



STAFF REPORT

TO: Environment & Planning Subcommittee

FROM: Wayne Horner – Consent Planner, Subdivision
Eric Verstappen – Resource Scientist, Rivers and Coast

REFERENCES: RM080219 & RM080220

SUBJECT: **A MARSHALL - REPORT EP08/11/14** - Report prepared for hearing of 3 November 2008

APPLICANT: Ann Marshall

PROPOSAL: Section 357 objection to Conditions 5, 6, 15, 16(b) & 16(c) of Resource Consent RM080219 and Condition 1 of RM080220

LOCATION: 61 Dodson Road, Takaka

1. INTRODUCTION

On 5 September 2008 two consents were issued by Council to allow the creation of a new 948 square metre lot within the Rural 1 Zone and allow the construction of a new dwelling on the proposed lot with reduced setbacks.

2. BACKGROUND

There is no stormwater system available in the vicinity and no public water supply with capacity. The proposed lot is approximately 300 millimetres lower than the surrounding land and road reserve areas. There is an existing 300 millimetres diameter culvert under Dodson Road which drains this area that discharges into the paddock with no formed watercourse.

There are no formed culverts along this section of Dodson Road or the unnamed road adjacent to this site.

This site is not subject to flooding from the Takaka River but is subject to localised flooding.

3. SECTION 357 OBJECTION

The reasons for this objection are listed below in *italics*, with staff comments following:

RM080219 SUBDIVISION

Condition 5

A sewer connection shall be extended to the boundary of Lot 1. This may include work outside the subdivision to connect to or upgrade existing systems.

Reasons for Objection to Condition 5

The notation that the applicant may be required to “upgrade existing systems” is open ended and could result in her being asked to upgrade parts of Council’s sewer system that are not affected by her subdivision at all. This has occurred on earlier occasions and I am reluctant to expose my client to the potential of this happening again. I believe there is sufficient data given, and an understanding of the existing sewerage system that Council can determine what, if any, upgrading of the existing systems are required, and the consent should be certain as to what is required.

Relief sought to delete last sentence of Condition 5.

Staff Comment

Some work outside the subdivision is required to connect to the existing sewer pipe. However there is no upgrade of the system required as a result of this subdivision and this condition should be amended to reflect this by deleting the reference in Condition 1 to upgrading the existing systems.

Condition 6

The existing 300 millimetre diameter culvert under Dodson Road shall be replaced with a new culvert with a minimum diameter of 450 millimetres in accordance with the Tasman District Council Engineering Standards 2008. Swale drains may be required to be constructed to direct stormwater into and away from this culvert.

Condition 16(c)

For Lot 1 DP..... the stormwater from all building roofs and impervious surfaces shall discharge into a specifically designed on-site stormwater system using low impact design methods in accordance with the Tasman District Council Engineering Standards 2008, installed at the time of building consent.

Reasons for Objection to Conditions 6 & 16(c),

The requirement that all stormwater from building roof etc shall discharge into a specifically designed on-site stormwater system is completely at odds with the application which says the site will rely on roof collection of rain water for its potable domestic water supply. Indeed this is the only source of potable water that the allotment will have, and to require that this be discharged to a disposal system specifically noted in the Low Impact Design Drawing 725 as being “non potable”, is unreasonable. Relief Sought. Delete this requirement.

Furthermore we would suggest that Council is trying to “have its cake and eat it too”. Council have acknowledged under their “Reasons for Decision” paragraph (e), that the existing culvert does not meet the current Engineering Standards. Council is also requiring by paragraph (f) that low impact design methods are required “to ensure the peak flows from this site are mitigated to maintain downstream flows to predevelopment levels.....” Given that Council is requiring no increase in flows due to this development, then there will be no stormwater effects on the existing culvert and Council should not be seeking to upgrade it. The fact that the culvert is substandard is an existing matter that should be attended to by Council by way of its ongoing road maintenance program, and not by a “tax” on this subdivision.

Staff Comment

Under Section 4.1 Water of the application it states that the water supply *will be sourced via roof water and storage, or as there is ground water available via a well* and therefore, according to the application, there is more than one water supply available to the future occupiers of this site.

The application does not use the term “potable” within the description for the water supplies available for this site within their application. For a water supply to be defined as potable it must meet the New Zealand Drinking Standards 2005 and water collected from a roof is unlikely to meet this Standard due to bird droppings and other organic matter being washed into the harvested water and therefore the note “non potable reuse” was attached to Drawing No.725. However with some form of treatment harvested water from roof run off can become a potable water supply.

Condition 16(c) refers to the requirements of the Tasman District Council Engineering Standards 2008 where the relevant section would be *7.8 Alternative Assessment Framework* and any final design would very likely include some of the concepts shown on Drawing No.725 which allows for a water harvest, with additional detention volume. However the design is subject to specific design at the building consent stage, taking into account a number of factors including soakage rates and storage capacity.

There will always be the possibility that long periods of rainfall will result in the storage tank becoming full. In recognition of this potential all these types of tank collection systems must have an overflow to allow discharge when full, otherwise it would back up and flow off the roof guttering. In circumstances of overflow, it is reasonable to request management of this flow by some means. A specifically designed on-site stormwater system to manage this discharge, as required in the conditions of consent, is reasonable. It need not be elaborate - it just needs to manage the tank overflows.

The 300 millimetre diameter culvert under Dodsons Road discharges across a paddock without a formed water course. Therefore any potential increase in the water volume being discharged from the residential development, from the increased hard surfacing and roof tank overflows, is required to be mitigated or the written approval of the affected parties provided. The proposed condition provides the required mitigation.

The culvert under Dodson Road may have been put there by Council or its predecessors, but was placed there some time ago. In the intervening time, Council's Engineering Standards for culverts under roads has changed, with the minimum size now being 450 millimetres. There would be no need to deal with the culvert if this application hadn't been made. But the need to upgrade the culvert has resulted from the application for another residential site on adjacent low lying land. There is no formal swale system either in the road berms or off the adjacent catchment that directs runoff to the culvert. Its entry is poor, its gradient flat and for all I know it may be partially blocked as well.

It has been well established during the application process that proposed Lot 1 suffers from periodic surface water flooding and that such flooding takes a few hours to dissipate. That situation may be quite tolerable to the present landowner when that land is part of her front garden, or perhaps even when it is a site that she wishes to build and live on herself. However, she may not be the owner of this Lot now or in the future. It is my contention that we should not knowingly create a residentially-used site that remains subject to periodic ponding to some depth. The site must be made fit for purpose and for stormwater onto the site to be suitably drained.

The existing 300 millimetre culvert is smaller than the minimum diameter required by the current engineering standards and could block during a heavy rain event, causing Lot 1 to pond to a depth of approximately 300 millimetres before overflowing across Dodson Road. Mitigation of this risk is provided by upgrading the culvert size.

While incident water on a proposed new house on the site will be harvested, the roof area is only a very small fraction of the catchment area that drains to this site and eventually the culvert. Collecting roof runoff will barely change the flooding risk of the site.

Condition 16(b)

The minimum floor levels of all buildings constructed on Lot 1 DP..... shall be 300 millimetres above the crown level of Dodson Road.

Reasons for Objection to Condition 16(b)

To avoid any ambiguity, I would suggest that this be rewritten as *"The minimum floor levels for all buildings constructed on Lot 1 DP..... shall be 300 metres above the lowest crown level of Dodson road adjoining the site"*

Staff Comment:

The suggested changes add clarity and meet the intention of the Condition.

Condition 15

Certification that a site has been identified on each new allotment suitable for the construction of a residential building shall be submitted from a chartered professional engineer practicing in civil or geotechnical engineering. This certificate shall define on Lot 1 the area suitable for the construction of residential buildings and shall be in accordance with NZS 4404:2004 Schedule 2A. Any limitations identified in Schedule

2A shall be noted on a consent notice pursuant to Section 221 of the Resource Management Act 1991 prior to the issue of the Section 224(c) certificate.

Reasons for Objection to Condition 15,

The requirement of this condition, namely Schedule 2A of NZS4404, is mainly aimed at certifying any fill as being suitable for the construction of buildings. There is no visual or historical indication that there are any instability issues in this area, the property is not included as a special area in the District Plan, and the Geological Maps forwarded by the applicant suggest good river gravels are present under the top soils. Accordingly there is no evidence as to why the site should not be subject to the normal procedures required to be undertaken by a builder when exercising a building consent.

Staff Comment

The following are extracts from NZS 4404:2004 Land Development and Subdivision Engineering. Under Section 2.1 Scope, it states;

- (a) *The assessment of land stability requires specialist expertise;*
- (c) *The assessment of ground for the foundations of buildings, roads, services and other works requires specialist expertise as weak ground may require special design;*

And also under Section C2.1 it states “*the assessment of land stability to meet the provisions of the Resource Management Act and Building Act is the responsibility of the TA. The TA requires and relies upon the assessment made by the geotechnical engineer*”

It can be seen from these extracts from NZS:4404 that there is a requirement for the certification of a site for residential development to be carried out by a geotechnical engineer. Condition 15 only requires certification from a chartered professional engineer practicing in civil engineering as the site is flat and there are no obvious geotechnical risks, as stated within the reasons for objection.

There is a risk that there is deep top soil, old farm dump site or other uncertified filling on this site that would not permit the construction of building foundations in accordance to NZS 3604 (standard building design) and that specific engineering design would be required for building foundations.

Site certification highlight any limitations on building development to prospective purchasers, future owners, building designers and the Council when assessing building consent applications, and are placed within a Consent Notice attached to the title for the lot.

The relevant New Zealand Standard for where sites are filled is NZS 4431 Code of Practice for Earth Fill of Residential Development and not NZS 4404.

Some form of certification is clearly required by the relevant New Zealand Standard (NZS4404). Therefore in my view the condition is reasonable.

RM080220 Land use

Condition 1

This consent shall commence at the date of the issuing of the certificate of title for proposed Lot 1 created under subdivision consent RM080219.

Reasons for Objection to Condition 1

Condition 1 requires the issue of title from the subdivision before the landuse consent to build commences. The applicant would prefer to be able to start the building process while the subdivision is proceeding. We would suggest that the key effects of both consents are the new dwelling and the associated residential activity. Given that Council considers that these effects are acceptable by issuing both Consents (subject to conditions) then I can see no reason why RM080220 should be subservient to RM080219 and that RM080220 should be capable of standing on its own, with the appropriate conditions attached. RM060533 is an example of how this can occur.

Relief Sought. Delete Condition 1 and then include various conditions relating to DILs that would become necessary. Also a Condition should be included in both consents acknowledging that any DILs paid by the first consent actioned are to be taken into account when calculating the DILs to be paid by the second consent to be actioned – i.e to avoid the possibility of Council double dipping in the DILs.

Staff Comment

This objection relates to the preference of the applicant to construct the new dwelling on Lot 1 prior to the completion of the subdivision and that the effects of this have already been taken into account. However there is no mention that this is what they were seeking consent for within their application. Refer to *Section 2 Proposal*. Consent was sought for the subdivision and the construction of a dwelling with non-complying setbacks with no mention of consent being sought for a temporary second residential dwelling on the existing site until the subdivision has been completed. Had it been clear that this was what they were applying for it could have been accommodated, as the effects of a second residential dwelling are similar to what has been proposed.

5. RECOMMENDATION

RM080219 Subdivision

That Condition 5 be revised as follows:

A sewer connection shall be extended to the boundary of Lot 1. This may include work outside the subdivision to connect to existing systems.

That Conditions 6, 15 and 16(c) remain unchanged.

That Condition 16(b) be revised as follows:

The minimum floor levels for all buildings constructed on Lot 1 DP..... shall be 300 millimetres above the lowest crown level of Dodson road adjoining the site.

RM080220 Land Use

Condition 1 could be accepted at the Committee's discretion.



Wayne Horner
Consent Planner, Subdivision



Eric Verstappen
Resource Scientist, Rivers and Coast



RESOURCE CONSENT DECISION

Resource Consent Number: RM080219

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

Ann Marshall

(hereinafter referred to as “the Consent Holder”)

Activity authorised by this consent: To subdivide Lot 4 DP 10068 and Lot 1 DP 12777 (CT NL8A/493) containing an area of 1,866 square metres to create:

- Lot 1 with an area of 918 square metres;
- Lot 2 with a gross area of 948 square metres, which contains the existing dwelling.

Location details:

Address of property:	61 Dodson Road, Takaka
Legal description:	Lot 4 DP 10068 and Lot 1 DP 12777
Zoning:	Rural 1
Certificate of title:	CT NL8A/493
Valuation number:	1871039602

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

CONDITIONS

Plan

1. The subdivision shall conform with the scheme plan prepared by Golden Bay Surveyors A. *Marshall – Dodsons Road* dated January 2008 and attached to this consent as Plan A. Notwithstanding the above, if there is any apparent conflict between the information submitted with the application and any conditions of this consent, the conditions 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 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 that is submitted for the purposes of Section 223 of the Act shall include reference to easements.

Sewer

5. A sewer connection shall be extended to the boundary of Lot 1. This may include work outside the subdivision to connect to or upgrade existing systems.

Stormwater

6. The existing 300 millimetre diameter culvert under Dodson Road shall be replaced with a new culvert with a minimum diameter of 450 millimetres in accordance with the Tasman District Council Engineering Standards 2008. Swale drains may be required to be constructed to direct stormwater into and away from this culvert.

Power and Telephone

7. Power and telephone cables shall be provided to the boundary of Lot 1. The Consent Holder shall provide written confirmation to the Council's Engineering Manager from the relevant utility provider that power and telephone cabling has been installed to the boundary of Lot 1. The written confirmation shall be provided prior to a completion certificate being issued pursuant to Section 224(c) of the Act.

Engineering Plans

8. Engineering plans detailing all services are required to be submitted to the Tasman District Council Engineering Manager for approval prior to the commencement of any works. All engineering details are to be in accordance with the Tasman District Council Engineering Standards & Policies 2008. All necessary fees for engineering plan approval shall be payable.
9. As-built plans shall be provided for approval and signing by the Tasman District Council Engineering Manager.
10. The Section 223 title plan shall not be submitted until the as-built engineering plans have been approved by the Tasman District Council Engineering Manager, so that easement areas can be accurately determined.

Advice Note:

The plans submitted with the application are deemed concept only and full details and calculations will be required at the time the engineering plans are submitted for approval.

Commencement of Works and Inspection

11. The Tasman District Council Engineering Department shall be contacted five working days prior to the commencement of any engineering works.
12. No works shall commence on-site until the engineering plans have been approved by the Tasman District Council Engineering Manager.

Engineering Works

13. All works shall be constructed in strict accordance with the Tasman District Council Engineering Standards & Policies 2008 or to the Tasman District Council Engineering Manager's satisfaction.

Engineering Certification

14. At the completion of works, a suitably experienced chartered professional engineer or registered professional surveyor shall provide the Tasman District Council Engineering Manager with written certification that the works have been constructed in accordance with the approved engineering plans, drawings and specifications and any approved amendments.
15. Certification that a site has been identified on each new allotment suitable for the construction of a residential building shall be submitted from a chartered professional engineer practicing in civil or geotechnical engineering. This certificate shall define on Lot 1 the area suitable for the construction of residential buildings and shall be in accordance with NZS 4404:2004 Schedule 2A. Any limitations identified in Schedule 2A shall be noted on a consent notice pursuant to Section 221 of the Resource Management Act 1991 prior to the issue of the Section 224(c) certificate.

Consent Notice

16. Pursuant to Section 221 of the Resource Management Act 1991, the following consent notice shall be registered on the certificate of title for Lot 1, prior to the issue of the 224(c) Certificate stating that:
 - a) Buildings shall be constructed on Lot 1, DP..... subject to the following conditions: . . . (as identified in Schedule 2A provided in accordance with Condition 15 of RM080219).
 - b) The minimum floor levels for all buildings constructed on Lot 1 DP..... shall be 300 millimetres above the crown level of Dodson Road.
 - c) For Lot 1 DP..... the stormwater from all building roofs and impervious surfaces shall discharge into a specifically designed on-site stormwater system using low impact design methods in accordance with the Tasman District Council Engineering Standards 2008, installed at the time of building consent.
 - d) Any dwelling on Lot 1 DP..... is required to be provided with on-site water storage of not less than 23,000 litres for firefighting. The tank is to be fitted with an accessible 50 millimetre camlock coupling to enable connection with firefighting equipment.
17. This consent notice shall be prepared by the Consent Holder's solicitor at the Consent Holder's expense and shall be complied with by the Consent Holder and subsequent owners on an ongoing basis. All costs associated with approval and registration of the consent notices shall be paid by the Consent Holder.

Financial Contributions

18. That a financial contribution be paid as provided in Chapter 16.5.5 of the Proposed Tasman Resource Management Plan assessed as follows:

- a) 5.5% of the total market value (at the date of this consent) of Lot 1.

The Consent Holder shall request the valuation be undertaken by contacting Council's Administration Officer (Subdivision). The valuation will be undertaken by Council's valuation provider at Council's cost.

If payment of the financial contribution is not made within two years of the date of this consent and a revised valuation is required as provided by Rule 16.5.5(d) of the Proposed Tasman Resource Management Plan, the cost of the revised valuation shall be paid by the Consent Holder.

Advice Note:

A copy of the valuation together with an assessment of the financial contribution to be paid will be provided to the Consent Holder within one calendar month of Council receiving the request to undertake the valuation.

Development Contributions – Advice Note

Council will not issue the Section 224(c) certificate 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 a development contribution on one allotment in respect of roading and wastewater.

ADVICE NOTES

Council Regulations

1. This 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. This resource consent only authorises the activity described above. Any matters or activities not referred to in this consent or covered by the conditions must either:
 1. comply with all the criteria of a relevant permitted activity rule in the Proposed Tasman Resource Management Plan (PTRMP);
 2. be allowed by the Resource Management Act; or
 3. be authorised by a separate resource consent.

Consent Holder

3. This consent is granted to the abovementioned Consent Holder but Section 134 of the Act states that such land use consents “attach to the land” and accordingly may be enjoyed by any subsequent owners and occupiers of the land. Therefore, any reference to “Consent Holder” in the conditions shall mean the current owners and occupiers of the subject land. Any new owners or occupiers should therefore familiarise themselves with the conditions of this consent, as there may be conditions that are required to be complied with on an ongoing basis.

Street Numbering

4. The street address will be allocated once the engineering plans have been submitted for approval.

REASONS FOR THE DECISION

Background to Proposed Activities

This application relates to the creation of one new lot in the Rural 1 Zone where proposed Lot 1 will have an area of 918 square metres and Lot 2, which contains the existing dwelling, will have an area of 948 square metres.

The existing title is part of a small rural residential cluster containing eight dwellings in this area. Due to the small size of this site there is no real productive opportunity available and the creation of a new 918 square metre lot in this location is not considered to have any effect on the productive use of this site.

It is proposed to form an existing access off an unnamed road that has been formed to provide unsealed access onto Dodson Road for the proposed dwelling. The new access will be formed at the time the dwelling is constructed.

Proposed Tasman Resource Management Plan (“PTRMP”) Zoning, Area, and Rules Affected

According to the PTRMP the following apply to the subject property:

Zoning: Rural 1
Area(s): Land Disturbance Area 1

No person may subdivide land within Tasman District as a permitted activity according to the PTRMP. The subdivision authorised by this resource consent is deemed to be a discretionary activity on account of non-compliance with Rule 16.3.7 of the PTRMP. Rule 16.3.7A provides for such subdivision as a discretionary activity.

Principal Issues (Actual and Potential Effects on the Environment)

The principal issue(s) associated with the proposed activities involve the actual and potential effects on the environment. For this application these include:

- a) rural land fragmentation patterns;
- b) servicing;

- c) access;
- d) inundation.

The Council considers that the adverse effects of the activity on the environment will be no more than minor for the following reasons:

- a) this site is within the Rural 1 Zone, however the existing title is small with an area of 1,866 square metres. Due to the size of this site it is not possible to carry out intensive land-based production as anticipated by the Rural 1 zoning and there will be very limited loss of productive opportunity as a result of this proposal;
- b) the proposed building site on Lot 1 is a small single-storey building. Conditions will be added to the land use consent RM080220 requiring the dwelling to be finished in recessive colours, which will minimise the visual impact of the dwelling within this rural zone. Allowing one additional dwelling in this location is not considered to result in any significant cumulative effect on the character of the surrounding area;
- c) the new lot will be adjacent to a small rural residential cluster containing eight dwellings with site sizes ranging between 792 square metres up to 7,459 square metres. Due to the small size of the underlying title there is no real productive opportunity available and the creation of a new 918 square metre lot in this location is not considered to have any more than minor effect on the productive use of this site;
- d) while there will be another residential user onto the unnamed road that intersects with Dodson Road, the intensity of use at approximately 10 vehicle movements per day will be no more than what could happen as of right for a rural activity on this site. The intersection with Dodson Road has good width and visibility, with proposed Lot 1 having access onto this unsealed road. This section of unnamed road currently provides formed access to three existing residential dwellings;
- e) the applicant has supplied a plan, dated 3 July 2008, to Council giving the ground levels of Lot 1 in relation to the surrounding land, which shows that the majority of Lot 1 is lower than Dodson Road, with rising ground to the east of Dodson Road. The proposed house site is approximately 300 millimetres lower than the crown of Dodson Road. There are no formed swale drains along the side of Dodson Road or the unformed road in this location.

A 300 millimetre diameter culvert has been installed under Dodson Road to provide some drainage for this area. It appears that Lot 1 is at the low end of a small local catchment with an area of approximately 3.0 hectares and ponding has occurred on Lot 1 during previous heavy rain events, which has drained after several hours. The existing 300 millimetre culvert is smaller than the minimum diameter required by the current engineering standards and could block during a heavy rain event, causing Lot 1 to pond to a depth of approximately 300 millimetres before overflowing across Dodson Road.

A condition has been attached to this consent requiring the existing 300 millimetre culvert be replaced with a culvert meeting the requirements of Council's Engineering Standards, which will minimise the risk of the culvert blocking. The dwelling is also required to have a minimum floor level higher than the crown of Dodson Road to ensure that any floodwater cannot enter the building;

- f) on-site stormwater disposal using low impact design methods is required to ensure the peak flows from this site are mitigated to maintain downstream flows to predevelopment levels as there is no nearby watercourse with capacity.

Relevant Statutory Provisions

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

- a) the Tasman Regional Policy Statement (TRPS);
- b) the Transitional District Plan;
- c) the proposed Tasman Resource Management Plan (PTRMP).

Most of the objectives and policies contained within the TRPS are mirrored in the PTRMP. The activity is considered to be consistent with the relevant objectives and policies contained in Chapters 5 and 7 of the PTRMP. It will provide for subdivision of a property into two allotments.

Part II Matters

The Council has taken into account the relevant principles outlined in Sections 6, 7 and 8 of the Act and it is considered that granting this resource consent achieves the purpose of the Act as presented in Section 5.

Notification and Affected Parties

The adverse environmental effects of the activity are considered to be no more than minor. The Council's Resource Consents Manager has, under the authority delegated to him, decided that the provisions of Section 94(2) of the Act have been met and therefore the application has been processed without notification.

This consent is granted on **5 September 2008** under delegated authority from the Tasman District Council by:

Wayne Horner
Consent Planner, Subdivision

Plan A
 5 September 2008
 RM080219, A Marshall



RESOURCE CONSENT DECISION

Resource Consent Number: RM080220

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

Ann Marshall
(hereinafter referred to as “the Consent Holder”)

Activity authorised by this consent: To construct a new dwelling within the Rural 1 Zone with non-complying setbacks, on proposed Lot 1 approved under RM080219.

Location details:

Address of property:	61 Dodson Road, Takaka
Legal description:	Lot 4 DP 10068 and Lot 1 DP 12777
Zoning:	Rural 1
Certificate of title:	CT NL8A/493
Valuation number:	1871039602

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

CONDITIONS

General

1. This consent shall commence at the date of the issuing of the certificate of title for proposed Lot 1 created under subdivision consent RM080219.
2. The dwelling shall conform to the building location plan and elevations, attached to this consent as Plan A and Plan B. Notwithstanding the above, if there is any apparent conflict between the information submitted with the application and any conditions of this consent, the conditions shall prevail.

Colour of Buildings

3. The exterior of the dwelling on Lot 1 shall be finished in colours that are recessive and blend in with the immediate environment. The Consent Holder shall submit to the Council for approval the following details of the colours proposed to be used on the walls and roof of the dwelling:
 - a) the material to be used (eg, paint, Colorsteel);
 - b) the name and manufacturer of the product or paint;
 - c) the reflectance value of the colour;
 - d) the proposed finish (eg, matt, low-gloss, gloss); and

- e) either the BS5252:1976 (British Standard Framework for Colour Co-ordination for Building Purposes) descriptor code, or if this is not available, a sample colour chip.

The dwelling on Lot 1 shall be finished in colours that have been approved by the Council.

Advice Note:

As a guide, the Council will generally approve colours that meet the following criteria:

Colour Group*	Walls	Roofs
Group A	A05 to A14 and reflectance value ≤50%	A09 to A14 and reflectance value ≤25%
Group B	B19 to B29 and reflectance value ≤50%	B23 to B29 and reflectance value ≤25%
Group C	C35 to C40, reflectance value ≤50%, and hue range 06-16	C39 to C40, reflectance value ≤25%, and hue range 06-16
Group D	D43 to D45, reflectance value ≤50%, and hue range 06-12.	Excluded
Group E	Excluded	Excluded
Finish	Matt or Low-gloss	Matt or Low-gloss

* Based on BS5252:1976 (British Standard Framework for Colour Co-ordination for Building Purposes). Where a BS5252 descriptor code is not available, the Council will compare the sample colour chip provided with known BS5252 colours to assess appropriateness.

Advice Note:

The Consent Holder should engage the services of a professional to ensure the exterior cladding and colour selection are compatible with the long-term durability of the building material in the subject environment and in accordance with the requirements under the Building Act 2004.

Vehicle Crossing

- Access from the unnamed legal road to Lot 1 shall be formed in the location shown on Plan A with 150 millimetres of compacted base course. This crossing shall be 4.5 metres wide at the existing gravel formation, tapering to a minimum of 3.0 metres in width at the property boundary and extending for 10.0 metres into the lot. This vehicle crossing shall be constructed prior to any building being constructed on Lot 1.

ADVICE NOTES

Council Regulations

- This 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. This resource consent only authorises the activity described above. Any matters or activities not referred to in this consent or covered by the conditions must either:
 1. comply with all the criteria of a relevant permitted activity rule in the Proposed Tasman Resource Management Plan (PTRMP);
 2. be allowed by the Resource Management Act; or
 3. be authorised by a separate resource consent.

Consent Holder

3. This consent is granted to the abovementioned Consent Holder but Section 134 of the Act states that such land use consents “attach to the land” and accordingly may be enjoyed by any subsequent owners and occupiers of the land. Therefore, any reference to “Consent Holder” in the conditions shall mean the current owners and occupiers of the subject land. Any new owners or occupiers should therefore familiarise themselves with the conditions of this consent, as there may be conditions that are required to be complied with on an ongoing basis.

Provision of Water Storage

4. The new dwelling on Lot 1 is required to be provided with on-site water storage of not less than 23,000 litres for firefighting. The tank is to be fitted with an accessible 50 millimetre camlock coupling to enable connection with firefighting equipment.

REASONS FOR THE DECISION

Background to Proposed Activity

This application relates to the construction of a new dwelling with non-complying setbacks on proposed Lot 1 consented under RM080219, which is located within the Rural 1 Zone.

The proposed dwelling will be constructed 1.5 metres from the internal boundary with Lot 2 DP 12777 and 5.0 metres from the Dodson Road boundary.

Proposed Tasman Resource Management Plan (“PTRMP”) Zoning, Area, and Rules Affected

According to the PTRMP the following apply to the subject property:

Zoning: Rural 1
Area(s): Land Disturbance Area 1

The activity authorised by this resource consent does not comply with Permitted Activity Rules 17.4.4(f) and 17.4.5(b) of the PTRMP and is deemed to be a Discretionary Activity in accordance with Rule 17.4.6 of the PTRMP.

Principal Issues (Actual and Potential Effects on the Environment)

The principal issues associated with the proposed activity involve the actual and potential effects on the environment. For this application these were:

- a) the location of the building on the site and the effects on the potential availability of productive land;
- b) location and effects of on-site servicing, access and traffic safety;
- c) effects on the amenities of the area, including landscaping and the colour, materials and surface treatment of buildings and the reverse sensitivity of existing productive activities to new residential development arising from effects across property boundaries.

The Council considers that the adverse effects of the activity on the environment will be no more than minor for the following reasons:

- a) the site will be created as a result of the subdivision proposal approved under RM080219 and will have an area of 918 square metres. The site has almost no productive potential and is not considered to be further affected by the construction of a dwelling;
- b) the dwelling can be adequately serviced and advice notes remind the Consent Holder that compliance with firefighting water storage provisions is required, or further consent is required to be obtained. The design and construction of the new access to this building site will be approved by Council at the time of building consent;
- c) the building location is not close to any existing rural activities, which will minimise any potential cross-boundary issues with those activities located across the unnamed road and Dodson Road. Also, the owners of Lot 2 DP 12777 have provided their written approval for the proposed dwelling with attached carport to be located 1.5 metres from their property boundary;
- d) the visual effects of the building being 5.0 metres closer to the Dodson Road boundary are considered to be mitigated by the small scale of the proposed building in conjunction with the recessive colour scheme required by conditions of this consent.

Relevant Statutory Provisions

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

- a) the Tasman Regional Policy Statement (TRPS);
- b) the Transitional District Plan;
- c) the proposed Tasman Resource Management Plan (PTRMP).

Most of the objectives and policies contained within the TRPS are mirrored in the PTRMP. The activity is considered to be consistent with the relevant objectives and policies contained in Chapters 5 and 6 of the PTRMP.

Part II Matters

The Council has taken into account the relevant principles outlined in Sections 6, 7 and 8 of the Act and it is considered that granting this resource consent achieves the purpose of the Act as presented in Section 5.

Notification and Affected Parties

The adverse environmental effects of the activity are considered to be no more than minor. The Council's Resource Consents Manager has, under the authority delegated to him, decided that the provisions of Section 94(2) of the Act have been met and therefore the application has been processed without notification.

This consent is granted on **5 September 2008** under delegated authority from the Tasman District Council by:

Wayne Horner
Consent Planner, Subdivision

Plan A
 5 September 2008
 RM080220, A Marshall



GOLDEN BAY SURVEYORS
 5 Howson St., Tisbury, P.O. Box 527 6241
 email: gbsurveyors@xtra.co.nz

WARNING
 This plan has been prepared by the Surveyors of Golden Bay Surveyors Limited. It is a preliminary plan and is not intended to be used for any other purpose. It is subject to change without notice. The plan should not be relied upon for any other purpose.

No.	Amendment	By	Date
		Design	MP
		Drawn	MP
		Checked	
		Approved	
		Date	January 2008

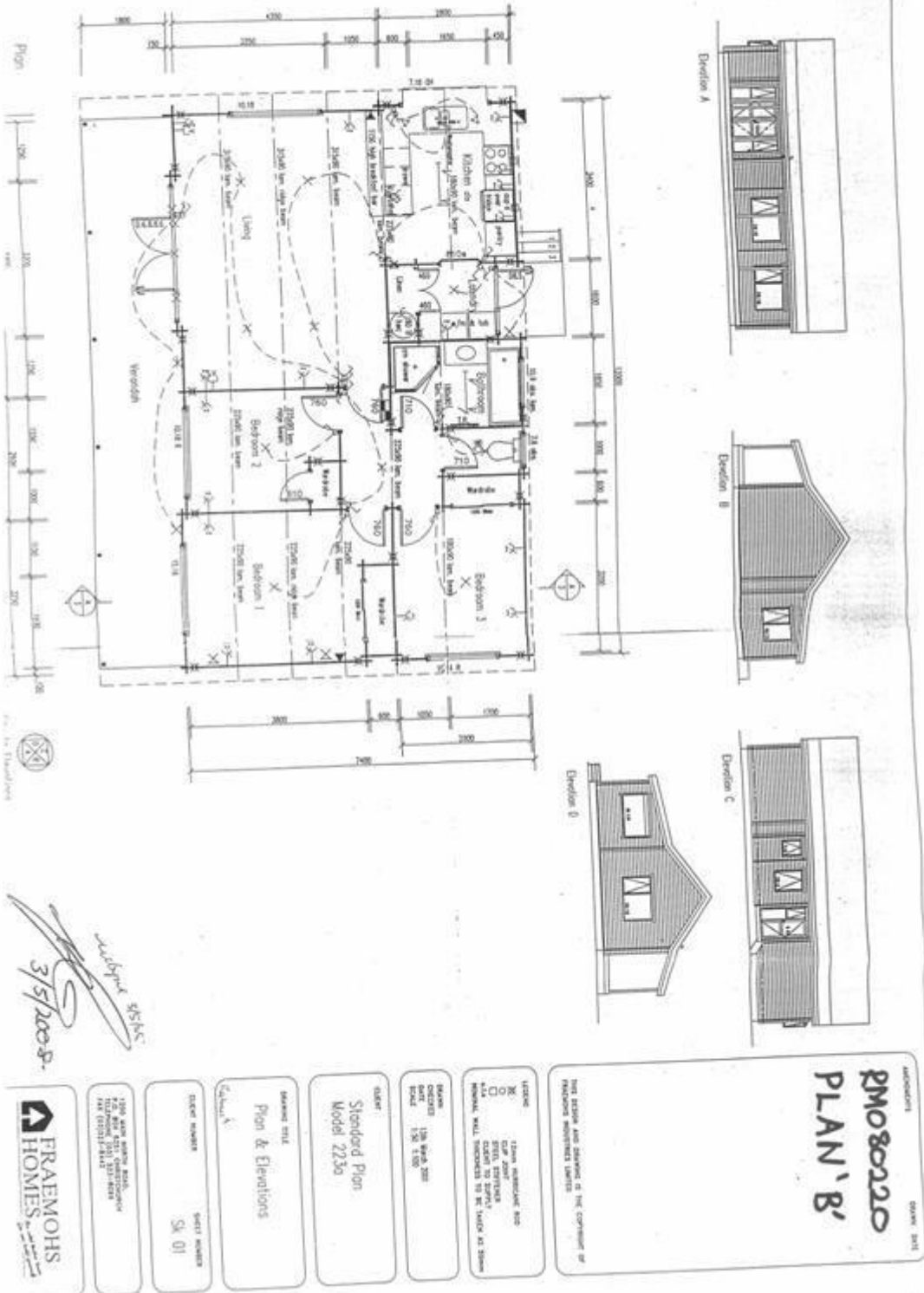
Site Title: A. MARSHALL - Dodsons Rd
 Drawing Title: CONSENT PLAN

TDC RM- [REDACTED]
 1:500 @ A3
 18/03/2008
 Job No. 2081

RM080220

PLAN 'A'

Plan B
 5 September 2008
 RM080220, A Marshall



3/5/2008
SKS