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***Application for Subdivision
Consent
J T ROBERTSON
182 Carters Road
Amberley***

*March 2000
Reference C18880S-APPLICATION
Revision 1*

Subdivision Consent Application Form



- APPLICANT DETAILS -

Name of applicant: J.T. ROBERTSON

Consultant (eg. surveyor): CONNELL WAGNER LIMITED ATTENTION: S.M. RATRAY

Contact Address: PO BOX 329 RANGIORA
(i.e. Surveyor's address)

Name and address for invoices to be sent to (if different from above):

Mr J.T. Robertson PO Box 61 AMBERLEY

- PROPERTY DETAILS -

Name and address of Owner/Occupier: J T ROBERTSON
182 CARTERS ROAD, AMBERLEY

Location of Application: 182 CARTERS ROAD, AMBERLEY

Legal Description: PT LOT 12 & LOT 13 DP 16650

Description of proposal (eg. number of lots, zone, controlled activity, discretionary activity etc)

THREE LOT RESIDENTIAL SUBDIVISION

-DISCRETIONARY ACTIVITY (TRANSITIONAL &

PROPOSED DISTRICT PLANS.

Other Consents Required? ☒ Yes / No

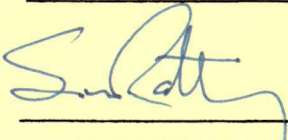
for example: Canterbury Regional Council, Building Consent, Transit New Zealand

Contact Phone - Applicant: 314 7522

Consultant: (03) 313 8776

Contact Fax - Applicant: _____

Consultant: (03) 313 6035

Signature of applicant: 

Date: 1 / 3 / 19 2000

REQUIREMENTS

- ☒ **Subdivision Plan** - to scale on A4 or A3, showing:
 - position of new boundaries
 - areas of new allotments
 - location and areas of new reserves to be created
 - location and areas of land below mean high water springs of the sea, or bed of a river or lake
 - location and areas of proposed roads, access points, service lanes, with gradients and widths
 - location and area of proposed easements, with a memorandum
 - legal description of the property
 - adjoining and underlying title boundaries
 - existing building line restrictions, easements, designations and covenanted areas
 - balance of the property showing proposals for future development
 - where appropriate - contours
 - amalgamation of lots
 - any features proposed to be protected by covenant or other means
 - principal geological features, including fault lines and hazards
 - areas of wetland or bush and individual trees over 3m tall
 - all watercourses with average normal waterway width greater than 1m
 - existing stormwater and sewage systems, septic tanks, effluent disposal fields
 - existing power, telephone and gas services
 - existing groundwater bores and Canterbury Regional Council reference number
 - existing structures (buildings, fences, bridges etc and whether they are remaining, being removed or relocated.
 - areas of fill or excavation over 1m³ with proposed finished contours
 - any conservation, heritage or archaeological features
- ☒ **Certificate of Title**
- ☒ **Assessment of Effects** - must be supplied with all discretionary or non-complying subdivision proposals.
- ☒ **A report dealing with the following:**
 - potable water supply
 - availability or otherwise of common utility services
 - stormwater drainage
 - sewage disposal (for areas without reticulated sewer this must include a geotech report from a registered engineer)
 - staged development details if applicable
 - how any heritage, archaeological or cultural features are to be protected
 - a geotechnical report from a registered engineer for any site subject to a faultline
 - details of any additional consents that are required and whether these have been applied for/ approved

Site specifics: (delete one)

Hazards	Yes / Not applicable
Stability (fill, slippage etc)	Yes / Not applicable
Hazardous Substances	Yes / Not applicable
Heritage or Cultural Features	Yes / Not applicable
Archaeological Feature	Yes / Not applicable
Protected Trees	Yes / Not applicable

Details/Reference: _____

If you are unsure about any of the above, please contact the Planning Staff at the Hurunui District Council, extension 165, or at the Planning/Building service counter.

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Appendix A

Certificate of Title

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Subdivision Proposal Plan

1. GENERAL

- 1.1 This application for subdivision consent is submitted in accordance with Section 88 of the Resource Management Act 1991, by the owner of Part Lot 12 and Lot 13 DP 16650, Mr J T Robertson hereafter referred to as "the applicant".
- 1.2 The property subject to this application is located at 182 Carters Road, Amberley. Consent is applied for;
- **Subdivision Consent** to create three allotments from the existing title comprised in **Certificate of Title 772/5** as illustrated on the Subdivision Proposal Plan (Connell Wagner Plan C18880S Drawing 1 Revision A) attached at **APPENDIX C**.
 - **Dispensation** for consent for a 0.5 metre reduction in an access strip width requirement, the rear yard requirement for the existing house within Lot 1, and the side yard requirements for the existing concrete block shed within Lot 2.
- 1.3 The circumstances of the subdivision proposal which application is made classify it to be considered as a **discretionary activity** under the **Transitional District Plan (Hurunui County District Section)** and a **discretionary (restricted) activity** in terms of the **Proposed Hurunui District Plan**.

2. PROPERTY DESCRIPTION

- 2.1 The legal description of the property subject to this application is Part Lot 12 and Lot 13 DP 16650. The total area of the land is 2633 square metres.
- 2.2 The property to which this application relates is contained in Certificate of Title 7772/5. A current search copy of this title is attached at APPENDIX A.
- 2.3 The registered proprietor of the property described in Certificate of Title 772/5 is John Trewhella Robertson.
- 2.4 The property is located in the Residential A zone of the Hurunui County District Section of the Transitional District Plan, and in the Amberley Residential Zone of the Proposed District Plan.
- 2.5 A copy of the relevant zoning maps for both the Transitional District Plan and the Proposed Hurunui District Plan are attached at APPENDIX B. The location of the site is identified on these maps.
- 2.6 The site is accessed by the separate access road adjacent and parallel to the Main North Road formation on State Highway 1.
- 2.7 The Subdivision Proposal Plan attached at APPENDIX C illustrates the location of dwellings, buildings, accessway and services on the property.
- 2.8 The land generally slopes toward Carters Road as indicated by the site levels shown on the Subdivision Proposal Plan.
- 2.9 The existing house located within Proposed Lot 1 is serviced with power, telephone and sewage reticulation from the adjoining road. Water reticulation serving the existing dwelling is from the existing water main also located along the road.
- 2.10 The existing concrete block shed is utilised for parking and as a workshop. This is a substantial building and is to be retained by the applicant who intends to build a house on Lot 2. The lean-to and small shed attached to this building will be removed.
- 2.11 Both the Transitional and Proposed District Plans indicate that the site does not adjoin a limited access road and therefore it is not anticipated that Transit New Zealand consent will be required.

3. SUBDIVISION PROPOSAL

- 3.1 The applicant proposes to subdivide the property into three lots as illustrated on the Subdivision Proposal Plan attached at **APPENDIX C**.
- 3.2 Lot 1 includes an area of 911 square metres. Lot 1 contains the existing house. An additional driveway to the possible garage will be provided along the north boundary of the property.
- 3.3 Lot 2 has an area of 722 square metres including an access strip of 96 square metres. The net area is therefore 626 square metres. Lot 2 includes the existing concrete block shed with sufficient room for an additional dwelling to be constructed to the north.
- 3.4 The access strip will be 3.5 metres wide with a 3.0 metre formation. Although this driveway and entrance is already partially formed it will require some upgrading and relocation to bring it in terms of the proposed boundaries. The width of the access strip is constrained by the location of the existing patio which extends out beyond the line of the house and the side yard requirement detailed in the Transitional District Plan. The situation is shown on the Subdivision Proposal Plan attached at **APPENDIX C**.
- 3.5 The rear lot (Lot 3) has an area of 1003 square metres including an access strip of 96 square metres. The net area is 907 square metres. Lot 3 contains existing sheds that will be removed.
- 3.6 Adequate building sites exist for both Lots 2 and 3.

4. SUBDIVISION SERVICING

4.1 SEWER

- 4.1.1 The existing sewer lateral to the house on Lot 1 will remain unchanged with a new lateral connecting to the existing manhole will be installed along the right of way to serve Lots 2 and 3. The existing ground levels indicate that each lot can be served using a gravity fed sewage system.

4.2 POWER AND TELEPHONE

- 4.2.1 The availability of power and telephone services is being confirmed with the appropriate services authority. It is anticipated that connections will be provided to each lot at the time of development of the subdivision.

4.3 WATER

- 4.3.1 New water connections for the rear lots will be provided from the Carters Road water main shown on the Subdivision Proposal Plan.

4.4 STORMWATER

- 4.4.1 Stormwater will be reticulated for each lot by utilising the proposed kerb and channel along the right of way. Sufficient gradient is available to allow stormwater to be directed towards Carters Road. A soak pit to be installed within the Carters Road berm will receive the stormwater.
- 4.4.2 The applicant is aware of other soak pits on the property which are functioning adequately throughout the year.

4.5 ACCESS

- 4.5.1 Lot 1 will gain access to the adjoining roadway by a new entrance to be constructed to the north of its frontage. A new driveway extending along the northern boundary of Lot 1 to the possible garage shown on the Subdivision Proposal Plan will also be constructed as part of the development of the subdivision.
- 4.5.2 Access to Lots 2 and 3 will be provided by the proposed right of way. This will be formed and sealed with kerb and channel on one side as mentioned above.

5. CONTRIBUTIONS

- 5.1 The applicant is aware that capital contributions of \$750.00 for water and \$540.00 for sewer will be levied for the additional 2 lots as specified in the Proposed District Plan.
- 5.2 It is also understood that reserves contributions of \$1,000.00 per additional lot will also be levied.

6. STAGING

- 6.1 The applicant reserves the right to undertake the subdivision in stages and seeks that any consent conditions reflect this intention.

7. TRANSITIONAL HURUNUI DISTRICT PLAN

7.1 A copy of the relevant planning map with the property identified is attached at APPENDIX B. The planning map indicates that the property is zoned Residential A.

7.2 The relevant Rules within the Transitional District Plan (Hurunui County District Section) that are appropriate for the subdivision application are detailed below.

7.2.1 “

Residential A Zone

3.6.8 Siting of Buildings (page 153)

(b) Requirements for Predominant Uses

(i) Height, Bulk and Location

- a. All sites:
Maximum Height 7 metres
Maximum Site Coverage 35 percent
Recession Plane applies: All buildings shall be contained within a building envelope constructed by recession planes as set out in Appendix 17.

- The existing buildings comply with the height, Site coverage and recession plan requirements.

- 3.6.8(b) (i) b. Front sites:
Front Yard - Minimum Depth 4.5m
Rear Yard - Minimum Depth 5m
Side Yards - Minimum Depth 1.5m and 3m

- The front site (Lot 1) complies with the front and side yard requirements except for the rear yard which is 4.3 metres instead of the required 5.0 metres

- 3.6.8(b) (i) c. Rear sites:
One Yard - Minimum Depth 2m
Other Yards - Minimum Depth 3m

- The concrete block shed in Lot 2 does not comply with the rear site requirements or the requirements of Ordinance 3.6.8 (b) (iv) Residential Accessory buildings and Private Garages shown below;

3.6.8(b) (iv) Residential Accessory buildings and Private Garages

Residential accessory buildings and private garages may be erected in any side or rear yard, provided that they comply with the following requirements:

- c *No accessory building shall be sited closer that 1 metre from the site boundary, except that where the exterior walls have a suitable fire resistance rating they may be sites up to the boundary.*

- The concrete block shed within Lot 2 is located 0.5 metres from the right of way boundary however it is noted that the shed may comply with the fire rating standards as it adjoins an accessway and consist of concrete block materials.

- d Maximum height 3.5 metres provided that no accessory buildings shall exceed 2.5 metres in height within one metre of the boundary. Recession plane applies.

- The concrete block shed within Lot 2 complies with the height and recession plane requirements.

- e *Total length of any accessory building within a yard shall be 8.0 metres, except that where the stud height (floor to top plate) does not exceed 2.1 metres the building length may be 9.0 metres*

- The concrete block shed within Lot 2 is 12.5 metres long which does not comply with the 8.0 metre length requirement.

7.2.2

66

3.6.9 Land Subdivision

(page 156)

(d) *Minimum Standards*

(i) *Front Site*

- minimum area 500m²
- average area 650m²
- minimum frontage 15 metres
- average frontage 17 metres

- The front site (Lot 1) complies with the minimum area and frontage requirements.

7.2.3 “

3.6.9 (d)
(ii) Rear Site

- minimum area 500m²
- average area 700m²
- minimum dimension in any direction 15 metres

”

- The rear sites (Lots 2 and 3) comply with the minimum and average area requirements and the minimum dimension requirement.
- The minimum area is 626m², the average area is 766m² and the minimum dimension (Lot 3) is 15.7 metres.

“

3.6.9 (d)
(iii) Access Strip to Rear Lots

- minimum width
- 3.5m to rear lot
- 4.0m to 2 rear lots
- 5.0m to 3 rear lots
- 6.0m to 4 or more rear lots

”

- The right of way access legs to Lot 2 and 3 have a combined width of 3.5 metres which does not comply with the minimum required width of 4.0 metres. The reduced width is necessary due to the proximity of the edge of the existing patio on the house within Lot 1 and in order to meet the side yard requirement from the access leg boundary to the existing house.

7.2.4 “

3.6.9 (e) Exception to Minimum Standards

(iii) Dispensation or Waiver

Application may be made under Ordinance 2.6 the General Ordinance on Dispensation and Waivers, for a dispensation from, or waiver of, the standard requirements set out in this ordinance.

”

- An application for a dispensation is therefore sought for a 0.5 metre reduction in the access strip width requirement, the rear yard requirement for the existing house within Lot 1, and the side yard requirement for the existing concrete block shed within Lot 2.

7.2.5 “

2.6.1 Scheme Provisions Subject to dispensations and Waivers

The Council may grant an application for the dispensation wholly or partly from, or waiver of, any provision of the District Scheme relating to:

(a) *The subdivision of land permitted to be used for any urban purpose;*

- **The application is therefore made under Ordinance 2.6.1(a).**

7.2.6 “

2.6.2 Circumstances in which Consent may be granted

The Council has introduced quantitative and spatial limits to dispensations and waivers in this scheme so the and applicants or interested persons or bodies may ascertain the extent to which a dispensation or waiver may be granted in respect of a particular proposal or whether that proposal instead requires consent as a specified departure.

The Council may grant its consent if it is satisfied that:

(a) *The dispensation or waiver would encourage better development of the site or that it is not reasonable or practicable to enforce the provision in respect of the particular site; and*

- **The dispensation relating to the reduction in the accessway width will allow the side yard requirement for Lot 1 to be met. The part of the patio that restricts the width of the access strip does not cause any non-compliance in the yard requirement. It is therefore considered that the reduced width of 3.5 metre will provide a better development and not jeopardise the side yard requirement for Lot 1.**
- **The reduction in the rear yard requirement for Lot 1 from 5.0 metres to 4.3 metres also encourages a better development of the site as the minimum allotment dimensions can be achieved for Lots 2 and 3.**
- **The reduction in the side yard requirement for Lot 2 from 2.0 metres to 0.5m has been addressed in terms of the requirements for accessory buildings and private garages. Not all of these requirements can be met however, the proposed boundaries provide the best practicable configuration due to the location of the existing site constraints.**

(b) *The dispensation or waiver will not detract from the amenities of the neighbourhood and will have little town and country planning significance beyond the immediate vicinity of the land in respect of which the dispensation or waiver is sought.*

- **None of the dispensations or waivers applied for will detract from the amenities of the neighbourhood or have any town and country planning significance beyond the immediate vicinity of the land**

The following are examples of situations where dispensations and waivers may be considered to encourage better development or where it is not reasonable or practical to enforce the provisions of the district scheme:

(iv) *Where there are existing buildings: for example:*

- a. *where an existing building is located so that either subdivisional standards or siting requirements (bulk and location) cannot be met;*

- **This example typifies the situation.**

2.6.3 Manner in Which Application will be Considered

Applications for dispensation or waiver may be made without notice provided the written consent of every body or person whose interests might in the Council's opinion be prejudiced by the proposed dispensation or waiver has first been lodged with the Council unless, in the Council's opinion, it is unreasonable in the circumstances existing to require such consent to be obtained.

- **The applicant has discussed the proposals with adjoining neighbours without detailing the specifics of the subdivision.**
- **It is considered that the dispensation for the reduction in the access strip will have little effect on the adjoining neighbour to the south east as there is already an access way along the boundary and the existing hedge will provide a screen from each property. The subdivision into three lots may result in twice as much traffic along the access strip.**
- **The reduction in the side and rear yard requirements for Lots 1 and 2 will have no adverse effect on any neighbour and any effects will be confined to the future owners or the lots.**
- **The dispensation and waivers sought are completely in terms of the examples given in the Transitional District Plan and will allow a better development of the site.**

2.6.4 Conditions and Limitations

In considering whether an application for dispensation or waiver should be granted the Council will be guided by the objectives and policies which relate to the particular standard or requirement in respect of which a dispensation or waiver is sought, and in granting any application for dispensation or waiver the Council shall seek to ensure that those objectives and policies are satisfied.

In addition any dispensation or waiver shall be limited as follows:

a *Subdivisions: not greater than 20% of the particular standard „*

- **The dispensations mentioned above fall within the 20% requirement and are not contrary to the objectives and policies of the Transitional District Plan.**

8. PROPOSED HURUNUI DISTRICT PLAN

8.1 A copy of the relevant planning map with the property identified is attached at APPENDIX B. The planning map indicates that the property is zoned Residential.

8.2 The relevant rules for subdivision are contained in Section **A3 SUBDIVISION**, pages 222 to 230. The relevant rules from this section are as follows:

“

A3.2.1 Shape Factor Requirement for Allotments

Each proposed allotment must be able to contain a square measuring 15m by 15m, clear of any right-of-way easement.

- **All lots comply.**

A3.2.3 Disposal of Effluent

(a) *Any new allotment developed within an Urban Area (including in a Rural-Lifestyle Area), that is serviced by a reticulated sewage treatment and disposal system (29.2, 30.2), must provide a means of connection to a public sewage disposal and treatment system.*

- **A gravity connection for each lot can be achieved to the existing main.**

A3.2.4 Potable Water Supply

Any new allotment which is located within an Urban Area (including in a Rural Lifestyle Area) must provide a means of connection to the public water reticulation supply system at the most feasible point for water supply purposes.

- **Separate water connections will be installed from the existing mains.**

A3.2.6 *The minimum allotment area requirements for the subdivision of land are to be checked on the net allotment area (exclusive of accessways) as follows: -*

ZONE OR MANAGEMENT AREA	MINIMUM ALLOTMENT AREA	MINIMUM AVERAGE ALLOTMENT AREA
Urban	250m ²	350m ²

A3.2.6 Minimum Frontage Requirements

There are no minimum frontage requirements, but all allotments must comply with the vehicular access requirements under Rule A5.2.4.

- Refer to comments below.

A3.2.7 Access Requirements

(a) Access to a rear allotment shall be either:-

- (i) By way of an accessway of the required width under Rule A5.2.4; or
- (ii) By one or more right-of-way easements over adjoining land or by a combination of these, provided the total width complies with the access requirements of A5.2.4; or
- (iii) By means of an interest in an access allotment as a tenancy in common, subject to compliance with the access requirements of Rule A5.2.4.

(b) Rights-of-way will be approved by way of a condition on the subdivision (239.3, 600.18).

(c) All private accessways, either for single or multiple allotments in urban areas must be designed, formed and sealed to the requirements of NZS 4404 (1981), Table 1, Private Ways.

- Access to the rear lots will be provided by the mutual right of way which complies with the width requirements detailed below. The right of way will be designed, formed and sealed in accordance with NZS 4404 (1981) Table 1, Private Ways. The formation widths of 2.7 metres can still be achieved.

A5.2.4 General Conditions – Vehicular Access to Roads

(a) Minimum Width of Accessways

(i) Access to residential activities:-

- 1 or 2 dwellinghouses, 3m
- 3 dwellinghouses, 5m
- 4 or more dwellinghouses, 6m

- The proposed right of way to Lots 2 and 3 has a total width of 3.5 metres which complies with the above requirement.

“

A3.4 Discretionary Activities (Restricted)

(a) Multiple-Lot Subdivision

- (ii) The creation of 3 or more lots (including balance lots), whether or not as a staged development, in the Urban Areas and Environments of Special Concern including the Hanmer Springs Urban Area and the Hanmer Basin Subdivision Management Area.

Standards and Terms for Multiple Lot Subdivision

The subdivision development must comply with all the standards and terms specified in Rule A3.2, all other District-wide Rules and the Rules for Environments of Special Concern.

Restriction on Discretion

In considering applications for subdivision consent, the council shall restrict its discretion to:-

- (i) In addition to the criteria in C1.2.3(a) the criteria in C1.2.3(c) shall also apply.

Notification

An application for resource consent may be considered without notification or the need to obtain the written approval of affected persons in accordance with Section 94(1A) of the Act.

- In terms of Rule A3.4 (a)(ii) above, the proposed subdivision is classified as a “Multiple-lot subdivision” as is therefore required to be considered as a Discretionary Activity (restricted). Council’s discretion is restricted to the specific criteria set out in Sections C1.2.3(a) and C1.2.3(c).

These criteria are addressed below where relevant as follows:-

C1.2.3 Specific Criteria for Assessing Subdivision Consent Applications

(a) The following matters will be considered, where relevant:-

- (i) The ability of every allotment of land to site a conforming dwellinghouse or a principal building and to be utilised in a manner that can comply with the Plan provisions.
- This requirement can be complied with for each lot due to the size and shape on the allotments.
- (ii) The provision for disposal of sewage and stormwater without risk to public health or the environment.

- The existence of a public reticulated sewage scheme will mitigate any risk to public health or the environment. The stormwater control measures proposed will also mitigate any risks with each of the above.

(iii) *The provision or ability of every allotment to have vehicular access to a formed road or proposed formed road.*

- Each lot will have access to the public road parallel to the Main North Road as detailed above. Any cumulative impacts will be minor due to the small nature of this development.

(iv) *The cumulative impacts on the District-wide's infrastructure and its efficient use and development.*

- Any cumulative impacts will be minor due to the small nature of this development.

(v) *The provision of access within every lot.*

- Access can be obtained for each lot.

(vi) *The ability of any existing or likely proposed building to comply with all standards in this Plan.*

- All existing buildings to be retained and any proposed buildings will have the ability to comply with all standards in the proposed plan.

(vii) *Whether the area's amenity values and character will be protected or enhanced.*

- The areas amenity values and character may change slightly as a result of the additional dwellings and construction of the right of ways and access to each lot. It is expected that these changes will be likely and normally anticipate in an area of development such as this. The site is not included in any area identified in the Proposed District Plan for special treatment for landscape issues. It is therefore submitted that this matter is not relevant to this application.

(viii) *The appropriateness of the subdivision in relation to any sites or resources of significance to tangata whenua, including water quality.*

- Not relevant.

- (ix) *The appropriateness of the subdivision in relation to Part II of the Act.*
- **The proposal is not contrary to Part II of the Resource Management Act 1991. The site areas and dimensions are greater than those envisaged for controlled activities in the Proposed District Plan.**
- (x) *Whether any visually obtrusive or environmentally damaging earthworks associated with the proposed development of the subdivided land will be avoided or minimised.*
- **Only minor earthworks will be involved with the building construction and the driveway and access construction and provision of services to the new lots. These will only be minor earthworks and control measures will be adopted as part of the development of the lots.**
- (xi) *Whether the subdivided land is subject to pollutants that may be hazardous to future occupiers of the land.*
- **The applicant has no knowledge of any pollutants on the site.**
- (xii) *Whether the lot has an adequate building platform to allow a complying building to be constructed that will not be subject to unacceptable risks from natural hazards or will significantly exacerbate the risks to other properties and people.*
- **Given the shape and size of the allotments, there will be adequate building platforms available for the construction of new dwellings that will not be subject to unacceptable risks from natural hazards or risks to other properties and people.**
- (xiii) *The provision for a potable water supply in sufficient quantities that meets the policies and rules in this Plan.*
- **The connection to the existing community reticulated water supply will provide adequate potable water supply.**
- (xiv) *Whether the allotment(s) comply with Section 321 of the Local Government Act 1974 in regard to access to a legal road.*
- **All lots have frontage to a legal road.**
- (c) *For the assessment of Multiple-Lot subdivision, the following matters will also be considered where relevant:-*

- (i) *If the appearance of the natural landforms, topography and features is generally maintained by avoiding unnecessary changes to the landform or landscape features or by instituting appropriate contouring, shaping, planting, restoration and other measures;*
- **There will be no unnecessary changes to the land form as a result of this subdivision. Any changes to the shape of the land will be beneficial to the adjoining properties as over land stormwater paths will be directed to an approved outfall.**
- (ii) *If any significant natural or heritage features are recognised, protected or enhanced;*
- **Not relevant.**
- (iii) *If new roads and vehicular accesses to link lots with the existing roading network are adequate to meet the expected and likely demand;*
- **Access will be to a standard acceptable and appropriate for the intended residential land uses and in accordance with Council requirements.**
- (iv) *If a common vehicle access is provided to avoid separate access points onto public roads;*
- **Common access is provided in for Lots 2 and 3 to Carters Road. Only one additional access point will be provided onto the adjoining road carriageway which provides a secondary road for access on to Main north Road. This will not affect traffic on Main North Road.**
- (v) *If there are adequate linkages to schools, recreational spaces, shops and other facilities, or whether improvements to existing linkages can be made;*
- **Already provided in existing networks.**
- (vi) *If new roads and vehicular accesses are designed to a speed regime that is consistent with their road function;*
- **Not relevant.**
- (vii) *If there is adequate provision for pedestrian and cyclist access, and linkages with the roading network and the existing pedestrian and cyclist access network;*
- **The existing footpath and roading network would appear adequate for the proposed allotments.**

- (viii) *If there is adequate provision for pedestrian access through the provision of footpaths, lighting, kerb and channelling;*
- **The existing footpath is satisfactory.**
- (ix) *If there is adequate and suitable space to provide for recreational facilities;*
- **Not relevant.**
- (x) *If there is sufficient public open space to provide an attractive outlook and to enhance local amenity values;*
- **Not relevant.**
- (xi) *The extent to which existing planting is to be protected or new planting provided to maintain amenity and landscape values, while providing for adequate sunlight access building sites, access, sightlines and safety.*
- **Not relevant.**
- (xii) *Whether the proposal makes use of any landscape treatment techniques to maintain and enhance amenity and visual values in a manner that complements the existing character and landscape of the vicinity;*
- **Not relevant.**
- (xiii) *If proposed lots are of a suitable size, shape and location to provide opportunities for new habitable and principal buildings to be designed to maximise sunlight access;*
- **All lots are of a suitable size and shape to provide adequate opportunities for dwellings to be located to provide for sunlight access.**
- (xiv) *If the design of the proposal recognises or enhances the existing character of the area, including lot sizes, planting, natural features, and landscape;*
- **The proposal conforms with the existing character of the area and will enhance the existing nature of the site.**

(xv) *If the number, design and location of lots and building sites avoids a visual impact that is inappropriate to the character of the area or mitigates the impact by limiting the area affected (such as by promoting cluster housing);*

- **The location of the existing house will mitigate any adverse visual impact from Carters Road by screening any future dwellings from view of the adjoining road.**

(xvi) *If adequate buffer distances are provided to avoid or mitigate any potential for adverse effects to be created on new lots from current or likely future activities occurring on adjacent properties;*

- **The set back from the existing house to the road boundary is sufficient to mitigate any potential effects on the community. The location of dwellings on Lots 2 and 3 should not jeopardise the future activities occurring on the adjacent properties.**

(xvii) *If the design and location of lots and building sites avoids any natural hazards, and if not, then the nature of the activity and the degree to which it may increase the potential risk to human life, property and/or the environment.*

- **The location of lots and building sites does not increase the potential risk to human life, property or the environment. There are no known hazards**

9 ASSESSMENT OF EFFECTS

9.1 In terms of the Hurunui Transitional District Plan the proposal is a discretionary activity due to the non-compliance of the right of way width and yard requirements. All other development standards can be complied with. A dispensation or waiver is sought in terms of the Transitional District Plan as addressed under Section 7 of this report.

9.2 In terms of the Proposed Hurunui District Plan the proposal is a discretionary restricted activity. In terms of Section 105(1)(b) Resource Management Act 1991, the consent authority may refuse or grant the consent to a discretionary activity and may impose conditions.

9.3 In considering this application the consent authority is bound by the provisions included in Section 105 (1)(b) that:-

“

Provided that, where the consent authority has restricted the exercise of its discretion, consent may only be refused or conditions may only be imposed in respect of those matters specified in the plan or proposed plan to which the consent authority has restricted the exercise of its discretion.

”

9.5 Section 88 (5) of the Resource Management Act 1991, identifies that the assessment of effects relating to a restricted discretionary activity need only address those matters specified as being those over which the consent authority has restricted its right to exercise its discretion.

9.6 The following assessment, prepared in terms of the Fourth Schedule, Resource Management Act 1991, deals with issues of a very general nature only. Detailed submissions regarding the matters of restricted discretion are incorporated in Section 8 of this application. Some duplication results.

9.6.1 Effect of neighbourhood, wider community etc

The effect of the neighbourhood and wider community will probably be positive in that additional residents could or should result from the development of the site. New dwellings in a residential area that comply with the bulk and location requirements generally provide positive effects.

The reduction in the access strip width will have little effect on the adjoining neighbour to the south east as there is already an accessway along the boundary and the existing hedge will provide a screen from each property. The subdivision into three lots may result in twice as much traffic along the access strip.

The reduction in the side and rear yard requirements for Lots 1 and 2 will have no adverse effect on any neighbour and any effects will be confined to the future owners or the lots.

9.6.2 **Physical, Landscape, Visual and Character Effects**

The physical, landscape, visual and character effects of the development would firstly relate to the erection of houses and dwellings which, due to the size and shape of the lots and the existing topography would not introduce any obtrusive or objectionable element to the locality. The area is not identified as being a significant landscape area requiring specific protection from the intrusion of buildings or uncensored, uncontrolled development. The character of the area may change depending on the uses introduced by future owners of the lots.

9.6.3 **Coastal Environment, Eco-systems, Plants etc**

There are no obvious apparent effects envisaged on the coastal environment, eco-systems, plants and animals or habitants in the vicinity in a normal residential development of each of the lots.

9.6.4 **Land, Air, Water Environment**

There will be no adverse environmental effects to the land, air and water environments due to the provision of the reticulated services to each lot.

9.6.5 **Physical Resources**

There are no natural physical resources having aesthetic recreation, scientific, historical, spiritual or other special value requiring consideration.

9.6.6 **Consultation**

The applicant has advised neighbours of the proposal in general terms only.

9.6.7 **Mitigation Measures etc**

There are no alternative mitigation measures required to be addressed in the context of this application.

9.7 Accordingly it is submitted that this application be processed as a non-notified application pursuant to Section 94 (2) (a) and (b) of the Resource Management Act 1991.

10 CONCLUSIONS

- 10.1 Application is made for a 3 Lot Subdivision of the applicants property at 182 Carters Road, Amberley. The proposal incorporates the creation of a mutual right of way to provide access to the two rear lots.
- 10.2 Consent is applied for under the provisions of the Transitional District Plan and Proposed Plan Rules relating to the subdivision of residential sites.
- 10.3 There are no adverse environmental effects relating to the proposal.
- 10.4 The application can be considered and approved as a discretionary activity in terms of the Transitional District Plan Rules, the Proposed District Plan Rules and the Resource Management Act 1991.
- 10.5 Granting consent to the proposal will not create any significant adverse effects nor undermine the consistent administration of either the Transitional or Proposed District Plan.
- 10.6 Accordingly consent can be granted pursuant to Section 104 and 105 of the Act.

Appendix A

Certificate of Title

REGISTER

Vol. 772, folio 5

This Certificate, dated the ninth day of October, one thousand nine hundred and fifty-eight under the hand and seal of the District Land Registrar of the Land Registration District of Canterbury WITNESSETH that JAMES ALBERT PERAM of Amberley, Builder

is seized of an estate in fee-simple (subject to such reservations, restrictions, encumbrances, liens, and interests as are notified by memorial underwritten or endorsed hereon, subject also to any existing right of the Crown to take and lay off roads under the provisions of any Act of the General Assembly of New Zealand) in the land hereinafter described, as the same is delineated by the plan hereon bordered green, be the several admeasurements, a little more or less, that is to say: All that parcel of land containing TWO RODS TWENTY-FOUR PERCHES AND ONE-TENTH OF A PERCH OR thereabouts situated in Block VIII of the Tairāwhiti Survey District being Lot 13 and part of Lot 12 on Deposited Plan No. 16650 part of Rural Section 7066

[Signature]
Assistant Land Registrar.

Fencing Covenants contained in Transfers 371906 and 402482.

Mortgage 488798: The New Zealand Co-operative Building Society

settled as a joint family Home under
the joint family names of the on land

abovenamed and Elizabeth his wife, in whom the said land is now vested as joint tenants subject to the said Act.

Entered 6/9/1960 at 11-14
Application 9024

Transfer 649871 to Taxes Inmates of Berkeley
Retired Farmer - 8-4-1965 at 4:47 p.m.

Settled under the Joint Family Home Act 1964 as
James Surua Tekma and Dorothy Lawrence Tekma his
wife - 84 1965 at 1:48 pm. Application 18924.
(Signature)

THE REPRODUCED INFORMATION ON THIS SCALE
CERTIFICATE IS AN EXACT COPY OF THE
ORIGINAL RECEIVED FOR THE PURPOSES OF
SECTION 215A LAND TRANSFER ACT 1997.

Total Area : $0.224 \frac{1}{10}$

METRIC AREA:--2633m²

Scale : 2 chains to an inch.

- O V E R -

SEARCH COPY - 22 DECEMBER 1999

CT 772/5

Transmission 109199/1 to Dorothy Gwenith
Johns of Amberley, Widow as Survivor -
9.12.1976 at 10.26 am.

Daly
A.L.R.

Transfer 123095/1 to Morton Sydney Walter
of Culverden, Farmer - 30.3.1977 at 9.11 a.m.

Elmhurst
for D. L.R.

A346932.1 Transmission to Kathleen Mary
Walter, Lindsay Morton Walter, Murray
Stuart Walter and Helen Mary Wright as
executors
9.4.1998 at 11.00

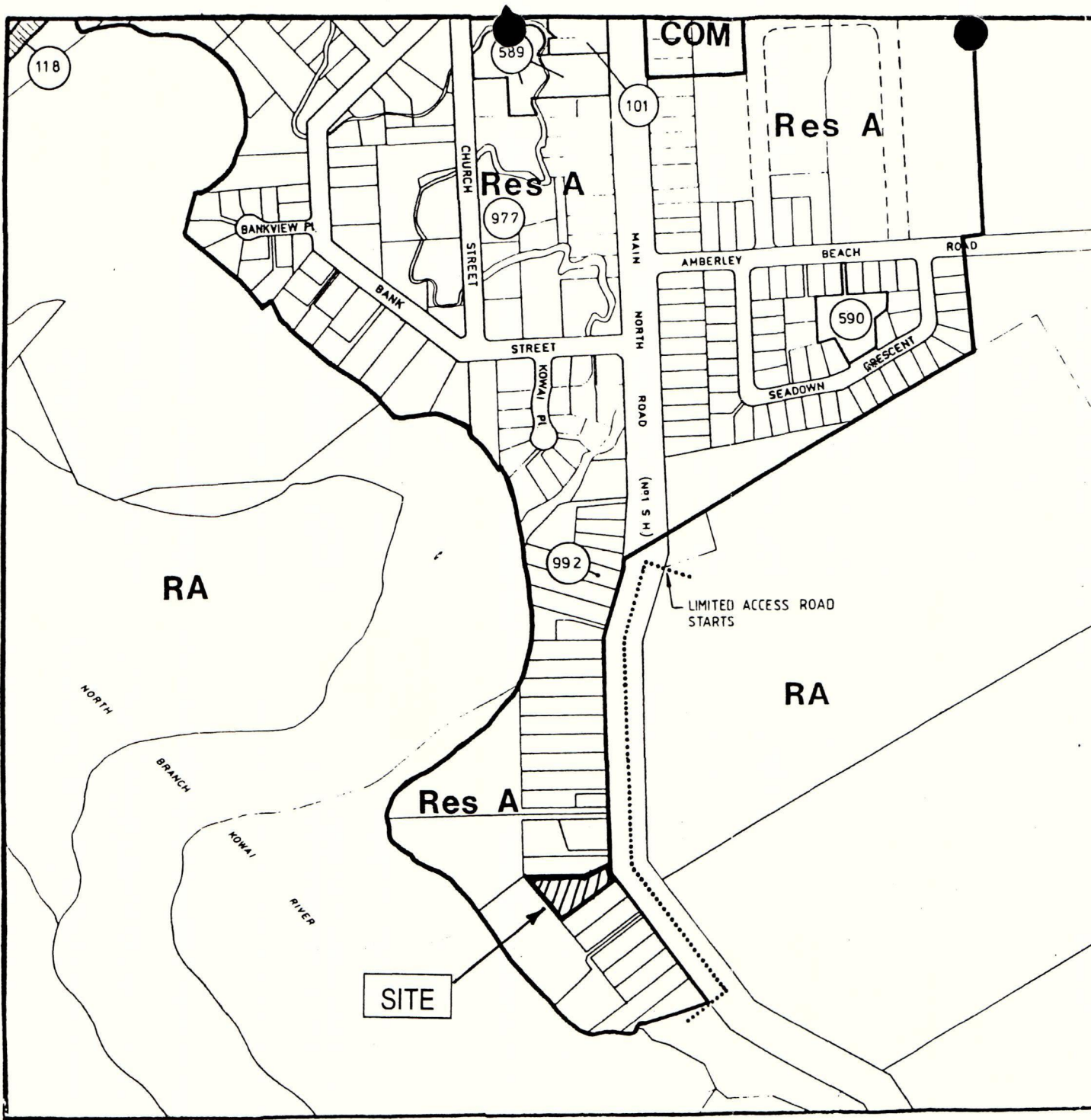
A. Weary
for DLR

A397602.1 Transfer to John Trewhella
Robertson - 30.3.1999 at 12.06

Chisholm
for RGL

Appendix B

Planning Maps



HURUNUI COUNTY COUNCIL

DISTRICT SCHEME AMBERLEY TOWNSHIP

LEGEND

ZONES

RURAL A
 RURAL B
 RURAL C
 RURAL COASTAL
 RURAL RESIDENTIAL
 RURAL TIMBER PROCESSING
 RURAL CAMP DAVID COMMUNITY
 RESIDENTIAL A
 RESIDENTIAL B
 DEFERRED RESIDENTIAL
 COMMERCIAL
 SERVICE
 INDUSTRIAL
 URBAN
 HOTEL
 HIGHWAY SERVICE
 FISHERIES SERVICE
 MOTUNAU RESIDENTIAL COASTAL
 UNDERLYING ZONE (eg RURAL A)

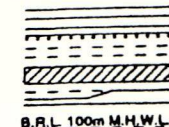
RA
RB
RC
R Co
RR
RTP
RC DC
Res A
Res B
Def Res
COM
SER
IND
URB
HOTEL
HS
FS
MBC
(UZRA)

DESIGNATIONS AND NOTATIONS

Appendix 1 Part 1
 DESIGNATED PUBLIC WORKS
 Appendix 1 Part 2
 RESERVES 'RESERVES UNDER CROWN
 CONTROL OR MANAGEMENT ARE DESIGNATED
 PUBLIC WORKS'
 Appendix 1 Part 3
 IDENTIFIED COMMUNITY
 USES / BUILDINGS
 Appendix 1 Part 4
 HISTORIC PLACES
 Appendix 1 Part 5
 PLACES AND ITEMS OF SPECIAL
 VALUE TO THE COMMUNITY
 Appendix 1 Part 6
 PLACES AND ITEMS FOR WHICH
 RECORDS SHOULD BE OBTAINED
 BEFORE ALTERATION OR
 DESTRUCTION

101
499
500
899
700
748
750
758
790
999
0
100

ROADING CLASSIFICATION
 EXISTING ROAD
 LIMITED ACCES SECTIONS
 PROPOSED ROAD
 ROAD TO BE CLOSED
 WIDENING OF ROAD
 BUILDING RESTRICTION LINE
 eg 100 metres from mean high water line.



B.R.L. 100m M.H.W.L.

RAILWAYS DESIGNATED
ZONE BOUNDARY
COUNTY BOUNDARY



DAVIE, LOVELL-SMITH & PARTNERS
 REGISTERED SURVEYOR
 CONSULTING ENGINEERS
 TOWN PLANNERS

100 Harbord Street, Christchurch 1. Phone 790 793
 MAP COMPILED FROM LANDS & SURVEY RECORDS

Scale: 1:3000

Northpoint Vertical

Date: April 1982

3654 Sheet 17C

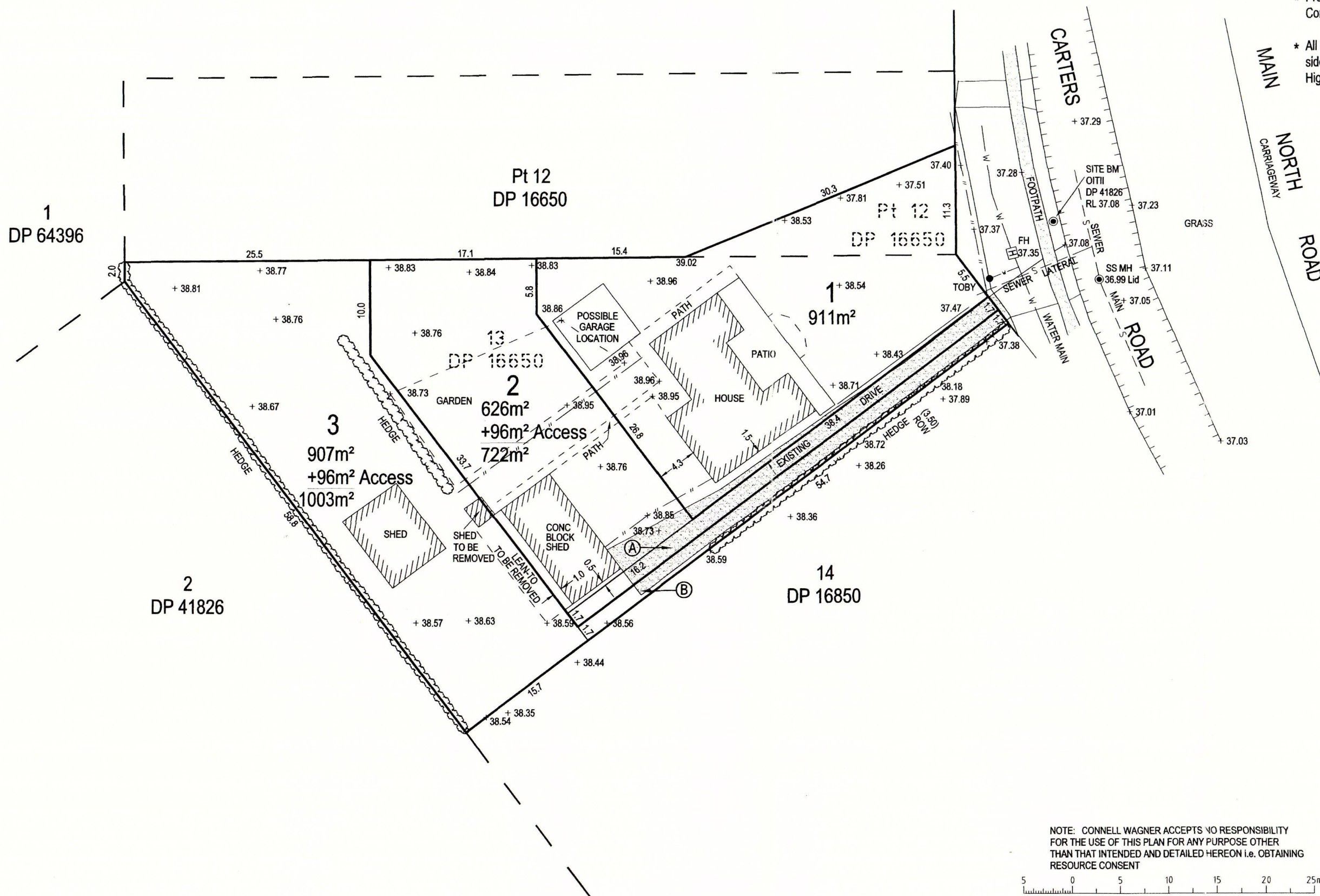


Appendix C

Subdivision Proposal Plan



- * Subdivision proposal plan only.
- * Areas & dimensions are subject to final survey.
- * Prepared for the purpose of obtaining a Resource Consent only.
- * All heights are in terms of BM UA 98 .Located on south side of Amberley Beach Road at intersection with State Highway No 1. RL 41.0005 A.M.S.L Lyttelton (1937) datum.



A	02/00	CLIENT APPROVAL	SMR		
Rev	Date	Revision Details	By	Ver.	App

Connell Wagner

Connell Wagner Limited
First Floor 320 High Street (PO Box 329)
Rangiora New Zealand

Telephone: +64 3 313 8776
Facsimile: +64 3 313 6035
Email: cw@rangiora.co.nz

A person using Connell Wagner drawings and other data accepts the risk of:

1. using the drawings and other data in electronic form without requesting and checking them for accuracy against the original hard copy versions;
2. using the drawings or other data for any purpose not agreed to in writing by Connell Wagner.

Client:	J T ROBERTSON
Project:	PROPOSED SUBDIVISION 182 CARTERS ROAD AMBERLEY

Drawing Title:

**SUBDIVISION PROPOSAL
PLAN
PROPOSED SUBDIVISION OF
PART LOT 12 AND LOT 13
DP 16650**

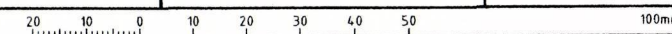
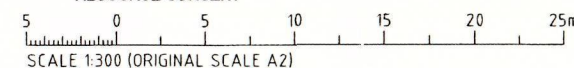
COMPRISED IN CT 772/5
REGISTERED PROPRIETOR: J T ROBERTSON
TOTAL AREA: 2633m²

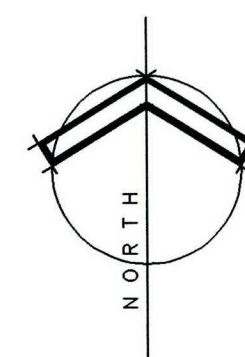
PREPARED BY  10.3.00
S.M. RATTRAY
REGISTERED SURVEYOR DATE

Drawn TS	Signed	Date 02/00	Verified	Signed	Date
Designed SMR	Signed	Date 02/00	Approved	Signed	Date

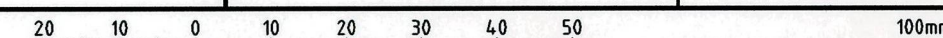
CW Project No.	C18880s	Scale:	1:300
Drawing No.	1	Revision:	A

NOTE: CONNELL WAGNER ACCEPTS NO RESPONSIBILITY
FOR THE USE OF THIS PLAN FOR ANY PURPOSE OTHER
THAN THAT INTENDED AND DETAILED HEREON i.e. OBTAINING
RESOURCE CONSENT





Drawn TS	Signed	Date 05/00	Verified SMR	Signed	Date 05/00
Designed ASM	Signed	Date 05/00	Approved SMR	Signed	Date 05/00
CW Project No. C18880s				Scale: AS SHOWN	
Drawing No. 4				Revision: B	



747300mN

747240mN

300060mE

300120mE

300180mE

300240mE

LAND DISTRICT *Canterbury*
Survey Blk. & Dist. *VIII Teviotdale*
NZMS 261 Sheet *Record Map No.*

LOTS 1 - 3 BEING SUBDIVISION OF PT LOT 12 & LOT 13 DP 16650

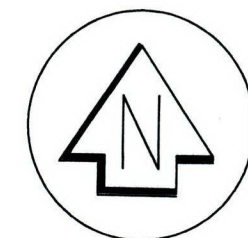
TERRITORIAL AUTHORITY: *Hurunui District*
Surveyed by **Connell Wagner**
Scale 1: 500 Date *Feb / April 2000*

A.J BEVIN, SURVEYOR GENERAL LAND INFORMATION NEW ZEALAND

CW cad ref: F:\VOL1\CADDATA\8880\8880-TITLE

Ref C18880s/2A

Approved CH 97/2 PD492/4000



CARTERS ROAD
(40.23)
LEGAL ROAD
(40.23)
(SH 1)

1
DP 64396

2
DP 41826

Pt 12
DP 16650

Pt 12
DP 16650

14
DP 16650

14
DP 16650

SEE DIAGRAM Y

DIAGRAM Y
(Not to Scale)

Approvals

Registered Proprietor(s)

I hereby certify that this plan was approved by the Hurunui District Council pursuant to Section 223 of the Resource Management Act 1991 on the *1* day of *June* 2000 subject to the granting or reserving of the easements set out in the Memorandum hereon.

[Signature]
Authorised Officer

MEMORANDUM OF EASEMENTS

NATURE	SERVIENT TENEMENT		DOMINANT TENEMENT
	LOT N°	SHOWN	
Right of Way, Rights to Drain Water & Sewage, & to Convey Water, Electric Power & Telephonic Communications	2	A	Lot 3
	3	B	Lot 2
Right to Convey Electric Power & Telephonic Communications	2	A	Lot 1
	3	B	
Right to Convey Electric Power in Gross	2	A	GRANTEE MainPower New Zealand Limited
	3	B	

CERTIFICATES OF TITLE ALLOCATED

Lot 1		Lot 2	
Lot 3			

Class of Survey: 1

Total Area *2635m²*

Comprised in *CT 772/5*

I, *Stephan Mark Rattray*, being a person entitled to practise as a registered surveyor, certify that -
(a) The surveys to which this dataset relates are accurate, and were undertaken by me or under my direction in accordance with the Survey Act 1986 and the Survey Regulations 1998;
(b) This dataset is accurate, and has been created in accordance with that Act and those Regulations.

Dated at *Rangiora* this *20* day of *February* 2000
Signature *[Signature]*

Field Book *16119, 16650, 41826, 49222, 55845, 64396*
Reference Plans *SO 18673*
Examined *Correct*

Approved as to Survey

/ / Chief Surveyor
Deposited this *20* day of *April* 2000

for Registrar-General of Land

File
Received
Instructions