

1 September 2022

A Shepherd
C/- Planscapes (NZ) Limited
PO Box 99
Nelson 7040

Dear Andrew

Decision on RM220547: Variation of Conditions H and O of Consent Notice 9848633.2

Consent notice number:	9848633.2
Address:	105 Redvale Road, Redwood Valley
Activity authorised by original consent:	RM050370 Subdivision - Galeo Estate
Proposed changes:	Changes are made to water supply and location of a residential building

The above application has been granted and a copy of Council's decision is attached. Please read the decision carefully and feel free to contact me if you have any questions.

Here are some matters that I need to highlight for you.

Section 357A of the Resource Management Act 1991 ("the Act") provides you with the right to lodge an objection with the Council against this decision including any of the conditions. Objections must be made in writing setting out the reasons for the objection together with a deposit fee of \$340.00 (GST inclusive) and must be lodged here within 15 working days of receiving this letter.

The final cost of processing your applications has not been calculated yet. If the final cost exceeds the deposit already paid, then as we previously advised, you will be invoiced separately for the additional cost. If the final cost is 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 about the final costs of processing your application.

Please note that the variation to the conditions on your consent notice does not take effect until it is registered on your land title.

Yours sincerely



Ina Holst-Stoffregen
Consultant Planner, Land Use Team

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RM220547: DECISION ON APPLICATION TO VARY CONSENT NOTICE CONDITIONS

Pursuant to Section 221(3)(a) of the Resource Management Act 1991 ("the Act"), the Tasman District Council ("the Council") hereby authorises the variation to consent notice conditions sought by:

Andrew John Shepherd

Activity authorised: Variation to Consent Notice 9848633.2, Condition H - to reduce the water supply, and Condition O - to extend the building to within 3 metres of the top of the fill slope.

Location details:

Address of property:	105 Redvale Road, Redwood Valley
Legal description:	Lot 14 DP 476117
Record of title:	662384
Valuation number:	1938076736
Co-ordinates:	Easting: 1606139 Northing: 5428620 (NZTM)

Advice Note:

- Please note that this variation to Consent Notice 9848633.2 cannot take effect until the change has been registered by the applicant's solicitor on the record of title 662384 for Lot 14 DP 476117.
- Only those consent notice conditions which have been varied are presented below.

1. Condition H of Consent Notice 9848633.2

Each Lot to be used for residential purposes shall be provided with a water storage tank of not less than 23,000 litres capacity. Such a tank is to be for the purposes of storage of potable water and shall have specific design to address the issue of reduced water pressure. Each lot to be used for residential purposes shall also be provided with an additional 23,000L capacity water storage tank for the storage of non-potable water to be used for toilet flushing, laundry facilities and other outdoor use and shall include a 50mm Camlock coupling for firefighting purposes except that on Lot 14 DP 476117 a water tank for non-potable water is not required. The tank shall be installed during the construction of the dwelling and prior to the issuing of the Building Code of Compliance pursuant to the provisions of the Building Act 2004.

2. Condition O of Consent Notice 9848633.2

The foundations for residential houses and accessory buildings shall be located at least 3m back from the top of the fill slope, except that on Lot 14 DP 476117 specific investigation and design of the works shall be undertaken by a Chartered Professional Engineer to retain or protect against slope failures and allow the building, approved under RM220547, to be sited closer to the top of the fill slope.

This variation is granted on 1 September 2022 under delegated authority from the Tasman District Council by:



Katrina Lee
Resource Consents Manager

RM220547: REASONS FOR DECISION

Site Description and Consent History

The 3051 square metre corner site is located within the Galeo Estate subdivision, which was granted consent in 2006. The site slopes east to west from Redvale Road to the building platform. The property will be connected to the Redwood Valley Water Scheme and is located within a residential subdivision with all adjoining sites being used for residential purposes.

The site is located in the Rural 3 Zone and within the Wastewater Management Area and Land Disturbance Area 1. Resource consents RM050370, RM050405, RM050375, RM050377, RM050378 apply to the site. The site is serviced by a communal wastewater system per discharge permit RM050377V3.

The land use consent for construction of dwellings RM050405 was granted at the time of subdivision RM050370 but lapsed in 2015. Most of the conditions from that land use consent were replicated on the consent notice registered on the title for the subject site, and include landscape plan, architectural design materials and colours, height, bulk, scale and location, lighting, fencing, earthworks and site certification, water storage, wastewater, stormwater and car parking conditions.

Proposal

The application for resource consent RM220548 seeks to vary Conditions H and O of Consent Notice 9848633.2 for Lot 14 DP 476117 under Section 221(3) of the Resource Management Act 1991. This relates to removing the requirement to provide a non-potable water tank on-site (Condition H) and allowing a residential building to be within 3 metres of the top of the fill slope provided the works are investigated by a suitably qualified professional (Condition O). The building will be located within the specified building location area (BLA).

A change of consent notice under Section 221 is an Innominate Activity per Section 221(3) of the RMA.

This consent is bundled with RM220547.

The changes made are outlined below. Additions are underlined and deletions are ~~struck through~~.

(a) RM220548 Variation of Consent Notice 9848633.3 Condition H

The amendment is made to the supply of water for the dwelling to be constructed on the site, which has been approved under RM220547.

Condition H currently reads: *'Each Lot to be used for residential purposes shall be provided with a water storage tanks of not less than 23,000 litres capacity. Such tank to be for the purposes of storage of potable water and shall have specific design to address the issue of reduced water pressure. Each lot to be used for residential purposes shall also be provided with an additional 23,000L capacity water storage tank for the storage of non-*

potable water to be used for toilet flushing, laundry facilities and other outdoor use and shall include a 50mm Camlock coupling for firefighting purposes. The tanks shall be installed during the construction of the dwelling and prior to the issuing of the Building Code of Compliance pursuant to the provisions of the Building Act 2004.'

Condition H is amended to read: Each Lot to be used for residential purposes shall be provided with a water storage tank of not less than 23,000 litres capacity. Such a tank is to be for the purposes of storage of potable water and shall have specific design to address the issue of reduced water pressure. Each lot to be used for residential purposes shall also be provided with an additional 23,000L capacity water storage tank for the storage of non-potable water to be used for toilet flushing, laundry facilities and other outdoor use and shall include a 50mm Camlock coupling for firefighting purposes except that on Lot 14 DP 476117 a water tank for non-potable water is not required. The tanks shall be installed during the construction of the dwelling and prior to the issuing of the Building Code of Compliance pursuant to the provisions of the Building Act 2004.

(b) RM220548 Variation of Consent Notice 9848633.3 Condition H

The amendment is made to allow the proposed dwelling, which has been approved under RM220547, to be constructed closer to the top of the fill slope.

Condition O currently states: *The foundations for residential houses and accessory buildings shall be located at least 3m back from the top of the fill slope.*

And has been amended to read: The foundations for residential houses and accessory buildings shall be located at least 3m back from the top of the fill slope, except that on Lot 14 DP 476117 specific investigation and design of the works shall be undertaken by a Chartered Professional Engineer to retain or protect against slope failures and allow the building, approved under RM220547, to be sited closer to the top of the fill slope.

Principal Issues (Actual and Potential Effects on the Environment)

The principal issues associated the activity involve the actual and potential effects on the environment associated with the variation to the consent notice conditions. For this application they are considered to be effects on:

- (a) Non-potable water supply;
- (b) Hazards;

It is considered that the adverse effects on the environment as a result of the activity will be no more than minor for the following reasons:

- (a) The requirement to provide a non-potable water tank is considered to be redundant due to the updated firefighting water storage provisions within the TRMP. As the site will provide 45,000L of water storage on-site for firefighting purposes, and will supplement potable water supplied via the Redwood Valley Scheme with rainwater harvesting, no adverse effects are anticipated from reducing the non-potable water supply.
- (b) With regarding building within 3 metre setback to the top of the fill slope, the proposal has been assessed by TCEL and foundation design relative to the fill batter deemed to be acceptable, with no additional mitigation measures deemed necessary.

Overall, it is considered that the environmental effects from the proposed development are less than minor and that the Consent Notice can be varied to facilitate a minor encroachment of the building on the fill slope and reduced non-potable water supply.

No other conditions are proposed to be varied.

Relevant Statutory Provisions

The application is deemed to be an Innominate Activity in accordance with Section 221(3) and 3A of the Act.

In considering this application, I had regard to the matters outlined in Section 104 of the Act. In particular, I had regard to the relevant provisions of the following planning documents:

- (a) the Tasman Regional Policy Statement (TRPS); and
- (b) the Tasman Resource Management Plan (TRMP).

Most of the objectives and policies contained within the TRPS are mirrored in the TRMP. The proposed change of conditions is considered to be consistent with the relevant objectives and policies contained in Chapters 5 (Site Amenity Effects), 7 (Rural Environmental Effects), 9 (Landscape) and 11 (Land Transport Effects).

Part II Matters

I have 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 original decision was processed without the need for public or limited notification.

The Council's Principal Planner Resource Consents has, under the authority delegated to them, decided that the provisions of Section 95 of the Act have been met and therefore the application to change consent conditions has been processed without notification.

Conclusions and Recommendations

The approval of this consent by non-notified procedures is therefore recommended for the reasons provided above and subject to the conditions in the resource consent to which this report is attached.



Ina Holst-Stoffregen
Consultant Planner, Land Use Team

Peer Review

The above recommendation and report have been peer reviewed on behalf of Tasman District Council by:



Bill Harrington
Senior Consultant Planner – Land Use Team

Decision

The recommendation is accepted and this consent is hereby granted on 1 September 2022 under delegated authority from the Tasman District Council by:



Katrina Lee
Resource Consents Manager