

STAFF REPORT

TO: Environment & Planning Subcommittee

FROM: Wayne Horner – Consent Planner, Subdivision
Dugald Ley – Development Engineer

REFERENCES: RM080597

SUBJECT: **B LEIGH - REPORT EP09/03/06** - Report prepared for hearing of 30 March 2009

APPLICANT: Biddy Leigh

PROPOSAL: Section 357 objection to Conditions 6 and 11 of Resource Consent RM080597. The applicant also seeks clarification regarding Conditions 6(d) and 10.

LOCATION: 60 Onekaka Iron Works Road, Onekaka, Takaka

1. INTRODUCTION

On 22 September 2008 consent was issued by Council to allow the creation of a new 5,000 square metre lot within the Rural Residential Zone on Iron Works Road.

2. BACKGROUND

This application relates to the subdivision of an existing title located within the Rural Residential Zone into two lots, with Lot 1 having an area of 5,000 square metres, and Lot 2 being 7.34 hectares in area, which meets the controlled activity lot size criteria for this zone.

The applicant has provided a report from W J Page of Page & Associates Ltd that confirms a building site would be available on Lot 1, however the ground conditions do not meet NZS:3604: 2004 and specific design may be required for the building foundations. The specific limitations are required in the form of a site certification to advise future owners of these limitations and to ensure appropriate foundation design.

3. SECTION 357 OBJECTION

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

Condition 6 states:

Onekaka Ironworks Road shall be upgraded along the frontage of Lot 1 to the following:

- a) a two-coat chip sealed 5.0 metre width (ie, 2 x 2.5 metre sealed lanes) together with 600 millimetre grass or gravel berms on either side;
- b) the swale drain shall be extended along Ironworks Road to allow drainage to the existing swale drain;
- c) a 1.4 metre wide two-coat chip seal footpath shall be constructed with treated timber edging;
- d) the 600 millimetre grass berms may be reduced if can be shown that traffic safety and visibility will not be compromised by a reduced berm width. The overall berm width shall be confirmed at the engineering plan stage and shall be subject to the approval of the Council's Engineering Manager.

Reasons for Objection to Condition 6;

Condition 6(a) and 6(c) require the upgrading of Ironworks Road to a 5.0m sealed carriageway and 2 x 600mm berms, plus a 1.4m wide sealed footpath.

The land on both sides of Iron works Road is Zoned Rural Residential and there are 5 other users further up Ironworks Road.

It is submitted that case law on road upgrading requirements is clear in requiring:

1. *Road upgrading costs should be borne equally by the landowners on both sides of the road – i.e. the owner subdividing on one side should pay no more than half the costs of the full upgrading.*
2. *Upgrading requirements should reflect the effects of the increased usage and should be in proportion to the extra use generated.*
3. *Should be fair and reasonable.*

It is noted that the Condition in its current form would potentially allow the landowner on the opposite side of Ironworks Road to subdivide at a later date without contributing to the upgrade at all and that this would not be fair and reasonable.

It is contended that the applicant should pay no more than half the cost to upgrade the road fronting Lot 1.

It is noted that RM050663 was a two lot subdivision on Ironworks Road and was only required to widen the metal carriageway to 5.0m. In the Reasons for the Decision, No 9, it is stated that one additional allotment does not trigger the need for a footpath and only minor road widening and improvement of sight distances is warranted.

It is submitted that the applicants subdivision is very similar to RM050663 and that a similar approach should prevail.

Relief Sought: *The applicant acknowledges that some form of contribution is fair and is prepared to widen the carriageway to a 5.0m wide metal (formation) with 0.6m wide berms and enhance sight distances in line with the requirements of RM050663.*

Staff Comment

Two previous subdivisions have occurred on this road with the first being RM050279 which was granted on 15 November 2005, and referred to as RM050663 in the objection. This application created one extra lot on Ironworks Road (ie below the 5000 m² standard) is located some 300 metres from the State Highway 60 / Ironworks Road intersection on the eastern side of Iron Works Road. This application was agreed by the Committee as having an effect on the functioning of Iron Works Road. At that time it was not considered fair to require the applicant to form, widen and seal the 365 metres of Iron Works Road out to the State Highway. However, it was deemed appropriate that as a first step the applicant just widen the carriageway to a 5.0 metre width such that sealing of that section could be achieved later and also provide better sight visibility along the Iron Works Road. That work was duly completed.

The second subdivision (RM050700 granted on 28 February 2006) created nine complying lots on the west side of the road. The distance from the last lot to the state highway was approximately 450 metres and a condition of consent required the road to be sealed to a 5.0 metre width together with forming side drains and culverts and a footpath to be constructed along the western side of the road, ie the applicant's frontage. That work was also duly completed. Note – when looking at the work entailed for the nine-lot subdivision, the 450 metres of new road equates to 50 metres of road formation per lot that has been constructed.

Iron Works Road outside the applicant's frontage remains as a 3.4 metre wide gravel surface and it is only fair that an upgrade is required when new traffic is generated. In theory the east side of the road has been developed (subdivided) to the limits set out in the TRMP and the applicant's side (7.8 hectares) is the only title left that can be subdivided as a controlled activity. If this was not the case then perhaps a further contribution could have been requested for the eastern side when it is developed. Council has, by way of the applicant's subdivision, only requested the upgrade along the frontage of Lot 1, rather than the entire 7.8 hectare property frontage as the footpath is on that side of the road. It is only fair that the applicant form the road for a length of 50 metres and construct the new footpath and that this is consistent with the requirements for the previous nine lot subdivision (RM050700).

Under Schedule 16.3, Section (37) of the TRMP consideration is required to be given to the need for upgrading the road frontage to the standards in Figure 18.8A to manage the traffic effects of the proposal. The upgrade required will mitigate any traffic effects from this proposal.

On 20 February 2009 Ms Bidy Leigh met with Wayne Horner to discuss her s357 objection and raise the issue of a partial upgrade of the Lot 1 frontage. Ms Leigh restated her request to have the full formation, including sealing, of the road fronting Lot 1 occur with any subsequent stages of the balance lot and that Council consider formalising this proposal with a Consent Notice on the title of the balance lot or by a covenant with the applicant.

Ironworks Road has been sealed for approximately 10.0m along the frontage of Lot 1 with a culvert installed in readiness for the proposed crossing anticipated under RM080597.

Council has no plans to upgrade Iron Works Road at present and therefore there is no opportunity for cost sharing, or ability for Council to take roading contributions for future upgrading works at present. There are many roads within the Tasman District that need to be upgraded to meet the current engineering standards. For Council to upgrade these roads significant capital would be required in conjunction with a site specific development contributions regime and this does not currently exist for Iron Works Road.

Any conditions attached to a consent issued by Council are limited by the following criteria from the *Newbury* test as stated in the *Coote v Marlborough District Council*:

To be valid at law a condition must:

- i) be for a resource management purpose not for an ulterior one;
- ii) fairly and reasonably relate to the development authorised by the consent to which the condition is attached;
- iii) not be so unreasonable that no reasonable planning authority appreciating its statutory duties could have approved it.

Condition 6 is for a resource management purpose in that it improves the traffic safety for the users of Iron Works Road and that it does relate to the development authorised, where an additional lot is being created.

Condition 11 states:

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

Reasons for Objection to Condition 11;

This Condition requires the applicant to provide a Chartered Professional Engineers Certificate that a site has been identified on Lot 1 for the construction of a residential building.

The applicants furnished a Chartered Professional Engineers report which states on page 4 "There is nothing in the topography of subsurface conditions that raises any concerns as to land stability". The report also gives four recommendations to be placed on a consent notice regarding foundations.

Given that a Chartered Professional Engineer has reviewed the site and provided recommendations in his report, why should the applicant again bring an Engineer to the site to repeat the process?

Staff Comment

The applicant has provided a report from Mr Bill Page that summarises the investigations that have taken place on this site. All that is required to be done to satisfy Condition 11 is for the Engineer to submit the actual certificate to Council, as required by NZS4404:2004. It is not anticipated that the provision of the certificate will require a further site visit or any repeat of the engineering work or investigation carried out to date.

Condition 6(d) states:

- (d) the 600 millimetre grass berms may be reduced if can be shown that traffic safety and visibility will not be compromised by a reduced berm width. The overall berm width shall be confirmed at the engineering plan stage and shall be subject to the approval of the Council's Engineering Manager.

Condition 10 states:

At the completion of works, a suitably experienced chartered professional engineer or registered 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.

Clarification sought:

Condition 6(d) and 10 refer to "Engineering Plans" yet the usual condition requiring engineering plan approval is absent.

Clarification is sought on whether such plans are a requirement in exercising this Consent.

Staff Comment

For the avoidance of doubt a new Condition 6A is proposed to be included in the consent confirming the need for engineering plans for the road upgrading works along the frontage of Lot 1.

4. RECOMMENDATIONS

- a) That Condition 6 remains unchanged and that the full upgrade be required.
- b) That Condition 11 have an **Advice Note** attached stating that as an engineering report prepared by Bill Page has already been submitted to Council as part of the application, all that remains to comply with this Condition is the provision of a Certificate in accordance with NZS:4404, Schedule 2A. Council will accept this certificate being prepared by a Chartered Professional Engineer practicing in civil engineering.
- c) That a new Condition 6A be included within the consent to confirm the need for Engineering Plans for the road upgrading works along the frontage of Lot 1. The wording for Condition 6A is as follows:

Engineering Plans

- 6A i) 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 or as approved by the Tasman District Council Engineering Manager. All necessary fees for engineering plan approval shall be payable.
- ii) As-built plans shall be provided for approval and signing by the Tasman District Council Engineering Manager.



Wayne Horner
Consent Planner, Subdivision



RESOURCE CONSENT DECISION

Resource Consent Number: RM080597

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

Biddy Leigh

(hereinafter referred to as “the Consent Holder”)

Activity authorised by this consent: To subdivide Part Lot 1, DP 10291 (CT NL8B/448) to create:

- Lot 1 at 5,000 square metres in area;
- Lot 2 at 7.34 hectares in area.

Location details:

Address of properties:	60 Onekaka Iron Works Road, Onekaka, Takaka
Legal description:	Part Lot 1 DP 10291
Zoning:	Rural Residential
Certificate of titles:	CT NL8B/448
Valuation numbers:	1862047100

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

Conditions

Plan

1. The subdivision shall be in accordance with the revised scheme plan prepared by Golden Bay Surveyors Limited, titled Subdivision of Part Lot 1 DP 10291, dated February 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.

Power and Telephone

5. Underground 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 provided to the boundary of the allotment. The written confirmation shall be provided prior to a completion certificate being issued pursuant to Section 224(c) of the Act.

Road Formation

6. Onekaka Ironworks Road shall be upgraded along the frontage of Lot 1 to the following:
 - a) a two-coat chip sealed 5.0 metre width (ie, 2 x 2.5 metre sealed lanes) together with 600 millimetre grass or gravel berms on either side;
 - b) the swale drain shall be extended along Ironworks Road to allow drainage to the existing swale drain;
 - c) a 1.4 metre wide two-coat chip seal footpath shall be constructed with treated timber edging;
 - d) the 600 millimetre grass berms may be reduced if can be shown that traffic safety and visibility will not be compromised by a reduced berm width. The overall berm width shall be confirmed at the engineering plan stage and shall be subject to the approval of the Council's Engineering Manager.

Crossing

7. The new entrance onto Ironworks Road shall be located to achieve 75 metres sight distance at 1.8 metres back from edge of shoulder and scrub clearance may be required to achieve this.
8. The new access to the Lot 1 shall be permanently surfaced from the sealed formation on Onekaka Iron Works Road for a minimum of 5.0 metres into Lot 1, with a minimum width of 3.5 metres as shown on the attached Plan B. For the purposes of this condition "permanently surfaced" shall mean a surface that has, as a minimum, a Grade 4 chip first coat, overlain by a Grade 6 void fill second coat.

Engineering Works

9. 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

10. At the completion of works, a suitably experienced chartered professional engineer or registered 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.
11. Certification that a site has been identified on Lot 1 suitable for the construction of a residential building shall be submitted from a geotechnical engineer or a chartered professional engineer practicing in civil engineering. This certificate shall define on all lots the area suitable for the construction of residential buildings and shall be in accordance with NZS 4404:2004 Schedule 2A.

Consent Notices

12. The following consent notices shall be registered on the title for Lot 1 DP..... pursuant to Section 221 of the Resource Management Act 1991 prior to the issue of the Section 224(c) certificate:
 - a) The wastewater shall be treated to a secondary standard (BOD₅ < 30 milligrams per litre and suspended solids < 45 milligrams per litre). This wastewater shall then be discharged to land via a raised bed (with soil approved by Council) or bottomless sand filter. This bed shall be raised so that the bed is at least 500 millimetres above winter groundwater level and a sampling point installed at 500 millimetres below the surface. The land disposal area shall be determined via NZS 1547:2000 or TP58 design criteria and the design shall be submitted to Council's Environment & Planning Manager or his nominee for approval in conjunction with the building consent application.
 - b) The underlying soils have poor drainage and the recontouring of the building site will be required at the time of building consent to ensure that surface water drains away from the building foundations.
 - c) The dwelling built on the site shall have a water tank of at least 25,000 litres capacity to collect rainwater from the roof. The tank shall have a stormwater retention volume consistent with the requirements of the Tasman District Council Engineering Standards & Policies 2008 for the roof area of the dwelling, and discharge to land via a flow restricted outlet. Both the restricted outlet and the tank overflow shall discharge to a primary stormwater management system (eg, swale, watertable, soakage, etc) and be constructed to avoid flooding and erosion.
 - d) Any limitations placed on the engineering certification for Lot 1 placed on Schedule 2A (required by Condition 11 above).

The above consent notices shall be prepared by the applicant and submitted to Council for approval. 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.

Financial Contributions

13. 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 a 2,500 square metre notional building site for 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.

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. Please contact Lindsay Skinner on (03) 543 8548 for the street addresses for Lots 1 and 2.

Firefighting Water Storage

5. Any 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 subdivision of an existing title located within the Rural Residential Zone into two lots, with Lot 1 having an area of 5,000 square metres, with Lot 2 being 7.34 hectares in area, which meets the controlled activity lot size for this zone.

The applicant has provided a report from W J Page of Page & Associates Ltd that confirms a building site would be available on Lot 1, however the ground conditions do not meet NZS3604 and specific design may be required for the building foundations. The specific limitations are required in the form of a site certification to advise future owners of these limitations and to ensure appropriate foundation design. This report also confirms that it is possible to meet the permitted activity criteria for wastewater discharge with the use of a raised bed.

Stormwater discharge is able to be accepted into the swale drain within the Onekaka Iron Works Road reserve subject to on-site detention to mitigate the peak stormwater flows and reduce downstream effects.

A search of historical records for this site indicates that Lot 1 is not within the core manufacturing area of the original Iron Works. However, this area may have been used for goods storage or accommodation purposes. The Iron Works was in production in the 1920s and being a more recent industrial site is not classed as an historic site within the PTRMP.

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

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

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

No person may subdivide land within Tasman District as a permitted activity according to the PTRMP. The activity authorised by this resource consent is deemed to be a controlled activity in accordance with Rule 16.3.10 of the PTRMP.

Principal Issues (Actual and Potential Effects on the Environment)

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

Overland Flows

- a) This site is not subject to flooding however there may be minor overland stormwater flows due to poor drainage of this site and surrounding area. Minor recontouring of the building site, including the construction of cut-off drains, is expected to provide a suitable area within Lot 1 for a residential building.

Traffic Effects Road Upgrade

- b) Onekaka Iron Works Road and intersection with State Highway 60 has been upgraded at the time the Ironworks Syndicate subdivision (RM050700) was formed and is considered to be able to cater for one additional rural residential user.
- c) It is a requirement of the conditions of this consent that Onekaka Iron Works Road be upgraded along the frontage of Lot 1 to the same standard as the existing road formation to the north of this site. Onekaka Iron Works Road is classed as an Access Place under the PTRMP for up to 19 lots. The balance area contained within Lot 2 contains the majority of the undeveloped land within the Rural Residential Zone that will access Onekaka Ironworks Road and could be developed in future. The continuation of the existing road standard will ensure a uniform access standard is applied in accordance with Figure 18.10A of the PTRMP up to the undeveloped part of the Rural Residential Zone.

Servicing

- d) The new lot will be individually serviced for power and telephone and the design of the wastewater system can meet the permitted activity requirements of the PTRMP. Stormwater will drain to the roadside swale via a detention and soakage system.
- e) A potable water supply will be established by the future owners of Lot 1 as there is no specific requirement under the PTRMP for a water connection to a potable water supply at the time of subdivision.

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 application relates to a two lot subdivision within the Rural Residential Zone and the proposed lot sizes meet the controlled activity criteria lot size for this zone;

- b) a suitable building site is available on Lot 1 and wastewater and stormwater servicing can be provided;
- c) Onekaka Ironworks Road will be upgraded along the frontage of Lot 1 to the Access Place standard required by the PTRMP.

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.

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 22 September 2008 under delegated authority from the Tasman District Council by:

Wayne Horner
Consent Planner, Subdivision



WARNING 1

THIS PLAN HAS BEEN PREPARED FOR THE PURPOSES OF RESOURCE CONSENT APPLICATION ONLY. IT IS NOT A PRECISE SURVEY PLAN. AS AREAS & DIMENSIONS ARE LIKELY TO VARY UPON SURVEY, THIS PLAN SHOULD NOT BE ATTACHED TO SALE & PURCHASE AGREEMENTS WITHOUT AN APPROPRIATE CONDITION TO COVER SUCH VARIATIONS.

PROPOSED EASEMENTS

Purpose: Show Serv Tenement Don Tenement
 Right of Way
 Right to convey
 Right to drain
 water
 sewerage
 drainage
 electricity
 telecommunications
 & computer media

SCHEDULE OF EXISTING EASEMENTS

Purpose: Show Serv Tenement Don Tenement
 Right of Way
 Lot 2 Easement P 150c 256
 Way

Design: F WINGATE
DRAWN: M BRIGGS
CHECKED: F WINGATE
Approved:
Date of Survey: February 2008

**LEIGH
SCHEME PLAN**

RM 080597

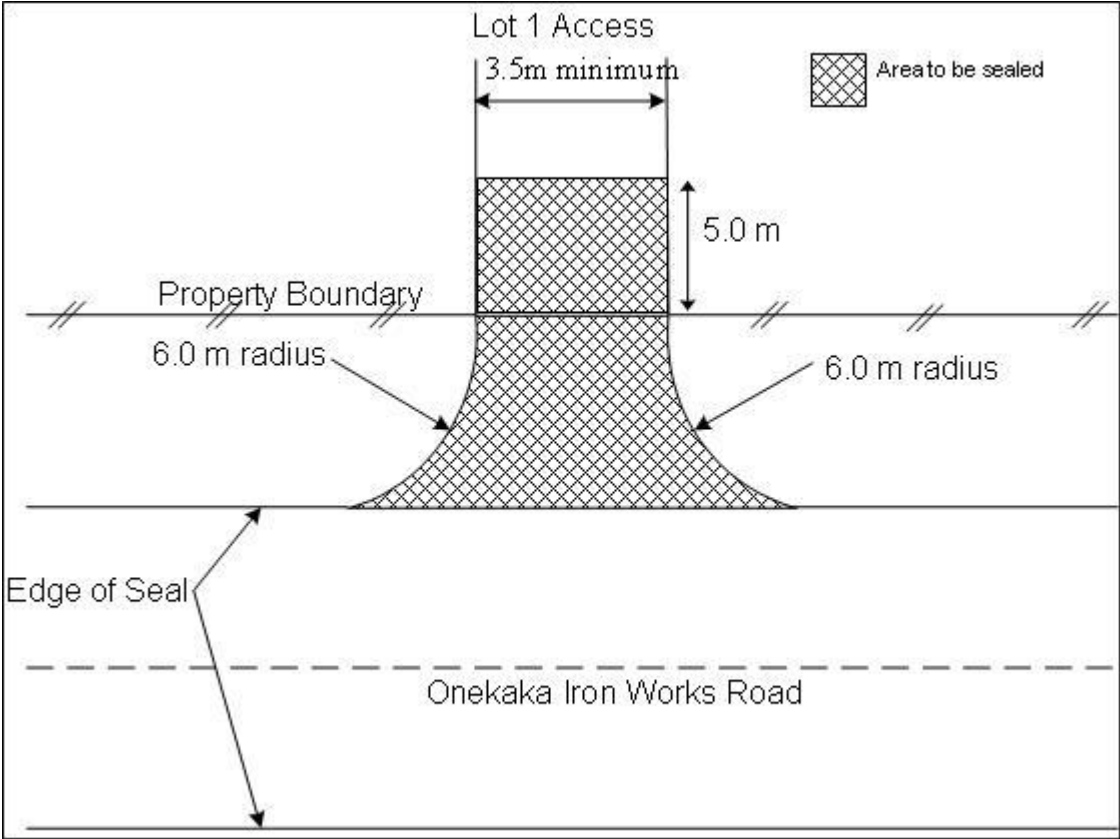
PLAN 'A'

GOLDEN BAY SURVEYORS LTD
 14 London Street P.O. Box 15, Takarua
 Tel: 03 525 8341 Fax: 03 525 8307
 Email: gbsurveyors@xtra.co.nz

SUBDIVISION OF PART LOT 1 DP 10291

Land Authority: Taranaki District Council
 Land District: Nelson
 Scale: 1:2000 Date: FEB 2008

Plan B
Access Sealing: Lot 1
RM080597, B Leigh



TO: Chair and Members, Environment & Planning Subcommittee
FROM: Dugald Ley, Development Engineer
DATE: 5 November 2008
REFERENCE: RM080597
SUBJECT: **357 OBJECTION TO CONDITIONS OF CONSENT – ROAD UPGRADE AND ENGINEERING PLANS**

1. PURPOSE

This report reviews the requirements for the conditions as outlined in the subdivision consent RM080597.

2. BACKGROUND

This application is to create one extra lot (5000 m²) out of the existing title (7.8 hectares).

The new lot will have a 50 metre road frontage to Ironworks Road and be located adjacent to a previously completed nine-lot subdivision of similar lot size.

The condition of consent clause 6 requires the following:

Road Formation

6. Onekaka Ironworks Road shall be upgraded along the frontage of Lot 1 to the following:
 - a) a two-coat chip sealed 5.0 metre width (ie, 2 x 2.5 metre sealed lanes) together with 600 millimetre grass or gravel berms on either side;
 - b) the swale drain shall be extended along Ironworks Road to allow drainage to the existing swale drain;
 - c) a 1.4 metre wide two-coat chip seal footpath shall be constructed with treated timber edging;
 - d) the 600 millimetre grass berms may be reduced if it can be shown that traffic safety and visibility will not be compromised by a reduced berm width. The overall berm width shall be confirmed at the engineering plan stage and shall be subject to the approval of Council's Engineering Manager.

Two previous subdivisions have occurred on this road with the first being RM050279 (Osborne). This application created one extra lot on Ironworks Road (ie below the 5000 m² standard) some 300 metres from the State Highway 60 / Ironworks Road intersection on the eastern side of the road. This application was agreed by the committee as having an effect on the functioning of Ironworks Road. At that time it was not fair to require the applicant to form, widen and seal the 365 metres of Ironworks Road out to the state highway. However, it was deemed appropriate that as a first step the applicant just widen the carriageway to a 5.0 metre width such that sealing of that section could be achieved later and also provide better sight visibility along the road. That work was duly completed.

The second subdivision (RM050700) created nine complying lots on the west side of the road. The distance from the last lot to the state highway was approximately 450 metres and a condition of consent required the road to be sealed to a 5.0 metre width together with forming side drains and culverts and a footpath to be constructed along the western side of the road, ie the applicant's frontage. That work was also duly completed. Note – when looking at the work entailed for the nine-lot subdivision, the 450 metres of new road equates to 50 metres of road formation per lot that has been constructed.

Ironworks Road outside the applicant's frontage remains as a 3.4 metre wide gravel surface and it is only fair that an upgrade is required when new traffic is generated. In theory the east side of the road has been developed (subdivided) to limits set out in the district plan and the applicant's side (7.8 hectares) is the only site left that can be subdivided as of right. If this was not the case then perhaps a further contribution could have been requested for the eastern side when it is developed. Council has, by way of the applicant's subdivision, only requested the upgrade along the frontage of Lot 1, rather than the entire 7.8 hectare property frontage as the footpath is on that side of the road. It is only fair that the applicant form the road up 50 metres and construct the new footpath and this is consistent with the previous nine lot subdivision.

TRMP and TDC Engineering Requirements

Turning to schedule 16.3B Clause (h) of the TRMP –Transport Standards and terms.

Clause (h) requires:-*...”where any land to be subdivided has frontage to any existing road that is not constructed to the standards set out in section 18.8 The road along the frontage adjoining the land to be subdivided is formed and upgraded by the developer to the standards of the road widths, kerb and channeling and associated drainage attributable to the subdivision, berm, footpath, crossing and street lighting specified in section 18.8”*

Also under schedule 16.3A Clause (34) of the TRMP-Transport access and roads,

Clause (34) requires;- *“The degree of compliance with the provisions of the Tasman District Council ..Engineering Standards, or the ability to achieve acceptable standards by alternative means”*

Clause 6.3.1 (d) of the Engineering Standards State:- *Where any land to be subdivided/developed, fronts any of the above that is not constructed to the current engineering standards, council will require as a condition of consent that these roads*

be upgraded at the full cost of the subdivider/developer. This may also require the installation of services or works.

It is clear from the above that rules are in place as above that have gone through a public consultation process and therefore are deemed fair and reasonable to be applied to this resource consent.

Council has been consistent in this approach and a number of previous examples/subdivisions have been completed where the developer has constructed the road outside the frontage of the property.

While Council could have requested the full frontage of the applicants site to be upgraded, it felt in this instance that only the frontage of the new lot be formed up to the adjacent road standard. This being deemed fair and reasonable and consistent with other applications.

3. RECOMMENDATION

That the frontage of Lot 1 be formed up to a similar design standard as that of the adjacent nine-lot subdivision to the north west and that engineering plans are required for approval by Council for this work.

Dugald Ley
Development Engineer