect into the Council water mains that are run along Park drive and Champion Road. I presume that would involve a water main extension running up the proposed access road with urban water connection and water meter to each allotment.

There do not appear to be any difficulties in supplying water in accordance with Council's Engineering standards.

- b) Wastewater

The application includes a servicing plan (Annexure 3) which shows that all the new allotments will be serviced for sewer through a sewer line that will connect to Hill street through a sewerline through lot 5 and Lot 8 DP 3539 to connect in with the Council's 600mm line in Hill street.

The applicant has an agreement with the landowner to allow a stormwater line and a sewer line through his property and the respective Council easements that would be required to allow for maintenance and access of these lines.

- c) Storm water

As, stated above, all the proposed allotments will be serviced for stormwater via a stormwater line which will run through Lot 5 and Lot 8 DP 3539 to connect in with the Council 600mm stormwater line in Hill street. A 50m section of this line may need to be upgraded to allow for the additional flows to allow it to connect in to the 1050mm culvert under Hill street.

A potential problem with subdivision of this design with a cul-de-sac draining down hill from the main access road, is that there needs to be allowance for secondary flow paths for storm flows during storm events that are greater than the 1 in 20 year event that stormwater drains are normally designed for. In this case there are no obvious streets, or walkways to take the additional flow from a 1 in 100 year event.

NZS 4404:2004 (4.3.2.5.1) requires that new stormwater systems have secondary flow paths that can cope with a 1 in 100 year event or if there is no secondary flow path available, that primary pipe drainage system be designed to cope with the 1 in 100 year event.

The 100 year secondary flow path requirement is also part of the Council's new proposed Engineering Standards 2007.

With this subdivision, in terms of recommended conditions, the applicant has been given the alternative of providing a primary pipe to cater with a 1 in 100 year event or a combination of stormwater pipes with a 1 in 20 year capacity, together with a formed concrete secondary flow path to cater for storm flows from a 1 in 100 year event.

d) Power and telephone

Power and telephone connections will be provided to each allotment. These would need to be underground to comply with Council's Engineering standards.

#### **5.1.4 Reserves and Walkways**

An assessment of these matters has been carried out by Rosalind Squire in Attachment 2.

A number of submitters have been concerned about the prominent oak tree that is on the applicant's property and would straddle the Lot 18/Lot 14 boundary. This currently does not have any protection under the District Plan. I have included recommended conditions to require the Lot 14 boundary to be removed to ensure that all parts of the root zone and leave spread are contained within Lot 18 (except for the road reserve area) and consent notice be imposed on Lot 18 protected the tree in perpetuity except for maintenance and pruning by a qualified arborist .

#### **5.1.5 Earthworks**

A subdivision of this size will involve substantial earthworks during the construction phase. Special conditions can be imposed to mitigate these adverse effects.

### **5.2 Relevant Plans and Policy Statements.**

The subdivision and resulting landuse activities must be deemed to be consistent with relevant objectives and policies pursuant to Section 104 (1) (c) and (d) of the Act. 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 an assessment under the Policy Statement.

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

*Chapter 5 - Site Amenity Effects* 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.

*Objectives: 5.1, 5.2, and 5.3* As detailed in the assessment of effects (Chapter 5.1), there will be an effect of the proposed activity on character and amenity values. Additional allotments and associated residential development would be created which can adversely affect the existing amenity.

*Policies: 5.1.1, 5.1.3A, 5.1.9, 5.2.1, 5.2.7, 5.2.8, 5.3.2, 5.3.3, 5.3.5*

*Chapter 6 – Urban Environment Effects* To provide for serviced urban development within existing settlements that provides for a livable and sustainable environment for the community.

*Objectives: 6.1, 6.2, Issue 6.7*

The allotments need to be fully serviced for water, storm water and sewer reticulation without adverse effects on the environment.

*Policies: 6.1.1, 6.1.3, 6.1.5, 6.2.1, 6.2.2A, 6.2.3, 6.2.4.*

Amenity values may be affected by the additional residential activity in the area. These matters are discussed in more detail in the assessment of effects (Chapter 5.1).

*Chapter 10 – Significant Natural Values and Cultural Heritage* Archaeological sites of significance must be protected, including any sites of significance to Maori.

There are no known sites of heritage value on this property.

*Objectives 10.1*

There is large oak tree that has natural heritage value.

*Policies 10.1.3, 10.1.5.*

Conditions can be imposed to protect this.

*Chapter 11 - Land Transport Effects* The potential effects of the proposed subdivision on traffic safety must be avoided, remedied or mitigated.

*Objectives 11.1, 11.2*

The proposed subdivision and additional dwellings will result in additional traffic on to the Park Drive and Champion Road.

*Policies 11.1.2B, 11.1.3, 11.1.4A.*

This matter is discussed in more detail in the assessment of effects (Chapter 5.1).

*Chapter 16.2 – Transport* Permitted activity performance conditions that manage vehicle access, parking and road standards are contained in this rule.

The standards can be met by the applicant.

*Chapter 16.3 Subdivision* – Requires Discretionary Activity resource consent for Rural Residential (Serviced) Zone subdivision, namely the creation of allotments that will be less than 2000 square metres in area.

*Assessment*

*Criteria: Rule 16.3A* Assessment criteria set out in Rule 16.3A provide guidance in the assessment of the application for determining appropriate conditions. Key matters such as servicing, amenity values and the effect of the proposal on productive soil 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 (Chapter 5.1).

*Chapter 17.6 Rural Residential Zone Rules* – Any buildings on the proposed lots are subject to permitted activity performance standards and conditions set out in Rule 17.6.4 Rural Residential Zone rules.

A resource consent will be required to construct buildings within the 10 metre road reserve setback and 5 metre side yard setback required under 17.6.4 (e) (i).

It is my conclusion that the proposed subdivision on a site that is part of the serviced urban area of Richmond, in spite of its rural residential zoning, will not be contrary to the policies and objectives of the Proposed Tasman Resource Management Plan.

### **5.3 Part II Matters**

The proposed subdivision and associated landuse activities are considered to be consistent with the purpose and principles contained in Part II of the Resource Management Act.

Part II of the Act is concerned about “maintaining and enhancing amenity values” under Section 7 (c).

I accept that a subdivision such as this one, will change the amenity of the site, but in the context of what has already been approved in previous subdivisions in the Park Drive the effect the amenity will not be significant.

### **5.4 Other Matters**

#### **Precedence and Cumulative Effects**

Precedence in itself is not an “effect” but the subsequent approval of this subdivision is likely to lead to lead to other similar applications from Rural Residential (Serviced) properties each wanting like treatment. This can lead to a cumulative effect that is very much a relevant adverse effect under Section 3 (d) of the Act.

The issue of "precedence" must be acknowledged in practical terms as giving rise to cumulative adverse effects.

- Applications for consent are lodged on the basis that consent to previous applications have been granted under like conditions.
- Council can expect pressure to act consistently in its application of Plan objectives, policies, rules and assessment criterion. That is, Council is expected to be consistent in its decision-making.

In this area the precedence was set by the approval of the St Leger Trust subdivision, in 2000, which created Park Drive and allowed for a large number residential sections in the area. The approval of that subdivision, has created the potential for more applications for residential subdivision within this zone.

## **6. MAIN ISSUES/CONCLUSIONS**

### **6.1 Are the Effects on Amenity More Than Minor?**

I acknowledge that this proposed subdivision will change the amenity of the site, in that it will be changed from 2 hectare small rural block into a small residential subdivision of 18 allotments.

I also acknowledge that the amenity will be different from what could be done as-of-right as a rural-residential serviced subdivision with allotments of at least 2000 square metres.

The approval of the Midas Trust (now St Leger) subdivision in 2000 effectively created a residential environment along Park Drive with allotments of between 820-1200 square metres and full urban servicing.

There appears to be acceptance among residents of the lot sizes of the existing Park Drive subdivision and the resulting residential amenity.

The issue here is that the new allotments in this subdivision have a smaller average lot size of 840m<sup>2</sup> than that the St Leger subdivision which has an average of just over 1000m<sup>2</sup>.

While I accept that the large section sizes do have advantage of the allowing larger dwellings and larger garden area, I do believe that all other subdivisions in this area should have to follow the same pattern of development.

Overall, in the context of what already been approved in this area, the adverse effects of this subdivision should be no more than minor.

### **6.2 Can The Subdivision Be Fully Serviced For Water ,Sewer And Stormwater?**

The proposed subdivision can be fully serviced for water, sewer and stormwater without adversely affecting Council's servicing infrastructure. There are potential effects from stormwater overflows that can addressed by special conditions to allow for secondary stormwater flows,



### 6.3 Are The Traffic Effects From The Subdivision More Than Minor?

The applicant is able to provide complying road access for this subdivision and the Champion Road upgrade will mitigate traffic effects on Champion Road.

6.4 The subdivision proposal is a Discretionary Activity under the Proposed Tasman resource Management Plan. The Proposed Plan is the relevant Plan due to its advanced state and its development under sustainable management principles of the Resource Management Act.

6.5 The property is zoned Rural residential (serviced) under the Proposed Plan.

6.6 Overall, in the context of previously approved subdivisions in the Park Drive area, the adverse affect of this proposed subdivision are no more than minor and it is not considered to be contrary to the policies and objectives of the Proposed Tasman Resource Management.

## 7. RECOMMENDATION

### Subdivision and Land use consent (RM070169 and RM070170)

That pursuant to Section 104B of the Resource Management Act 1991 the Tasman District Council **APPROVES** its consent to the application by IF and ND Kearney and St Leger Group Ltd to subdivide Pt Section 93 Waimea East District and Pt lot 74 DP 302052 into eighteen allotments plus road to vest and a land use consent to erect dwellings on Lots 1-17 (RM070169 and RM070170).

## 8. RECOMMENDED CONDITIONS

### Subdivision Consent (RM070169)

If the committee were going to grant consent, I would recommend that approval include the following conditions:

**RESOURCE CONSENT NUMBER:** RM070169

**I F and N D Kearney and St Leger Group**  
(hereinafter referred to as "the Consent Holder")

**ACTIVITY AUTHORISED BY THIS CONSENT:** To subdivide two existing titles comprising 2.0863 hectares into eighteen residential titles plus road to vest.

### LOCATION DETAILS:

Address of property:	104 Champion Rd, Richmond.
Legal description:	Pt Section 93, Waimea East District and Pt Lot 74 DP 302052
Certificate of title:	CT NL 111/234 and 8178
Valuation number:	1961032100

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

## CONDITIONS

### General

1. The subdivision shall be undertaken in general accordance with the information submitted with the application for consent and in particular with the plan entitled "Proposed Subdivision Pt Section 93 Waimea East and Pt Lot 74 DP302052" Job No. 6039 dated November 2006, prepared by Verrall and Partners Ltd, and attached to this consent as Plan A. If there is any conflict between the information submitted with the consent application and any conditions of this consent, then the conditions of this consent shall prevail.

### Easements

2. Easements shall 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 created over any right-of-way and shall be shown in a Schedule of Easements on the survey plan submitted for the purposes of Section 223 of the Act. Easements shall be shown on the Land Transfer title plan and any documents shall be prepared by a Solicitor at the Consent Holder's expense.
4. The survey plan which is submitted for the purposes of Section 223 of the Act shall include reference to easements.

### Street Names and Numbers

5. Street names shall be submitted to Council's Environment & Planning Manager, prior to the approval of the 223 Certificate, together with reasons for each option.
6. The street numbers allocated are:

Lot 1 - 1 New road to vest	Lot 5 - 9 New road to vest	Lot 9 - 10A New road to vest	Lot 13 - 4 New road to vest
Lot 2 - 3 New road to vest	Lot 6 - 11 New road to vest	Lot 10 - 10 New road to vest	Lot 14 - 2 New road to vest
Lot 3 - 5 New road to vest	Lot 7 - 11A New road to vest	Lot 11 - 8 New road to vest	Lot 15 - 98 Champion Road
Lot 4 - 7 New road to vest	Lot 8 - 11B New road to vest	Lot 12 - 6 New road to vest	Lot 16 - 100 Champion Road
Lot 17 - 102 Champion Road			Lot 18 - 4 Park Drive

7. The street numbers shall be shown on the engineering plans.
8. The cost of a name plate for any new street or private way sign shall be met by the consent holder on application to Tasman District Council.

## **Right-of-Way**

9. The right-of-way serving Lots 7 -9 shall be formed, and permanently surfaced to a minimum 3.5 metre width with kerb, channel and sumps and a maximum gradient of 1-in-5.

**Note:** The minimum requirement for a permanent surface is a Grade 4 chip first coat, followed by a Grade 6 void fill second coat.

10. The seal formation shall extend to the back of the footpath/edge of road seal/kerb crossing.

## **Champion Road**

11. The section 224 (c) certificate shall not be signed until the Champion Road upgrade between Park Drive and Hill street as outlined in the LTCCP 2006, has been fully completed.

### Advice Note 1:

The works as outlined in Champion Road as part of the LTCCP will need to be arranged to be constructed or bought forward at least one year, ie 2009.

### Advice Note 2:

The Champion Road upgrade does not include the piping of the existing open ditch along the southern side of the existing road formation

12. The open ditch along the frontage of Champion Road through to the culvert under Hill street shall be piped with the pipe size approved by the Council's Engineering Manager.

## **Road to vest.**

13. The road to vest as set on the plan entitled "Proposed Subdivision Pt Section 93 Waimea East and Pt Lot 74 DP302052" Job No. 6039 dated November 2006, prepared by Verrall and Partners Ltd, and attached to this consent shall have a minimum legal width of 11.4 metres, with a sealed carriageway width of 7.0 metres. and a 1.4 metre footpath shall be constructed on the north side of the road.
14. Kerb, channels and sumps shall be installed in accordance with Tasman District Council's Engineering Standards and amendments.
15. Due to the position of the right-of-way and lot numbers at the cul-de-sac head, angle parking for four vehicles shall be constructed on road reserve and as conceptually shown on TDC plan 607, 2004 Engineering Standards. And attached to this consent Plan B.
16. A 5m X 5m corner snipe at the intersection of Park drive and Champion road shall vest as road.

## **Access**

17. A formed access crossing shall be constructed to each lot at a minimum grade of 1 in 6 and in accordance with Diagram 616 of the Council Engineering Standards.
  - i) This shall include new crossing for Lot 18 on to Park Drive, which shall be located at least 35 metres away from the Park Drive/Champion Road intersection.
  - ii) The existing access crossing for Lot 18 shall be physically closed off.
18. A kerb crossing shall be formed for each lot in the subdivision (and pram crossings at the street intersections where required).

## **Water Supply**

19. Full water reticulation, complete with all mains, valves, fire hydrants and other necessary fittings shall be installed and a water meter and approved housing box shall be provided for each lot.

Advice Note: Water connection fees will be payable under Council's Long Term Community Plan for any new water connections.

## **Sewer**

20. Full sewer reticulation discharging to Council's approved reticulated system shall be installed complete with any necessary manholes and a connection to each lot (including connecting the existing house on Lot 18). This may include work outside the subdivision to connect to or upgrade existing systems.

## **Stormwater**

21. A full stormwater reticulation discharging to Council's approved reticulated system shall be installed complete with all necessary manholes, sumps, inlets and a connection to each lot. This may include work outside the subdivision.
22. The following measures shall be required to mitigate risk to Council for the secondary stormwater flow path from the subdivision:
23. Two standard back entry double sumps shall be installed at the western turning head of the cul-de-sac.
24. Either:
  - a) The pipe system discharging from the site through to the Hill Street outlet shall be made oversize to cope with a 1 in 100 year storm eventor
  - b) The secondary flow path through Lot 5 and Lot 8 DP3539 shall be formed with concrete to a minimum bottom width of a trapezoidal channel of 1.0m and to a depth of 200mm.

25. Three metre wide easements in gross in favour of Council over the pipeline.
26. Consent notice pursuant to Section 221 of the Resource Management Act over affected titles restricting structures, landscaping and fencing over the easement area.
27. The site shall be filled to ensure that all finished ground levels are at least 50 mm above the top of kerb level of the street that the site is draining to **or** the crown level of the road where there is no kerb.
28. If filling obstructs the natural runoff from an adjoining property then provision shall be made for the drainage of that property.

### **Cabling**

29. Live telephone and electric power connections shall be provided to each lot and all wiring shall be underground to the standard required by the supply authority.
30. Confirmation of the above from the supply authority and a copy of the supplier's Certificate of Compliance shall be provided to the Council.

### **Electricity**

31. Electricity substation sites shall be provided as required by the supply authority. Substations shall be shown as **"Road to Vest"** on the survey plan if adjacent to a road or road to vest.

### **Street Lighting**

32. The consent holder shall provide street lighting in accordance with the Tasman District Council's Engineering Standards and amendments. This work will include installation of cabling, poles, outreach arms and lanterns.

### **Engineering Certification**

33. At the completion of works, a suitably experienced chartered professional engineer or registered professional surveyor shall provide Council with written certification that the works have been constructed to the standards required.
34. Certification that a site has been identified on each new lot (1-17) suitable for the erection of a residential building shall be submitted from a chartered professional engineer or geotechnical engineer experienced in the field of soils engineering (and more particularly land slope and foundation stability). The certificate shall define on each lot the area suitable for the erection of residential buildings.
35. Where fill material has been placed on any part of the site, a certificate shall be provided by a suitably experienced chartered professional Engineer, certifying that the filling has been placed and compacted in accordance with NZS 4431:1989.

## 36. **Construction Earthworks**

### (a) **Placement of Spoil**

No spoil shall be placed in any watercourse, or where it may move or wash into a watercourse or onto adjoining land.

### (b) **Discharge of Sediments and Dust During or as a Result of Construction Works**

- (i) All construction areas shall have adequate sedimentation mitigation or control measures to ensure that no stormwater discharge has a suspended solid level exceeding 100 grams per cubic metre of water.

A sediment management plan shall be provided at the engineering earthworks plan stage. The plan shall be to the satisfaction of the Tasman District Council Engineering Manager.

Advice Note:

All discharges from construction works will need to comply with the discharge standards under Section 36.2.4 of the Proposed Tasman Management Plan, unless authorised by a discharge consent.

- (ii) All sedimentation mitigation or control measures shall be maintained by the consent holder for as long as there is a potential for sediment movement (resulting from earthworks) to affect off-site areas or natural water.
- (iii) A copy of the approved earthworks plans shall be provided to the Council's Co-ordinator Compliance Monitoring to allow for monitoring of the earthworks. All monitoring costs shall be borne by the applicant.
- (iv) The site shall be watered as necessary to prevent dust from being blown across public roads and/or adjoining property.

### (c) **Supervision**

All earthworks (including stormwater control) shall be planned and supervised under the direction of a registered engineer experienced in large-scale earthworks and soils engineering.

### (d) **Monitoring**

The applicant shall advise in writing the Council's Co-ordinator Compliance Monitoring and provide a copy of the approved engineering plans (earthworks) prior to the commencement of any earthworks on the site. All costs of monitoring and any subsequent remedial works shall be paid for by the applicant.

(e) **Archaeological Report**

If any items of archaeological or historical significance are disturbed during construction or earthworks then works shall stop immediately and an archaeological survey shall be carried out by a suitably competent person. The local tangata whenua and the New Zealand Historic Places Trust shall be consulted. Any recommended remedial/restoration works shall be complied with. All costs shall be borne by the applicant.

**Maintenance Performance Bond**

37. The consent holder shall provide Council with a bond to cover maintenance of any roads or services that will vest in Council. The amount of the bond shall be \$1,000 per lot to a maximum of \$20,000 or a figure agreed by the Engineering Manager and shall run for a period of two years from the date of issue of 224C certification for the subdivision.

**Engineering Plans**

38. All engineering works as outlined above shall be shown on engineering plans and to the requirements as set out in the Tasman District Council engineering standards and amendments. The engineering plans shall include a sediment management plan as set out in condition 36.
39. As-built plans detailing all completed engineering works and finished earthworks shall be provided for approval and signing by Council's Engineering Manager. Plan details shall be in accordance with Tasman District Engineering Standards.

A 223 certificate cannot be issued until the As- Built engineering plans have been approved and signed by Council's Engineering Manager.

**Commencement of Works and Inspection**

40. The Council's Engineering Department shall be contacted at least five working days prior to the commencement of any engineering works. In addition, five working days' notice shall be given to the Council's Engineering Department when soil density testing, pressure testing, beam testing or any other major testing is undertaken.
41. No engineering works shall commence until the engineering plans required under condition 38 have been approved and signed by Council's Engineering Manager.

**Engineering Works**

42. All engineering works referred to in Conditions 5-36, shall be constructed in strict accordance with the Tasman District Council Engineering Standards and Policies 2004 or to the Council's Engineering Manager's satisfaction.

**Financial Contributions**

43. The Consent Holder shall pay a financial contribution for reserves and community services in accordance with following:

- (a) The amount of the contribution shall be 5.5 per cent of the total market value (at the time subdivision consent is granted) of each of Lots 1-17.
- (b) The Consent Holder shall request in writing to the Council's Consent Administration Officer (Subdivision) that the valuation be undertaken. Upon receipt of the written request the valuation shall be undertaken by the Council's valuation provider at the Council's cost.
- (c) If payment of the financial contribution is not made within two years of the granting of the resource consent, a new valuation shall be obtained in accordance with (b) above, with the exception that the cost of the new valuation shall be paid by the Consent Holder, and the 5.5 per cent contribution shall be recalculated on the current market valuation. Payment shall be made within two years of any new valuation.

**Advice Note:**

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

**Advice Note:**

Council will not issue a completion certificate pursuant to Section 224(c) of the Act in relation to this subdivision until all development contributions have been paid in accordance with Council's Development Contributions Policy under the Local Government Act 2002.

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

This consent will attract development contributions on seventeen allotments in respect of:

- Roding
- Wastewater
- Water
- Stormwater

**Oak Tree Protection**

44. The existing oak tree that is in the southern eastern corner of Lot 18 shall be protected by way of a consent notice, with the final wording of the consent notice to the approval of the Council's Environment & Planning Manager. The boundary with Lot 14 shall be relocated so that all the root zone is within Lot 18 (except for the areas that are currently within road reserve). A covenant area covering the entire Root zone of the oak tree shall be shown on the Section 223 plan.

**Consent Notices**

45. The following consent notices shall be registered on the certificate of title for Lot 1-17 and 18 ((iii) only) pursuant to Section 221 of the Resource Management Act. The consent notices shall be prepared by the Consent Holder's solicitor and submitted to



Council for approval and signing. All costs associated with approval and registration of the consent notices shall be paid by the Consent Holder.

- i) The maximum site coverage for buildings within the allotment shall be no more than 33%.
- ii) The maximum height of any new accessory buildings shall be no more than 3.6 metres.
- iii) The protection of the Oak tree on Lot 18 as set out in Condition 44.
- iv) The protection of stormwater secondary flow paths as set out in condition 26.
- v) Any recommended conditions from the engineering site certification reports provided under condition 34.

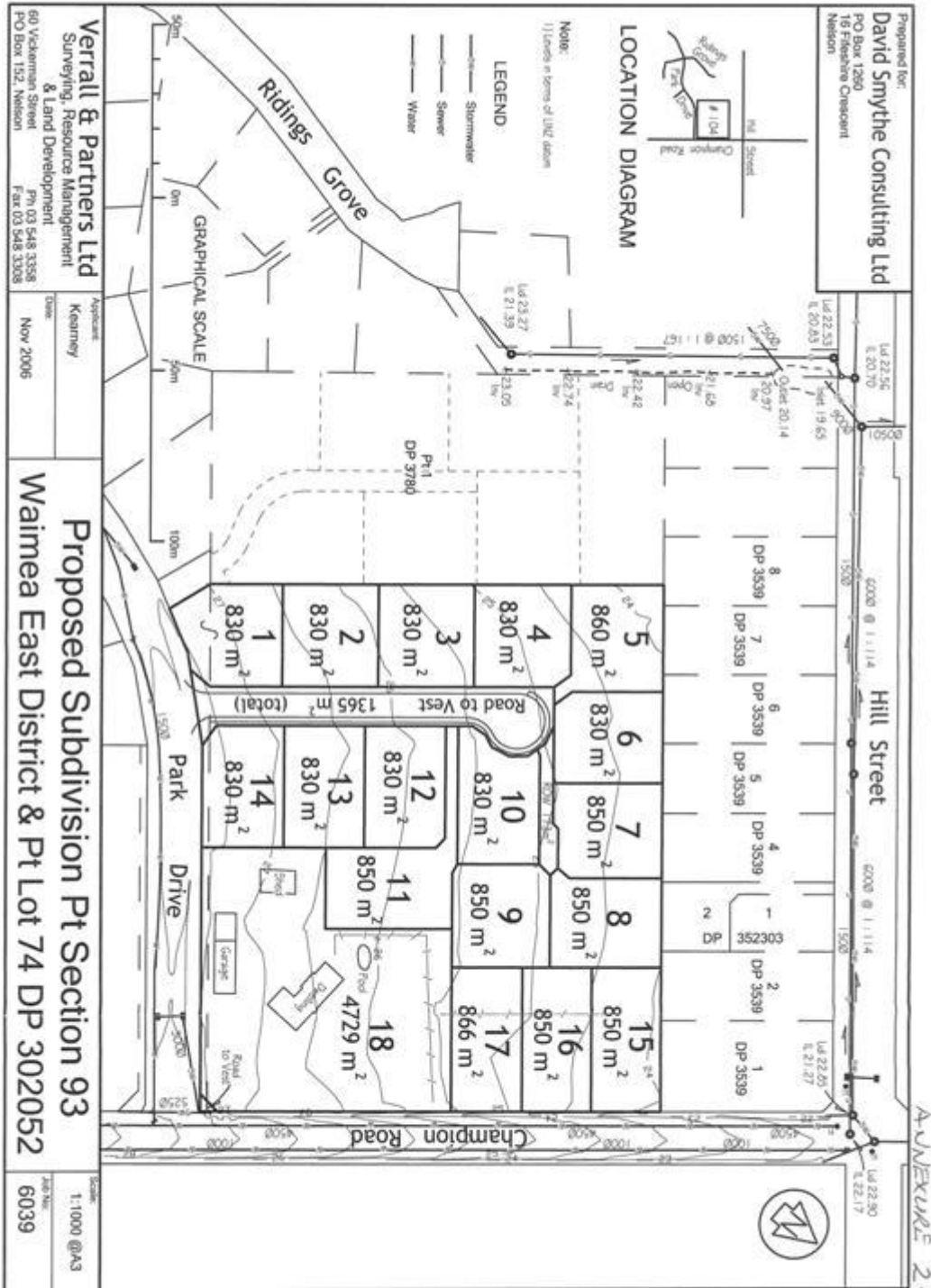
## **GENERAL ADVICE NOTES**

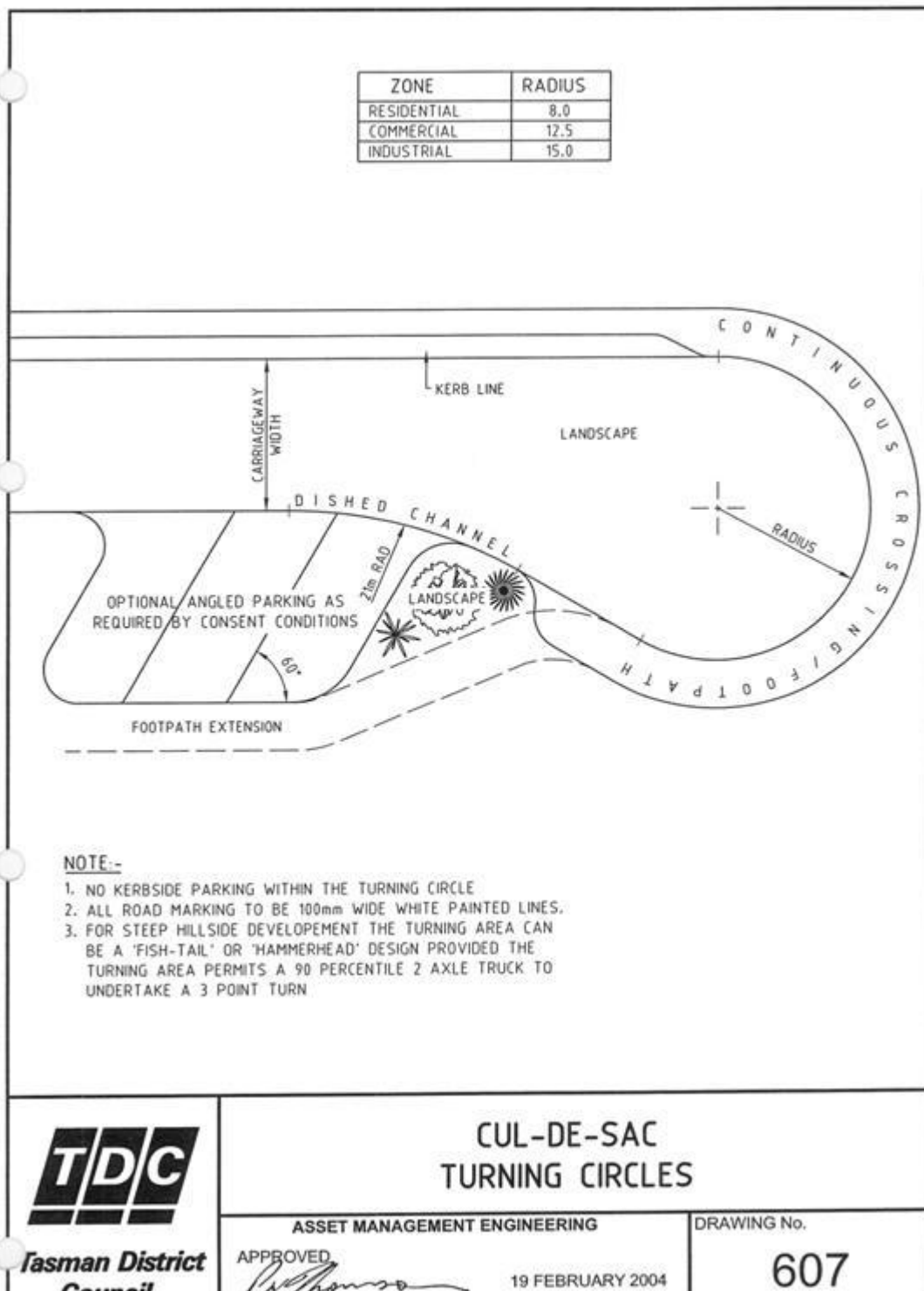
### **Council Regulations**

1. This resource consent is not a building consent and the Consent Holder shall meet the requirements of Council with regard to all Building and Health Bylaws, Regulations and Acts.

### **Other Proposed Tasman Resource Management Plan Provisions**

2. Any activity not covered in this consent shall either comply with: 1) the provisions of a relevant permitted activity rule in the Proposed Tasman Resource Management Plan; or 2) the conditions of separate resource consent for such an activity.
3. 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. Monitoring of this resource consent is required under Section 35 and 36 of the Resource Management Act 1991, and a deposit fee is payable at this time. Should monitoring costs exceed this initial fee, the Council will recover the additional amount from the resource consent holder. Monitoring costs are able to be minimised by consistently complying with the resource consent conditions.
5. 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.
6. Council draws your attention to the provisions of the Historic Places Act 1993. In the event of discovering an archaeological find during the earthworks (e.g. shell, midden, hangi or ovens, garden soils, pit depressions, occupation evidence, burials, taonga, etc) you are required under the Historic Places Act, 1993 to cease the works immediately until, or unless, authority is obtained from the New Zealand Historic Places Trust under Section 14 of the Historic Places Act 1993.





## LAND USE CONSENT (RM070170)

RESOURCE CONSENT NUMBER: RM070170

**I F and N D Kearney and St Leger Group**  
(hereinafter referred to as “the Consent Holder”)

**ACTIVITY AUTHORISED BY THIS CONSENT:** A land use consent to erect a dwelling on each of the proposed lots 1-17, to apply the residential Zone permitted activity rule criteria in respect of site coverage (up to 33% site coverage) and setbacks (as set out in rules 17.1.4 (r) -(t) of the Proposed Tasman resource Management Plan.

### LOCATION DETAILS:

Address of property: 104 Champion Rd, Richmond.  
Legal description: Pt Section 93, Waimea East District and Pt  
Lot 74 DP 302052  
Certificate of title: CT NL 111/234 and 8178  
Valuation number: 1961032100

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

### CONDITIONS

1. The commencement date for this land use consent shall be the issue date of the certificates of title for the proposed allotments created as part of the subdivision consent RM070169.
2. The overall building coverage shall be no more than 33% of the net area of the allotment.
3. Any dwelling shall be subject to the relevant engineering conditions arising from the engineering reports submitted under Condition 34 of the subdivision consent RM070169.
4. The dwelling shall comply with the following bulk and location standards:
  - (a) the dwelling shall be no more than 7.5 metres in height;
  - (b) the dwelling shall be set back at least 3 metres from any side and rear boundary and 4.5 metres from the adjoining road reserve boundary;
  - (c) no part of the dwelling shall project a building envelope constructed by daylight admission commencing from points 2.5 metres above ground level from all side and rear boundaries. The angle to be used is to be determined using the diagram set out in Schedule 17.1A and attached to this consent as Appendix 1.

## **GENERAL ADVICE NOTES**

### **Council Regulations**

1. This resource consent is not a building consent and the Consent Holder shall meet the requirements of Council with regard to all Building and Health Bylaws, Regulations and Acts.

### **Other Proposed Tasman Resource Management Plan Provisions**

2. Any activity not covered in this consent shall either comply with: 1) the provisions of a relevant permitted activity rule in the Proposed Tasman Resource Management Plan; or 2) the conditions of separate resource consent for such an activity.
3. 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. Monitoring of this resource consent is required under Section 35 and 36 of the Resource Management Act 1991, and a deposit fee is payable at this time. Should monitoring costs exceed this initial fee, the Council will recover the additional amount from the resource consent holder. Monitoring costs are able to be minimised by consistently complying with the resource consent conditions.
5. 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.
6. Council draws your attention to the provisions of the Historic Places Act 1993. In the event of discovering an archaeological find during the earthworks (e.g. shell, midden, hangi or ovens, garden soils, pit depressions, occupation evidence, burials, taonga, etc) you are required under the Historic Places Act, 1993 to cease the works immediately until, or unless, authority is obtained from the New Zealand Historic Places Trust under Section 14 of the Historic Places Act 1993.

M D Morris  
**Consents Co-ordinator (Subdivisions)**

**Schedule 17.1A: Daylight Admission Angles**

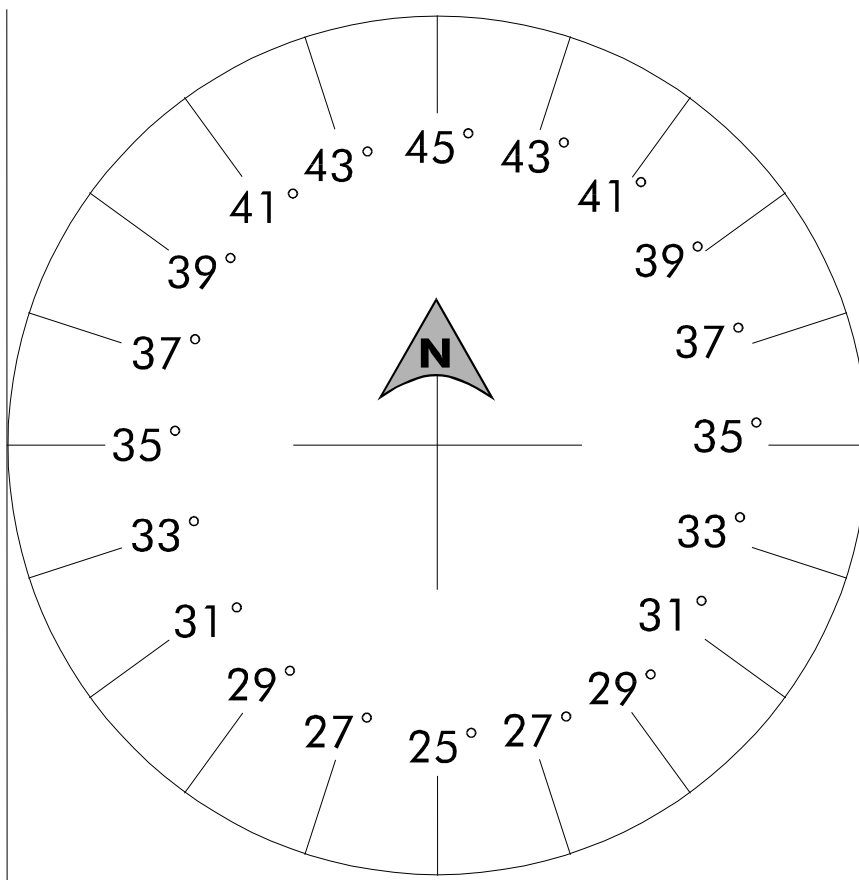
The angle of inclination over the site for daylight control planes is determined separately for each boundary of the site using the elevation calculator in the diagram below, in the following manner:

- (a) Place the circumference of the elevation calculation disc on the inside of the boundary for which the calculation is required so that the north point indicator is aligned with the north point on the site plan.
- (b) A separate calculation is required for each site boundary.
- (c) Read off the elevation angle closest to the point of contact between the boundary line and the circumference of the elevation calculation disc. This is the maximum angle of elevation permitted along that boundary.

In the example below, the daylight control angle elevation for the western boundary of the site is 35 degrees.

**Note:** Vertical lines represent site boundaries.

**Daylight Admission Angle Diagram**



**TO:** Chairman and Members, Environment & Planning Hearings Committee

**FROM:** Dugald Ley, Development Engineer

**DATE:** 11 September 2007

**REFERENCE:** RM070169

**SUBJECT:** **104 CHAMPION ROAD-PARK DRIVE – 18 LOT SUBDIVISION**

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## **1. INTRODUCTION**

The above site of approximately two hectares fronts both Park Drive and Champion Road. The subdivision will create 17 additional lots for residential purpose and a road to vest.

## **2. BACKGROUND**

Access from the road to vest will be via Park Drive together with three new residential sections gaining access off Champion Road. Fall of the site is to the north-west and Hill Street being located one section depth to the west.

Services are available and individual comments are below:

### **2.1 Roading**

The only present access to this locality is via Champion Road and Park Drive which are east of Hill Street.

Park Drive has previously been constructed to a residential standard with an 8.0m seal width and footpaths on both sides of the road. However, Champion Road is only a rural style road with a sealed pavement of some 6.0m with grass berms.

The intersection of Hill Street and Champion Road (priority) has a right turn bay that could be classed as substandard for the increased traffic generated by this substandard sized subdivision. A widening designation (D219) is also shown on the planning maps over the western side of Hill Street.

The above subdivision is most likely to create some 170 more vehicle movements per day than at present and this together with other present residential zonings requires the upgrade of roads and intersections in the immediate locality.

Volume 1, Page 84 of the LTCCP shows a capital item of \$223,400 (Upper Champion Road – Hill Street – Park Drive 200m) which is programmed for work in 2010/2011.

It is my view that the increased traffic generated by this application will have an adverse effect on the travelling public with dangerous turning movement contemplated at the intersection of Hill Street and Champion Road and that an

appropriate 224 Certificate could not be issued until the above construction works as programmed in the LTCCP are completed or the works are arranged to be bought forward if the application was granted a 224 Certificate prior to 2010.

## **2.2 Road to Vest**

The standard for a residential access place as envisaged in this application will require a minimum 7.0m carriageway (2 x 2.5m lanes and 1 parking lane) plus 1 footpath. Right-of-ways are also to be constructed to Council's standards.

## **2.3 Pedestrian Link**

This aspect was canvassed with the applicant to get pedestrian access to Hill Street or Ridings Grove walkway. However this has been dismissed by the applicant as unjustified. I do not concur with this response as a pedestrian link will provide a sustainable opportunity for shorter links for owners to get to potential bus routes etc in the future.

## **2.4 Water Supply**

Water supply is available both in Champion Road and Park Drive and standard reticulation is envisaged for the subdivision.

## **2.5 Wastewater**

Wastewater is available in Hill Street and the applicant is laying a sewer main through adjoining properties and these alignments will be covered by appropriate easements.

Easements in Gross are one way to protect a Council infrastructure but are by no means ideal with classic examples of manholes being covered over or relocatable garden sheds blocking access. Ideally public infrastructure should be located in walkways or reserves/roads and this will be discussed further in stormwater below.

## **2.6 Stormwater**

The land slopes towards Hill Street as shown by the contours on Plan 6039, Annexure

2-B. The new road to vest will also fall in this direction and will have a piped stormwater system from the end of the cul-de-sac laid out to Hill Street.

I understand that all of the sites will be fully serviced to a piped reticulated system and that the system to Hill Street will be laid with an "oversize" stormwater pipe. This is because the applicant does not wish to provide a "secondary flow path" via a walkway or land owned by Council. From experience secondary flow paths are an integral part of the stormwater system as pipes and sump inlets have a tendency to block and easements will never protect against a landowner landscaping their section or placing a relocatable garden shed over the area. Therefore, it is my view that to protect Council and the risk to private properties, the secondary flow path should ideally be located within a public walkway or alternatively it should be constructed in a way that clearly shows to the affected owners that potential stormwater shall flow down the easement at some future time.



Open drains are also present along the frontage of the property and as these will not be addressed in the reconstruction of Champion Road outlined in the LTCCP, they will potentially pose a danger to the new residents and affect the required access to the sites. It is therefore appropriate that the open drain be piped by the applicant as part of the subdivision consent.

Dugald Ley  
**Development Engineer**

**Memorandum****Environment & Planning Department**

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**To:** Environment & Planning Consents Committee  
**From:** Rosalind Squire –Community Services  
**Date:** 3 September 2007  
**Subject:** **RM070169 - I F and N D Kearney, Champion Road/Park Drive, Richmond**

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The report by the principal planner outlines the proposed subdivision. This memorandum provides comments from the Community Services Department of Council with respect to walkways and reserves within this subdivision proposal.

Reserves and Walkways

Community Services staff visited the site and have considered the application in the wider context of existing formed and unformed legal roads, reserves and walkways in the vicinity.

The nearest reserve to the application site is the recreation reserve at the corner of Highland and Park Drive which has an area of 2,900 m<sup>2</sup> and is approximately 250 metres away from the proposed road intersection with Park Drive. The reserve contains a large open space area for informal recreation, amenity plantings and children's playground equipment. Access north to Champion Road is provided via footpaths adjoining Park Drive. Access west to Hill Street is provided off Ridings Grove down the Hill Street North Walkway.

When the application was lodged Community Services staff indicated that they would like the inclusion of a public access easement in conjunction with the proposed stormwater easement indicated between proposed lots 5 and 6. Council met with the applicant on 24 April to discuss possible options. Although the applicant was not averse to the proposal, it became clear following discussions with the owner of the property adjoining Hill Street (which was the subject of the proposed stormwater easement) that the inclusion of a public access easement over the same area of land was not an option. The reasons were both the reluctance of the owner and the fact that the width of the property would be sufficient to provide for a driveway and stormwater disposal but not for public access.

We then considered other options to provide a walkway link between the proposed road within the subdivision and the walkway off Ridings Grove. The Community Services Manager and I met with the applicant on 8 May and requested that a public access easement be provided for within lot 5 adjoining an amended boundary with lot 4 (the boundary between lot 4 and 5 does not currently coincide with Lot 1 DP 384045 to the south). This would provide the first link for a possible future walkway between the proposed road and the existing walkway off Ridings Grove (to be completed if/when the

adjoining property is subdivided in the future). The applicant was agreeable to this suggestion and it is recommended that this is a condition of consent.

## **Submissions**

There were 14 submissions to the application, the following is a brief summary of those which refer to reserves and walkways:

### **M and D Newport**

Oppose the application and are concerned that there is no provision for a reserve area within this or the adjoining subdivision and that it will be a long walk for people living within this subdivision to reach the play area at Highland Drive. They also submit that there should be a walkway established so people can connect with the walkway in Riding Grove.

### **R and D Remington**

Oppose the application and are concerned that there is no reserve area provided and that if the existing trees are felled the amenity of the area will be compromised. They are particularly concerned that the large oak tree remains and is protected as they feel that it is a landmark tree in this area. They would like to see more trees planted within a reserve area or as avenue planting to compensate for the loss of amenity.

### **C Delaney**

Opposes the application and is concerned that there is no open space community reserves as part of the proposed subdivision. The submission also requests that the large oak tree close to the Park Drive frontage be protected.

### **D and J Spencer**

Oppose the application and amongst other matters, express concern over the protection of the oak tree.

### **J Alexander and R Jones**

Oppose the subdivision and amongst other matters, express concern over the protection of the oak tree.

### **J and K Gale**

Oppose the application and are concerned that the reserve area on Park Drive will be too far away and the road and roundabout too busy for young children to walk to. They submit that an open space reserve should be provided as part of the proposal.

## **Recommendations**

### Walkway easement

That a public access easement be provided for within lot 5 adjoining an amended boundary with lot 4 (the boundary between lot 4 and 5 does not currently coincide with Lot 1 DP 384045 to the south).

### Provision of an additional reserve

Community Services staff have carefully considered the provision of an additional reserve within this and the adjoining subdivision and were of the opinion that, given the proximity of the existing reserve at Park Drive, a reserve within this subdivision is not warranted. It is considered that a reserve within this subdivision would receive very limited use due to the size of the catchment and its location.

The Tasman Resource Management Plan and Parks Asset Management Plan define levels of service which aim to achieve 4 hectares of reserves per 1,000 head of population. Waimea and Richmond achieve this minimum, partly due to the size of larger reserves in the district such as Rabbit Island. However, the distance of Rabbit Island from Richmond means that it is only easily accessible by car. At regional and national park sector meetings it has been mooted that it would be more relevant if the level of service for open space provision was achieved by requiring open spaces to be within 500m or a 10 minute walk from all residences in an urban area. The existing reserve at the corner of Park and Highland Drive is well within these two minimums.

### Protection of existing oak tree

Although it is acknowledged that the oak tree adjoining Park Drive is not identified as a protected tree in the Tasman Resource Management Plan, it is obviously a tree which provides a significant amenity to the area and one which the community considers is worthy of protection partly to preserve the existing amenity of the area but also to mitigate the effects of the proposed subdivision.

The Community Services Department supports either the imposition of a consent notice to protect the tree out to the edge of the root zone (either on both proposed lot 14 and 18 or only on lot 18 if the boundary of that allotment is adjusted to include the root zone of the tree) or the adjustment of the boundary to include the tree wholly within the road reserve.

Rosalind Squire  
**Planner, Community Services**