

5 October 2009

RM090421

Writer's Direct Dial No. (03) 528 2014

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W A Stinton & P M Whetnall
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PO Box 562
Nelson 7040

Dear Sir/Madam

**DECISION ON NON-NOTIFIED RESOURCE CONSENT APPLICATION NO. RM090421 –
W STINTON & P WHETNALL, 67 IWA STREET, MAPUA**

Pursuant to Section 114 of the Resource Management Act 1991 ("the Act"), please find enclosed a copy of the Council's decision on your application for resource consent referred to above.

Section 357A of the Act provides you with the right to lodge an objection with the Council in respect of this decision and/or any associated conditions. Any such objection must be made in writing setting out the reasons for the objection and must be lodged with the Council, together with a fixed fee of \$175.00 (GST inclusive), within 15 working days of receiving this letter.

At this stage the Council has not calculated the final costs of processing your application. Should the final costs exceed the deposit already paid, then as previously advised, you will be invoiced separately for these costs. Should the final costs be less than the deposit already paid, then you will receive a refund. Where the costs are equal to the deposit already paid, no further action is required. You will receive a letter shortly regarding the final costs of processing your application.

Please note that under Section 125 of the Act, your consent will lapse in five years unless you have given effect to it before then. In the case of subdivisions, the consent is given effect to when you have submitted a survey plan to the Council for the subdivision under Section 223 of the Act. Once the survey plan has been approved by the Council under Section 223 of the Act, the consent lapses three years thereafter unless it has been deposited with the District Land Registrar as outlined in Section 224 of the Act.

Please feel free to contact me if you have any questions regarding any aspect of your consent or its conditions. My contact details are listed at the top of this letter.

Yours faithfully



Pauline Webby
Consent Planner, Subdivision

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RESOURCE CONSENT DECISION

Resource consent number: RM090421

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

William Alfred Stinton & Pamela Margaret Whetnall

(hereinafter referred to as "the Consent Holder")

Activity authorised by this consent: To subdivide Lot 5 DP 9998 into two allotments each containing a single dwelling.

Location details:

Address of property: 67 Iwa Street, Mapua
Legal description: Lot 5 DP 9998
Certificate of title: NL 5B/1198
Valuation number: 1938040900

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

General

- 1 The subdivision shall be undertaken in accordance with the information submitted with the application and in particular with the plan prepared by Jones & Associates and titled "*Proposed Subdivision of 67 Iwa Street, Mapua Lot 5 DP 9998 - Bill Stinton*" 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 shall be created over any services located outside the boundaries of the allotments that they serve as easements in gross to the appropriate authority or appurtenant to the appropriate allotment. The survey plan which is submitted for the purposes of Section 223 of the Act shall include reference to easements.
- 3 Easements shall be created over any right of way and shall be shown in a Memorandum of Easements on the survey plan submitted for the purposes of Section 223 of the Act. Easements shall be shown on the land transfer title plan and any documents shall be prepared by a solicitor at the Consent Holder's expense.
- 4 The survey plan that is submitted for the purposes of Section 223 of the Act shall include reference to easements.

Financial Contributions

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

(a) 5.5% of the total market value (at the date of this consent) of Lot 2.

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 2 years of the date of this consent and a revised valuation is required as provided by Rule 16.5.5(d) 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.

Advice note

No additional development contributions are payable as the dwellings are already established on the site.

Water Supply

- 6 A water supply connection shall be provided and a water meter installed at the toby for Lot 2.

Advice Note:

Water connection fees under Council's Long Term Council Community Plan will be payable at the time the water meter(s) are installed.

Stormwater

- 7 A stormwater drain connection to Council's reticulation system shall be provided for both the Lot 2 dwelling (including all downpipes) and the proposed right of way area. This shall include all necessary, sumps, inlets and a connection to the Council stormwater system in Iwa Street.

Advice Note:

As no Code of Compliance has been approved for the dwelling there is no certainty that the proposed stormwater soakage system shown in the building consent meets Council's Standards. The above condition ensures certainty that Condition 2 of the underlying land use consent (RM040835) for a second dwelling is complied with.

Stormwater run-off from the right of way across the public footpath needs to be captured prior to crossing the boundary. Kerb and channel is not required to be retro fitted to the existing hard standing right of way margin.

Power

- 8 Full servicing for underground power shall be provided to Lot 2. The Consent Holder shall provide written confirmation to the Council's Engineering Manager from the relevant utility provider that live power connections have been made to Lot 2. The written confirmation shall be provided prior to a completion certificate being issued pursuant to Section 224(c) of the Act.

Engineering Works

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

Engineering Plans

- 10 All engineering works as outlined in conditions above shall be shown on engineering plans, to the requirements set out in the Tasman District Council Engineering Standards and any amendments to that. A Section 223 certificate will not be issued until all engineering plans have been approved.

Street numbers shall be shown on the engineering plans (see advice notes below for numbering).

As-built engineering plans for services shall be provided at the completion of works and approved by Council's Engineering Manager prior to the issue of the Section 224(c) certificate.

Commencement of Works and Inspection

- 11 The Council's Engineering Department shall be contacted at least 5 working days prior to the commencement of any engineering works. No works shall commence until the engineering plans have been signed by the Council's Engineering Manager.

Cultural Heritage

- 12 In the event of Maori archaeological sites (eg, shell midden, hangi or ovens, garden soils, pit depressions, occupation evidence, burials, taonga) or koiwi being uncovered, activities in the vicinity of the discovery shall cease. The Consent Holder shall then consult with the New Zealand Historic Places Trust (PO Box 2629, Wellington, telephone (04) 802 0003), and shall not recommence works in the area of the discovery until the relevant Historic Places Trust approvals to damage, destroy or modify such sites have been obtained.

Advice Note:

The discovery of **any** pre-1900 archaeological site (Maori or non-Maori) which is subject to the provisions of the Historic Places Act needs an application to the Historic Places Trust for an authority to damage, destroy or modify the site.

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 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.

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 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 Activity

The 982 square metre site located at 67 Iwa Street has two existing dwellings established within the site boundaries. This proposal seeks to subdivide the site into two allotments, each containing an existing residential dwelling. Earlier land use consent (RM040835) to have two dwellings on the site was granted for this property in 2004. The proposed subdivision plan is slightly different from both the land use consent plan in the overall layout and form but reflects the actual built development and the site utilisation.

Conditions of consent within RM080835 required stormwater from the second dwelling to be discharged to an approved Council system and the subsequent building consent was granted showing downpipes connecting to a soak pit system in accordance with Council designs. At the time of the site inspection some guttering and downpipes were not connected and as there is no final building inspection or Code of Compliance approved for the second dwelling there has been no confirmation that the final installed system meets the condition of an approved Council system.

No stormwater controls were required within the second dwelling land use consent (RM040835) for the access hard standing areas discharging to the street and site inspection showed no kerb and channel or sumps within the hard standing areas. There appears to be a general gradient to Iwa Street, with gardens and lawns abutting the edges of the sealed area. Both sites have north-facing outdoor areas that have privacy from each allotment.

The existing access permanent surface (concrete and asphalt) is separated from the neighbouring property with garden hedging and vegetation which serves as a buffer between the two residential properties.

Site visit confirmed the on-site parking for four vehicles as shown in the plan and both dwellings on the site appeared in good and tidy condition providing visual amenity consistent with the adjoining residential properties.

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

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

Zoning: Residential
Area(s): Coastal Environment Area in part, Land Disturbance 1

No person may subdivide land within Tasman District as a permitted activity according to the TRMP. The activity authorised by this resource consent is deemed to be a discretionary activity in accordance with Rule 16.3.3.3 of the TRMP.

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:

- (a) residential amenity;
- (b) services;
- (c) stormwater;
- (d) access.

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

Residential Amenity

- (a) The second dwelling has existed on this site since 2004 and the subdivision plan represents the actual utilisation of the site for day to day living. While the site cannot achieve the minimum net sizes set within the Tasman Resource Management Plan, the site development has achieved private outdoor living spaces in a north-facing location, two car parks for each dwelling and compliance with bulk and location rules within the TRMP except for the length of the building along the south boundary, however the adverse effects of this were dealt with under an earlier granted land use consent (RM040835) for a second dwelling.

The subdivision does not change the existing buildings or the current consented utilisation of the site, therefore while the allotment sizes are smaller than anticipated by the Tasman Resource Management Plan, it is considered that the proposal maintains the existing residential character and amenity values expected in the area.

Services

- (b) Lot 2 and the existing dwelling were fully serviced at the time of building consent. The application proposes provision of separate power and water services for Lot 2. Conditions have been included.

Stormwater

- (c) The original conditions for the second dwelling required stormwater from the dwelling to be discharged to an approved system and the building consent approved this but no confirmation or Code of Compliance has been issued for the site. The building soakage should be discharged to an on-site soakage as per the building consent RM041796. No control of stormwater generated from the right of way access has been provided.

The application proposal sought to have the existing situation accepted. Council's Engineering Department has advised that a stormwater control and discharge for the right of way hard standing areas to the Council kerb and channel is required. It is considered that given the site is becoming significantly smaller, the discharge of the Lot 2 dwelling's stormwater should be to Council's reticulated system to ensure that there are no future adverse effects from on-site stormwater soakage on a smaller site.

Kerb and channel has not been required on the south side of the access as the existing vegetation and garden formation in my opinion appears to provide an effective buffer from hard standing area stormwater run-off between 67 Iwa Street and the adjoining property (65 Iwa Street). This situation has existed since 2004 without any obvious indicators of adverse effects.

Conditions of consent have been included.

Access

- (d) While on-site manoeuvring cannot strictly be achieved on-site for each proposed allotment, a three-point turn could achieve this and allow the site to be exited by vehicles in a forward direction. However, the Tasman Resource Management Plan does not require on-site manoeuvring to be achieved as Iwa Street in this location is an access place, which means that vehicles can reverse onto the street. The existing vehicle crossing is fit for its purpose and meets the standards set out for residential access serving more than one property except that part of the right of way access is slightly narrower at 3.2 metres rather than the required 3.5 metres. This is not considered to give rise

to adverse effects that may be more than minor due to the short length of the access right of way and that it effectively already serves two dwellings.

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 Tasman Resource Management Plan (TRMP);
- (d) state any other, eg, coastal policy statement.

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 Chapter 5 of the TRMP.

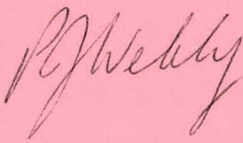
Part II Matters

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.

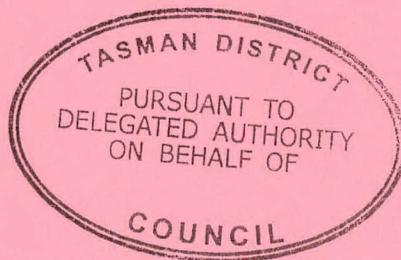
Notification and Affected Parties

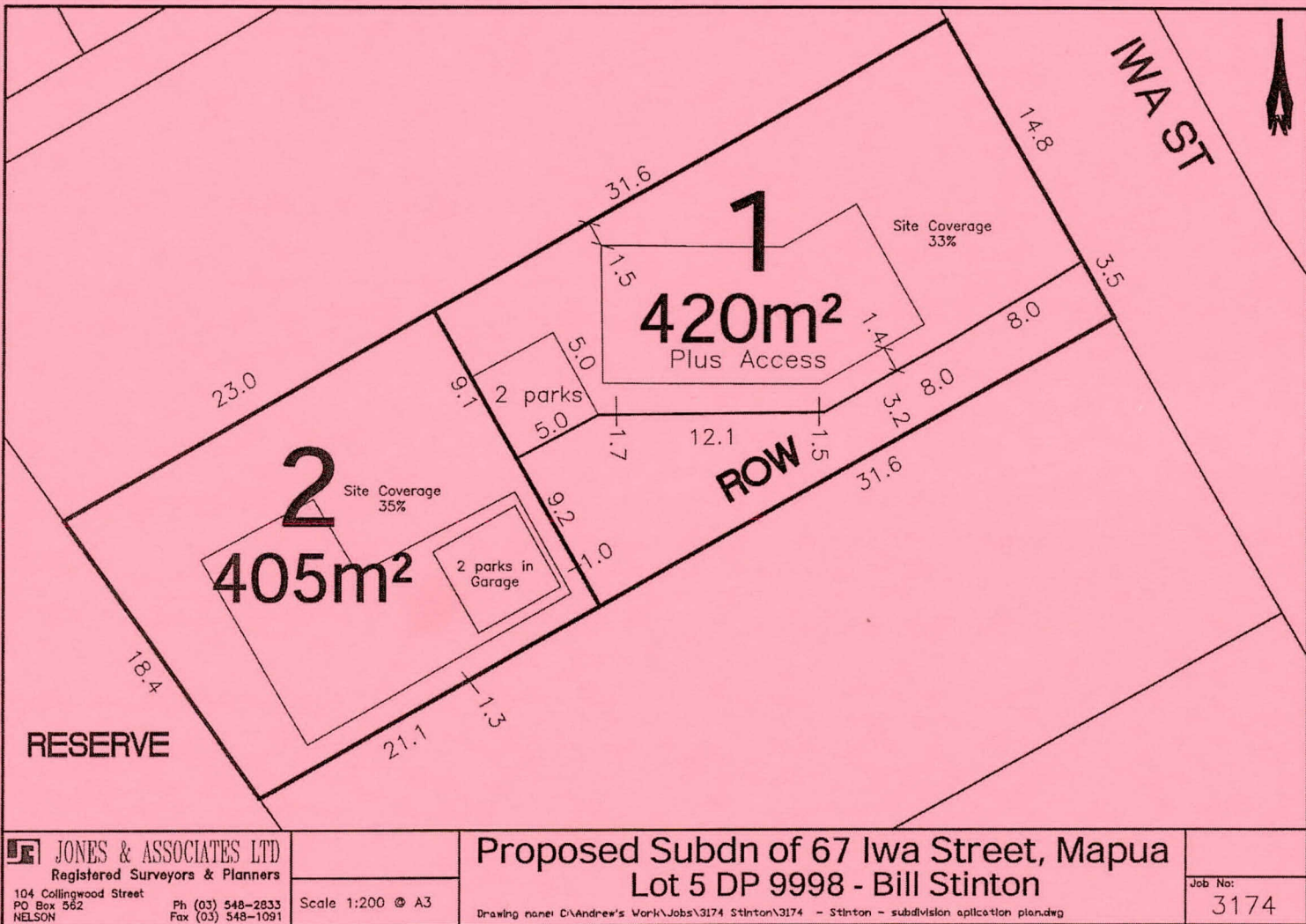
The adverse environmental effects of the activity are considered to be no more than minor. The Council's Resource Consents Manager has, under the authority delegated to him, decided that the provisions of Section 94(2) of the Act have been met and therefore the application has been processed without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

This consent is granted on **5 October 2009** under delegated authority from the Tasman District Council by:

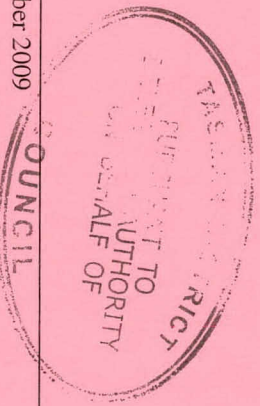


Pauline Webby
Consent Planner, Subdivision





5/10/09



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