

Report No:	REP12-02-13
File No:	RM110686
Report Date:	16 February 2012
Decision Required	

Report to: Environment & Planning Subcommittee
Meeting Date: Tuesday, 28 February 2012
Report Author: Ross Shirley, Subdivision Officer
Subject: **A AND E CHRISTIANSEN**

1. INTRODUCTION

- 1.1** The applicants own a 6357 square metre site in the Rural Residential Zone, Hill Street South. The property contains an existing dwelling with access from a shared right-of-way off Hill Street South.
- 1.2** The proposal is to subdivide the land into two allotments.
- 1.3** The purpose of this report is to assess the proposal under the provisions of the Resource Management Act (RMA) and Tasman Resource Management Plan (TRMP) and provide a recommendation to the Committee in accordance with that assessment.

2. SITE DESCRIPTION

- 2.1** The property is located at 537 Hill Street South and is legally described as Lot 1 DP 17911, CT NL12A/459 and contains 6357 square metres (refer Appendix A for locality plan).
- 2.2** The parent plan, DP 17911, resulted from a subdivision approved by Council as a controlled activity in 1995 in what was then the Rural E Zone in the Waimea Section of the Transitional Tasman District Plan. That subdivision also created four other allotments with areas ranging from 8000 square metres to 1.09 hectares. Access to all the new allotments was via a right-of-way, constructed in accordance with engineering plans approved by Council.
- 2.3** The land is in the Hill Street South Rural Residential Zone. This is an unserviced zone with a minimum net area requirement of 5000 square metres to be a controlled activity (refer Appendix B for zoning map).
- 2.4** According to the TRMP the land is in Land Disturbance Area 1 and the Special Domestic Wastewater Area. The land is also identified in the LTCCP as being in the Urban Drainage Areas for Wastewater and Stormwater.

- 2.5** The subject land contains an existing dwelling constructed in 1996. The dwelling is serviced with a rural extension from the Richmond water supply, which is a trickle low pressure supply to a tank via a restrictor. The dwelling is also connected to Council's reticulated sewerage scheme via White Road and the Council's stormwater system via a small on-site detention pond and right-of-way sumps. Underground electricity and telephone connections are provided to the existing dwelling.
- 2.6** A small shed is located close to the intersection of the existing driveway and the right-of-way.
- 2.7** The balance of the land contains extensive amenity plantings and lawn area with attractive views to the north (refer Appendix C).
- 2.8** The land is located close to the Sunview Heights subdivision, which has a similar zoning but with allotment areas in the 2500 - 3500 square metre range.
- 2.9** The land across the road is zoned Rural 1, with the land further to the south-east and south-west zoned Rural 2 (refer Appendix B).

3. PROPOSAL

3.1 The proposal is to subdivide the land to create:

- (a) Lot 1 of 3862 square metres containing the existing dwelling;
- (b) Lot 2 of 2495 square metres being a vacant rural residential site.

Refer Appendix F, sheets 1-4 for subdivision plan.

3.2 The following matters are also included in the subdivision proposal:

- (a) a fixed building location area within Lot 2;
- (b) a new driveway to be constructed to service the proposed dwelling on Lot 1;
- (c) the existing driveway is to service the existing dwelling on Lot 2;
- (d) the existing shed and hardstand area within proposed Lot 2 to be removed;
- (e) proposed Lot 2 to be fully serviced for stormwater, wastewater, potable water, electricity and telephone.

4. STATUS OF THE APPLICATION

- 4.1** The subject land is in the Hill Street South Rural Residential Zone for which a minimum net area of 5000 square metres is needed to be a controlled activity, Rule 16.3.8.1(a).
- 4.2** Subdivisions in the Rural Residential Zone that do not comply with the conditions of Rule 16.3.8.1 are discretionary activities by virtue of Rule 16.3.8.4.
- 4.3** With allotment areas of less than 5000 square metres the proposed subdivision is a discretionary activity. In all other matters the proposal is a controlled activity.

5. NOTIFICATION AND SUBMISSIONS (Refer Appendix D)

5.1 The application was formally received by Council on 12 September 2011. An initial assessment indicated that a number of persons were potentially adversely affected by the proposal. Written approvals were then provided by:

- (a) K J and R A Satherley, 355 Hill Street South;
- (b) C K and J A Kemp, 541 Hill Street South;
- (c) V and R Chittenden, 539 Hill Street South.

5.2 The application was then limited notified to:

- (a) B B King and P M Pullar, 543 Hill Street South;
- (b) J F Murray and L M Evans, 545 Hill Street South.

5.3 Submissions were received from:

(a) **B B King**

- The subdivision uses the last remaining access option.
- The right-of-way is owned in common by all current site owners.
- Current and future property values are compromised.
- The granting of consent without the approval of all right-of-way users is entirely inappropriate.
- “First in, best dressed” is not a principle of the RMA.

(b) **P M Pullar**

- Zoning - lots are required to be greater than 5000 square metres.
- Loss of privacy, trees and green space.
- Area is slip-prone.
- Inadequate infrastructure for stormwater run-off.
- The onward creep of Richmond into Hope’s semi-rural community.

Both submitters have indicated they wished to be heard.

5.4 My comments on the submissions are covered in later parts of this report.

6. STATUTORY CONSIDERATIONS

6.1 Section 104 RMA

A decision on this application must be made under Section 104 of the RMA. The matters for the Council to address are:

- (a) Part 2 (Sections 5, 6, 7 and 8);
- (b) effects on the environment (positive and negative);
- (c) objectives and policies of the TRMP;
- (d) other matters.

6.2 Section 6 RMA

There are no matters of national importance relevant to this application.

6.3 Section 7 RMA

The relevant matters that Council shall have particular regard to are:

- (a) the efficient use and development of natural and physical resources;
- (b) the maintenance and enhancement of amenity values;
- (c) the maintenance and enhancement of the quality of the environment;
- (d) any finite characteristics of natural and physical resources.

6.4 Section 8 RMA

There are no Treaty of Waitangi matters relevant to this application.

7. KEY ISSUES

7.1 Allotment Areas

- (a) In the Rural Residential Zones the TRMP provides for a range of allotment areas from 2000 square metres to 4 hectares depending on location.
- (b) The reason for the range of areas as stated in the TRMP is *“to ensure a variety of allotment sizes to cater for different lifestyle needs in different parts of the District”* (Chapter 16.3.20, principle reasons for rules).
- (c) However, I note that in the Rural Residential Zones where the smaller lot sizes are provided for as a controlled activity, servicing for wastewater is also required. Specifically, the minimum areas for allotments in George Kidd Street, Champion Road, Hill Street North, Hill Street South Schedule Area, where wastewater servicing is required to be provided, is 2000 square metres. Coincidentally, the location of those zones is on the Richmond foothills as is the Hill Street South Zone, being the zone for the application site.

- (d) The minimum allotment areas for the zones where reticulated wastewater is not required to be provided ranges from 5000 square metres to 4 hectares. That is to say, the TRMP requires larger allotment areas where wastewater reticulation is not available or is not required to be provided.
- (e) It is logical to assume that a reason for larger allotment areas to be required in the non-services zones is so that sufficient land area is available for on-site wastewater disposal or conversely, smaller allotment areas are allowed where reticulated wastewater disposal is available.
- (f) Reticulated wastewater disposal is available to service the current subdivision so one of the reasons for the requirement to have larger allotment areas is not relevant.
- (g) Whereas the zoning of the land is not changed merely by providing servicing, it is appropriate to have regard to the minimum area requirement in serviced zones in the Richmond foothills locality. The minimum area requirement in those serviced zones is 2000 square metres.
- (h) The current application with allotment areas of 3862 and 2495 square metres satisfies the minimum area requirement for serviced allotments in the Richmond foothills locality. This is a relevant matter that I accord significant weight to.

7.2 Right-of-way

- (a) The TRMP and Engineering Standards for on-site access for five-six users for rural-residential sites requires a sealed surface, minimum lane width of 5 metres with kerb and channel.
- (b) The existing right-of-way that currently services five users complies with those standards, is in a good state of repair and is capable of handling the additional traffic generated by this subdivision.
- (c) If granted, the current application would bring the total number of right-of-way users to six, which is the maximum permitted for a controlled activity subdivision.
- (d) Mr King's submission is that as his property contains 1.02 hectares he could undertake a subdivision to create two lots, each containing a minimum of 5000 square metres, as a controlled activity. Approval of the current application "*would use the last remaining access option within the right-of-way*".
- (e) However, six users on a right-of-way is not the absolute maximum number of users, it merely signals the number of users permitted as a controlled activity. Any application to increase the number of users beyond six would fall to be a discretionary activity rather than a controlled activity.
- (f) Any application for a discretionary activity right-of-way would be considered on its merits at the time. Safety and efficiency are the primary reasons why limits are placed on the number of users. A satisfactory traffic assessment that addresses such matters as width, grade, length, horizontal alignment and drainage may well conclude that there are no adverse safety or efficiency effects.

- (g) Be that as it may, under the current right-of-way standards any further subdivision beyond the current application would be a discretionary activity and the Council must decide if there are any affected persons. However, it is Council's practice to consider all existing users of a right-of-way to be affected persons, irrespective of the status of an application so nothing would change in that regard.
- (i) Mr King also submits that "*first in, best dressed*" is not a principle of the RMA but provides no evidence of that principle, nor am I aware of such a principle.
- (j) Rather, my understanding is that the "*first in, first served*" does apply and that is a principle adopted by a number of other local authorities.
- (k) In short, if there are competing claims, priorities in time must be recognised as it would be incompetent of Council to decline or suspend an application in order to retain a potential development right for another property that might never be progressed.
- (l) To the extent that it is relevant, I note that Mr King has owned his property since 1996 and has not pursued a subdivision application in that time. The property is also partly within the Slope Instability Risk Area and the Fault Rupture Risk Area where subject to compliance with certain conditions, any subdivision is a restricted discretionary activity.

7.3 Amenity

- (a) The application site is elevated above the adjoining road and right-of-way and is well treed, particularly around the boundary of the site and the proposed building location area.
- (b) The combination of the elevation and the planting will tend to screen the proposed dwelling from neighbours and other users of the right-of-way.
- (c) Ms Pullar's submission is that the subdivision will result in a loss of privacy, views and green space.
- (d) Ms Pullar's dwelling is located at the end of the right-of-way, some 200 metres from the proposed dwelling site and is considerably higher. The proposed dwelling is unlikely to affect the privacy or views of Ms Pullar's dwelling and because of the elevation of the proposed dwelling above the right-of-way and the existing trees, any view of the dwelling from the right-of-way will only be fleeting.
- (e) All other neighbours (that is, those persons who may be adversely affected by a change to the amenity of the area) have provided their written approval to the proposal.
- (f) Overall, subject to appropriate conditions and having regard to the existing density of development in the neighbourhood, I consider the locality can readily absorb an additional dwelling with no more than a minor effect on the environment or other people.

7.4 Servicing

- (a) As stated, the subject land according to the TRMP is in an unserviced zone, that is, without reticulated wastewater servicing. But also as stated, the subject land according to the LTCCP is in the Richmond Urban Drainage Areas for both wastewater and stormwater. So whereas there is some confusion in Council's planning documents as to the requirement for servicing, the application itself is quite clear in that the proposal is to service the subdivision for both reticulated wastewater and stormwater. That is what has been proposed and that is what is the way it has been assessed.

(b) **Wastewater**

The application includes plans and a wastewater report prepared by Robert Cox of Enviro WW Ltd. The conclusion of that report, subject to certain conditions, is that it is practical to service a proposed dwelling on Lot 2 with reticulated wastewater. The proposed wastewater reticulation has been reviewed and accepted by Council's engineering staff. Other than a consent notice that requires a dwelling to be connected, actual design details are best dealt with at time of building consent.

(c) **Stormwater**

The application includes detailed plans of existing and proposed stormwater drainage. The plans have been reviewed and accepted by Council's engineering staff. In addition, it is noted that an on-site water storage of not less than 23 000 litres will be required as part of the building consent. Again, it is appropriate that the details of the stormwater drainage be designed and constructed at building consent stage.

(d) **Water Supply**

As stated, the existing house on Lot 1 is serviced with a rural water supply that provides a low flow restricted supply. The applicant proposes a similar reticulation and on-site storage for Lot 2. This is a voluntary scheme so cannot be imposed as a condition of consent but engineering staff have confirmed that there is currently spare capacity. In the event that there is no spare capacity at time of building, the water supply provisions of the TRMP will prevail. For the information of the applicant, the current connection fee for the rural supply scheme is \$4,012.

7.5 Existing Pattern of Subdivision and Development (*Refer Appendix E*)

- (a) The subject land is in the Richmond South Rural Residential Zone. This zone covers a relatively large area of the Richmond foothills at the south end of Richmond and includes Sunview Heights, Faraday Rise, Kings Rise, Hart Road Extension and Hillplough Heights. The zone has a nominal minimum allotment area for subdivision of 5000 square metres. I say "nominal" because a significant part of the zone has been subdivided into allotment areas of less than 5000 square metres. For example:

- (i) Sunview Heights - 21 allotments range from 2500 - 5500 square metres;

- (ii) Faraday Rise - 20 allotments range from 2400 - 5500 square metres;
 - (iii) Hillplough Heights - 34 allotments range from 1000 - 2000 square metres.
Note: Hillplough Heights has a spot zoning of 2000 square metres minimum area in recognition of the existing subdivision development;
 - (iv) in addition, there has been a number of smaller subdivisions approved with allotment areas less than 5000 square metres.
- (b) The current application is in keeping with that existing pattern of subdivision and development. Of particular relevance is the Sunview Heights development, which immediately adjoins the subject site.
 - (c) All the developments quoted above are in an area zoned for rural-residential development. Whereas there is a clear pattern to that development, it is all within the Rural Residential Zone. I see no risk of a similar pattern of development occurring outside that zone.

7.6 Policies and Objectives of the TRMP

- (a) The policies and objectives of the Rural E Zone, Richmond Foothills (Plan Change No. W19), Waimea Section of the Transitional Tasman District Plan, Operative October 1997, included the following:
 - (i) the land is not highly productive;
 - (ii) the land is close to Richmond;
 - (iii) the land in the main excludes land with potentially unstable features;
 - (iv) development is to be controlled to avoid adverse impacts on landscape and amenity values;
 - (v) no new services are planned, therefore allotment design and development will need to accommodate provision for disposal of sewage and stormwater;
 - (vi) the purpose is to provide for the demand for rural-residential allotments.

Other than the requirement for allotments to provide for on-site wastewater and stormwater, those policies and objectives are still relevant and support the current application.

- (b) Similar policies and objectives that were contained in the Rural E Zone have been brought forward, but in a more general context in the TRMP, eg:
 - 6.0(b) *urban growth to minimise loss of productive land;*
 - 6.0(c) *urban development to avoid locations where there is the potential for loss or damage from natural hazards;*
 - 6.0(d) *the ability to service growth cost effectively and sustainably;*

- 6.2.3.1 *to allow infill development of existing allotments in serviced townships;*
- 6.2.3.5 *to require new areas of residential development to be adequately buffered from the effects of rural activities;*
- 6.3.3.2 *to require financial contributions towards the provision of servicing infrastructure;*
- 6.8.3.6 *to enable the expansion to the south of Richmond;*
- 7.2.2 *provision of opportunities to use rural land in restricted locations for rural-residential activities.*

The proposal is supported by a number of policies and objectives of the TRMP and overall is not contrary to the thrust of all the policies and objectives.

8. SUMMARY

- 8.1** This application is for a two lot subdivision within a Rural Residential Zone. If approved, the subdivision will result in one additional dwelling.
- 8.2** The site is able to be serviced and the proposed allotment areas are in keeping with the adjoining development in the same zone.
- 8.3** The proposal was limited notified and attracted two submissions in opposition. I have discussed the thrust of those submissions in Section 7 above.

9. CONCLUSION

- 9.1** Overall, the proposal is not contrary to the thrust of the policies and objectives of the TRMP and with appropriate conditions imposed the adverse effects on the environment are no more than minor. Grant of approval would be consistent with previous Council decisions and would represent a sustainable management of the land resource.

10. RECOMMENDATION

- 10.1** I recommend that the application be granted subject to the following conditions.

11. CONDITIONS

11.1 Driveway Access to Lot 1

- (a) That the proposed driveway access to Lot 1 be designed and constructed to comply with the standards for on-site access and vehicle crossings under Figure 16.2A of the TRMP for lots less than 5000 square metres for one user in the Rural Residential Zone.
- (b) That prior to undertaking any works, engineering plans to be prepared by an appropriately competent person in accordance with Council's Engineering Standards & Policies 2008 and be forwarded to Council for approval.
- (c) That all works be undertaken in accordance with the approved plans.

- (d) That on the completion of the works a completion certificate is to be forwarded to Council in accordance with Section 2.3.11 of the Engineering Standards.

11.2 Removal of Shed

That the small shed and access thereto shown on the application plan be removed.

11.3 Electricity and Telephone

- (a) That live underground electricity and telephone connections be provided to service Lot 2.
- (b) That written confirmation be provided from the relevant network authorities that connections have been installed and are available for use.

11.4 Easements

Any services located outside the boundaries of the lots that they serve be protected by an appropriate easement referenced in Council's Section 223 recital. The easement schedule is to include the existing sewer line (83.20 metres) that bisects Lot 2 DP 17911.

11.5 Consent Notice - Lot 2

- (a) That any dwelling to be constructed be located within the building location area marked "X" on DP . . .
- (b) That the maximum height of any building to be constructed be 5.5 metres.
- (c) That the foundations of the dwelling be designed and certified by an appropriately competent person.
- (d) That the dwelling be connected to Council's reticulated wastewater and stormwater systems. Engineering drawings of the proposed wastewater and stormwater reticulation be forwarded to Council for approval at the time of building consent.

11.6 Financial Contributions

That a financial contribution be paid as provided by Chapter 16.5 of the Tasman Resource Management Plan assessed as follows:

- (a) 5.62% of the total market value (at the date of this consent) of a notional building site of 2500 square metres contained within Lot 2.

The Consent Holder shall request the valuation to 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 2 years of the date of this consent and a revised valuation is required as provided by Rule 16.5.2.4(c) of the 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 1 calendar month of Council receiving the request to undertake the valuation.

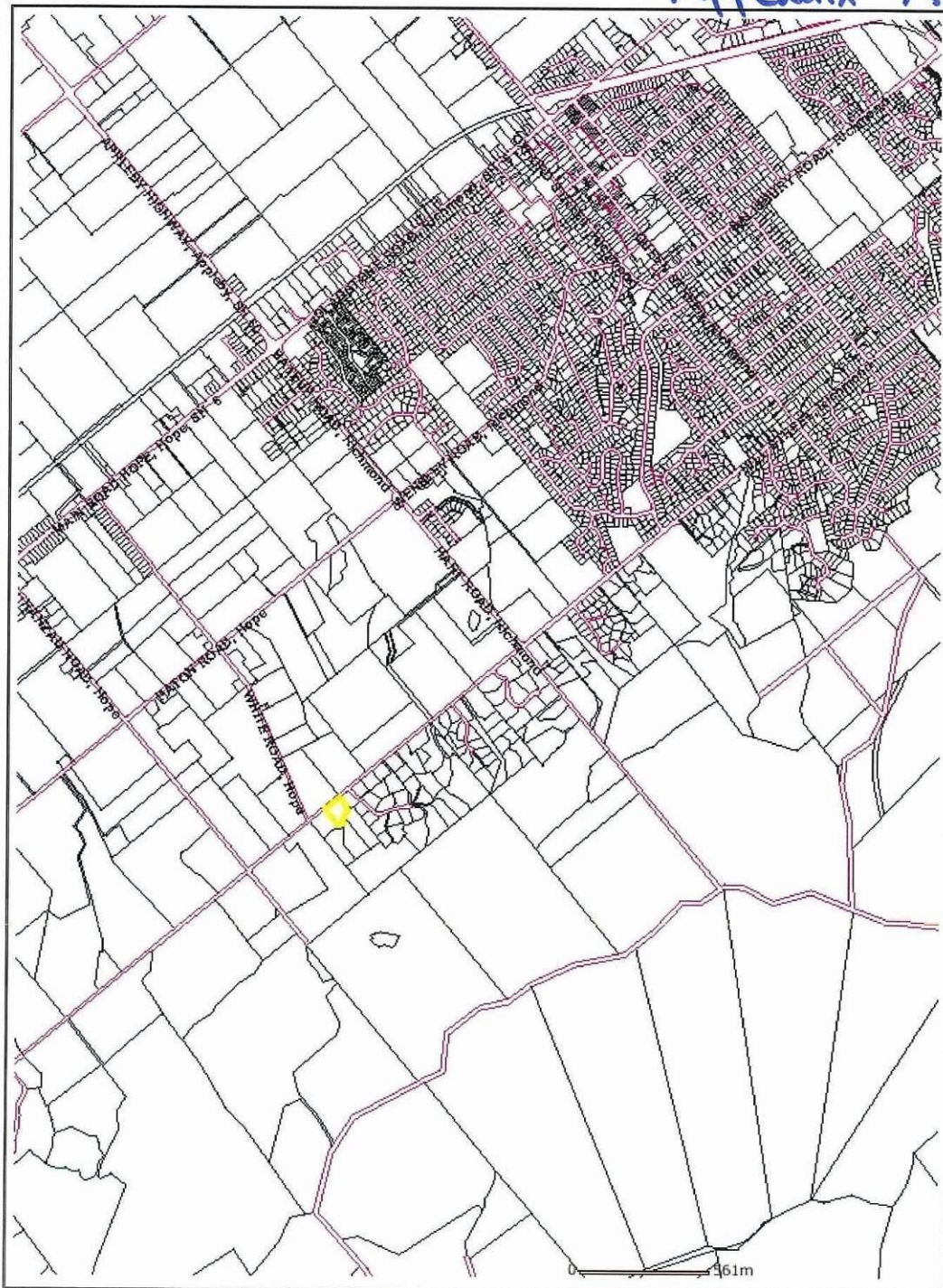
Development Contributions - Advice Note

Council will not issue the Section 224(c) certificate in relation to this subdivision until all relevant development contributions have been paid in accordance with the Council's Development Contributions Policy under the Local Government Act 2002. The power to withhold a Section 224(c) certificate is provided under Section 208 of the Local Government Act 2002.

The Development Contributions Policy is found in the Long Term Council Community Plan and the amount to be paid will be in accordance with the requirements which are current at the time the relevant development contribution is paid in full. This consent will attract a development contribution in respect of roading, wastewater and stormwater for one lot.

Ross Shirley
Subdivision Officer

Appendix 'A'



Locality Plan

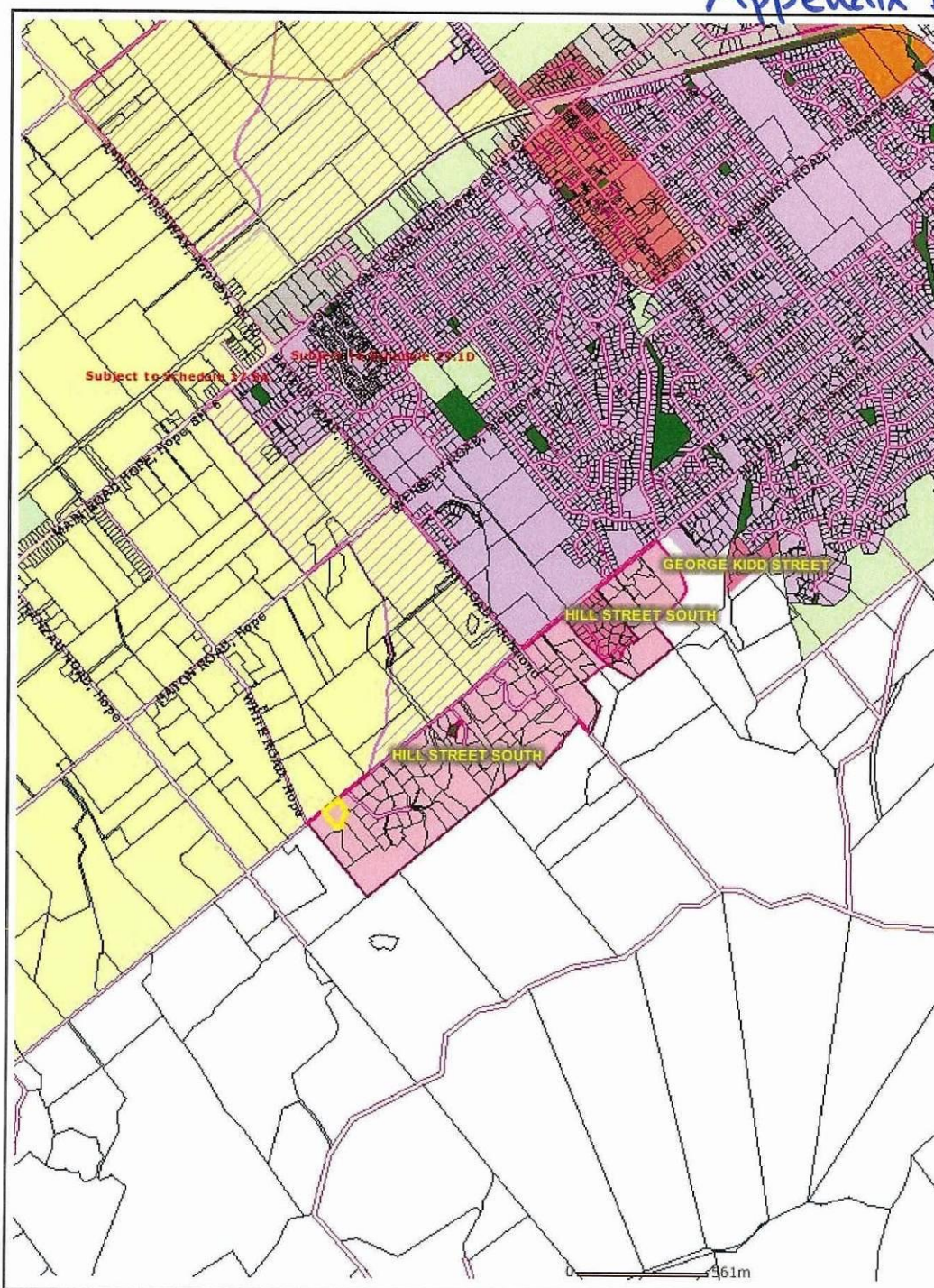
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Appendix 'B'



Zoning Map

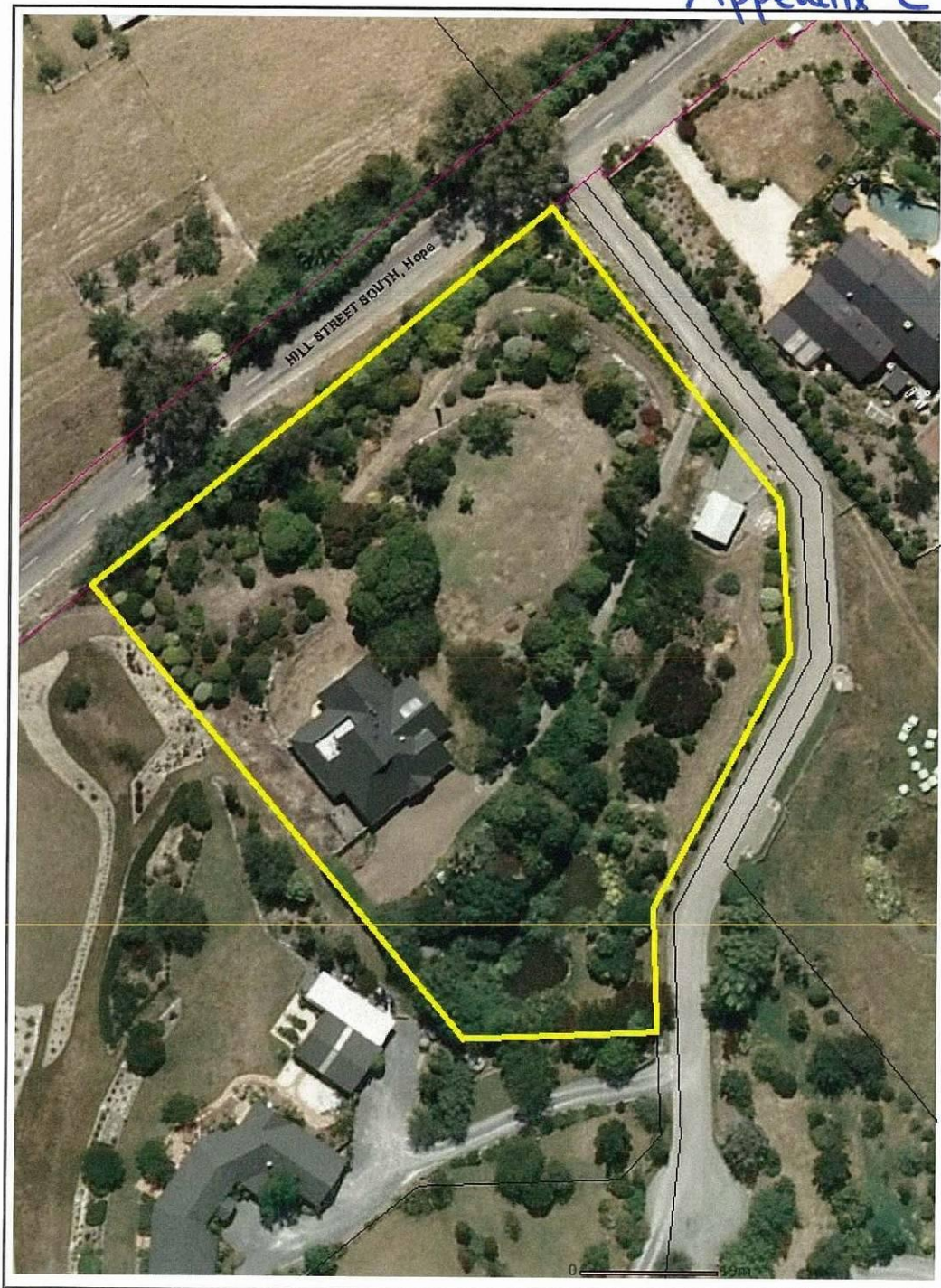
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Appendix 'C'



Amenity Plan

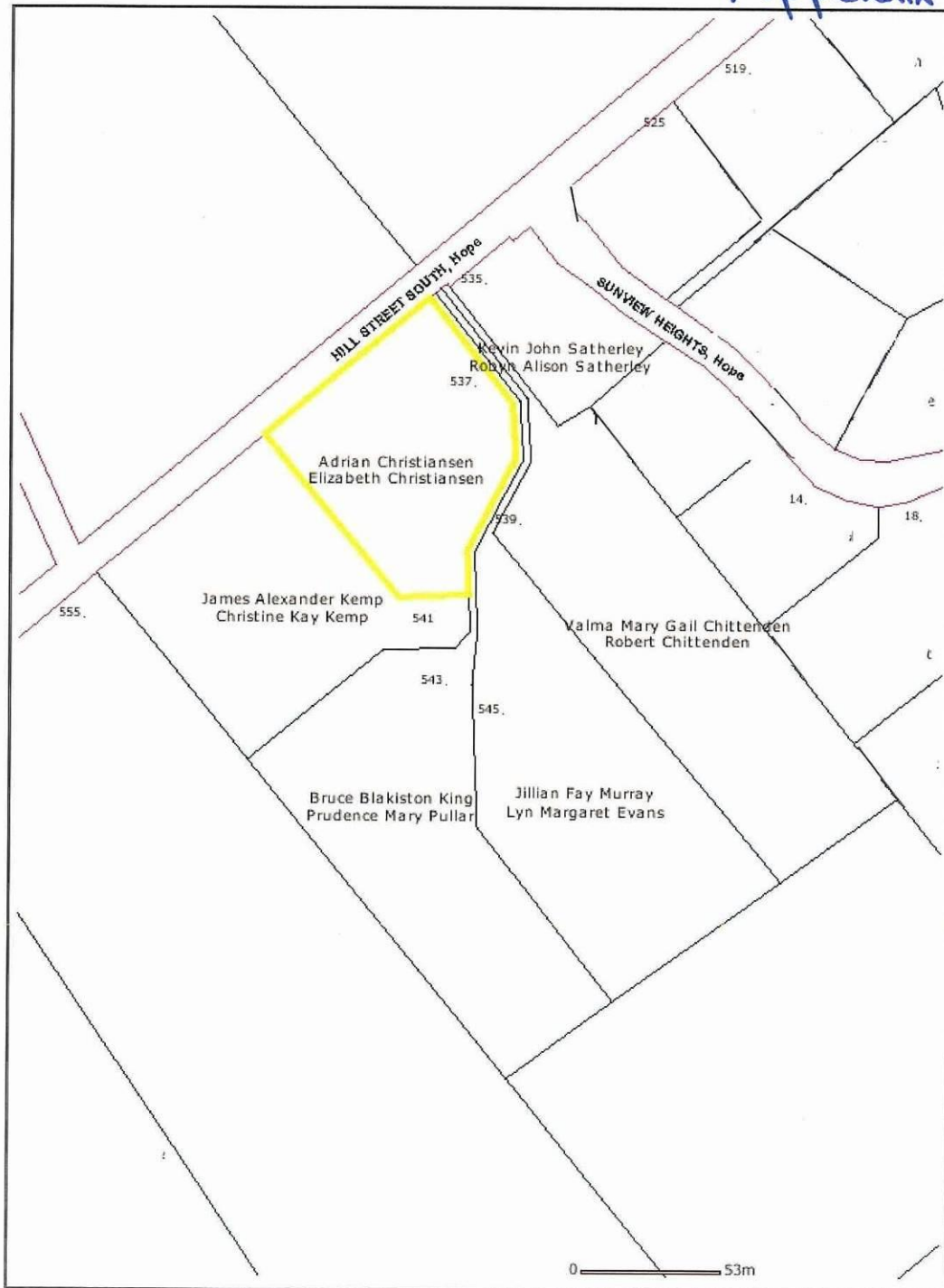
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Appendix 'D'



Written approvals and Submissions

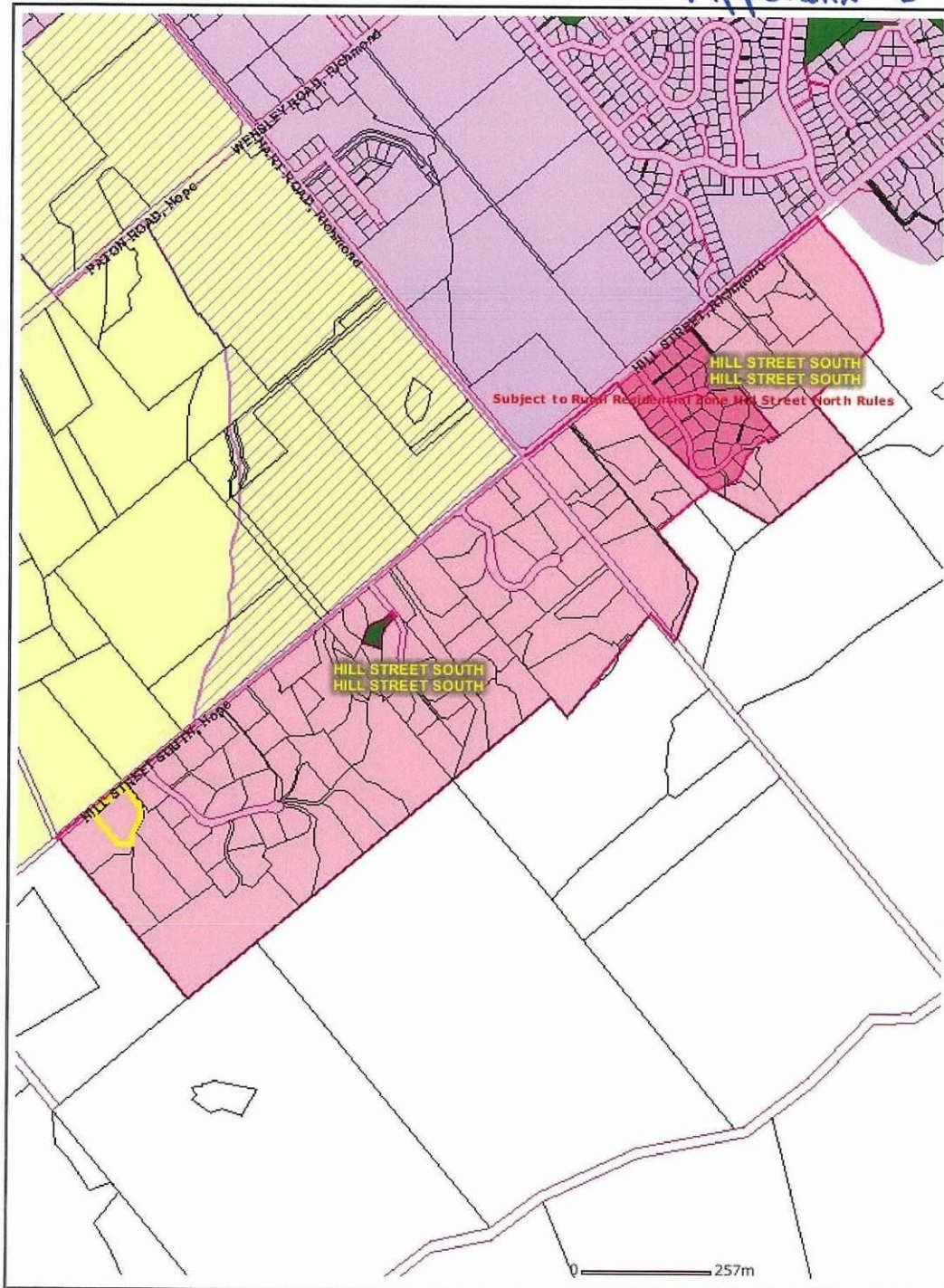
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Appendix 'E'



Existing pattern of Subdivision

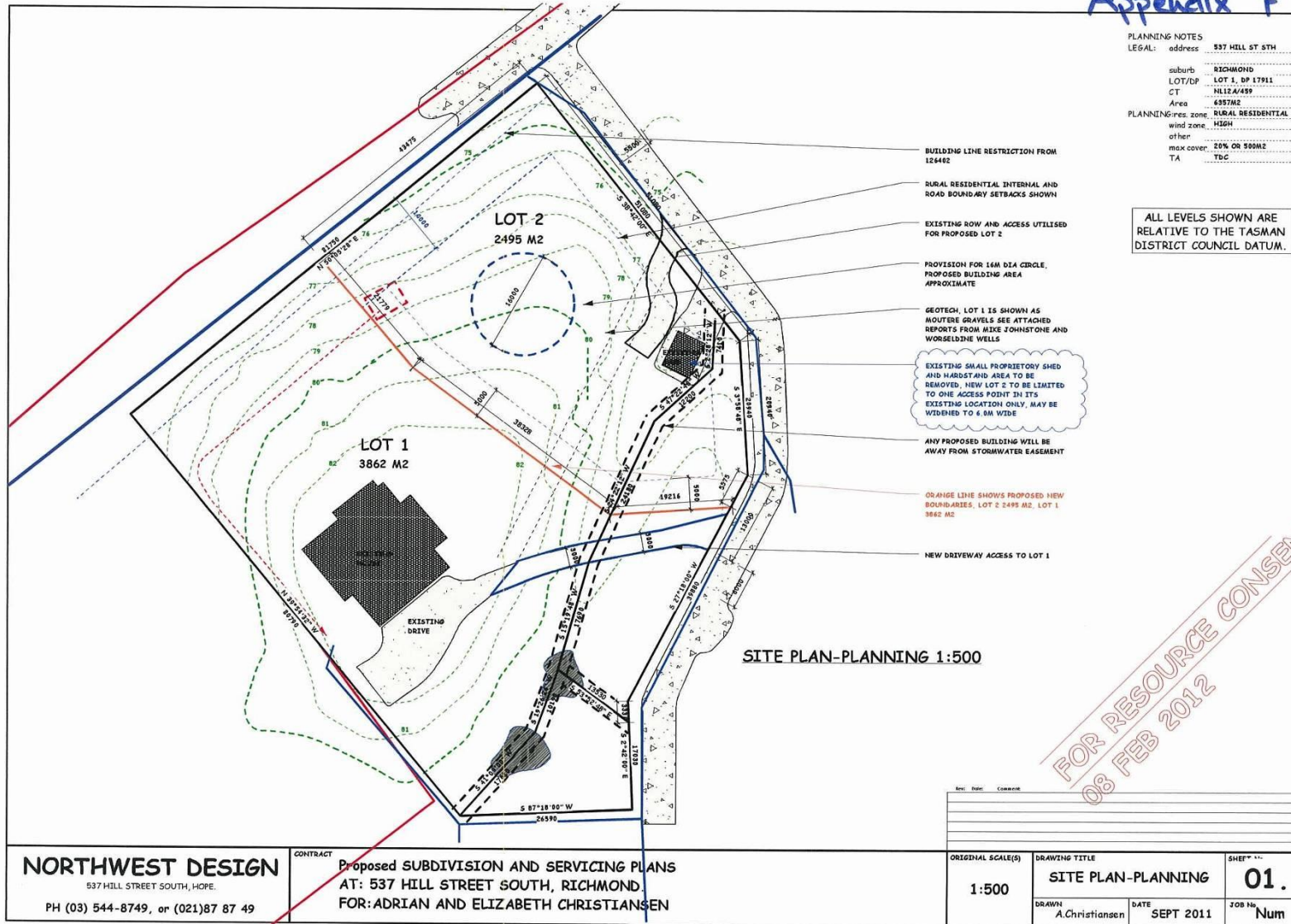
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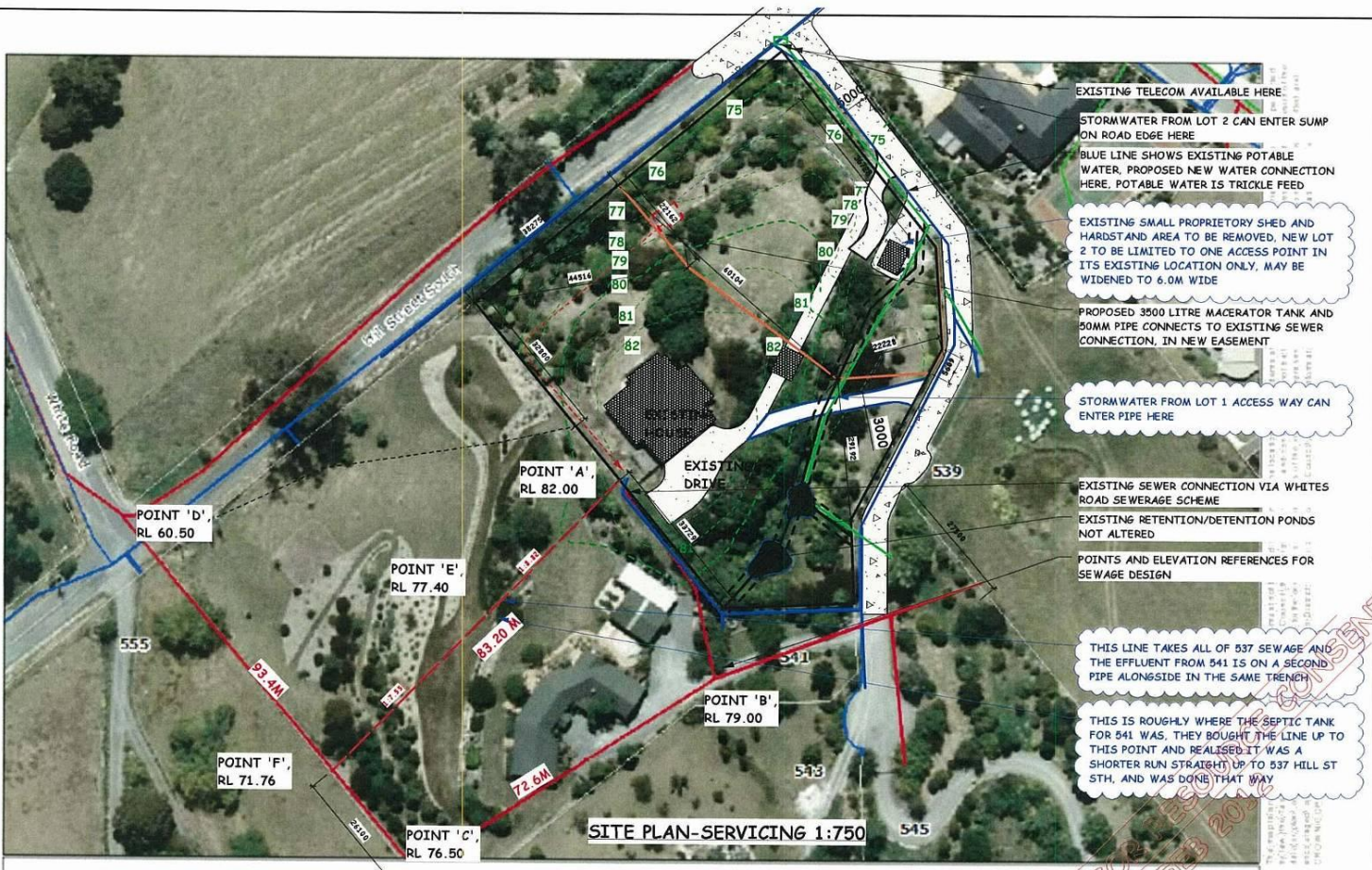
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Appendix 'F'



FOR RESOURCE CONSENT
08 FEB 2012



HILL ST STH SERVICES



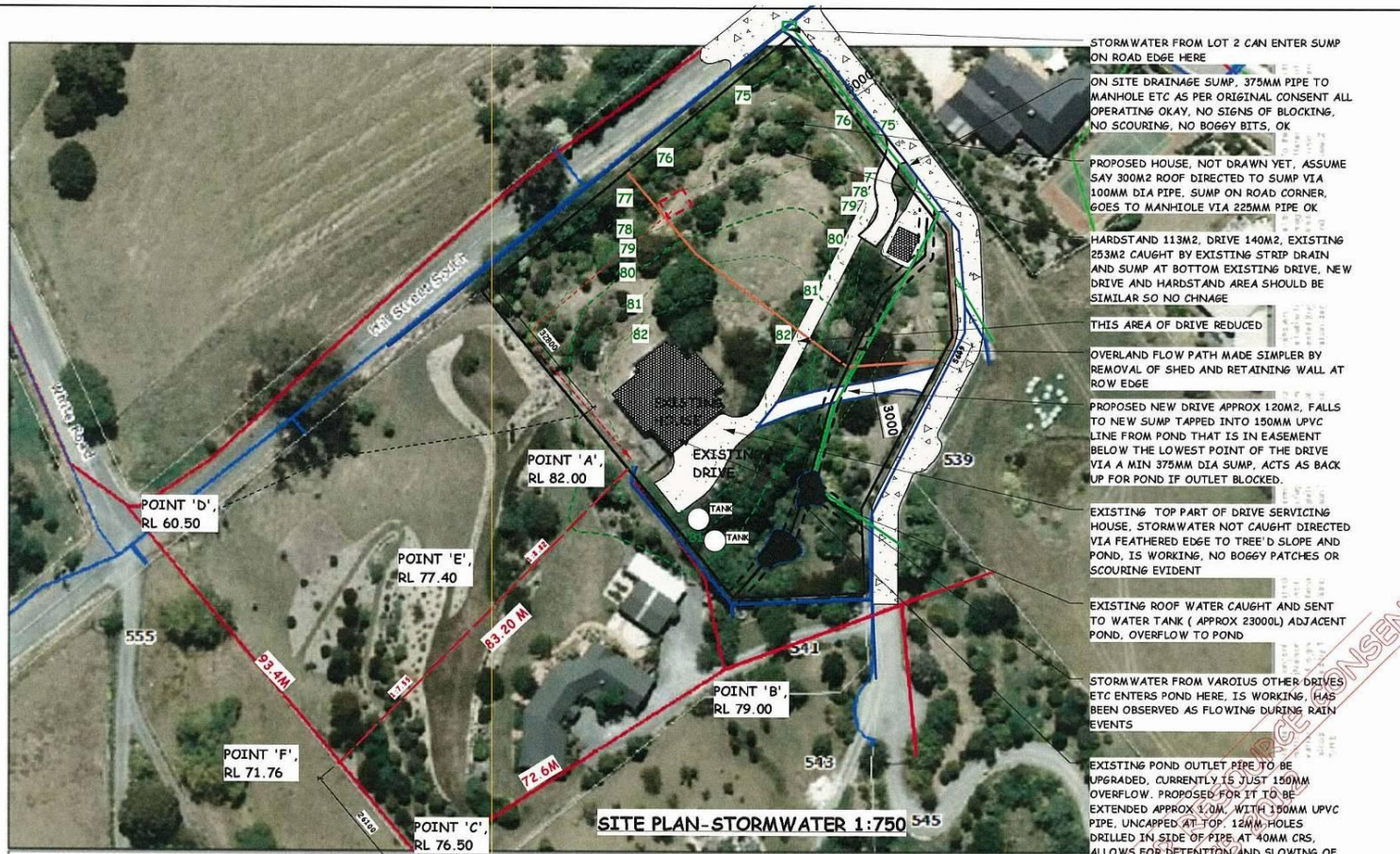
NORTHWEST DESIGN
 537 HILL STREET SOUTH, HOPE.
 PH (03) 544-8749, or (021)87 87 49

CONTRACT
Proposed SUBDIVISION AND SERVICING PLANS
 AT: 537 HILL STREET SOUTH, RICHMOND.
 FOR: ADRIAN AND ELIZABETH CHRISTIANSEN

Rev.	Desc.	Comment

10 September 2011

ORIGINAL SCALE(S)	DRAWING TITLE	SHEET
1:750	SITE PLAN-SERVICING	02.
DRAWN	DATE	JOB No.
A.Christiansen	SEPT 2011	Num



HILL ST STH SERVICES



NORTHWEST DESIGN
 537 HILL STREET SOUTH, HOPE.
 PH (03) 544-8749, or (021)87 87 49

CONTRACT Proposed SUBDIVISION AND SERVICING PLANS
 AT: 537 HILL STREET SOUTH, RICHMOND.
 FOR: ADRIAN AND ELIZABETH CHRISTIANSEN



Rev	Date	Comments
10 September 2011		
ORIGINAL SCALE(S)	DRAWING TITLE	SHEET**
1:750	SITE PLAN-STORMWATER	04.
DRAWN	DATE	JOB No
A.Christiansen	SEPT 2011	Num