



STAFF REPORT

TO: Environment & Planning Committee

FROM: Wayne Horner, Consent Planner, Subdivision

REFERENCE: RM100394 and RM100395

SUBJECT: **A and W LANE - REPORT REP10-11-03-** Report prepared for meeting of 29 November 2010

APPLICANTS

Andrew Lane and Wendy Lane.

PROPOSAL

A section 357 objection to Conditions 11 and 8(b) of RM100394 and Condition 6 of RM100395 that seeks the deletion of these conditions.

LOCATION

57 Baigent Valley Road, Wakefield.

LOCATION DETAILS

Address of Properties: 57 Baigent Valley Road, Wakefield

Legal Descriptions: Part Section 5 of 143 Waimea South District and Lot 3 DP 13301 and Lot 1 DP 420037

Computer Freehold Register: NL8B/183 and 483980

Valuation Numbers: 1937005800 and 1937005802

1. INTRODUCTION AND BACKGROUND

This site contains two existing titles, which contain 4232 square metres (CFR 483980) and 5.3593 hectares (NL8B/183) respectively. CFR 483980 has been recently issued by LINZ to the owners of NL8B/183 as it was an unmatched parcel with no legal ownership. It was shown on NL8B/183 as a section of old riverbed and the dwelling and shed on NL8B/183 have been confirmed by survey as being constructed over the boundary of these two titles.

It is proposed to construct a new access to the existing dwelling on Lot 1 and remove the old shed.

A 5.0 metre wide Esplanade Strip along the bank of the Wai-iti River has been volunteered as part of this application to provide for public access.

Consents for the subdivision, RM100394 and the construction of the dwelling RM100395, were issued on 12 October 2010. (Attachment 1).

On 22 October 2010 a Section 357 objection was received by Council objecting to Conditions 11 and 8(b) of RM100394 and Condition 6 of RM100395. The part of the objection relating to finished ground and floor levels has been withdrawn. A full copy of the objection is attached as Appendix 2.

2. SECTION 357 OBJECTION

2.1 Condition 11 of RM100394 (Financial Contributions)

The objection states that under part 3(a) that “*no additional titles were created*”, and that “*notwithstanding Section 16.5.2.1 (a) of the TRMP there are no additional effects, or impact on the infrastructure that need to be mitigated by the imposition of such a levy*”.

For clarity the advice notes attached to Condition 11 that advise the requirement for a Development Contribution cannot be objected to under s357 and are not considered as part of this report.

Consideration was given to the appropriateness of a financial contribution for reserves and community services prior to RM100394 being granted, with the following reasoning:

Development Contributions and Reserve Fund Contribution

At present there are two titles within this proposed subdivision with CFR 483980 containing 4232 square metres, which follows the course of the old Wai-iti River bed. The existing dwelling has been constructed over the boundary of the two existing titles. Within Council’s Development Contributions Policy it states that “Council will require development contributions at resource consent stage or at the service connection stage where additional units of demand are created and development contributions for those additional units of demand may not otherwise be covered”.

When looking at the creation of CFR 483980 it can be seen that:

- *CFR 483980 was issued by the Registrar General of Land on 16 February 2010 following a claim by the previous owner for this part of the old Wai-iti River bed;*

-CFR 483980..... would not have been approved under the TRMP due to its small size and irregular shape. Its width varies between 8 metres to approximately 20 metres;
- the shed and the existing dwelling have been constructed across the boundary of both titles. Therefore, these titles are effectively amalgamated as it is very unlikely that they could be sold independently as any new owner inherits ownership of any buildings or structures on their title;
- this proposal will create additional residential demand above the existing situation;
- no contributions have been paid on CFR 483980.

The new title CFR 483980 was created as a result of a claim for part of the old Wai-iti River bed that prior to the issue of CFR 483980 had no legal ownership. This title was created under Section 19 of the Land Act 1952 and was not created by any subdivision consent process granted by the Tasman District Council or equivalent process in accordance with s11 of the RMA.

At present the existing residential dwelling has been constructed over the boundary of two titles and as a result of this subdivision there will be a new residential dwelling constructed which will result in increased residential demand for the provision of reserves and community services in this area.

Under Section 16.5.2 it states that a financial contribution will be taken with respect to each allotment created by subdivision less any existing certificates of title created by a subdivision consent process as required by Section 16.5.2.1(a). In this case there would be a credit for one certificate of title and this has been applied. Lots 3, 4 and 5 will vest in Council as riverbed and therefore no financial contributions have been applied on these lots.

Section 16.5.2.3 (b) and (c) set out the circumstances where Council may waive or reduce the levy for reserves and community services. The levy is not charged where lots are created for a network utility. Circumstances which may warrant a reduction or waiver include:

- (i) *where work is or has been undertaken or services provided, by agreement between the Council and the subdivider, that are greater than those necessary to manage adverse effects arising from the subdivision;*

No agreement for works has been entered into in this case.

- (ii) *where an activity is to be established which will have no adverse impact on the environment, particularly the infrastructure, reserves or community services of the District;*

A new residential dwelling will be the result of this subdivision and therefore there will be an increased demand for reserves and community services in the District.

- (iii) *where work is or has been undertaken or land set aside that will result in substantial environmental compensation;*

As part of the application the applicant volunteered a 5.0 metre wide strip to provide for public access along the Wai-iti River with no compensation sought. This was accepted by Council. No specific relief in relation to financial contributions was sought as part of the application.

- (iv) *where the applicant has previously carried out work or provided services or land, with the agreement of Council, that exceeded the requirements that applied to an earlier subdivision, and the applicant has not been compensated by any other means.*

There is no previous subdivision stage, or works carried out.

2.2 Condition 6 of RM100395 (Building Colour)

The applicant has objected to Condition 6 of RM100395 which requires the new dwelling to be finished in recessive colours to blend into the immediate environment. Condition 8 (b) of RM100394 would also need to be altered should this objection be upheld.

The following Condition and advice note was attached to RM100395:

Colour

- 6 *The exterior of the dwelling 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 prior to applying for building consent the following details of the colours proposed to be used on the walls and roof of the building:*
- (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 (e.g. 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 building shall be finished in colours that have been approved by the Council.

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.

Advice Note:

Colour

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 $\leq 50\%$	A09 to A14 and reflectance value $\leq 25\%$
Group B	B19 to B29 and reflectance value $\leq 50\%$	B23 to B29 and reflectance value $\leq 25\%$
Group C	C35 to C40, reflectance value $\leq 50\%$, and hue range 06-16	C39 to C40, reflectance value $\leq 25\%$, and hue range 06-16
Group D	D43 to D45, reflectance value $\leq 50\%$, 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.

The purpose of Condition 6 and the attached Advice Note is to ensure that the stronger and more visually obtrusive colours are avoided in the colour scheme of the building.

The maintenance of rural character is important in this Rural 1 Zone. Rural Character is defined within the TRMP as:

Rural Character - means the character of the land as shown by the predominance of rural productive activities and includes:

- (a) a high ratio of open space to built features;
- (b) large areas of pasture, crops, forestry and land used for a productive end;
- (c) built features associated with productive rural land uses;
- (d) low population density;
- (e) predominant form of residential activity directly associated with a productive land use;
- (f) social and economic activity associated with productive land use;
- (g) cultural values associated with farming and living on the land.

The useful life of a building is more than 50 years and the requirement for a recessive colour scheme is considered to better maintain the rural character of this area than an unrestricted colour scheme and better meet the objectives of Part 2 RMA.

Please refer to Attachment 2 that identifies those roof and wall colours that will generally be accepted by Council. The excluded colours are strong and were considered inappropriate in the rural environment.

The building location is not prominent or visible from a wide area and the neighbouring properties are reasonably well screened.

While currently this part of Baigent Valley Road is a low traffic environment, over the lifetime of the new dwelling this could change with an expanded walkway network and or cycle way network in this area.

3. RECOMMENDATIONS

That Condition 11 of RM100394 (Financial Contributions) remain unchanged.

That Condition 6 of RM100395 (Building Colour) and also Condition 8 (b) of RM100394 could be deleted.

Wayne Horner
Consent Planner, Subdivision



RESOURCE CONSENT DECISION

Resource Consent Number: RM100394

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

Andrew Howard Lane & Wendy Lane
(hereinafter referred to as “the Consent Holder”)

Activity authorised by this consent:

To subdivide the land described as Part Section 5 of 143 Waimea South District and Lot 3 DP 13301 (CFR NL8B/183) and Lot 1 DP 420037 (CFR 483980) into five lots with:

- (a) Lot 1 containing an area of 0.75 hectares including the existing dwelling and garage;
- (b) Lot 2 containing an area of approximately 4.1 hectares;
- (c) Lot 3 containing 0.3 hectares to vest in Council as Esplanade Reserve;
- (d) Lot 4 containing an area of 0.08 hectares of riverbed to vest in Council;
- (e) Lot 5 containing an area of 0.5 hectares of riverbed to vest in Council.

Location Details:

Address of Properties: 57 Baigent Valley Road, Wakefield

Legal Descriptions: Part Section 5 of 143 Waimea South District and Lot 3 DP 13301 and Lot 1 DP 420037

Computer Freehold Register: NL8B/183 and 483980

Valuation Numbers: 1937005800 and 1937005802

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 accordance with the scheme plan prepared by Cotton & Light Limited titled *A H Lane, 57 Baigent Valley Road, Wakefield* and attached to this consent as Plan A. If there is 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 are to be created over any services located outside the boundary of the allotment that they serve. Reference to easements is to be included in the Council resolution on the title plan and endorsed as a Memorandum of Easements.
3. The survey plan that is submitted for the purposes of Section 223 of the Act shall include reference to easements.

Access Formation

4. New crossings shall be constructed for Lot 1 along the frontage with Baigent Valley Road. This crossing shall be formed with 150 mm of basecourse as shown on the attached Plan B.
5. The entrance gates for Lots 1 and 2 shall be set back 6.0 metres into the lots with the gates opening into the lots.
6. A Crossing Permit application is required to be made prior to the construction of the new crossing for Lot 1. Please contact Council's Engineering Department to submit this application.

Shed Removal

7. The existing shed on the front Lot 1 shall be removed and new internal access formed to the dwelling on Lot 1.

Consent Notice

8. The following consent notices shall be registered on the certificates of title for Lot 2 pursuant to Section 221 of the Resource Management Act. The consent notices shall be prepared by the Consent Holder's solicitor and submitted to the Council for approval and signing. All costs associated with approval and registration of the consent notices shall be paid by the Consent Holder.
 - (a) The construction of all dwellings on Lot 2 shall be restricted to the Proposed Building Site shown on the plan prepared by Cotton & Light Limited titled *A H Lane, 57 Baigent Valley Road, Wakefield* and attached RM100394 as Plan A.
 - (b) The owner shall comply with all conditions of land use consent RM100395, which authorises the construction of a dwelling on Lot 2 created by subdivision

consent RM100394. Land use consent RM100395 includes restrictions in respect of minimum ground and floor levels and building colours.

- (c) A tank containing not less than 23 000 litres and fitted with an accessible 100 millimetre female camlock coupling to enable connection with firefighting equipment shall be provided on Lot 2.

Esplanade Strips

9. The banks of the Wai-iti River within Lots 2 - 5 shall be shown on the Scheme Plan submitted for Section 223 approval.
10. An instrument shall be registered on the new titles containing Lot 1 and Lot 2 that allows the creation of esplanade strips in favour of Tasman District Council in accordance with the following:

An esplanade strip 5.0 metres wide shall be created over the land contained in Lot 2 adjoining the bank of the Wai-iti River if the area of Lot 2 is more than 4.0 hectares OR an esplanade strip 20.0 metres wide shall be created over the land contained in Lot 2 adjoining the bank of the Wai-iti River if the area of Lot 2 is less than 4.0 hectares. The purpose of this strip is to enable public access to or along the Wai-iti River and to enable public recreational use of the strip and the Wai-iti River. All the prohibitions of Clause 2 of the Tenth Schedule apply to the strip, with the exception of subsection (e); Clause 3 shall apply to allow the esplanade strip to be fenced with any existing fencing relocated or removed; Clauses 4 and 7 shall not apply, however Clauses 5 and 6 shall apply.

Financial Contributions

11. 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 5.62 per cent of the total market value (at the time subdivision consent is granted) of a notional 2500 square metre building site within the Proposed Building Site on Lot 2;
 - (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 2 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 5.62 per cent contribution shall be recalculated on the current market valuation. Payment shall be made within 2 years of any new valuation.

Advice Notes:

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

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 the 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 lot in respect of roading.

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 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 Tasman Resource Management Plan; or 2) the conditions of separate resource consent for such an activity.

Resource Management Act 1991

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 will be undertaken by the Council, as provided for by Section 35 of the Act and a one-off fee has already been charged for this monitoring. Should monitoring costs exceed the initial fee, Council reserves the right to recover these additional costs from the Consent Holder. Costs can be minimised by consistently complying with conditions, thereby reducing the necessity and/or frequency of Council staff visits.
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.

REASONS FOR THE DECISION

Background to Proposed Activities

This site contains two existing titles, which contain 4232 square metres (CFR 483980) and 5.3593 hectares (NL8B/183) respectively. CFR 483980 has been recently issued by LINZ to the owners of NL8B/183 as it was an unmatched parcel with no legal ownership. It was shown on NL8B/183 as a section of old riverbed and the dwelling and shed on NL8B/183 have been confirmed by survey as being constructed over the boundary of these two titles.

The application as presented did not include a detailed assessment of the effects on the land productivity that would result from this proposal. Council's Resource Scientist (Land) has subsequently carried out a detail assessment of the land productivity effects of this proposal. Council's Resource Scientist, Rivers & Coast (Mr Eric Verstappen) has also visited this site to consider effects from flooding on the proposed building location. Minimum ground and floor levels have been set by conditions of this consent.

It is proposed to construct a new access to the existing dwelling on Lot 1 and remove the old shed.

A 5.0 metre wide Esplanade Strip along the bank of the Wai-iti River has been volunteered as part of this application.

Tasman Resource Management Plan ("TRMP") Zoning, Area, and Rules Affected

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

Zoning: Rural 1 Zone
Area(s): Surface Water Protection Area
Land Disturbance Area 1
Flood Hazard Area

No person may subdivide land within Tasman District as a permitted activity according to the TRMP. The subdivision authorised by this resource consent is deemed to be a restricted discretionary activity under Rule 16.4.2.2 and a discretionary activity under Rule 16.3.5.2 of the TRMP. It has been assessed as a discretionary activity overall.

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:

Rural Land Fragmentation Patterns

This site is within the Rural 1 Zone and contains Class B Soils and Class F Soils. A minimum lot size of 12.0 hectares is required to meet the Controlled Activity criteria for subdivision within this zone.

Council's Resource Scientist, Land (Mr Andrew Burton) has identified four soil types on this site with the majority of the site containing Class B soils. There is an area of Class F soils on the northern part of the site and a number of mature totara trees within the southern part of the title that limit the areas of highly productive soils. Mr Burton considered that this site has some existing limitations for productive use. There are productive areas of up to 1.0 hectare in size within this existing site that do have productive potential and this would be compromised with this subdivision.

The proposed building site is on the edge of the Class B/Class F soils.

Access

A new crossing is required to be formed for Lot 1 and Lot 2 will use the existing access crossing. The gates are required to be set back and open internally.

Public Access

An esplanade strip with a width of 5.0 metres has been volunteered along the bank of the Wai-iti River for public access and recreational use of the river.

While the riverbank has not yet been defined, it may be that Lot 2 will be less than 4.0 hectares in area following the identification of the Wai-iti River bank, in which case a 20.0 metre wide esplanade strip will be required in accordance with the requirements of the Tasman Resource Management Plan.

Flooding

The proposed new building location is close to an area that is known to have flooded in the past and is within a flood hazard area. Council's Resource Scientist, Rivers & Coast (Mr Eric Verstappen) has advised that the land within proposed building location would need to be raised for the construction of a new dwelling with a concrete floor or a minimum floor level set for a piled foundation building to ensure floodwater would not enter the building during a heavy rain event.

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

- (a) while there would be some loss of productive potential resulting from this proposal, this is not considered to be significant in this case due to the mix of soil classes and the existing small areas of productive soils. The proposed building site is close to the Class B/F land class boundary;
- (b) while there will be an additional dwelling site created as a result of this proposal, it is set back from Baigent Valley Road and not readily visible from other dwellings beyond this site;
- (c) there will be no increase in the number of titles as a result of this proposal and to that extent there will be no additional land fragmentation within the Rural 1 Zone;
- (d) the proposed building site may be covered by floodwaters during a heavy rain event. However, the minimum floor levels and ground levels required will minimise the risk of water entering the buildings.

Servicing

Electricity and telephone services are reticulated within this area and can likely be provided to the new lot. Stormwater from the new lot will need to be discharged in accordance with the permitted activity status of Rule 36.4.2. On-site wastewater servicing is also possible due to the size of the new lot.

Development Contributions and Reserve Fund Contribution

At present there are two titles within this proposed subdivision with CFR 483980 containing 4232 square metres, which follows the course of the old Wai-iti River bed. The existing dwelling has been constructed over the boundary of the two existing titles. Within Council's Development Contributions Policy it states that "Council will require development

contributions at resource consent stage or at the service connection stage where additional units of demand are created and development contributions for those additional units of demand may not otherwise be covered”.

When looking at the creation of CFR 483980 it can be seen that:

- CFR 483980 was issued by the Registrar General of Land on 16 February 2010 following a claim by the previous owner for this part of the old Wai-iti River bed;
- Council was involved in the creation of CFR 483980 and it would not have been approved under the TRMP due to its small size and irregular shape. Its width varies between 8 metres to approximately 20 metres;
- the shed and the existing dwelling have been constructed across the boundary of both titles. Therefore, these titles are effectively amalgamated as it is very unlikely that they could be sold independently as any new owner inherits ownership of any buildings or structures on their title;
- this proposal will create additional residential demand above the existing situation;
- no contributions have been paid on CFR 483980.

Therefore, when taking all of the above into account it is considered appropriate to require Development Contributions and a Reserve Fund Contribution in this case for the creation of Lot 2.

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 Tasman Resource Management Plan (TRMP).

Most of the objectives and policies contained within the TRPS are mirrored in the TRMP. The activity is considered to be consistent with the relevant objectives and policies contained in Chapters 5 and 7 of the TRMP.

Part II Matters

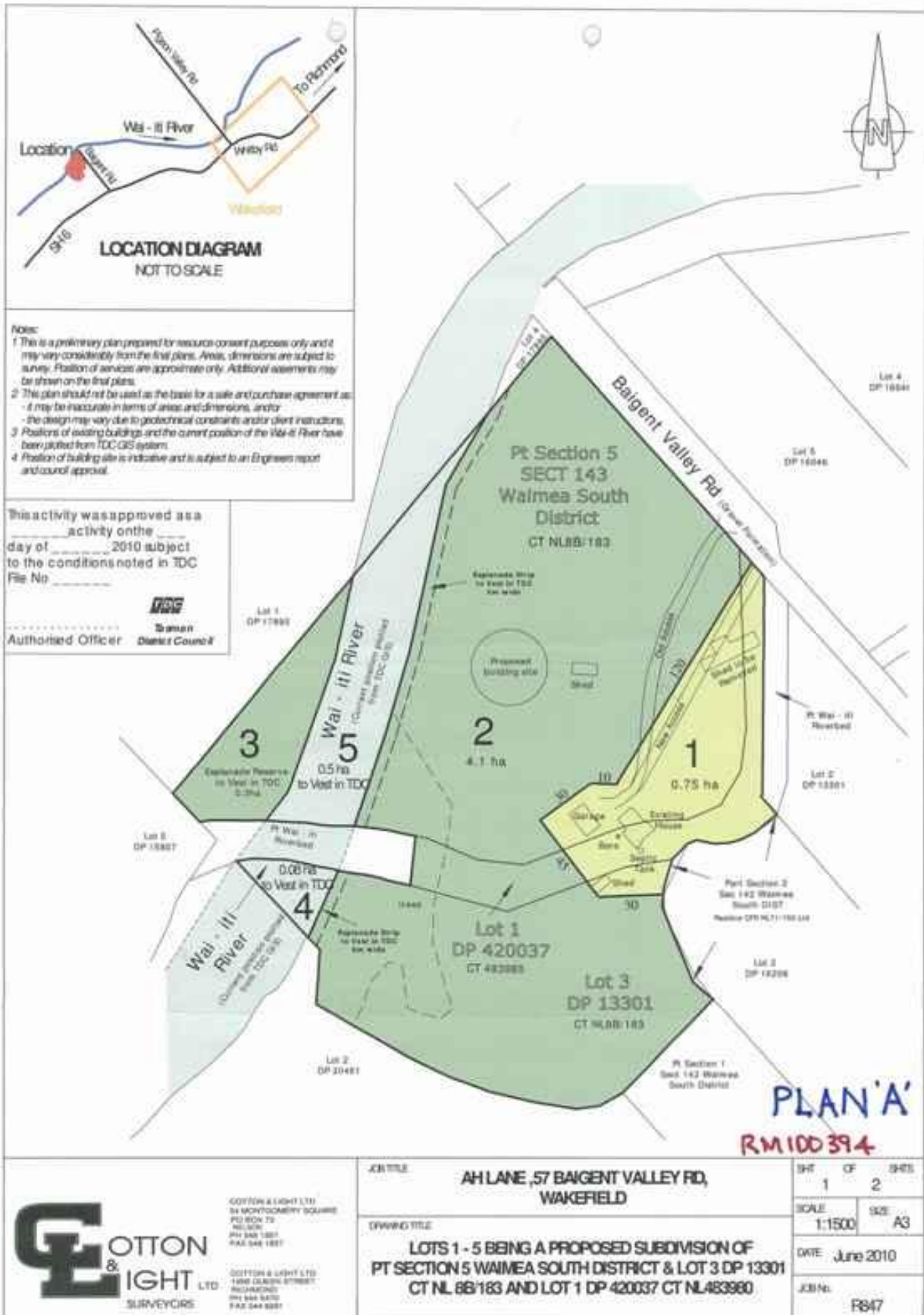
The Council has taken into account the relevant principles outlined in Sections 6, 7 and 8 of the Act and it is considered that granting this resource consent achieves the purpose of the Act as presented in Section 5.

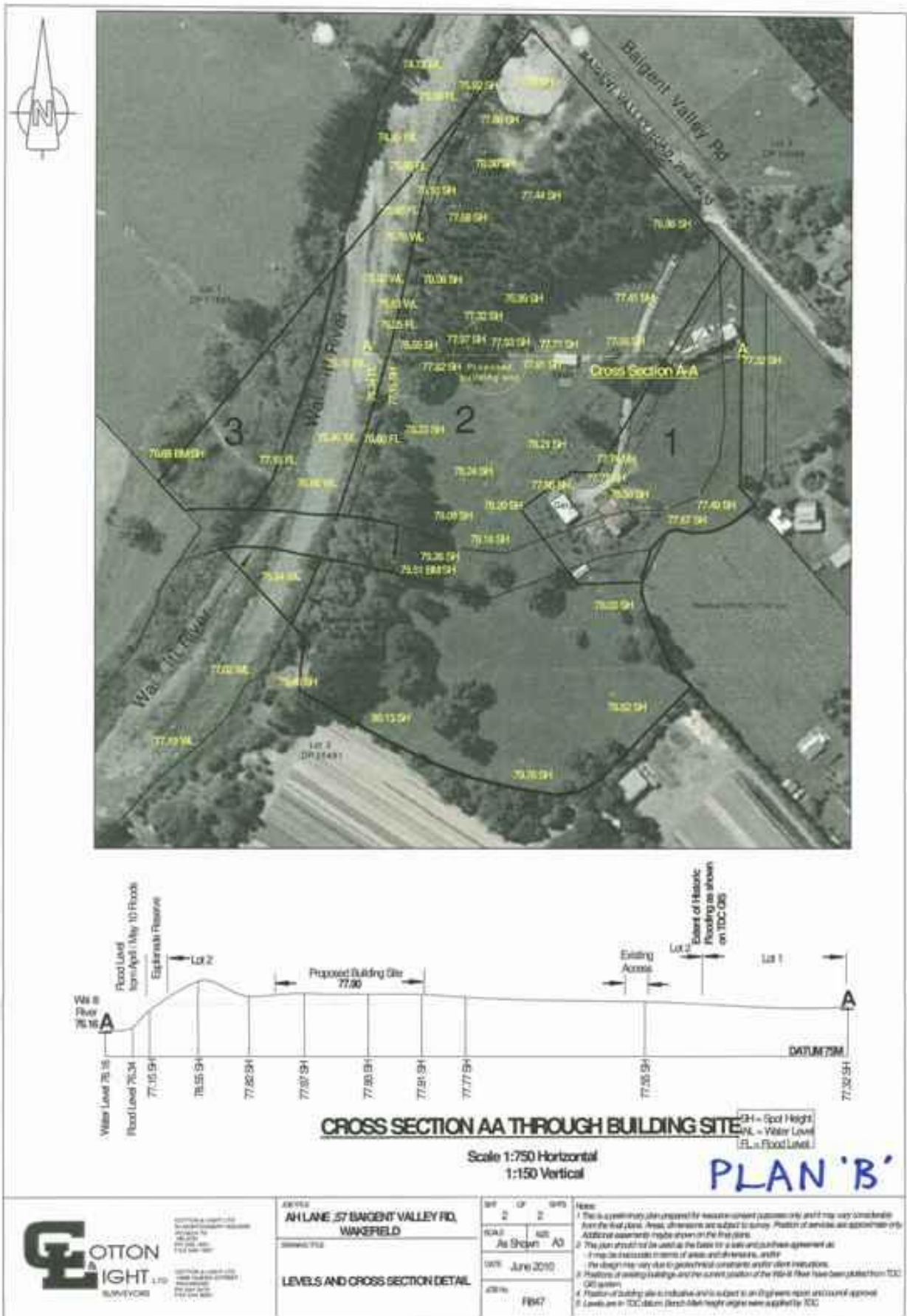
Notification and Affected Parties

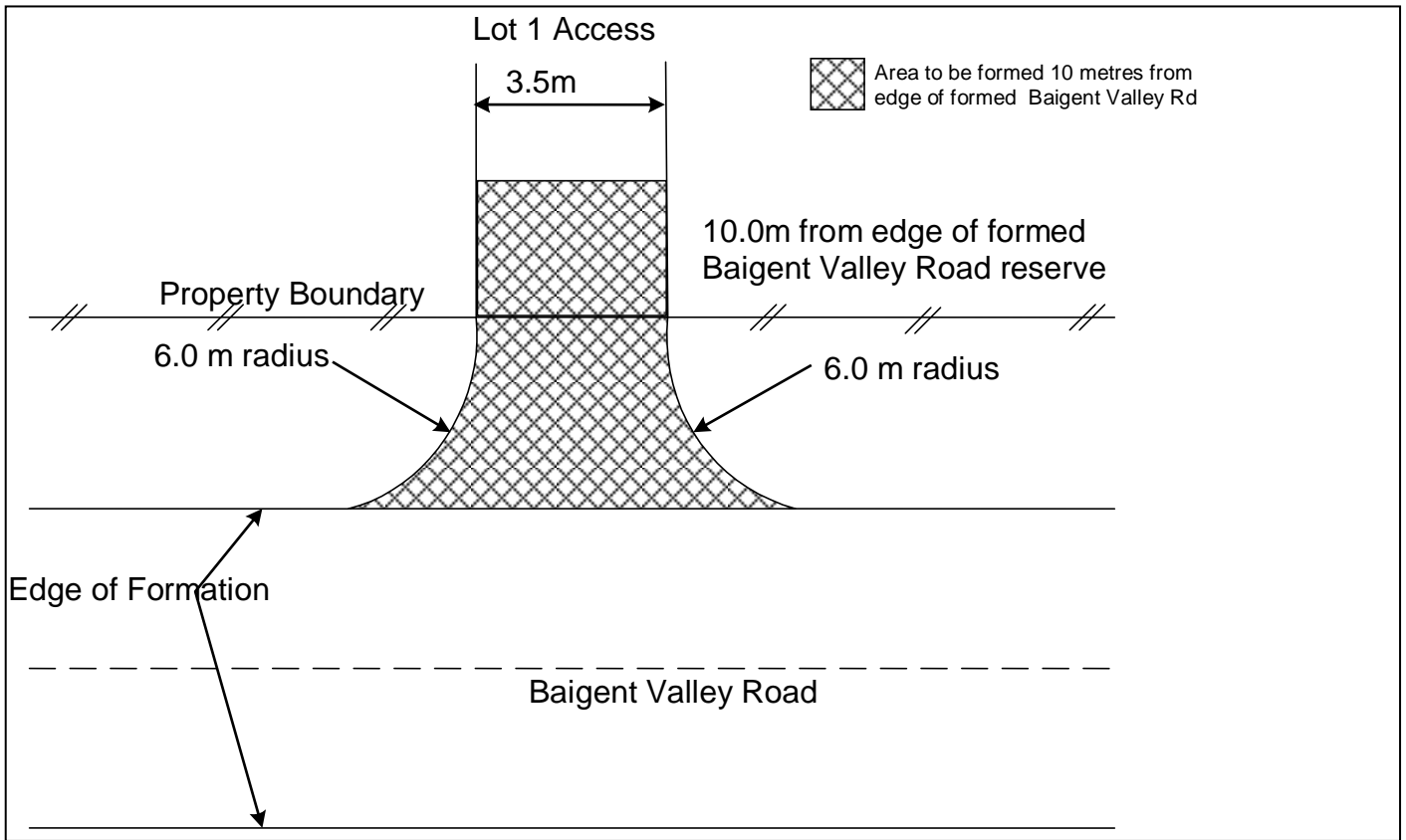
The adverse environmental effects of the activity are considered to be no more than minor. The Council's Resource Consents Manager has, under the authority delegated to him, decided that the provisions of Section 95 of the Act have been met and therefore the application has been processed without notification.

This consent is granted on 12 October 2010 under delegated authority from the Tasman District Council by:

Wayne Horner
Consent Planner, Subdivision









RESOURCE CONSENT DECISION

Resource Consent Number: RM100395

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

Andrew Howard Lane & Wendy Lane
(hereinafter referred to as “the Consent Holder”)

Activity Authorised by this Consent:

To construct a dwelling in the Rural 1 Zone within a Flood Hazard Area.

Location Details:

Address of Properties: 57 Baigent Valley Road, Wakefield

Legal Descriptions: Part Section 5 of 143 Waimea South District and Lot 3 DP 13301 and Lot 1 DP 420037

Computer Freehold Register: NL8B/183 and 483980

Valuation Numbers: 1937005800 and 1937005802

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

CONDITIONS

Commencement Date and Lapsing of Consent

1. The commencement date for the land use consent shall be the issue date of the certificate of title for the respective allotments. Lapsing of the consent, subject to Section 125 of the Act, will apply 5 years after that date.

Building Location Restrictions

2. The construction of a dwelling on Lot 2 shall be restricted to the Proposed Building Site as shown on Plan A attached to this consent, and the dwelling shall be fully contained within the Proposed Building Site.

Building Heights

3. All buildings on Lot 2 shall have a maximum height restriction of 7.5 metres above ground level.

Ground Levels and Floor Levels

4. For a dwelling having a concrete slab-on-ground design within the Proposed Building Site identified on Plan A, the minimum FGL is 78.70 metres and FFL 78.925 metres above mean sea level as identified on Plan B.
5. For a dwelling on timber pile foundations within the Proposed Building Site identified on Plan A, the minimum FGL is 78.2 metres and minimum FFL 78.9 metres above mean sea level as identified on attached Plan B.

Advice Note:

Council may issue the building consent subject to Section 72 of the Building Act 2004 if the ground levels are not raised in accordance with Condition 4.

Colour

6. The exterior of the dwelling 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 prior to applying for building consent the following details of the colours proposed to be used on the walls and roof of the building:
 - (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 (e.g. 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 building shall be finished in colours that have been approved by the Council.

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.

Provision of Water Storage

7. The dwelling shall be provided with on-site water storage of not less than 23 000 litres. The tank is to be fitted with an accessible 100 millimetre female camlock coupling to enable connection with firefighting equipment.

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 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 Tasman Resource Management Plan (TRMP); 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.

Development Contributions

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

Council will not issue a Code Compliance Certificate until all development contributions have been paid in accordance with Council’s Development Contributions Policy under the Local Government Act 2002.

Colour

5. 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 $\leq 50\%$	A09 to A14 and reflectance value $\leq 25\%$
Group B	B19 to B29 and reflectance value $\leq 50\%$	B23 to B29 and reflectance value $\leq 25\%$
Group C	C35 to C40, reflectance value $\leq 50\%$, and hue range 06-16	C39 to C40, reflectance value $\leq 25\%$, and hue range 06-16
Group D	D43 to D45, reflectance value $\leq 50\%$, 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.

REASONS FOR THE DECISION

Background to Proposed Activity

The application is to construct a dwelling on a site in the Rural 1 Zone that is within a Flood Hazard Area.

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

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

Zoning: Rural 1 Zone
Areas: Land Disturbance Area 1
Surface Water Protection Area
Flood Hazard Area

The activity authorised by this resource consent does not comply with Permitted Activity Rule 17.5.3.1(c) (dwelling in Rural 1 Zone) of the TRMP and is deemed to be a restricted discretionary activity in accordance with Rule 17.5.3.3 of the TRMP.

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 potential availability of productive land;
- (b) amenities and rural character;
- (c) cross-boundary effects;
- (d) water supply;
- (e) wastewater treatment and disposal;
- (f) traffic effects;
- (g) natural hazards;

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 effect on the potential availability of productive land will be no more than minor. The dwelling is to be located close to the Land Class B/F boundary and will leave the remainder of the property for potentially productive land-based use;
- (b) while there will be an additional dwelling site created as a result of this proposal, it is set back from Baigent Valley Road and not readily visible from other dwellings beyond this site;
- (c) as the building exceeds all applicable setbacks by a large quantum, there is little possibility of cross-boundary effects arising. There are no horticultural plantings near to the proposed building site;

- (d) a potable and reliable water supply will need to be provided. A water tank with a camlock coupling to meet the 23 000 litre water storage permitted activity criteria is required;
- (e) the traffic movements generated by the presence of a single dwelling on the site can be accommodated by the nearby roading network. Ample parking is available on the site;
- (f) Council's Resource Scientist has considered the risk of floodwaters entering the future building on Lot 2 and has recommended raising the ground levels by approximately 1.0 metre for a concrete floor building and has also recommended raised floor levels to minimise the risk of water entering the building. The minimum finished floor levels and finished ground levels are required by conditions of this consent and also by consent notice on the title allowed by the subdivision consent RM100394.

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 Tasman Resource Management Plan (TRMP).

Most of the objectives and policies contained within the TRPS are mirrored in the TRMP. The activity is considered to be consistent with the relevant objectives and policies contained in Chapters 5 (site amenity), 7 (rural effects), and 11 (transport) of the TRMP.

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.

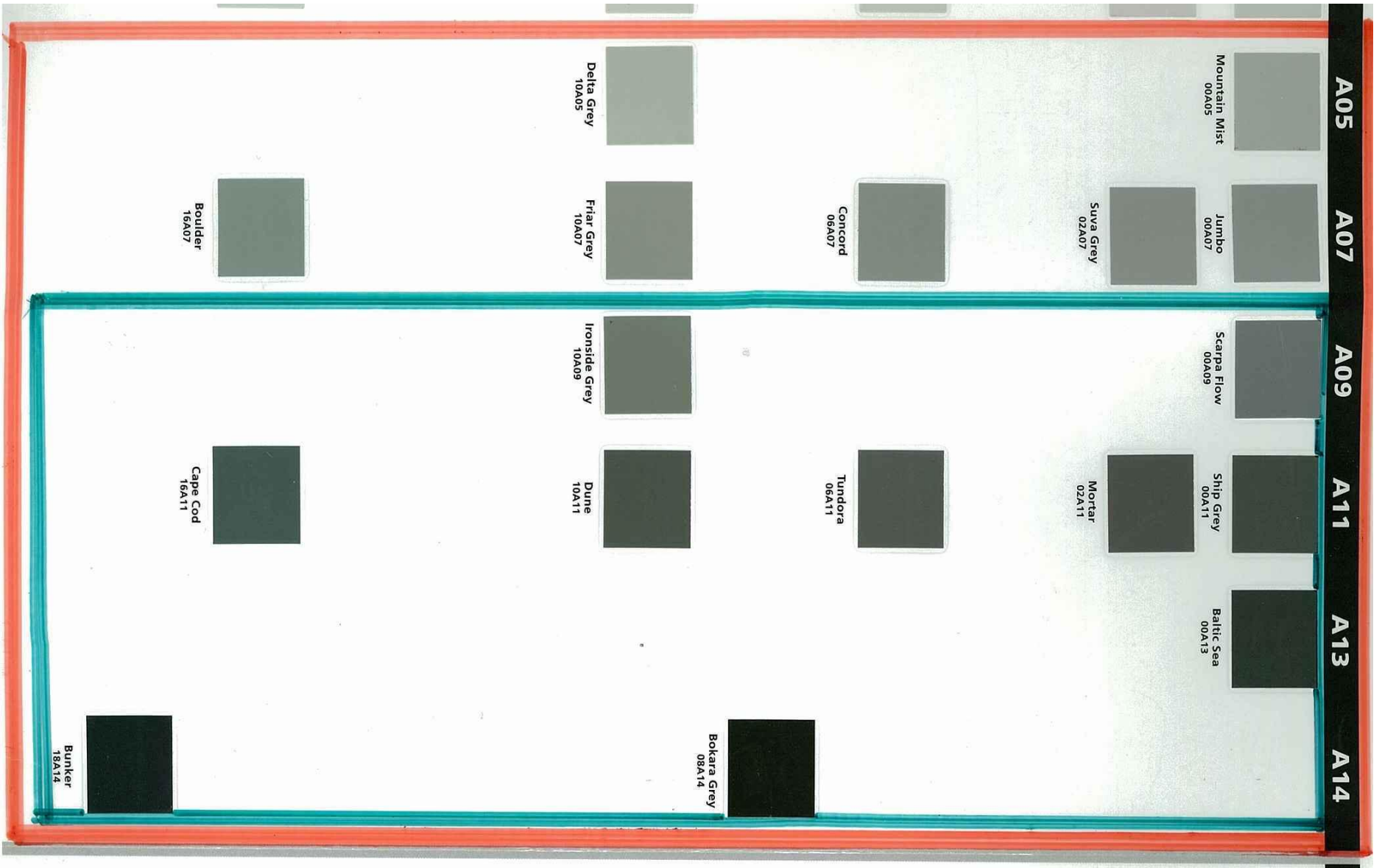
Notification and Affected Parties

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 95 of the Act have been met and therefore the application has been processed without notification.

This consent is granted on 12 October 2010 under delegated authority from the Tasman District Council by:

Wayne Horner
Consent Planner, Subdivision

ATTACHMENT 2



Wall Colour

Roof Colour

