

From: [BDC Lgoima](#)
To: [REDACTED]
Subject: Official Information Request - Snodgrass Road Information Ref: 078/22
Date: Friday, 10 February 2023 9:58:00 am
Attachments: [image003.png](#)

Dear [REDACTED]

We refer to your official information request dated 23 November 2022 for information relating to Snodgrass Road.

The information you have requested is via the attached link:

[REDACTED]

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

If you wish to discuss this decision with us, please feel free to contact the Buller District Council by return email to lgoima@bdc.govt.nz.

Please note that it is our policy to proactively release our responses to official information requests where possible. Our response to your request will be published shortly at <https://bullerdc.govt.nz/district-council/your-council/request-for-official-information/responses-to-lgoima-requests/> with your personal information removed.

Kind regards

Sean Judd | Group Manager Regulatory Services
DDI 03 788 9614 | Mobile 022 31 00 883 | Email sean.judd@bdc.govt.nz

Buller District Council | Phone 0800 807 239 | bullerdc.govt.nz
PO Box 21 | Westport 7866

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23 November 2022

Buller District Council
P O Box 21
Westport 7866

BY EMAIL – Rachel.Townrow@bdc.govt.nz

Dear Rachel

OFFICIAL INFORMATION ACT REQUEST

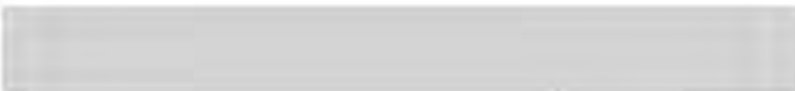
Please supply the following information under the Official Information Act in order of priority below:

1. Flood or water inundation mitigation or protection information, proposals and/or reports that mention, affect or are specific to Snodgrass Road, Westport from the time period 2000 to date;
2. Climate adaptation information, proposals and/or reports that mention, affect or are specific to Snodgrass Road, Westport from the time period 2000 to date;
3. Any information or decisions in relation to the development or subdivision of Snodgrass Road, Westport from the time period 1950 to 2007; and
4. Any advice, records, or reports in relation to known flooding or water inundation or the risk thereof that mention, affect or are specific to Snodgrass Road, Westport from the time period 1950 to 2018.

If you require more information from us, please let us know as soon as possible.

We look forward to hearing from you within 20 working days.

Yours faithfully



THE TOWN AND COUNTRY PLANNING ACT 1977

APPLICATION FOR PLANNING CONSENT

TO: The Buller County Council

I, JAMES McFARLANE RISK hereby apply to the consent of the Council to use the undermentioned property for the purposes of subdivision into allotments for use as residential sites.

The property in respect of which this application is made is situated at Snodgrass Road, Westport and is part of Sections 211 and 212 Square 141 Block III Kawatiri Survey District.

I am the owner of the property.

NAME OF OWNER: JAMES McFARLANE RISK

ADDRESS: OROWAITI, WESTPORT

NAME OF OCCUPIER: JAMES McFARLANE RISK

DATED at Westport this ^{31st} day of July 1979.

J. M. F. Risk

Address for Service: Orowaiti, Westport.

Decision No C52/80

IN THE MATTER of the Town and Country
Planning Act 1977

AND

IN THE MATTER of 9 appeals under Section
69 of the Act.

BETWEEN

G.J. STRANG
(Appeal No 1067/79)

E. NURSE
(Appeal No 1068/79)

B. PRENDERGAST
(Appeal No 1069/79)

T.M. DONALDSON
(Appeal No 1070/79)

H. STEER
(Appeal No 1071/79)

W. GILCHRIST
(Appeal No 1072/79)

D.M. GILCHRIST
(Appeal No 1073/79)

C.M. SNODGRASS
(Appeal No 1074/79)

S.G. WATSON
(Appeal No 1075/79)

Appellants

AND

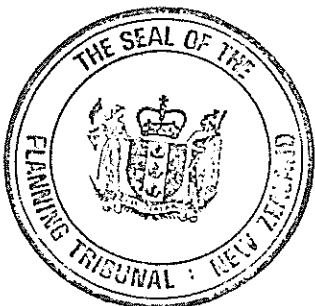
BULLER COUNTY COUNCIL

Respondent

AND

J.M. RISK

Applicant



BEFORE THE PLANNING TRIBUNAL (NUMBER THREE DIVISION)

His Honour Judge Skelton (Chairman)
Messrs G.W. Ensor (Members)
G.J. Broker

HEARING at WESTPORT on the 28th day of May 1980.

COUNSEL: Mr M.W. Gomas for the Appellants
Mr S. Lovell for the Respondent
Mr A.D. Orchard for the Applicant

DECISION

By consent these nine appeals were heard together.

In July 1979, the applicant applied to the respondent for consent "to use the undermentioned property for the purposes of subdivision into allotments for use as residential sites". The "undermentioned property" was described in the application as being situated at Snodgrass Road, Westport, and being part of Sections 211 and 212 Square 141 Block III Kawatiri Survey District.

It is important at this stage, for a better understanding of the matters in issue in this appeal, to say something further about the land owned by the applicant, and in particular about the appeal site and its location. The area concerned is known as Snodgrass. It is a small settlement located about 3km by road from the centre of Westport. It is on the south-eastern bend of the Orowaiti Lagoon and is separated from Westport by the Orowaiti River. The present Snodgrass settlement comprises some 16 houses and is serviced by high-pressure water, refuse collection, a narrow sealed carriageway, a small amount of street lighting, power and telephone. Sewage disposal is by septic tank. The settlement was first established by "squatters", who built small baches on what was then Crown land. The settlement is located between the existing road and the lagoon itself. In the early 1960s, the land upon which this settlement has developed, in an undoubtedly sporadic fashion, was subdivided by the Crown, and separate titles were obtained by the various bach owners. Today, the people who live at Snodgrass, most (if not all) of whom were objectors to this application, regard this area as more than a mere absentee/owner location. They live there permanently in what was described

to us as a semi-rural atmosphere. It so happens that this particular stretch of the Orowaiti Lagoon is a favourite place for those bent on pursuing the well-known West Coast pastime of whitebaiting (during the season, no doubt). It is also a favourite place for other types of fishing, particularly flounder fishing. At the end of Snodgrass Road, there is some form of public access to the lagoon.

On the eastern side of that road, opposite the present settlement, lies the applicant's farm property. Mr Risk told us that it comprises approximately 37ha and, in his opinion, it is an uneconomic unit. When he first bought the farm, Mr Risk tried to operate it as a dairy unit and appeared to have some success, for he told us that he won the Buller Valley Dairy Company Cup for the greatest production in his second and third years. But he was not able to make a living from the farm. He now uses what he describes as "the best part" of the farm as a market garden from which he derives an income. He also runs about 80 head of cattle on a year round basis. He has between 30 and 40 breeding cows included in that number.

Initially, Mr Risk proposed a subdivision of that part of his farm with frontage on to Snodgrass Road to provide for 31 residential sections. But his proposal is now a more modest one. Indeed it is clear from the evidence given before us and the terms of the respondent's decision in respect of Mr Risk's application, that the respondent would not have agreed to a subdivision of that size. The proposal as it was put before us is to subdivide that part of the farm with road frontage immediately opposite the present settlement, to a depth of one section, to provide 13 residential sections.

The terms of any subdivisional consent must, of course, be the subject of approval under the Local Government Act 1974. In giving its consent to Mr Risk's planning application the respondent made reference to a number of matters under that Act. However, it is not necessary for us to refer to them now.

The respondent has an undisclosed district scheme, which we were told will be publicly notified quite soon. It appears from what we were told by witnesses called on behalf of the respondent that the respondent does not propose giving any particular planning recognition to the existing Snodgrass settlement, and it proposes at


least at this stage, that the land comprising that settlement and the applicant's property will be zoned Rural.

It was common ground that this application should be considered having regard to the provisions of s.33 of the Town and Country Planning Act 1977, which is itself subject to s.3 and s.4 of the same Act. It was also submitted on behalf of the appellants that we should have regard to the provisions of s.30 and s.31. Because of the decision we have reached, it is not necessary for us to decide whether or not we should have regard to the last-mentioned two sections in the circumstances of this appeal, and we prefer to leave that matter open.

The evidence satisfies us that there is no pressing demand for the residential development envisaged by the applicant. The respondent proposes to zone quite a large area of land on the Westport side of the Orowaiti River, for residential purposes. At the present time, development has taken place along Domat Street, which is also a State Highway, and in particular from the boundary between Westport Borough and the County and the Orowaiti River bridge. We are satisfied that there is considerable scope for further residential development in that area, notwithstanding that the land tenure may not be conducive to such development at present.

The applicant's proposal is for a normal urban type of subdivision. This is illustrated by reason of the fact that a number of urban services would be required such as road widening, footpaths, an increase in the size of the water main and provision for sewage disposal. The appellants do not wish to see this development because, they say it will be detrimental to the existing amenities of the area. That may be so, but the evidence given before us in support of that proposition was not strong.

However, in the circumstances of this case, a more substantial difficulty, for the applicant, lies in the provisions of s.3 and in particular s.3(1)(e). All the sub-clauses of s.3(1), with the exception of s.3(1)(g), were adverted to in the course of the hearing. But it is s.3(1)(e) which, in our view, is the principal matter of national importance which must be recognised in this case. In our judgement, what is proposed here is sporadic urban development in a rural area. The applicant submits



that it is not sporadic but we do not accept that submission. The fact that there is already a settlement between Snodgrass Road and the Lagoon is an accident of history rather than the product of any land use planning and, as we have already recorded, it seems to be the respondent's intention to keep it that way. To allow further residential development at this stage would encourage sporadic urban development.

We doubt that the appeal site is within the margin of the Orowaiti River, and it is certainly debatable as to whether or not it is within the coastal environment. Hence, we prefer to base our decision on the finding already made relating to s.3(1)(e). In addition, in our view, it would not be in the public interest, having regard to the state of land use planning in this County, to permit further residential development at Snodgrass.

We have carefully considered all the evidence and submissions placed before us, and the relevant provisions of the Town and Country Planning Act already referred to. We can understand the applicant's desire to obtain some capital benefit from the residential development of this particular part of his property. But that desire must, in the circumstances of this case, bow to the more important matters of land use planning just referred to.

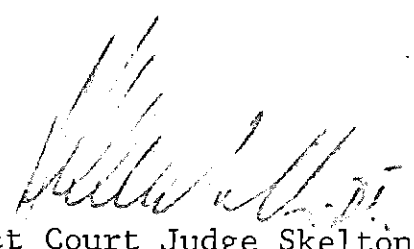
In saying that, we wish to stress that our decision is based primarily on the necessity to recognise and provide for the matters of national importance contained in s.3(1)(e), rather than an acceptance of the appellants' assertions. Nor are we influenced by the evidence given by the Westland Catchment Board's northern area engineer, Mr Clark. This evidence was introduced at a very late stage, through the appellants. The Catchment Board took no part in the hearing before the respondent, and the respondent did not know of the Catchment Board's interest until a matter of days before the hearing of this appeal. It appears from the evidence given by Mr Clark that the Catchment Board has some proposals for flood protection work in respect of the Orowaiti River, which could involve the applicant's property. But Mr Clark could not be very specific about the proposals and, somewhat to our surprise, we learned that, to date, no request has been made by the Catchment Board to the respondent to make provision for these proposals in its district scheme. As a result of the hearing before us, some steps might now be taken, but that is not our concern. Again somewhat to our surprise,

Mr Clark told us that he was giving evidence, admittedly under a subpoena with the approval, however, of the Catchment Board's Chief Engineer. It appears that the Board itself has not resolved to place these matters before us. In our view, where a local authority has specific information that it wishes to place before the Tribunal on an appeal, it should take steps to be separately represented as it is entitled to do under the Town and Country Planning Act. Fortunately, because of the conclusions already reached by us, the matters deposed to by Mr Clark have not become critical to our determination of this appeal. Accordingly, we say no more than to express our disapproval of the way in which the Catchment Board has acted in this matter.

For the reasons set out earlier in this decision, the appeals are allowed and the respondent's decision is cancelled. There will be no orders for costs.

DATED at CHRISTCHURCH this 26th day of June 1980.




District Court Judge Skelton
Chairman
Number Three Division
Planning Tribunal

J. MCF. RISK'S PLANNING CONSENT HEARING: REASONS FOR COUNCIL'S
CONDITIONAL APPROVAL

1.0 As the County of Buller is a district where there is no operative district scheme the council, in considering the application of Mr J. MCF. Risk, was required under Section 33(3) of the Town and Country Planning Act 1977 to have regard to -

- 1.1 a. The public interest; and
- 1.2 b. The likely effect of the proposed use on the existing and foreseeable amenities of the neighbourhood, and on the health, safety, convenience and economic, cultural, social and general welfare of the people of the district and of any other area affected by the application.

1.3 While Section 33(4) states -

'In consenting to the use of any land or building under this section the council may impose such conditions, restrictions or prohibition as it thinks fit.'

2.0 The council, in granting the applicant consent to a much reduced scale of subdivision on which it imposed various conditions as detailed in Schedule 1 below, has, in its opinion, given due recognition to the above criteria while at the same time giving due recognition within that criteria to the formal objections received against the application.

3.0 SCHEDULE 1: Conditions of Approval

3.0.1 The submission to the council of a revised scheme plan.

3.0.2 The subdivision to be limited in extent to not more than 13 residential lots, to be located in the area shown as Lots 1, 3, 4 and 13 to 22 inclusive on the plan submitted with the application.

3.0.3 A further lot for recreational purposes to be created amounted to not less than 130 m² in area for each residential lot shown on the revised plan.

3.1 In its consideration of the scheme plan the council will require:

3.1 a. Demonstration that sullage and effluent disposal is possible on each section.

3.1 b. The provision of the following services:

- i A sealed footpath 1.5 metres in width for the full length of the subdivision.
- ii Each lot to be fully serviced for stormwater disposal, the subdivider to obtain the necessary water rights in the name of the Buller County Council and as approved by the council.
- iii Concrete kerb and channel with sumps to be provided and connected with the stormwater system.
- iv A high-pressure water supply adequate for both domestic and fire-fighting purposes.
- v Underground reticulation to each residential lot for the supply of electricity and telephone services.

vi Improvements to the existing public road as may be necessary to 'tie in' the subdivisional development with the road.

vii The provision of a vehicle approach to each lot.

3.1 c. All the above services to be constructed to plans and specifications prepared by a Registered Engineer and submitted to the council for approval before commencement of work.

3.1 d. Provision for such other matters as may arise in the consideration of the plan referred to at (c) above.

4.0 It is the considered opinion of the council that the proposed subdivision, when fully established in conformity with the conditions of consent approval as detailed in clauses 3.0.1 to 3.1(d) above, and having regard to all known surrounding circumstances, the public interest will be better served by allowing the relevant 1.2 hectare portion of the applicant's 36.7 hectare rural property to be used for residential purposes, and furthermore -

4.0.1 the council contends that the degree of detracton from the amenities that might be said to result from the changed use of the affected land, compared with the benefits the adjacent residential development will derive from the services provided by the applicant, is not sufficient to uphold the claims of the various objectors to the application as approved.

5.0 In reaching its decision the council is of the opinion that various objections received to the application are, to a large degree, answered by the written submission made by the applicant's counsel and which are detailed as follows:

1. A planned subdivision of the poor quality land on the northern boundary of Mr Risk's property directly over the road from the existing settlement will have no adverse effect on matters of national importance as set out in clause 3 of the Town and Country Planning Act 1977. The physical environment will be enhanced and there will be no adverse effect on the cultural and social environment.
2. The subdivision of this type of land would involve the wise use and management of New Zealand's resources.
3. The coastal environment and the margin of the Orowaiti River would not be affected.
4. Urban development on land having a high actual or potential value for the production of food would not be involved.
5. The proposed subdivision and urban development would not be sporadic but controlled. It is directly opposite an existing residential area and the facilities of the existing residences would be very greatly improved.
6. Although the number of residences in the area would be approximately doubled, there would be no appreciable expansion of the urban area into a rural area. The settlement is already

a closely subdivided residential settlement but with facilities which are scarcely adequate. The proposed development will provide much needed improved facilities and also the additional people needed to make it worth the while of the local authority maintaining such facilities to a reasonable standard.

7. Maori culture and traditions are not involved in this application.

8. The objectors are alarmed at the prospect of a 31-section subdivision and fear that such a subdivision will completely alter the type of environment in which they at present live. This objection can be overcome and this alarm allayed by the subdivision being amended to provide for a much smaller subdivision in the form of a strip subdivision along the northern boundary of the land. This would be very much in the public interest. It would involve the provision of facilities such as footpath, adequate street lighting and an adequate water supply for fire fighting and other essential services. The new water supply which would have to be provided would not belong to the sub-divider but would be available for the council to improve the water supply available to other residents if required.

9. The likely effect of such a subdivision on the existing and foreseeable future amenities of the neighbourhood and on the health safety convenience and economic cultural social and general welfare of the people of the district would in fact be favourable.

10. Ribbon development is not involved. There is existing close subdivision on the other side of the road.

6.0 Several specific points raised by some objectors in the council's opinion need specific reference to, in that these points may not clearly be seen to have been covered in the above reasoning. These are as follows:

6.1 a. "View of farmland, fields, animals, and mountains beyond will be obstructed (for the existing residents)".

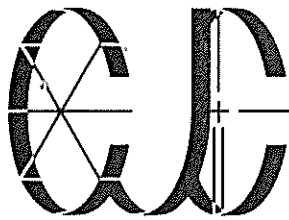
b. The council contends that applying planning principles, as it must, then there is no justifiable reason why the existing residents should have their 'special view' maintained as an exclusive right.

6.2 a. "Land unsuitable for building; swampy land; will make septic tank inefficient and there will be seepage across the road to existing properties".

b. The council disputes these contentions and in fact considers the land which is to be utilised for the reduced subdivision to be very suitable for building. In so far as any possible drainage problems, these will be adequately taken care of by requiring the applicant to comply with the conditions of approval as per clauses 3.1(a); 3.1(b)(ii) and (iii) above.

- 6.3 a. "Rating value will increase for existing properties if subdivision goes ahead".
- b. The council holds that such a view is hypothetical and it could be equally valid to surmise that rating values will increase for existing properties if the subdivision does not go ahead because the exclusiveness of those properties will be enhanced. It could also be said with equal validity, that if the subdivision goes ahead the rating values of the existing properties may decrease if the objectors' arguments concerning detraction from the amenities were upheld. All of these are hypothetical and not factual arguments as far as the council is concerned.
- 6.4 a. "Development of the area as proposed will adversely affect the environment, and bird life will be destroyed if extensive building allowed".
- b. The council contends that an increase from 12 existing lots to the total of 25 as approved is not extensive building and any detrimental effect on the environment as a result of this consent approval will be insignificant.
- 6.5 a. "Contrary to logical Town Planning for the Borough of Westport and the County of Buller".
- b. i The council does not agree with this view in that it does appear logical to permit a limited extension of the existing small Orowaiti Township as this will provide an improvement to the existing scant services, as well as making the future maintenance of services ~~new~~ ^{more} economical.
- ii Also, while it may be correct to say that there is still a lot of vacant residential land within the Borough of Westport and the adjacent 'built up' area of the County of Buller, in the main this land has not been available for purchase or is land which has not been attractive to prospective home builders.
- iii Conversely, during the past three or four years there has been a very strong demand for sections in the seaside township of Carters Beach and along the Orowaiti Estuary foreshore (Orowaiti Road, Westport). Many new homes have been built in these two areas confirming, in the council's mind, a public demand for homes in areas similar to that of the applicant's proposed subdivision which is close to the Orowaiti River and the adjacent North Beach frontage.

R. M. ELLEY
County Clerk



Chris J Coll MNZIS, DIP. SURV., NZCE

Regd. Land Surveyor, Resource Management Consultant
19 Brougham St/P.O. Box 204 Westport
Phone 03 789 8425 Fax 03 789 6016

RM001014

**To : Buller District Council
P. O. Box 21
Westport**

RESOURCE CONSENT APPLICATION

This application is made under Section 88 of the Resource Management Act 1991

Applicant Details

- 1. Applicant(s) name(s) :** (Please write names in full)

James McFarlane Risk

- 2. Postal Address :**

C/- P. O. Box 204, Westport.

Telephone : Business : Not applicable.

Facsimile : Not applicable.

Private : Not applicable

- 3. Applicant is the** **prospective owner** (please tick the appropriate box)
 occupier/lessee

Property owner's name (if different from above)

Telephone : Business : Not applicable.

Facsimile : Not applicable.

Private : Not applicable

- 4. Correspondence to be sent to the following name and address :** (if different from applicant)

Jan Coll
P. O. Box 204
Westport

Telephone : Business : (03) 789 8425

Facsimile : (03) 789 6016

Private : Not applicable

Property Details

5. **Location of activity and/or property address :** Snodgrass Road, Westport.
(Include the name of any relevant stream, river or other water body to which the application may relate.)
Map Reference : K 30, 10000/6.2, *see accompanying print of SDI.*
6. **Legal description :** Lot 6, D.P.10854.
7. **Certificate of Title Reference :** 6B/987
8. **Valuation Roll Number :** 18840 12100
9. **Zone :** Rural
10. **Size of Property :** Lot 1 - 6070 m²
Balance of block, shown as Lot 2 - 4.5603 ha.

Details of Proposal

11. This is an application for a Land Use Consent Subdivision Consent
12. Are any other consents required? Yes No

If yes, list consents below, and whether they have been applied for :

Not applicable.

13. **A general description of what is proposed :**

The application is to subdivide the existing house on Lot 6, D.P.10854 onto a separate title. The balance of the block will remain as a rural block.

The boundaries of the new Lot 1 have been determined by fences and occupation. All the sewage disposal area for the dwelling is contained in the new Lot 1, see diagram on accompanying plan of the proposed subdivision.

Access to the new Lot 1 will be via the existing access which has been in place for many years. Access to the balance of the land, Lot 2, is also via an existing access.

The proposal is as shown on the accompanying plan.

14. The reasons for the application and for choosing this site are :

Mr Risk has now worked in Austral for a number of years., he is not certain when and if he will return to Westport. The house on the block has become a burden to manage from Australia and he has had an approach by someone who wishes to buy just the house and surrounding land of 6070 m².

This subdivision will facilitate this proposal. Mr Risk wishes to retain the balance of the block as at this time as a link to the town and area.

The proposal is a Discretionary Activity under the Buller District Plan.

15. The following is a full description of the proposed use of every building :

The existing buildings will continue to be utilised for a predominant residential activity with a rural aspect.

16. The following is a full description of all activities proposed to carried out on the site outside of the buildings. :

All activities are residential/rural-residential in nature.

17. The following manufacturing process are proposed (describe fully) :

Not applicable.

18. Are any alterations to buildings proposed ? Yes No

If yes, what is the nature of the proposed alterations :

19. State the height of any new buildings or alterations to existing buildings :

Not applicable.

20. The proposed days and hours of operation per week (indicate any seasonal variations) are : Not applicable.

21. Nil people full-time and nil people part-time will be employed as a result of this subdivision application.

22. Traffic movements will not alter as a result of this application because the house has been rented since Mr Risk left New Zealand and the balance of the land has been leased to adjacent farmers for grazing..

23. Carparking is able to be accommodated on the new Lot 1 and the balance of the block, Lot 2.

24. If potable water is required for the site, how will this be provided ?

Water to the dwelling is supplied by the Council water supply to Snodgrass.

25. If effluent disposal is required for the site, how will this be provided ?

Effluent is disposed of via a septic tank. The details of the installation will be held on Council's files. The location is shown on the accompanying plan.

26. Will this proposal result in the need for any new services or changes to services (ie water supply, electricity, telecommunications ,sewage disposal, stormwater treatment, rubbish disposal) to the site. Yes No

If yes, what new services or changes to services are proposed and who will be the service provider.

27. If the application is for subdivision or boundary adjustment are all wells, water pipes, water tanks, septic tanks, effluent soakage fields and stormwater disposal systems contained on the site. Yes No

Please show on a site plan the location of the above services not contained on site.

Not applicable.

28. Details of the landscaping proposed are :

No landscaping is proposed as part of this application.

29. Will dangerous goods be stored on site (ie flammable liquids, gases, solids) ?

Yes No

If yes, what is the nature of the goods.

30. Are any new accessways proposed for the site ? Yes No

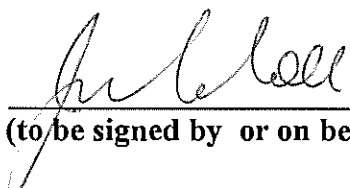
31. Are any new signs or changes to existing signs proposed. Yes No

If yes, please provide a site diagram showing the location, dimensions, colour, exact message and dimensions of lettering and symbols, how the sign is to be fixed to the ground/building.

32. Do you wish to be contacted prior to a member of the Planning Department undertaking a site visit. Yes No

Dated at Westport this 8 th day of March 2000.

Signed :


(to be signed by or on behalf of applicant).

To : Buller District Council
P. O. Box 21
Westport

ASSESSMENT OF EFFECTS ON THE ENVIRONMENT

1. Answer all questions fully. Some may not apply to your proposal.
2. Please provide a locality map.
3. Contact the Planning Department with any queries or if you require assistance.

Physical

1. Describe the:

- (a) **landforms** (eg: mountains, hills, cliffs, streams, rivers, valleys, beaches, lakes gorges, caves, paddocks.)

There are no significant landforms on the land under application.

- (b) **land slopes** (eg: steep, flat, rolling, angle of slope)

The land is generally flat.

- (c) **soils** (eg: sand, clay, rock, fill, name of soil)

Predominantly river gravels & silts.

2. Describe any potential for natural hazards (e.g. flooding, erosion, land slip)

The potential for natural hazards to affect the area under application is the same as for the whole of the town of Westport which includes the Snodgrass area.

3. Are any of the following present in the area? (delete which do not apply)

- (a) ~~river protection works~~
(b) ~~bridges~~
(c) ~~railways and roads~~
(d) telephone/electricity wires or cables

Please indicate these features on a site diagram/map.

The appropriate details are shown on the accompanying plan.

Flora, Fauna and Ecosystems

4. **Describe the vegetation within the application area. List the major species, and any rare or endangered species. (“Native bush” and “scrub” is not a satisfactory answer).**

The vegetation in the application area is mainly grass. The area has been part of a farm grazing area for many years.

5. **Will native vegetation clearance occur ? If so, how much ?** No.

6. **Describe and/or list the birdlife, wildlife, freshwater and marine life within the application area, or in the vicinity and any recognised special wildlife habitats (“usual West Coast wildlife” or similar is not a satisfactory answer).**

Not applicable for the land under application as there are no significant or special habitat or wildlife present.

7. **Describe the effects the activity will have on ecosystems, including effects on plants or animals, any physical disturbance of habitats in the area.**

Not applicable as this subdivision will not alter the existing situation.

Land Use

8. **Describe the current land use (give as many details as possible).**

The current land use is as a rural-residential block. The subdivision will not alter this overall activity.

9. **Describe neighbouring land uses.**

The neighbouring land uses are rural.

10. **What is the public use of the area?**

No public use as the property is privately owned.

11. **Describe any recreational uses that occur on the land.**

No recreational uses occur.

12. **What is the intended post-activity vegetation cover and land use? (e.g. forestry, road, residential subdivision, pasture, etc)**

The residential/rural - residential use will be the long term use of the land.

13. **What effect will this application have on alternative uses of the land, resources and/or the environment at present or in the future? (discuss the reasons for your answer.)**

This application is unlikely to have any effect either now or in the future on alternative uses of the land.

14. **Describe the present land surface and how it will be rehabilitated (if applicable).**

Not applicable.

Contingencies or Safeguards

15. If your activity includes the use of hazardous substances and installations, provide an assessment of any risks to the following which are likely to arise from such use:

(a) risks to the physical environment

Not applicable.

(b) the neighbourhood

Not applicable.

(c) the wider community

Not applicable.

16. Describe any mitigation measures (safeguards and contingency plans where relevant) to be undertaken to help prevent or reduce the actual or potential effect of any chemical or other contaminant accidents (i.e. where will the contents go, how will they be contained, treated, recycled or disposed?)

Not applicable.

17. Describe any possible alternative locations or methods for undertaking the activity.

Not applicable.

Monitoring

18. How will the effects of the activity be monitored?

There will no change to present level/method of monitoring.

19. Who will monitor the effects of the activity?

If necessary Buller District Council.

Socio-economic Impacts

20. State the number of people who will work at the site Nil
21. Give details of the hours of work (provide details of any shift times)
Not applicable.
22. Do you intend working on weekends or outside the hours 7.00 am to 6.00 pm?
 Yes No Not applicable

Noise

23. Is a residential area or any occupied dwelling close by or within the application area. Yes No
24. Give details and distances.
The location of the dwelling is shown on the accompanying plan.
25. Give details of any anticipated noise levels and likely impacts on both wildlife and residents in the area.
Not applicable for this application.
26. Details of noise reduction measures (*rubber lined hoppers, mufflers, shelters, vegetation or soil screens, etc.*)
No noise reductions measures are proposed.

Explosives

27. Will you use explosives? Yes No
28. If so give details of purpose, public warning methods, frequency, timing, storage and handling facilities, type and quantity of blast. Discuss the impacts blasting will have on nearby residents and any measures that will be taken to minimise such effects.
Not applicable.

Maori Interests

29. Give details of particular Maori interest in the land or water within or bordering the application area, or likely to be affected by the application (*sacred or spiritual sites and values, traditional food gathering areas, etc.*)
Not applicable.

Visual Effects

- | 30. Is the operation or activity visible from: | Yes | No |
|---|-------------------------------------|--------------------------|
| - nearby dwellings | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| - roads (including rest areas) | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| - walking tracks | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| - known observation points | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| - areas of public access? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

If so, give details and discuss any measures that will be taken to minimise the visual impacts (i.e. buffers, vegetation, screens planted, trees, etc).

No measures are proposed because there will be no physical changes as a result of the subdivision.

Effects on Present and Future Generations

31. Discuss socio-economic and cultural effects the (*both positive and/or adverse*) activity will have on the immediate neighbourhood and where relevant the wider community for present and future generations (*e.g. additional housing and service requirements, noise, vibration, dust, lighting, aesthetic values, change of lifestyle, recreation, scientific values, water supply, increased traffic, historical, spiritual values, etc.*)

This application is unlikely to have any significant effect on the values noted in Question 31.

32. Describe any effects (*both positive and negative*) on natural and physical resources having aesthetic, recreational, scientific, historical, spiritual, cultural, or other special value for present or future generations:

This application is unlikely to have any significant effect on the values noted in Question 32.

Consultation

33. Have you discussed your proposal with your neighbours and other parties who may be adversely affected (eg, Coast Health Care, Department of Conservation, Historic Places Trust, local iwi, Transit New Zealand Ltd, local electricity suppliers and Telecom New Zealand Ltd.) Yes

If so, who was consulted ?

The neighbours immediately adjacent to the dwelling, Mr & Mrs Luff were consulted.

No other consultation has been undertaken in relation to this subdivision because there will be no change to the status of the land next to any other properties, the balance block, Lot 2, will remain as a rural block.

34. Are all affected persons consent forms completed and attached, or forwarded to Council Yes No

If no, your application will be placed on hold until Council receives these forms.

35. If any environmental concerns have been raised by affected neighbours or other parties, how can these concerns be met ?

Mr & Mrs Luff were initially concerned that this application may change the character of the area but it seemed that their concern related to the possible subdivision of a number, say 6 to 8, rural-residential blocks. When they understood this application was just to subdivide the dwelling out of the rural block they were comfortable and signed the consent form.

Other Information

36. Outline other information (if any), required to be included in the application by the district plan or regulations.

All the information that is required accompanies the application, this includes a site plan shown on the plan of the proposed subdivision, copy of the C.T. and SDI prints.

Dated at Westport this 8th day of March 2000

Signed: _____

(to be signed by or on behalf of applicant)

Approvals

NOTE

This plan was prepared for J.M. Rick to accompany a Resource Consent Application to the Buller District Council.
This plan is not to be relied on by any other person for any purpose whatsoever.
The dimensions and areas are subject to final field survey.

Note
Unless shown otherwise all fences are Post and Wire and approx 20 years old.

Total Area 5.1673ha
Comprised in C1.6B/987 (ALL)

I, Christopher John Oul of Wellington being a person entitled to practise as a registered surveyor, certify that -
(a) the surveys to which this document relates are accurate, and were undertaken by me or under my direction in accordance with the Survey Act 1986 and the Survey Regulations 1988;
(b) this document is accurate, and has been created in accordance with that Act and those Regulations;
Dated at Wellington this 19th day of January 2000
Signature: [Signature]

Field Book P
Reference Plans DP 8522, DP 10854
Easement
Approved as to Survey
Chief Surveyor

Deposited this 19th day of January 2000
for Registrar General of Land

File Received Instructions
Approved LM 94/06
LINZ FORM D15



LOT 2
4.5603ha

LOT 1
DP 8522

LOT 3
DP 10854

LOT 2
4.5603ha

LOT 4
DP 10854

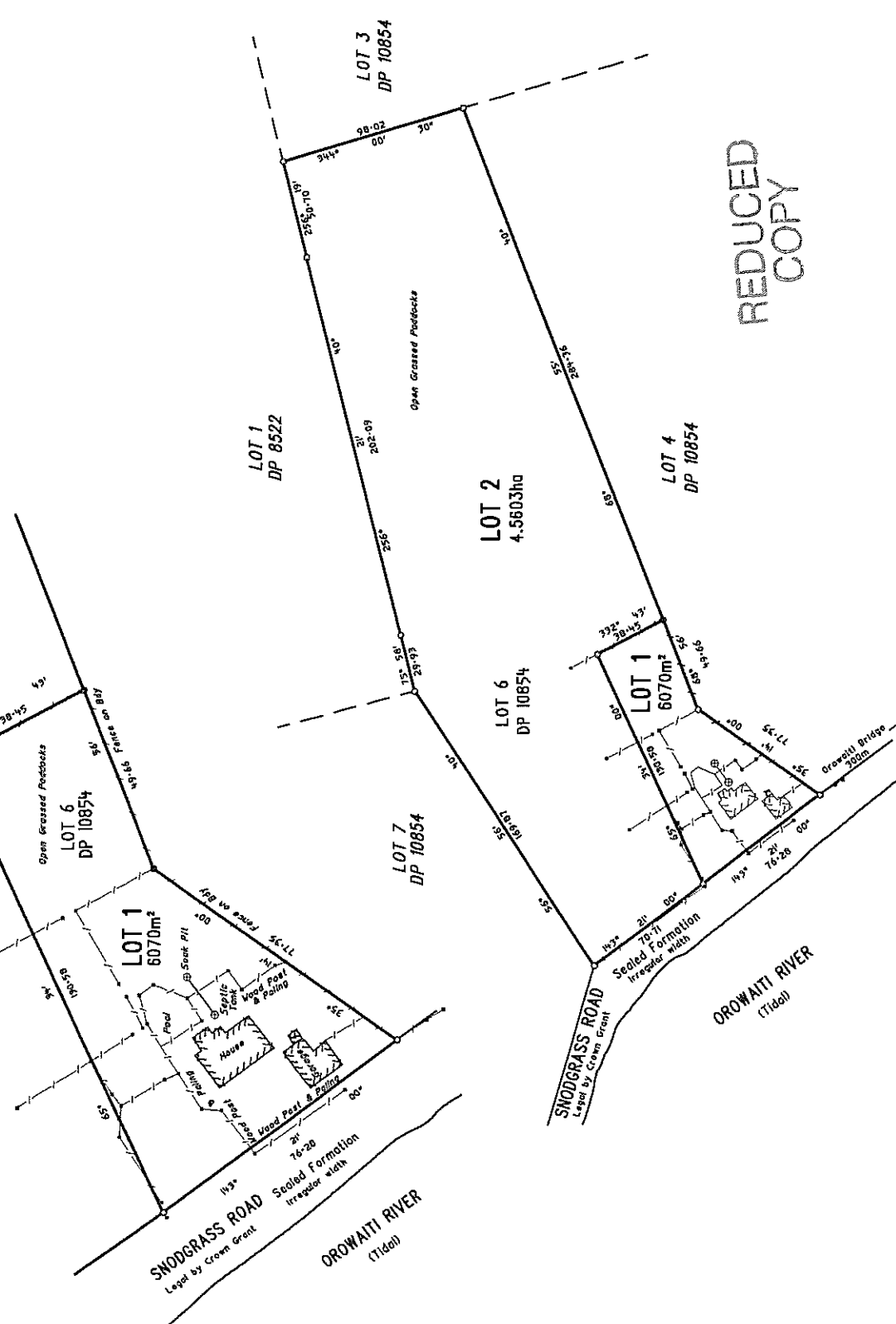
LOT 6
DP 10854

LOT 1
6070m²

LOT 7
DP 10854

REDUCED COPY

DIAGRAM
Scale 1:750



LOCAL AUTHORITY: BULLER DISTRICT
Surveyed by: C.J. COLLINS
Scale: 1:1500
Date: JANUARY 2000

LOTS 1 AND 2 BEING SUBDIVISION OF LOT 6 DP 10854

LAND DISTRICT: NELSON
SURVEY BLK & DIST: III, KAWAITIRI
SURVEY CLASS :- I

A. J. BEVIN, SURVEYOR GENERAL, LAND INFORMATION NEW ZEALAND

IN THE MATTER

of the Resource Management Act
1991

AND

IN THE MATTER

of an application by James Risk -
RC00/14

DECISION OF THE BULLER DISTRICT COUNCIL

Section 113 of the Resource Management Act 1991, requires that every decision on a resource consent shall be in writing and state reasons for the decision.

SUBJECT	James Risk
CONSENT TYPE	Subdivision - Discretionary
LOCATION	Snodgrass Road, Westport
LEGAL DESCRIPTION	Lot 6, DP 10854, Block III, Kawatiri Survey District
VALUATION ROLL NO.	18840 12100
ZONE	Rural - Buller District Plan

Application

The application is for consent to subdivide the existing house on Lot 6, DP 10854 onto a separate title with the balance to remain as a rural block.

Statutory Provisions

Under Sections 104 and 105 of the Resource Management Act 1991; Council considered the following in assessing the application.

1. Part Two principles and purposes of the Resource Management Act 1991; and
2. any actual and potential effects of allowing the activity; and
3. any relevant objectives, policies and rules of the district plan or proposed district plan; and
4. any relevant regulations; and
5. any other matter Council considers relevant and reasonably necessary to determine the application.

1. Part Two of the Act

The purpose and principles of the Resource Management Act have been considered and this proposal does not appear contrary to either. It is generally considered that the proposed activity will enable the community to provide for their wellbeing without creating any adverse environmental impact.

2. Any actual and potential effects of allowing the activity (S104a)

An assessment of environmental effects (as required by Schedule Four of the Resource Management Act 1991) indicates that no significant adverse environmental effects are likely. All sewage disposal fields are contained within the boundaries of the new Lot 1, access will be via the existing accesses to both lots. Water supply is from the existing Council supply to Snodgrass.

A site visit done on 23 March 2000 noted no concerns with the proposed subdivision.

The proposal will have the positive effect of allowing potential rural or rural-residential development in the area close to the main centre of Westport.

3. Relevant objectives, policies and rules of a district plan (S104d)

Buller District Plan

The proposal is a discretionary activity under Rule 7.3.3.3.1 as one or more new allotments is being created.

Having regard to objectives and policies set out under Section 4.4, Rural Land and Water Resources, it is considered the proposal meets the relevant objectives and policies of the plan particularly as it relates to:

Objective 4.4.4.1:

"4.4.4.1 To ensure that the overall integrity and character of the rural environment and productivity of rural land resources is protected while enabling rural communities to provide for their social, economic and cultural wellbeing."

With regard to Policy 4.7.6.4 The Coastal Environment, the proposal will not restrict public access to the coastline.

4. Any relevant regulations - Nil

5. Any other relevant matters (S104i)

Mr and Mrs Luff as owners of Lot 6, DP 10854 have signed an affected persons consent form and have been identified as the only party who may be adversely affected.

Conclusion

It is considered that the effect of the proposal will not be more than minor and the policies and objectives in the respective plans are not compromised. Accordingly, resource consent can be granted subject to conditions.

RESOURCE CONSENT RC00/14

JAMES RISK

RESOURCE CONSENT CONDITIONS

That pursuant to Sections 104 and 105 of the Resource Management Act 1991, Council consent to the application by James Risk to subdivide the existing house on Lot 6, DP 10854, Block III, Kawatiri Survey District, onto a separate title with the balance to remain as a rural block, at Snodgrass, Westport.

That consent be granted subject to the following conditions:

1. That the subdivision proceed in accordance with the submitted plans and application.
2. That three copies of the deposited plan be provided to Council.
3. That a reserves contribution of 7.5% of the value of newly created Lot 1 (calculated at \$686.30) be payable to Council.
4. That pursuant to Section 128(1)(a) and 128(1)(c) of the Resource Management Act 1991, the consent authority may up until the time the plan is submitted for sealing under Section 223 of the Resource Management Act 1991, review the conditions of the consent for any of the following purposes:
 - (a) To deal with any adverse effect on the environment which may arise from the exercise of the consent and which it is appropriate to deal with at a later stage; or
 - (b) To deal with inaccuracies contained in the consent application that materially influenced the decision made on the application and are such that it is necessary to apply more appropriate conditions; or
 - (c) To assess the appropriateness of imposed compliance standards, monitoring regimes and monitoring frequencies and to alter these accordingly.
5. That all actual and reasonable costs incurred by this Council in monitoring, enforcement and administration of this consent shall be met by the consent holder.

NOTE:

A discharge permit will be required from the West Coast Regional Council at the time of seeking a building consent for any new dwellings.



Dated at Westport this 24th day of March 2000

REPORT TO: DELEGATED PLANNING SUB-COMMITTEE

File No: RC00/14

Date: 23 March 2000

From: Manager Planning and Community Services

Subject: RESOURCE CONSENT RC00/14 - JAMES RISK

FILE

Section 113 of the Resource Management Act 1991, requires that every decision on a resource consent shall be in writing and state reasons for the decision.

SUBJECT	James Risk
CONSENT TYPE	Subdivision - Discretionary
LOCATION	Snodgrass Road, Westport
LEGAL DESCRIPTION	Lot 6, DP 10854, Block III, Kawatiri Survey District
VALUATION ROLL NO.	18840 12100
ZONE	Rural - Buller District Plan

Application

The application is for consent to subdivide the existing house on Lot 6, DP 10854 onto a separate title with the balance to remain as a rural block.

Statutory Provisions

Under Sections 104 and 105 of the Resource Management Act 1991, Council must consider the following in assessing the application.

1. Part Two principles and purposes of the Resource Management Act 1991; and
2. any actual and potential effects of allowing the activity; and
3. any relevant objectives, policies and rules of the district plan or proposed district plan; and
4. any relevant regulations; and
5. any other matter Council considers relevant and reasonably necessary to determine the application.

1. Part Two of the Act

The purpose and principles of the Resource Management Act have been considered and this proposal does not appear contrary to either. It is generally considered that the proposed activity will enable the community to provide for their wellbeing without creating any adverse environmental impact.

2. Any actual and potential effects of allowing the activity (S104a)

An assessment of environmental effects (as required by Schedule Four of the Resource Management Act 1991) indicates that no significant adverse environmental effects are likely. All sewage disposal fields are contained within the boundaries of the new Lot 1, access will be via the existing accesses to both lots. Water supply is from the existing Council supply to Snodgrass.

A site visit done on 23 March 2000 noted no concerns with the proposed subdivision.

The proposal will have the positive effect of allowing potential rural or rural-residential development in the area close to the main centre of Westport.

3. Relevant objectives, policies and rules of a district plan (S104d)

Buller District Plan

The proposal is a discretionary activity under Rule 7.3.3.3.1 as one or more new allotments is being created.

Having regard to objectives and policies set out under Section 4.4, Rural Land and Water Resources, it is considered the proposal meets the relevant objectives and policies of the plan particularly as it relates to:

Objective 4.4.4.1:

"4.4.4.1 To ensure that the overall integrity and character of the rural environment and productivity of rural land resources is protected while enabling rural communities to provide for their social, economic and cultural wellbeing."

With regard to Policy 4.7.6.4 The Coastal Environment, the proposal will not restrict public access to the coastline.

4. Any relevant regulations - Nil

5. Any other relevant matters (S104i)

Mr and Mrs Luff as owners of Lot 6, DP 10854 have signed an affected persons consent form and have been identified as the only party who may be adversely affected.

Conclusion

It is considered that the effect of the proposal will not be more than minor and the policies and objectives in the respective plans are not compromised. Accordingly, resource consent can be granted subject to conditions.

Recommendation: That pursuant to Sections 104 and 105 of the Resource Management Act 1991, Council consent to the application by James Risk to subdivide the existing house on Lot 6, DP 10854, Block III, Kawatiri Survey District, onto a separate title with the balance to remain as a rural block, at Snodgrass, Westport.

That consent be granted subject to the following conditions:

1. That the subdivision proceed in accordance with the submitted plans and application.
2. That three copies of the deposited plan be provided to Council.
3. That a reserves contribution of 7.5% of the value of newly created Lot 1 (calculated at \$686.30) be payable to Council.
4. That pursuant to Section 128(1)(a) and 128(1)(c) of the Resource Management Act 1991, the consent authority may up until the time the plan is submitted for sealing under Section 223 of the Resource Management Act 1991, review the conditions of the consent for any of the following purposes:
 - (a) To deal with any adverse effect on the environment which may arise from the exercise of the consent and which it is appropriate to deal with at a later stage; or
 - (b) To deal with inaccuracies contained in the consent application that materially influenced the decision made on the application and are such that it is necessary to apply more appropriate conditions; or
 - (c) To assess the appropriateness of imposed compliance standards, monitoring regimes and monitoring frequencies and to alter these accordingly.
5. That all actual and reasonable costs incurred by this Council in monitoring, enforcement and administration of this consent shall be met by the consent holder.

NOTE:

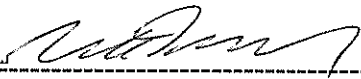
A discharge permit will be required from the West Coast Regional Council at the time of seeking a building consent for any new dwellings.



Authorised Officer

23/3/99

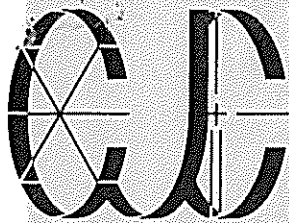
Date



Authorised Officer

24/3/2000

Date



Chris J Coll Surveying Ltd

Licensed Cadastral Surveyors, Resource Management Consultants
19 Brougham St / P.O. Box 204 Westport
Phone 03 789 8425 Fax 03 789 6016
Email chriscoll@cjc.co.nz

To : Buller District Council
P. O. Box 21
Westport

RESOURCE CONSENT APPLICATION

This application is made under Section 88 of the Resource Management Act 1991

Applicant Details

1. Applicant(s) name(s) : (Please write names in full)

James McFarlane Risk

2. Postal Address :

P. O. Box 168, Westport.

Telephone : Business : Not applicable.

Facsimile : Not applicable.

Private : 03 789 7202

3. Applicant is the owner (please tick the appropriate box)
 occupier/lessee

Property owner's name (if different from above)

Telephone : Business : Not applicable.

Facsimile : Not applicable.

Private : Not applicable

4. Correspondence to be sent to the following name and address : (if different from applicant)

Jan Coll
P. O. Box 204
Westport

Telephone : Business : (03) 789 8425

Facsimile : (03) 789 6016

Private : Not applicable

Property Details

5. **Location of activity and/or property address :** Snodgrass Road, Westport.
(Include the name of any relevant stream, river or other water body to which the application may relate.)

Map Reference : K 29, *see accompanying QuickMap prints.*

6. **Legal description :** Lot 2, D.P.20308.
7. **Certificate of Title Reference :** NL13C/143.
8. **Valuation Roll Number :** 18840 12100 (?)
9. **Zone :** Rural
10. **Size of Property :** Lot 1 - 4.2567 ha.

Lot 2 - 1514 m².

Lot 3 - 1514 m²

Areas & dimensions are subject to final field survey

Details of Proposal

11. **This is an application for a** **Land Use Consent** **Subdivision Consent**

12. **Are any other consents required?** **Yes** **No**

If yes, list consents below, and whether they have been applied for :

Not applicable.

13. **A general description of what is proposed :**

The application is to gain consent to subdivide Lot 2, D.P.20308 into 3 rural-residential blocks and to obtain Land Use consents for residential dwellings for Lots 3 & 4.

Dwellings on these lots would comply with the rules for building in the Rural area, that is 10 metres set back from the road, 1.5 metre rear and side yards and maximum building heights of 10 metres for residential buildings and 20 metres for other buildings.

All blocks will gain access from Snodgrass Road.

A plan of the proposed subdivision accompanies this application.

14. **The reasons for the application and for choosing this site are :**

Mr Risk wishes to take the opportunity of subdividing his land to provide 2 additional rural-residential blocks in an area that has a unique and special atmosphere. The subdivision is situated adjacent to the "Township" of Snodgrass with access to and views of the river and is also in close proximity to the facilities of Westport.

15. The following is a full description of the proposed use of every building :

There is a garage on Lot 1 that is presently being utilised as a dwelling associated with the rural block until a new house is constructed. There are no buildings on the proposed Lots 2 & 3.

16. The following is a full description of all activities proposed to be carried out on the site outside of the buildings. :

The activities will be rural & rural-residential in nature.

17. The following manufacturing processes are proposed (describe fully) :

Not applicable.

18. Are any alterations to buildings proposed ? Yes No

Not as part of this application.

If yes, what is the nature of the proposed alterations :

19. State the height of any new buildings or alterations to existing buildings :

The maximum building heights will be 10 metres for residential buildings and 20 metres for other buildings.

20. The proposed days and hours of operation per week (indicate any seasonal variations) are : Not applicable for this application.

21. Nil additional people full-time or part-time will be employed as a result of this subdivision application.

22. Traffic movements are likely to be at the rate of 6 to 8 cars light utilities per day for the new lots.

23. Carparking will be accommodated on each new lot.

24. If potable water is required for the site, how will this be provided ?

Buller District Council supply will be utilised.

25. If effluent disposal is required for the site, how will this be provided ?

The owners of the new lots will establish on site effluent disposal systems at the time of building.

26. Will this proposal result in the need for any new services or changes to services (ie water supply, electricity, telecommunications, sewage disposal, stormwater treatment, rubbish disposal) to the site. Yes No

If yes, what new services or changes to services are proposed and who will be the service provider.

No additional services will be required for this application, existing services where applicable will be utilised.

27. If the application is for subdivision or boundary adjustment are all wells, water pipes, water tanks, septic tanks, effluent soakage fields and stormwater disposal systems contained on the site. Yes No

Please show on a site plan the location of the above services not contained on site.

Existing septic tank shown on Scheme Plan.

28. Details of the landscaping proposed are :

No landscaping is proposed as part of this application.

29. Will dangerous goods be stored on site (ie flammable liquids, gases, solids) ?

Yes No

If yes, what is the nature of the goods.

30. Are any new accessways proposed for the site ? Yes No

The existing access will be utilised for Lot 1, new accesses will be required for Lots 2 & 3. Until the blocks have been sold the location of these access will not be identified.

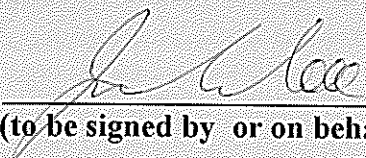
31. Are any new signs or changes to existing signs proposed. Yes No

If yes, please provide a site diagram showing the location, dimensions, colour, exact message and dimensions of lettering and symbols, how the sign is to be fixed to the ground/building.

32. Do you wish to be contacted prior to a member of the Planning Department undertaking a site visit. Yes No

Please contact Mr Risk prior to the site visit.

Dated at Westport this 17th day of June 2004

Signed : 
(to be signed by or on behalf of applicant).

To : Buller District Council
P. O. Box 21
Westport

ASSESSMENT OF EFFECTS ON THE ENVIRONMENT

1. Answer all questions fully. Some may not apply to your proposal.
2. Please provide a locality map.
3. Contact the Planning Department with any queries or if you require assistance.

Physical

1. Describe the:

(a) **landforms** (eg: mountains, hills, cliffs, streams, rivers, valleys, beaches, lakes gorges, caves, paddocks.)
Old river/beach flats.

(b) **land slopes** (eg: steep, flat, rolling, angle of slope)
Generally flat.

(c) **soils** (eg: sand, clay, rock, fill, name of soil)
Old beach and river sands overlaid with soil.

2. Describe any potential for natural hazards (e.g. flooding, erosion, land slip)
The recent flood hazard survey of Westport and the sounding area notes that the land under application is subject to moderate flooding at the road frontage and none for the area more or less shown as Lot 1. There is no other known potential of natural hazards effected the land under application.

3. Are any of the following present in the area? (delete which do not apply)

- (a) ~~river protection works~~
- (b) ~~bridges~~
- (c) ~~railways and roads~~
- (d) ~~telephone/electricity wires or cables~~

Please indicate these features on a site diagram/map.

Shown where applicable.

Flora, Fauna and Ecosystems

4. **Describe the vegetation within the application area. List the major species, and any rare or endangered species. ("Native bush" and "scrub" is not a satisfactory answer).**

Not applicable for this subdivision. The area under application had been part of a farm property development for many years.

5. **Will native vegetation clearance occur? If so, how much?**

No, not as a result of this subdivision.

6. **Describe and/or list the birdlife, wildlife, freshwater and marine life within the application area, or in the vicinity and any recognised special wildlife habitats ("usual West Coast wildlife" or similar is not a satisfactory answer).**

Not applicable for this application.

7. **Describe the effects the activity will have on ecosystems, including effects on plants or animals, any physical disturbance of habitats in the area.**

Not applicable for this application.

Land Use

8. **Describe the current land use (give as many details as possible).**

The land use is rural.

9. **Describe neighbouring land uses.**

Rural-residential and rural.

10. **What is the public use of the area?**

There is no public use of the area.

11. **Describe any recreational uses that occur on the land.**

Not applicable for this application.

12. **What is the intended post-activity vegetation cover and land use? (e.g. forestry, road, residential subdivision, pasture, etc)**

The rural & rural-residential activity is the intended long term use of the land.

13. **What effect will this application have on alternative uses of the land, resources and/or the environment at present or in the future? (discuss the reasons for your answer.)**

This application is unlikely to have any effect either now or in the future on alternative uses of the land.

14. **Describe the present land surface and how it will be rehabilitated (if applicable).**

Not applicable.

Contingencies or Safeguards

15. If your activity includes the use of hazardous substances and installations, provide an assessment of any risks to the following which are likely to arise from such use:

(a) risks to the physical environment

Not applicable.

(b) the neighbourhood

Not applicable.

(c) the wider community

Not applicable.

16. Describe any mitigation measures (safeguards and contingency plans where relevant) to be undertaken to help prevent or reduce the actual or potential effect of any chemical or other contaminant accidents (i.e. where will the contents go, how will they be contained, treated, recycled or disposed?)

Not applicable.

17. Describe any possible alternative locations or methods for undertaking the activity.

No alternative locations are appropriate for the subdivision activity.

Monitoring

18. How will the effects of the activity be monitored?

There will be no significant effects that require monitoring as a result of this application.

19. Who will monitor the effects of the activity?

If necessary Buller District Council.

Socio-economic Impacts

20. State the number of people who will work at the site

Nil for this application.

21. Give details of the hours of work (provide details of any shift times)

Not applicable for this application.

22. Do you intend working on weekends or outside the hours 7.00 am to 6.00 pm?

Yes No Not applicable for this application.

Noise

23. Is a residential area or any occupied dwelling close by or within the application area. Yes No

All the neighbouring dwellings are sited to comply with the District Plan rules and are therefore not "close by" the application area. The intention is that the new dwellings constructed on Lots 2 & 3 will also comply with the Plan rules for yard and frontage requirements in the rural zone. The house that is being constructed on Lot 1 also complies with the plan requirements.

24. Give details and distances.

The new dwellings will be built within an envelope that is a minimum of 10 metres from the road boundary and 1.5 metres from the side and rear boundaries.

25. Give details of any anticipated noise levels and likely impacts on both wildlife and residents in the area.

There is unlikely to be any change in noise levels as a result of this application.

26. Details of noise reduction measures (*rubber lined hoppers, mufflers, shelters, vegetation or soil screens, etc.*)

No noise reduction measures are proposed.

Explosives

27. Will you use explosives? Yes No

28. If so give details of purpose, public warning methods, frequency, timing, storage and handling facilities, type and quantity of blast. Discuss the impacts blasting will have on nearby residents and any measures that will be taken to minimise such effects.

Not applicable.

Maori Interests

29. Give details of particular Maori interest in the land or water within or bordering the application area, or likely to be affected by the application (*sacred or spiritual sites and values, traditional food gathering areas, etc.*)

There is no known interest in the land under application.

Visual Effects

- | 30. Is the operation or activity visible from: | Yes | No |
|---|-------------------------------------|-------------------------------------|
| - nearby dwellings | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| - roads (including rest areas) | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| - walking tracks | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| - known observation points | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| - areas of public access? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

If so, give details and discuss any measures that will be taken to minimise the usual impacts (i.e. buffers, vegetation, screens planted, trees, etc).

No measures are proposed as part of this application.

Effects on Present and Future Generations

- 31. Discuss socio-economic and cultural effects the (both positive and/or adverse) activity will have on the immediate neighbourhood and where relevant the wider community for present and future generations (e.g. additional housing and service requirements, noise, vibration, dust, lighting, aesthetic values, change of lifestyle, recreation, scientific values, water supply, increased traffic, historical, spiritual values, etc.)**

This application is proposed to create two new rural-residential blocks that will add to the land stock adjacent to Westport. The building and occupation of new dwellings provides opportunities for people to choose different types of location to live and obtain their own homes.

- 32. Describe any effects (both positive and negative) on natural and physical resources having aesthetic, recreational, scientific, historical, spiritual, cultural, or other special value for present or future generations:**

The Land Use application for dwellings is unlikely to have any significant effects on the values noted. The District Plan requirement to have Land Use Consent for a residential activity that occurs within 150 metres of MHWS is to “maintain or enhances the natural character of the coastal environment”.

Given that the application is close by the Residential Zone of Snodgrass township, there is already dwellings located within the “Coastal” zone that are utilised as residential dwellings and the view from the site is towards other residential dwellings on Orowaiti Road this application for 2 new dwellings will not detract from any amenity values. The visual values are already predominantly of a residential character.

Consultation

- 33. Have you discussed your proposal with your neighbours and other parties who may be adversely affected (eg, Coast Health Care, Department of Conservation, Historic Places Trust, local iwi, Transit New Zealand Ltd, local electricity suppliers and Telecom New Zealand Ltd.)**

Consultation was undertaken as part of RC 2004/0067 as a "subdivision" consent only.

Mr & Mrs Reynolds declined to consent to that application and therefore no further consultation has been undertaken as part of this application because the non consent will be the result again.

At the time of consulting for RC 2004/0067 the following parties were consulted.

K J Dixon for Lot 7, D.P.10854.

M T & G E Reedy for Lot 1, D.P.8522

C H & S L Tickelpenny for Lot 3, D.P.10854

D S & L Luff for Lot 4, D.P.10854

P R & R J Reynolds for Lot 1, D.P.20308.

- 34. Are all affected persons consent forms completed and attached, or forwarded to Council** Yes No

As noted no consultation has been undertaken for the combined Subdivision and Land Use Consent application.

If no, your application will be placed on hold until Council receives these forms.

- 35. If any environmental concerns have been raised by affected neighbours or other parties, how can these concerns be met ?**

As noted Mr & Mrs Reynolds declined to consent to the subdivision proposal. The reasons are not particularly specific but in summary are generally about the impact on services and infrastructure of two additional sections in this area.

Services already in place will be utilised, the section sizes are 1514 m² which is more than the minimum size for the non-sewered are of 1500 m², as noted flooding is not a particularly significant aspect and the concerns about traffic flow.

Given that the Snodgrass area provides recreational opportunities for residents of Westport and visitors to the area, the increase in traffic flows for the 2 new lots would not be significant against the background of existing vehicle movements. The applicant is unsure what is alluded to in regard to "drainage considerations".

Environmental impact is not defined.

Given that the non consent of Mr & Mrs Reynolds will deem the application to be considered pursuant to Section 93 no doubt there will be further opportunity to explore what outcomes Mr & Mrs Reynolds wish to have.

All other parties had consented to the subdivision proposal.

Other Information

36. Outline other information (if any), required to be included in the application by the district plan or regulations.

All information that is required accompanies the application, this includes a plan of the proposed subdivision, a copy of C.T.NL13C/143 and QuickMap prints of the area.

Dated at Westport this 17 th day of June 2004.

Signed:


(to be signed by or on behalf of applicant)

REPORT TO: DELEGATED PLANNING SUB-COMMITTEE

File No: RC04/71

Date: 14 September 2004

From: Gary Rae, Consultant

Subject: RESOURCE CONSENT RC04/71– JM RISK

Section 113 of the Resource Management Act 1991, requires that every decision on a resource consent shall be in writing and state reasons for the decision.

SUBJECT	JM Risk
CONSENT TYPE	Subdivision and Land use
LOCATION	Snodgrass Road, Westport
LEGAL DESCRIPTION	Lot 2 Deposited Plan 20308 Block III Kawatiri Survey District (NL13C/143)
VALUATION ROLL NO.	1884012100
ZONE	Rural Zone

Application

The application is for consent to subdivide Lot 2 DP 20308 (4.5595 hectares) into three allotments comprising Lot 1 (4.2567 hectares), Lot 2 (1514m²), Lot 3 (1514m²), and for a land use consent to construct dwellings on proposed Lots 2 and 3.

The site is on the eastern side of Snodgrass Road, adjacent to the Orowaiti Estuary.

Notification

The application, dated 28 June 2004, was processed under the Limited Notification procedures in Section 94 of the Resource Management Act.

Copies of the application were served on the following parties:

- KJ Dixon
- CH and SL Tickelpenny
- JM Risk
- MT and GE Reedy
- Ngatai Holdings Ltd
- PR and RJ Reynolds

- West Coast Regional Council
- Department of Conservation
- Transit New Zealand
- Buller Electricity
- Telecom New Zealand Limited

At the close of the submission period four submissions were lodged. These were by Paul Robert Reynolds (in opposition), C and S Ticklepenny, G and M Reedy and KJ Dixon (all in support).

A summary of the submissions is attached to this report.

Statutory Provisions

Under Section 104(1) of the Resource Management Act 1991, Council must consider the following in assessing the application.

1. Part Two principles and purposes of the Resource Management Act 1991; and
2. any actual and potential effects of allowing the activity; and
3. any relevant objectives, policies and rules of the district plan; and
4. any other matter Council considers relevant and reasonably necessary to determine the application.

Under Section 104B the Council may grant or refuse the application for a discretionary activity, and may impose conditions under section 108.

1. Part II of the Act

The purpose and principles of the Resource Management Act have been considered and this proposal does not appear contrary to either.

It is generally considered that the proposed activity will enable the community to provide for their well-being without creating any adverse environmental impact.

2. Any actual and potential effects of allowing the activity (section 104A)

An assessment of environmental effects (as required by Schedule Four of the Resource Management Act 1991) indicates that any significant adverse environmental effects will be mitigated by the inclusion of conditions on the consent.

From my site visit undertaken on 10 September 2004 I noted that the Risk property is 4.5595 hectares in area, and it is on the eastern side of Snodgrass Road, adjacent to the Orowaiti Lagoon. It is occupied by a newly constructed dwelling accessed by a long driveway from Snodgrass Road. The balance of the site is in open grassed areas.

The Snodgrass Road area is already extensively fragmented, and has several small rural properties, as well as residential and rural life-style dwellings, and other sites where further dwellings may be built as of right. There is a grouping of residential dwellings on the north side of Snodgrass Road, to the north of the Risk property, separated by the Dixon property. There are also dwellings fronting Snodgrass Road to the south-east of the site, including that of the Reynolds property, a submitter on this application. The Reynolds property is Lot 1 DP 20308, of 6070m², and this was part of a subdivision of the Risk property approved in March 2003. I note here that the dwelling on the Reynolds property was existing at the time of the subdivision, and therefore did not require land use consent for the 150m set back required from MHWS.

The application will result in up to two additional dwellings in total on the property. There is an existing dwelling on Lot 1, and a dwelling is proposed for each of Lots 2 and 3. The application is made in such a way that the new dwellings would comply with the Rural Zone standards for height, yards and frontages.

Of the three applications for subdivision in this area being considered by Council (Dixon – non-notified, and Reedy and Risk – both notified), this subdivision in my view has the most potential for adverse effects on the rural amenity of the area. That is because the dwellings to be erected on these lots would be separated to a greater degree from the residential development in the area. I note in particular the submission of P Reynolds in this regard, where he says that *“The proposed residential sized sections will both diminish and compromise the rural character of this land and would have a significant detrimental impact on its scenic and aesthetic values”*.

In my view the Snodgrass Road area already exhibits a fragmented and mixed rural/residential character, quite different from the wider Rural Zone to the north and west of Westport. However, the proposed two additional 1500m² allotments, right next to the Reynolds, will result in three residential sections with dwellings side-by-side along a relatively undeveloped part of Snodgrass Road. The effects on the existing amenity of this area will be more than minor in my view, particularly as this part of Snodgrass Road is exposed to views from the residential areas on the opposite side of the Orowaiti River, and will present a residential facade.

My recommendation is for the Council to approve of only one additional allotment, essentially an amalgamation of proposed lots 2 and 3. This will result in development far more in keeping with the existing character of the area.

A single additional dwelling will however also have a visual effect, and therefore I would also recommend that some controls are placed on the height of the dwelling. The application as it stands is for the dwellings to meet the Rural Zone standards for height (max. 10 metres), as well as the yard and frontage requirements. I consider that a dwelling of 10 metres height would be particularly visually obtrusive, in this environment, and could also be obtrusive when viewed from the Reynolds property in particular. My recommendation is that a condition be imposed to restrict the height of a dwelling on the additional lot to a maximum of 7.5 metres.

A further consideration is that of the ‘permitted baseline’. The RMA was amended in 2003 to give Councils a discretion to consider the effects of a proposal against what the District Plan already allows for a site. In this regard a farm building could be built on any of the

proposed allotments, as of right, and such development could obstruct the views neighbours properties for example. However, I have not placed much weight on the permitted baseline, as given the size of the property, and its current rural-residential use, I would not expect it is realistic that a house-sized farm building would be built on the frontage of this property in the normal course of events. A farm building would also be of a quite different character to dwellings being built on these allotments.

Another matter to consider is the number of dwellings per allotment. The application for land use consent is for residential dwellings for Lots 2 & 3. It is understood that the intention is for only one dwelling for each of Lot 2 and 3, however the application has not specifically restricted itself to one dwelling per title. The Rural Zone rules allow for up to two dwellings per title. At 1500m² these allotments are considered too small for more than one dwelling, particularly having regard to areas for effluent disposal, and amenity considerations.

I would therefore recommend that a condition is placed on any consent to restrict the additional lot to one dwelling.

3. Relevant objectives, policies and rules of a district plan (S104d)

Buller District Plan

The Buller District Plan (the Plan) became operative on 28 January 2000 and therefore is the only plan that needs to be considered.

Part 4 of the Plan sets out the significant resource management issues, objectives and policies with regards to activities. Of relevance to this application are sections:

- 4.4 *Rural Land and Water Resources;*
- 4.3 *The Built Environment;*
- 4.7 *The Coastal Environment;*
- 4.8 *Ecosystems and Natural Habitats;*
- 4.2 *Infrastructure; and*
- 4.6 *Cultural/Historical Resources.*

Part 5 of the Plan contains the regulations and rules to implement the objectives and policies stated in Part 4 of the Plan. The site is located in the *Rural Zone* as shown on Planning Map C12. All of Lot 2 DP 20308, and all of the proposed building sites, are within 150 metres of mean high water springs (MHWS).

The relevant rules are contained in *Section 5.3 Rural Character Area* and more specifically *Section 5.3.2 Rural Zone*.

Part 7 of the Plan contains District wide rules and includes:

- 7.3 *Subdivision;*
- 7.4 *Access; and*
- 7.6 [building] *recession planes.*

Part 8 of the Plan contains the requirements for financial contributions.

Objectives and Policies

Rural Land and Water Resources

The policies and objectives for rural land seek to manage the adverse effects of activities on the rural land resource in a manner which ensures the long term productive value of the soil resource but which encourages increased population within the rural environment and the maintenance of viable rural communities.

Objective 4.4.4.1 Ensure that the overall integrity and character of the rural environment and productivity or rural land resources is protected while enabling rural communities to provide for their social, economic and cultural well being.

Policy 4.4.5.1 A wide range of compatible activities which do not individually or cumulatively adversely affect the sustainability of rural land resources shall be generally permitted to locate in the rural area.

Policy 4.4.5.2 Sustainable land management practices which maintain and/or enhance the productive values of soils and amenities and character of the rural area should be encouraged and promoted.

The Plan only provides for either a Rural Zone or Residential Zone and does not specifically provide for rural residential activities. Nevertheless, the policies and objectives of the Plan envisage that residential activities should occur in rural areas, where appropriate, so as to avoid rural depopulation and to maintain viable rural communities.

It is considered that Policy 4.4.5.1 is key in that it envisages that a wide range of compatible activities be able to locate in the rural areas provided that they do not individually or cumulatively affect the sustainability of rural land resources.

Given the site's location on the immediate outskirts of Westport, it is questionable whether this application will contribute to avoiding rural depopulation and contribute to maintain viable rural communities. Nevertheless, this needs to be kept in context with the other policies and objectives, including the potential effects on the land productivity.

The applicant's property is considered to have limited productive potential. It is relatively small, being only 4.5595 hectares, and is used only for grazing. The proposal is to retain most of this land (4.2567 hectares) in the balance lot (Lot 1) as a grazing block. Overall, there will be no significant change to the productive potential of this site.

If my recommendation above is accepted, the creation of one additional lot will be allowed, and a condition would be placed on any consent restricting the additional allotment to one dwelling. The effects of the proposal on land productivity and loss of rural amenity from the additional dwelling will be no more than minor. Given the nature of existing development,

the additional house will not create potential reverse sensitivity effects that could limit farming activities on the applicant's or neighbouring sites.

The Built Environment

One of the key issues identified for the Built Environment is how to accommodate future settlement growth while avoiding, remedying or mitigating against the adverse effects of such growth on the environment.

Objective 4.3.17.1 *"To ensure that further settlement growth takes place in a manner and location which does not have significant adverse environmental effects."*

Policy 4.3.18.1 *"Existing settlements will be defined as zoned urban and their outer edges defined accordingly."*

Policy 4.3.18.2 *"Further development of existing bach settlements on unformed parts of roads will not occur."*

Policy 4.3.18.3 *"To ensure that rural-residential development is either adequately serviced or capable of meeting its own requirements."*

Objective 4.3.27.1 *"To facilitate the "intermingling" of land use activities within the District's settlements and towns to the extent that this is compatible with protection of amenity values and the sustainability of existing natural and physical resources in urban areas."*

Policy 4.3.28.5 *"A diversity of residential living opportunities shall be provided for in residential activity areas."*

Policy 4.3.28.6 *"Performance standards shall be set that protect the environmental quality of residential living environments."*

The applicant's land is located on the rural fringe of Westport, across the Orowaiti Estuary from the Residential zones of the town. A small area of Residential Zone land is also located on the opposite side of Snodgrass Road to the north of the applicant's property, beyond the Dixon property.

The rural environment to the east of the Orowaiti Estuary provides a backdrop to Westport, and this essentially demarks the boundary of Westport at this locality. The blurring of this boundary is an adverse effect of allowing subdivision and further development of these areas.

The proposal as lodged is in my assessment contrary to Policy 4.3.18.1 in that it extends the activities characteristic of the Residential Zone into the Rural Zone such that the outcome is similar to shifting the zone boundary. This impression is formed from viewing two additional dwellings, together with the Reynolds dwelling, all in close proximity along a relatively open part of Snodgrass Road.

As discussed above, I believe the impression of residential development can be reduced to an acceptable level by amending the subdivision so that only one additional allotment is created.

The applicant's property is presently served by the Council's reticulated water supply. It is anticipated that the additional lot(s) will connect to this supply subject to Council's engineering standards. Some upgrading of this water supply will be required, and this is discussed further under "Subdivision" below. Similarly, connection to electricity and telephone services are also available.

There is no reticulated sewer available, and so effluent is to be disposed of by way of on-site treatment systems. Resource Consent will need to be obtained at the time of building.

Coastal Environment

Objective 4.7.5.1 *"To maintain or enhance the natural character of the coastal environment by avoiding, remedying or mitigating the adverse effects of land use activities and subdivision requiring a coastal location."*

Policy 4.7.6.2 *"Sensitive coastal environments including areas of importance for mahinga kai shall be protected from the adverse effects of land use activities."*

Policy 4.7.6.4 *"The maintenance and enhancement of public access to and along the coastline shall be encouraged except where restrictions are necessary to ensure public safety or to avoid the potential adverse effects of people and/or vehicles on the coastal environment."*

Policy 4.7.6.7 *"The maintenance and enhancement of public access to and along the coastline shall be encouraged except where restrictions are necessary to ensure public safety or to avoid the potential adverse effects of people and/or vehicles on the coastal environment."*

One of the ways for implementing these policies is by the rule in Table 5.7 which requires that for residential activities, the minimum distance from the Mean High Water Spring mark is 150m. This application for subdivision and land use consent (construction of dwellings) includes land within 150 metres of MHWS.

This part of Snodgrass Road is more open, and coastal, in character than are the areas further along the road, which have much higher densities of dwellings. Two new dwellings in this location on sites of only 1500m² will affect this coastal environment, if only from a visual perspective. Having regard to the existing development, one additional allotment with a new dwelling, will not affect the overall coastal environment, provided restrictions are placed on the dwelling.

Ecosystems and Natural Habitats

Objective 4.8.6.1 *"To protect areas of significant indigenous vegetation and significant habitats of indigenous fauna and to recognise their importance to the character and quality of the natural and physical environment and to the wellbeing of the people and communities in Buller."*

Policy 4.8.7.7 *"To protect areas of significant indigenous vegetation and significant habitats of indigenous fauna from inappropriate use, subdivision and development."*

The subject site is in developed pasture, and no clearance of significant vegetation is required as part of this application. From visiting the site on two occasions I am not aware of any significant fauna that may be affected, however I note the submission of Mr Reynolds refers to this issue as a concern.

Natural Hazards

Objective 4.10.6.1 *"Taking into account community views, to reduce the risks to people and communities from natural hazards, and to avoid the establishment of activities which increase the likelihood of natural hazards occurring."*

Policy 4.10.7.2 *"An assessment of natural hazard risk shall be provided where appropriate with all applications for resource consents."*

Policy 4.10.7.4 *"Subject to the relevant statutory provisions in the Resource Management Act and Building Act, further development in identified hazard prone locations will be restricted."*

The property is relatively low lying and is located close to the Orowaiti Estuary. Council staff have noted that the applicant's property is affected by inundation. The proposed allotments and building sites can readily be constructed on a slightly raised building platform if necessary without adversely affecting other properties. This can be addressed separately at the time of building consents.

Infrastructure

The infrastructure objectives and policies seek to provide for the efficient development, use and maintenance of infrastructure, in a manner which has regard to the avoidance, remediation, or mitigation of adverse effects. These objectives and policies are also to protect infrastructure services from the adverse effects of other activities.

- Objective 4.2.5.1 *"To provide for the efficient development, operation and maintenance of infrastructure throughout the District, while avoiding, remedying or mitigating adverse effects."*
- Objective 4.2.5.2 *"To protect infrastructure resources from the adverse effects of activities located adjacent to, or in association with, the facility."*
- Policy 4.2.6.1 *"Development in areas which, due to physical characteristics, are difficult to service shall be permitted where appropriate technical solutions are provided to avoid, remedy or mitigate against adverse effects."*
- Policy 4.2.6.2 *"To ensure that services are provided in a manner which does not have adverse effects on the environment, and which enables communities to provide for their health and safety."*

The proposed allotments all have road frontage and access to Snodgrass Road. Snodgrass Road is a no-exit road, providing access to the existing dwellings as well as to the estuary.

There are existing vehicle crossings to access the parent lot and existing dwelling (i.e. proposed Lot 1). Two further vehicle crossings would be required to access proposed Lots 2 and 3.

Vehicle crossings onto Snodgrass Road will need to be formed to Council standards, including safe sight distance and visibility requirements.

Cultural/Historic Resources

- Objective 4.6.7.1 *"To protect places and sites of historical and cultural value from the adverse effects of land use activities and to ensure where appropriate, access to historic and cultural sites is maintained and enhanced."*
- Policy 4.6.8.4 *"Assessment of resource consent applications shall include their potential impact on known places of historic and/or cultural value."*

There are no known historic sites in the vicinity of the allotments. The requirements of the NZ Historic Places Act will need to be observed if any items of significance to Maori are accidentally uncovered during the site works.

Rural Zone Rules

The rules relevant to this application are contained in Parts 5, 7 and 8 of the Plan. The relevant sections being:

- 5.3.2 Rural Zone rules;
- 7.3 Subdivision rules;
- 7.4 Access rules; and

- 7.6 [building] *recession plane rules.*

Part 8 of the Plan contains the requirements for financial contributions.

Subdivision

Under Rule 7.3.3.3.1 of the Plan any subdivision for the purposes of creating one or more new allotments is a Discretionary Activity. Council has not limited its discretion under Rule 7.3.3.3.1.

Under Rule 7.3.3.7 financial contributions may be required in accordance with Part 8 of the Plan. Rule 8.4.1.14 provides for financial contributions for provision of open space, public recreation or other reserves. The maximum amount of contribution for each additional allotment of less than 1ha shall be 7.5% of the land value. It is normal practice for the Council to require the maximum contribution.

Rule 8.4.1.8 provides for financial contributions for the supply of water. Where a piped water supply is available, the full actual cost of providing the necessary reticulation to serve the proposed allotments may be charged. Where the capacity of supply is inadequate, the rule allows Council to charge the full actual cost of increasing the capacity.

The existing 50mm piped water supply along Snodgrass Road will require upgrading to a 100mm pipe, and that this will be in next year's budget. The estimated cost of the upgrade is expected to be in the order of \$10,000 - \$20,000, and this cost will be partly apportioned on subdivisions as they occur in this area. This will be apportioned at the rate of \$1,000 per allotment.

Esplanade reserves and strips may be required in accordance with Part 10 (Rule 7.3.3.8). In my assessment there is no need for the Council to take land for esplanade reserve from this subdivision, particularly given that the site is separated from the coastal environment by Snodgrass Road which provides good public access to the Orowaiti Estuary.

Land Use

Residential activity in the Rural Zone are only permitted where it meets the standards listed in Table 5.7 of the Plan. Table 5.7 specifically excludes residential activities within 150 metres of mean high water springs and does not provide for the activity as either controlled or discretionary. The intention of the district plan is that such a land use activity would default to be considered as a Non-Complying Activity (as noted in Section 5.1.4).

However, following the 2003 amendments to the RMA the following section was inserted to the RMA:

Section 77C(1) An application for a resource consent for an activity must, with necessary modification, be treated as an application for a resource consent for a discretionary activity if –

(a) ...

- (b) a plan or proposed plan requires a resource consent to be obtained for the activity, but does not classify the activity as controlled, restricted discretionary, or non-complying under section 77B; or
- (c) ...

Consequently, this application is to be assessed as a discretionary activity, as the requirements of the RMA override the Plan.

A land use consent is only required because of the inability to meet the 150 metre setback from MHWS in Table 5.7. All other matters relating to the construction of building (e.g. boundary setbacks and recession planes, maximum height, domestic wastewater disposal) need to comply with the relevant permitted activity standards of the Plan otherwise a separate resource consent would need to be obtained. As noted above I am recommending that the height of the dwelling proposed for the new allotment(s) is further restricted to a maximum of 7.5 metres.

The relevant rules in Table 5.7 are as follows:

Table 5.7 Rural Zone Standards

ITEM	PERMITTED	CONTROLLED	DISCRETIONARY
Access	Refer to Part 7.4	Refer to Part 7.4	Refer to Part 7.4
Boundaries	<p>Front yards 10m setback from road.</p> <p>Side and rear yards 1.5m.</p> <p>Minimum side and rear yard For buildings which at any time contain over five animals is 30m.</p> <p>For forestry, prospecting and residential activities, the minimum distance from the Mean High Water Spring mark is 150m.</p>	<p>Not applicable.</p> <p>Not applicable.</p> <p>Not applicable.</p>	<p>Not applicable.</p> <p>Side and rear yards 1m.</p> <p>Not applicable.</p>
Building Height	<p>Maximum building height for residential buildings is 10m.</p> <p>Maximum building height for other buildings is 20m.</p>	Not applicable.	<p>Maximum building height for residential buildings is 15m.</p> <p>Maximum building height for other buildings is 25m.</p>
Dwellings	Maximum number of	Not applicable.	Not applicable.

	dwelling per site is 2.		
Esplanade Strips	Refer to Part 7.9.5	Refer to Part 7.9.5	Refer to Part 7.9.5
General	Refer to Part 7.9.1	Refer to Part 7.9.1	Refer to Part 7.9.1
Ground Floor Area	The maximum gross ground floor area of a single building is 500m ² .	Not applicable.	The maximum gross ground floor area of a single building is 1000m ² .
Historic/Cultural Items	Refer to Part 7.9.7	Refer to Part 7.9.7	Refer to Part 7.9.7
Notable Trees	Refer to Part 7.9.8	Refer to Part 7.9.8	Refer to Part 7.9.8
Parking	Refer to Part 7.5	Refer to Part 7.5	Refer to Part 7.5
Recession Planes	Refer to Part 7.6	Refer to Part 7.6	Refer to Part 7.6
Stormwater Disposal	Refer to Part 7.9.2	Refer to Part 7.9.2	Refer to Part 7.9.2

4. Any other relevant matters (S104i)

In terms of precedent, it is noted that the Plan clearly envisages subdivision of rural land occurring by providing for such subdivision as a Discretionary Activity. Consequently, each application is to be assessed on its own merits and its particular circumstances. The circumstances of this proposal are that it is generally in an area of mixed rural/residential amenity, and therefore the addition of one allotment and dwelling is in my view acceptable. However, this part of Snodgrass Road has a more open and rural character relative to the northern and eastern parts of Snodgrass Road. It is also far more exposed to views from the residential areas opposite the Orowaiti River, and in my view two additional allotments with dwellings would have more than minor effects on the rural and coastal values of this area.

The existing zoning of the Snodgrass Road area is Rural. Whilst small-scale rural residential subdivision and development has occurred, and continues to occur, the relative merits of each parcel of land need to be assessed. In my view if residential development is contemplated right along Snodgrass Road to 1500m² allotments, it would be appropriate for the Council to investigate a Plan Change to rezone this land, rather than allowing ad-hoc subdivisions.

Conclusion

It is considered that the effects of the proposal, as lodged, will be more than minor and the policies and objectives in the District Plan are compromised.

Accordingly, I recommend that the Council grants consent to only one additional allotment, and that the consent is given subject to conditions.

Recommendation: That pursuant to Sections 104 and 104B of the Resource Management Act 1991, Council consent to the application by JM Risk:

- (a) to subdivide Lot 2 DP 20308 (NL13C/143) for the purpose of creating Lots 1, 2 & 3. The site is located at Snodgrass Road, Westport; and**
- (b) land use consent for a dwelling on Lots 2 and 3.**

That consent be granted on the basis that the proposal is a Discretionary Activity where the activity is not contrary to the objectives and policies of the District Plan.

That consent be granted subject to the following conditions:

1. That the subdivision be restricted to only one additional allotment of 3028m², and the land use consent be restricted to the addition of one dwelling on the newly created allotment, and in all other respects to proceed in accordance with the submitted plans and application except where the following conditions take precedence:
2. That three copies of the land transfer plan be provided to Council.
3. That a Reserve Contribution of 7.5% of the value of the newly created lot be payable to Council.
4. That the schedule and memorandum of easements shown on the subdivision plan be granted and reserved.
5. That there shall be a maximum of one dwelling per new allotment.
6. That the dwelling to be erected on the new allotment shall be restricted to a maximum height of 7.5 metres. *
7. That in all other respects, the dwelling erected on the new allotment shall meet all relevant standards in Table 5.7 of the Buller District Plan (and with the exception of the requirement that residential activities shall be set back at least 150m from MHWS).
8. That a consent notice be issued in accordance with Section 221 of the Resource Management Act 1991 to ensure Conditions 5 to 7 of this consent are complied with on a continuing basis. The applicant will be required to pay the costs of this consent notice.
9. That vehicle crossings to the new allotment shall be formed to Buller District Council standards, including minimum visibility and sight distance requirements. The consent holder is required to have the work involved carried out by a Council Approved Contractor. The Approved Contractor will be required to make application to the Council's Operations Department for approval to install the vehicle crossing and be given approval including Council specification requirements prior to the construction of the vehicle crossing being undertaken.

11. That the consent holder shall have Council reticulated water services connected to the boundary of the newly created lot, at the consent holder's cost. The services shall be constructed to Buller District Council standards. The consent holder is required to have the work involved carried out by a Council Approved Contractor. The Approved Contractor will be required to make application to the Council's Operations Department for approval to install the services including Council specification requirements prior to the construction of the services being undertaken
12. That the consent holder shall pay Council a contribution of \$1000 for the new allotment, being the financial contribution for the upgrade of the water supply to Snodgrass Road apportioned to this subdivision.
13. That pursuant to Section 127(1)(a) of the Resource Management Act 1991, the consent holder may apply to the consent authority for a change or cancellation of any condition of the consent within five years from the date of issue.
14. That pursuant to Section 128(1)(a) and 128(1)(c) of the Resource Management Act 1991, the Consent Authority may review any conditions of the consent within eight years from the date of issue for any of the following purposes:
 - (a) To deal with any adverse effect on the environment which may arise from the exercise of the consent and which it is appropriate to deal with at a later stage; or
 - (b) To deal with inaccuracies contained in the consent application that materially influenced the decision made on the application and are such that it is necessary to apply more appropriate conditions; or
 - (c) To assess the appropriateness of imposed compliance standards, monitoring regimes and monitoring frequencies and to alter these accordingly.
15. That all actual and reasonable costs incurred by this Council in monitoring, enforcement and administration of this consent shall be met by the consent holder.

NOTES:

- (a) The consent holder shall require a separate application from the Buller District Council's Operations Department for new vehicular accesses.
- (b) At the time of building dwellings the registered proprietor shall provide to the Buller District Council an appropriate design for an on site effluent disposal system which complies with rule 6 of the West Coast Regional Council Discharge to Land Plan.
- (c) The consent holder shall require a separate application from the Buller District Council's Operations Department for any connection to reticulated sewage, stormwater or water system(s).

- (d) At the time of building, the registered proprietor may wish to connect onto the power and phone supply along Snodgrass. Underground connections are permitted. If the registered proprietor wished to go above ground, a resource consent will be required.

IN THE MATTER

of the Resource Management Act
1991

AND

IN THE MATTER

of an application by JM Risk -
RC04/71

DECISION OF THE BULLER DISTRICT COUNCIL

Introduction

The application is for consent to subdivide Lot 2 DP 20308 (4.5595 hectares) into three allotments comprising of Lot 1 (4.2567 hectares), Lot 2 (1514m²), Lot 3 (1514m²), and for a land use consent to construct dwellings on proposed Lots 2 and 3.

The site is on the eastern side of Snodgrass Road, adjacent to the Orowaiti Estuary.

Lot 1 contains the existing dwelling. Lots 2 and 3 are to be sold as rural-residential allotments.

Limited Notification

The application was served on all parties under Limited Notification on 6 July 2004 and submissions closed on 4 August 2004. Four submissions were received.

Name	Support/Object	Wish to be heard	Reasons
C & S Tickelpenny	Support	Not stated	Not stated.
Paul Robert Reynolds	Oppose	Yes	Adverse effects on rural character, flooding, traffic safety, public space and aesthetic qualities, effluent disposal, wildlife, land with high value soils.
Gillian & Mike Reedy	Support	No	More employment, rates for Council, sewerage system and rural lifestyle.
Kenneth John Dixon	Support	No	Rural lifestyle opportunities, rates, won't affect neighbours.

Hearing

The hearing was set down for 22nd September 2004. Two members of Council's Planning and Regulatory Services Committee made up the hearing panel for this consent. These members were Hamish Macbeth and Graeme Neylon.

The hearing was attended by Jan Coll, as agent for the applicants, and Mr Paul Reynolds, a submitter in opposition. Mrs S. Tickelpenny, a submitter in support, was also present but took no active part in the hearing.

One other consent was heard in conjunction with this consent at the hearing. This was due to the closely related nature of the applications. Both applicants were represented by the same surveyor, and there was one main submitter common to both consents.

Mrs Coll presented a plan showing a 2 Lot subdivision (rather than for 3 lots as notified) and stated that this was in response to the conditions recommended in the Officer's Report. When asked by the Commissioner whether the application had now been

modified, Mrs Coll replied that the applicants would 'reluctantly agree' to the reduction in lots as shown on this plan. This is further discussed below in 'Summary of Evidence'.

After hearing the evidence and submissions from the parties, the hearing was adjourned. This was in order for the applicant to supply information on topographical levels/contours, volunteered building line restriction, building site, and suggested floor levels above road datum level. The applicants were also encouraged to consult with the submitter (P Reynolds) in order to reach resolution on a potential building site with least impact on views from submitter's dwelling.

A letter was received from the agent for the applicant on 5 October 2004, including a plan showing topographical details and the amended subdivision plan that had been earlier presented at the hearing on 22nd September 2004.

This information was subsequently sent to the submitters on 6 October 2004, and the parties were advised that the hearing would be reconvened on 19 October 2004. The hearing was reconvened on that date. The applicants were represented by Mrs Coll, and Mr Reynolds was in attendance at the reconvened hearing.

Consent Sought

The consent sought is a 3 Lot subdivision consent, for a discretionary subdivision in the Rural Zone. It is also for consent to erect a dwelling on proposed Lots 2 and 3, (which cannot meet the rule requiring that dwellings be set back at least 150m from MHWS in the Rural Zone) which is also a discretionary activity in the Rural Zone.

Summary of Evidence

Consultant Planner, Gary Rae, presented his staff report as read.

Jan Coll, representing the applicant, stated that the application is for two new rural-residential blocks with land use consent to build dwellings on each new lot. She then responded to the concerns expressed in the submission of Mr P Reynolds, as follows:

The rural character of the area would not be compromised by two rural-residential allotments.

Flooding is not such a problem as was stated in the submission, and a letter from the Westport Fire Brigade (dated 1 August 2004), and a copy of the register from the Harbour Master's office, were tabled to support this view.

Traffic safety issues would not arise as Snodgrass Road is a no-exit road, and accesses would be constructed to meet Council standards for safety.

Reserve contributions are addressed in 8.4.1.14 of the Buller District Plan.

Effluent disposal effects are addressed by the West Coast Regional Council at the time of installation of effluent disposal systems.

Wildlife would not be impacted at all as there is already significant residential activity along the estuary margin.

The land is not presently intensively used as agricultural land, and the rules in the District Plan would allow a barn of up to 20 metres in height to be erected on the site as of right.

Mrs Coll then discussed the Officer's Report, and in particular the recommended conditions. It was clarified that the subdivision plan presented at the hearing, showing two Lots instead of the three Lots as notified, was in response to the Officer's recommendation, and was an alternative plan that would be accepted only if the Hearing Commissioners agreed with the Officer's Report. This plan shows only one additional Lot, of 3054m² in area, and it was designed to minimise the intrusion of a dwelling into the coastal marine environment.

Mrs Coll also clarified that the intention was to restrict only the new allotments to one dwelling, and not to restrict Lot 1 which could currently have another dwelling built on it as of right. She asked that Condition 5 be amended accordingly, and that Condition 6 should also be amended so that the 7.5 metre maximum height restriction for dwellings applies only to the proposed new Lot(s).

Mr Reynolds presented his submission, and raised the following points of concern:

- The application should have been publicly notified, and not processed as limited notified, due to its wider public interest.
- The officer's report agrees there will be effects on aesthetic qualities and potential negative visual impacts, and the reasons to support only one additional allotment are equally valid to support refusal of the application.
- The subdivision will destroy the open vista of the rural landscape.
- There is sufficient land on the applicant's site to place dwellings to meet the 150m set back from MHWS.
- The issue of flooding has not been adequately addressed, and this will affect the disposal of effluent and the raising of the floor.
- The District Plan intends that this application should be a non-complying activity.
- The suggested conditions are not sufficient to mitigate the effects of the proposal.

Mr Reynolds then referred to a court case that he believed had established that any further subdivision in this area was prohibited. This was discussed further, although Mr Reynolds was unable to provide precise details to the Commissioners. The Consultant Planner gave his view that what appeared to be an historic court case was likely to have been determined under the Town and Country Planning Act, and would most likely have been in relation to the transitional district plan, which has since been superceded by the operative Buller District Plan. It would therefore be of little if any relevance to the current application.

Mrs Coll, in her right of reply, re-emphasized that a large farm building could be built on the front part of the Risk site as of right, and the application would not affect the coastal values of the Snodgrass Road area due to the extent of existing development.

The Commissioners then questioned Mrs Coll in relation to a possible building site on proposed Lot 2, and as part of this they asked for information on topographical levels and possible set backs from the road and floor levels for the dwelling. In order for this information to be provided, and to allow a further opportunity for the applicant to discuss a possible building site with Mr Reynolds, the Chairman then adjourned the hearing to allow that process to take place.

Mrs Coll sent a letter to the Consultant Planner on 5 October 2004 outlining that a meeting had taken place on site on 2 October 2004, attended by herself, Mr Risk, and Mr Reynolds. The letter stated that Mr Reynolds would not agree to a building site anywhere within the 150 metre set back required from the MHWS.

Mrs Coll's letter also stated that "...the initial application of 2 new Lots is still the preferred option". The letter advised that:

- To achieve a height limitation of 7.5 metres for the dwelling(s), a height limit should be imposed relating to a maximum height of 9.7 metres above MSL at Lyttelton, and
- A building area was offered that would be restricted to a minimum setback of 15 metres from the western boundary (ie. the Snodgrass Road boundary), and 5 to 6 metres from the southern boundary (ie. the boundary with the Reynolds property).

That letter also advised that the topographical plan showed the area of the proposed building area is more or less at the same level as the road frontage.

The letter, and the supporting plans were sent to the submitters on 6 October 2004 together with an invitation to attend the hearing to be reconvened on 19 October 2004.

Mrs Coll then presented the information at the reconvened hearing, and answered questions from the Commissioners.

Mr Reynolds presented a response to the information in Mrs Coll's letter, and he confirmed that that any building on the proposed Lot 2 would destroy the rural outlook from his property. He then presented additional information on drainage issues, including a series of recordings of rainfall over the preceding year, photographs of surface water flooding since the day of the original hearing, and a discussion on the New Zealand Coastal Policy Statement, the Resource Management Act and the Buller District Plan (in particular the 150 metre setback from MHWS). Whilst Mr Reynolds was allowed to present most of this information, the Chairman expressed his concern that much of this information was additional to the matters raised at the original hearing and was not a direct response to the information produced by Mrs Coll.

Planning Instrument

The Buller District Council's operative District Plan was considered.

Decision

That pursuant to Sections 104 and 104B of the Resource Management Act 1991, Council consent in part to the application by JM Risk to subdivide Lot 2 DP 20308 (NL13C/143) located at Snodgrass Road, Westport, and for the purpose of creating Lots 1, 2 & 3, and in part for land use consent for a dwelling on Lots 2 and 3, subject to the conditions listed below.

Reasons for Decision

The consent is granted on the basis that the proposal for subdivision and land use, as consented subject to the conditions contained in this decision, is a discretionary activity with no more than minor effects on the environment.

The Hearing Commissioners felt that the general nature of land use in the Snodgrass Road area was considerably modified, with some areas of dense habitation, and others of

a more rural nature. All aspects of Snodgrass Road are rural rather than natural. The Hearing Commissioners accepted in general terms that a subdivision was acceptable in this rural location and that the rural character would not be compromised unduly if one new lot was created. There was concern however that two new lots, with a dwelling on each, would give a much more urban feel to this stretch of Snodgrass Road, so the Hearing Commissioners have declined the application for two new lots.

The Commissioners were particularly concerned that this application for subdivision and land use consent for construction of buildings includes land within 150 metres of the Mean High Water Spring mark. The Buller District Plan requires 'development proposals to take into account the natural character of the coastal environment and generally protect against inappropriate subdivision, use and development of the coastal environment.' (4.7.7.3).

The Commissioners considered the visual factor at their site visit, from both sides of the Orowaiti River (i.e. Snodgrass Road and Orowaiti Road). They agreed with the Council Planner's view as stated in his report: "*This part of Snodgrass Road is more open, and coastal, in character than are the areas further along the road, which have much higher densities of dwellings. Two new dwellings in this location on sites of only 1500 square metres will affect this coastal environment, if only from a visual perspective. Having regard to the existing development, one additional allotment with a new dwelling, will not affect the overall coastal environment, provided restrictions are placed on the dwelling*". They also require the siting of the dwelling on the new lot created, to be placed a certain distance (25 metres) from Snodgrass Road, and to be restricted in height so as to be less visually intrusive from the coastal perspective.

It was felt that the existence of housing and paddocks, stock yards and fencing considerably compromised the natural character of the view, however the Commissioners did not want ribbon development along this stretch of Snodgrass Road. It was not felt that the existence of another dwelling was likely to have any significant impact on native flora and fauna. They noted also that public access is unlikely to be affected in any way, as the new lot is separated from the coastal strip by a public road. There is accordingly not considered to be any reason for imposing an esplanade reserve requirement in this instance.

Mr Reynolds' concerns regarding the loss of rural aspect from his property are real, but the Commissioners took into account the permitted baseline that would enable the applicant to build a large barn, or farm building of similar proportions, near the submitter's boundary. The Commissioners have required that any dwelling be sited a minimum of 5 metres from the southern (Reynolds') boundary, and also setback at least 25 metres from the western (Snodgrass Road) boundary, to minimize the visual effects to the public and to avoid a feeling of housing density. For similar reasons, the Commissioners have required the new Lot to have access to Snodgrass Road via the northern-most part of the road frontage, i.e. as far away as possible from the Reynolds' driveway.

The Commissioners have required that the site of the dwelling on the newly created lot be restricted in height to minimize the visual effect from points of public view.

They have also noted that the property is subject to inundation and potential flooding as shown on the NIWA produced Flood Mapping Study commissioned by the Buller District Council, and have therefore required the applicant or his successor to meet certain minimum floor level requirements in recognition of the low lying nature of some parts of the newly created Lot. In response to Mr Reynolds' concerns, the Commissioners have also

noted that stormwater from any dwelling must be drained to the satisfaction of the Council engineering department. The Committee has also noted that effluent disposal systems will need to be acceptable to Council staff, and must meet all requirements of the West Coast Regional Council and the relevant regional plans.

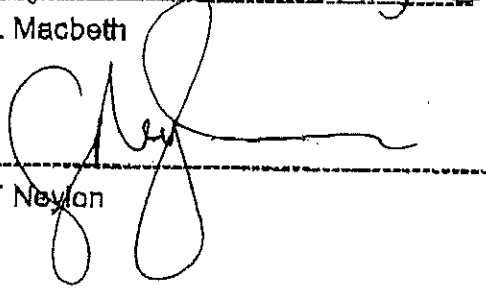
In summary, the Commissioners note that the Snodgrass Road area is already rural-residential in character, and an additional allotment and dwelling on the subject property would not adversely affect the coastal character of the Orowaiti Estuary, with the imposition of appropriate conditions on the consent. The proposal, with those restrictions, would not be contrary to the relevant policies and objectives of the Rural Zone, as discussed in the Officer's Report.



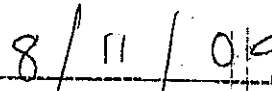
HL Macbeth



Date



GT Newlon



Date

RESOURCE CONSENT RC04/71

JM RISK

RESOURCE CONSENT CONDITIONS

That consent be granted subject to the following conditions:

1. That the subdivision be restricted to only one additional allotment of 3054m², that being Lot 2 as shown on the amended plan produced at the re-convened hearing "Scheme Plan Amended Sept 2004" as attached, and the land use consent be restricted to the addition of one dwelling on the newly created Lot 2, and in all other respects to proceed in accordance with the submitted plans and application except where the following conditions take precedence:
2. That three copies of the land transfer plan be provided to Council.
3. That a Reserve Contribution of 7.5% of the value of the newly created Lot 2 be payable to Council.
4. That the schedule and memorandum of easements shown on the subdivision plan be granted and reserved.
5. That there shall be a maximum of one dwelling on the newly created Lot 2.
6. That the dwelling to be erected on the new Lot 2 shall be restricted to a maximum height of 7.5 metres, i.e. a height of 9.7 metres above MSL at Lyttelton.
7. That the dwelling to be erected on the newly created Lot 2 shall be sited no closer than 25 metres from the Snodgrass Road boundary, and no closer than 5 metres from the southern boundary (boundary with the Reynolds property).
8. That the floor levels of the dwelling to be erected on proposed Lot 2 shall be at least 150mm above the level determined by the Buller District Council for a 50 year flood event.
9. That in all other respects, the dwelling erected on the new allotment shall meet all relevant standards in Table 5.7 of the Buller District Plan (and with the exception of the requirement that residential activities shall be set back at least 150m from MHWS).
10. That a consent notice be issued in accordance with Section 221 of the Resource Management Act 1991 to ensure Conditions 5 to 9 of this consent are complied with on a continuing basis. The applicant will be required to pay the costs of this consent notice.
11. That a vehicle crossing to the newly created Lot 2 shall be located as close as practicable to the northern boundary of that lot with Snodgrass Road. The crossing shall be formed to Buller District Council standards, including minimum visibility and sight distance requirements. The consent holder is required to have the work involved carried out by a Council Approved Contractor. The Approved Contractor will be required to make application to the Council's Operations Department for approval to install the vehicle crossing and be given approval including Council specification requirements prior to the construction of the vehicle crossing being undertaken.

12. That the consent holder shall have Council reticulated water services connected to the boundary of the newly created lot, at the consent holder's cost. The services shall be constructed to Buller District Council standards. The consent holder is required to have the work involved carried out by a Council Approved Contractor. The Approved Contractor will be required to make application to the Council's Operations Department for approval to install the services including Council specification requirements prior to the construction of the services being undertaken
13. That the consent holder shall pay Council a contribution of \$1000 for the new allotment, being the financial contribution for the upgrade of the water supply to Snodgrass Road apportioned to this subdivision.
14. That pursuant to Section 127(1) of the Resource Management Act 1991, the consent holder may apply to the consent authority for a change or cancellation of any condition of the consent within five years from the date of issue.
15. That pursuant to Section 128(1)(a) and 128(1)(c) of the Resource Management Act 1991, the Consent Authority may review any conditions of the consent within eight years from the date of issue for any of the following purposes:
 - (a) To deal with any adverse effect on the environment which may arise from the exercise of the consent and which it is appropriate to deal with at a later stage; or
 - (b) To deal with inaccuracies contained in the consent application that materially influenced the decision made on the application and are such that it is necessary to apply more appropriate conditions; or
 - (c) To assess the appropriateness of imposed compliance standards, monitoring regimes and monitoring frequencies and to alter these accordingly.
16. That all actual and reasonable costs incurred by this Council in monitoring, enforcement and administration of this consent shall be met by the consent holder.

NOTES:

The consent holder shall require a separate application from the Buller District Council's Operations Department for new vehicular accesses.

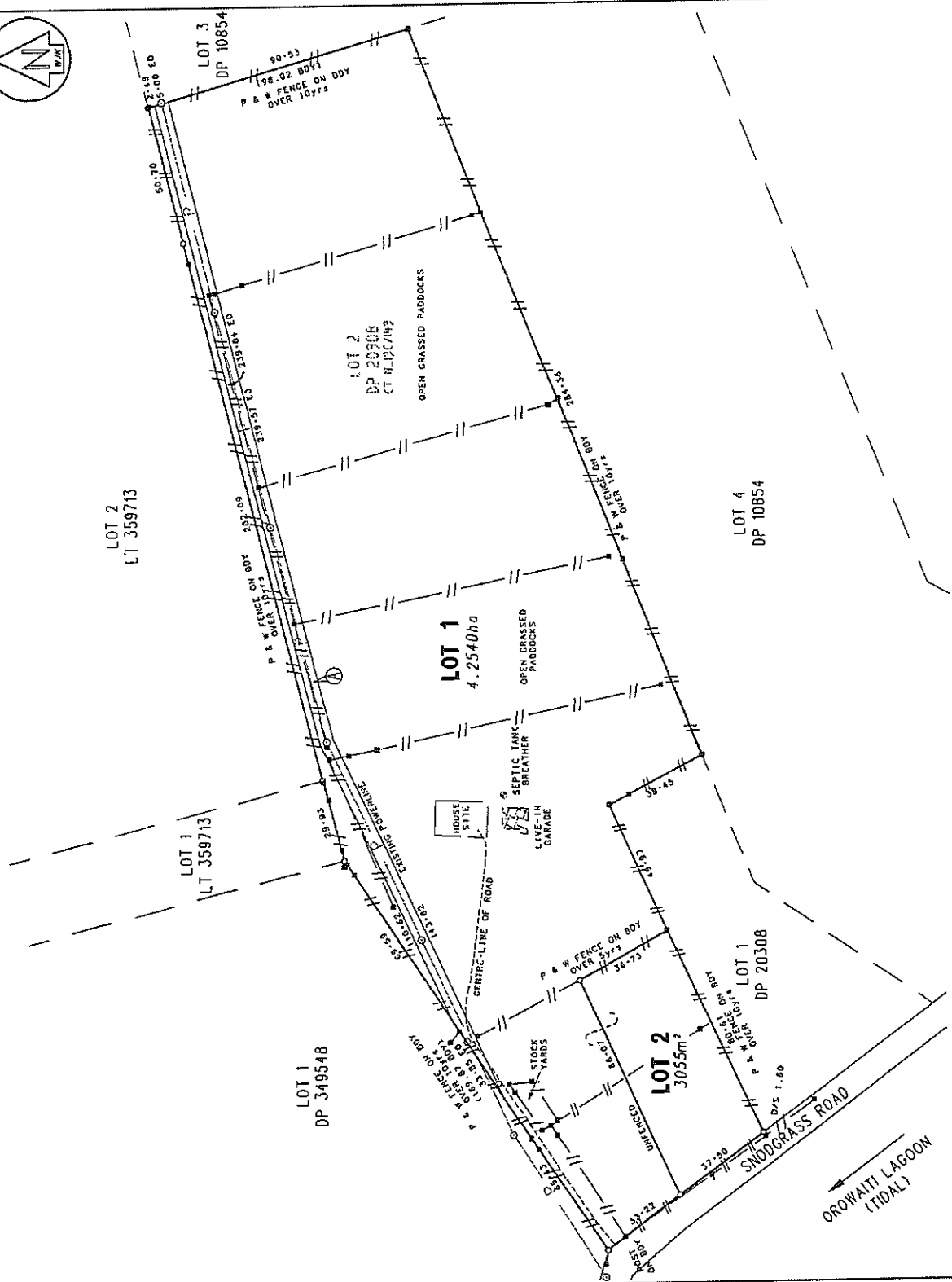
At the time of building dwellings the registered proprietor shall provide to the Buller District Council an appropriate design for an on site effluent disposal system which complies with Rule 6 of the West Coast Regional Council Discharge to Land Plan.

The consent holder shall require a separate application from the Buller District Council's Operations Department for any connection to reticulated sewage, stormwater or water system(s).

At the time of building, the registered proprietor may wish to connect onto the power and phone supply along Snodgrass. Underground connections are permitted. If the registered proprietor wished to go above ground, a resource consent will be required.

Occupation Diagram

Approvals



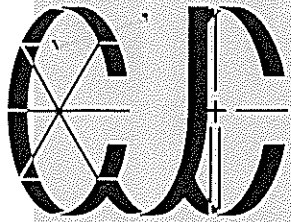
Total Area	4.5595ha
Comprised in	CT ML13C/143
<p>I, Christopher John Cole of Wellington being a person entitled to practice as a Licensed Cadastral Surveyor, do hereby certify that the surveys in which the enclosed plan is recorded, and also the measurements by me or under my direction in accordance with the Cadastral Survey Act 2002 and the Surveyor-General's Rules for Cadastral Survey 2002/01.</p> <p>As this detail is accurate, and has been created in accordance with the Act and these Rules, I, the Surveyor, do hereby certify that the detail is correct.</p>	
Field Book	Investor Book
Reference Plan	
Created	Certified
Approved as to Survey by	
Land Information NZ on	
Deposited by	
Land Information NZ on	
File	
Instructions	
Approved LR 31/08	LMZ FORM DIS

LOCAL AUTHORITY: BULLER DISTRICT
 Surveyed by: CHRIS J. COLE, SURVEYING LTD
 Scale: 1:1000 (A2) 1:2000 (A4) Date: 11.MAY.2005

LOTS 1 AND 2 BEING SUBDIVISION OF LOT 2 DP 20308

LAND DISTRICT: NELSON
 SURVEY BLK & DIST: HILKAWAITIRI
 SURVEY CLASS: CLASS 1

A. J. BEVY, SURVEYOR GENERAL, LAND INFORMATION NEW ZEALAND



Chris J Coll Surveying Ltd

Licensed Cadastral Surveyors, Resource Management Consultants
19 Brougham St / P.O. Box 204 Westport
Phone 03 789 8425 Fax 03 789 6016
Email chriscoll@cjc.co.nz

To : Buller District Council
P. O. Box 21
Westport

RESOURCE CONSENT APPLICATION

This application is made under Section 88 of the Resource Management Act 1991

Applicant Details

1. **Applicant(s) name(s) :** (Please write names in full)

Michael Timothy & Gillian Elizabeth Reedy.

2. **Postal Address :**

4490 Karamea Highway, RD 1, Westport.

Telephone : Business : Not applicable.

Facsimile : 03 782 6893.

Private : 03 782 6808

3. **Applicants are the** **owners** (please tick the appropriate box)
 occupier/lessee

Property owner's name (if different from above)

Telephone : Business : Not applicable.

Facsimile : Not applicable.

Private : Not applicable

4. **Correspondence to be sent to the following name and address :** (if different from applicant)

Jan Coll
P. O. Box 204
Westport

Telephone : Business : (03) 789 8425

Facsimile : (03) 789 6016

Private : Not applicable

Property Details

5. **Location of activity and/or property address :** Snodgrass Road, Westport.
(Include the name of any relevant stream, river or other water body to which the application may relate.)

Map Reference : K 29, *see accompanying QuickMap prints.*

6. **Legal description :** Lot 1, D.P. 8522.
7. **Certificate of Title Reference :** NL4A/474.
8. **Valuation Roll Number :** 18840 12102
9. **Zone :** Rural
10. **Size of Property :** Lot 1 - 3863 m².
Lot 2 - 3.2884 ha
Lot 3 - 3724 m²
Areas & dimensions are subject to final field survey

Details of Proposal

11. This is an application for a Land Use Consent Subdivision Consent
12. Are any other consents required? Yes No

If yes, list consents below, and whether they have been applied for :

Not applicable.

13. **A general description of what is proposed :**

The application is to gain consent to subdivide Lot 1, D.P.8522 into 3 rural-residential blocks and to obtain Land Use consents for residential dwellings for Lots 1 & 3.

Dwellings on these lots would comply with the rules for building in the Rural area, that is 10 metres set back from the road, 1.5 metre rear and side yards and maximum building heights of 10 metres for residential buildings and 20 metres for other buildings.

All blocks will gain access from Snodgrass Road. Lot 2 has an existing access in place.

A plan of the proposed subdivision accompanies this application.

14. The reasons for the application and for choosing this site are :

Mr & Mrs Reedy are rearranging their business and personal affairs. The subdivision of the existing dwelling as "Lot 2" is to provide for a family arrangement to be established. Lot 1 and Lot 3 will be for sale sometime in the future. The change that is to be put in place initially is essentially to have a separate title for the dwelling and surrounding land.

15. The following is a full description of the proposed use of every building :

There is a dwelling on the proposed Lot 2 that is utilised predominantly as a rural-residential block. Lots 1 & 3 will also be rural-residential blocks. There are no buildings on the proposed Lots 1 & 3.

16. The following is a full description of all activities proposed to be carried out on the site outside of the buildings. :

The activities will be rural & rural-residential in nature.

17. The following manufacturing processes are proposed (describe fully) :

Not applicable.

18. Are any alterations to buildings proposed ? Yes No

Not as part of this application.

If yes, what is the nature of the proposed alterations :

19. State the height of any new buildings or alterations to existing buildings :

The maximum building heights will be 10 metres for residential buildings and 20 metres for other buildings.

20. The proposed days and hours of operation per week (indicate any seasonal variations) are : Not applicable for this application.

21. Nil additional people full-time or part-time will be employed as a result of this subdivision application.

22. Traffic movements are likely to be at the rate of 6 to 8 cars light utilities per day for the new lots.

23. Carparking will be accommodated on each new lot.

24. If potable water is required for the site, how will this be provided ?

Buller District Council supply will be utilised.

25. If effluent disposal is required for the site, how will this be provided ?

The future owners of the new lots will establish on site effluent disposal systems at the time of building. The existing dwelling has a disposal system in place.

26. Will this proposal result in the need for any new services or changes to services (ie water supply, electricity, telecommunications, sewage disposal, stormwater treatment, rubbish disposal) to the site. Yes No

If yes, what new services or changes to services are proposed and who will be the service provider.

No additional services will be required for this application, existing services where applicable will be utilised.

27. If the application is for subdivision or boundary adjustment are all wells, water pipes, water tanks, septic tanks, effluent soakage fields and stormwater disposal systems contained on the site. Yes No

Please show on a site plan the location of the above services not contained on site.

Existing septic tank shown on Scheme Plan.

28. Details of the landscaping proposed are :

No landscaping is proposed as part of this application.

29. Will dangerous goods be stored on site (ie flammable liquids, gases, solids) ?

Yes No

If yes, what is the nature of the goods.

30. Are any new accessways proposed for the site ? Yes No

The existing access will be utilised for Lot 2, new access will be required for Lots 1 & 3. Until the blocks have been sold the actual location of these access will not be identified.

31. Are any new signs or changes to existing signs proposed. Yes No

If yes, please provide a site diagram showing the location, dimensions, colour, exact message and dimensions of lettering and symbols, how the sign is to be fixed to the ground/building.

32. Do you wish to be contacted prior to a member of the Planning Department undertaking a site visit. Yes No

Please contact Mr & Mrs Reedy prior to the site visit.

Dated at Westport this 17th day of June 2004

Signed :


(to be signed by or on behalf of applicant).

To : Buller District Council
P. O. Box 21
Westport

ASSESSMENT OF EFFECTS ON THE ENVIRONMENT

1. Answer all questions fully. Some may not apply to your proposal.
2. Please provide a locality map.
3. Contact the Planning Department with any queries or if you require assistance.

Physical

1. Describe the:

- (a) **landforms** (eg: mountains, hills, cliffs, streams, rivers, valleys, beaches, lakes gorges, caves, paddocks.)
Old river/beach flats.
- (b) **land slopes** (eg: steep, flat, rolling, angle of slope)
Generally flat.
- (c) **soils** (eg: sand, clay, rock, fill, name of soil)
Old beach and river sands overlaid with soil.

2. Describe any potential for natural hazards (e.g. flooding, erosion, land slip)
The recent flood hazard survey of Westport and the sounding area notes that the land under application is not subject to flooding. There is no other known potential of natural hazards affected the land under application.

3. Are any of the following present in the area? (delete which do not apply)

- (a) ~~river protection works~~
- (b) ~~bridges~~
- (c) ~~railways and roads~~
- (d) ~~telephone/electricity wires or cables~~

Please indicate these features on a site diagram/map.

Shown where applicable.

Flora, Fauna and Ecosystems

4. **Describe the vegetation within the application area. List the major species, and any rare or endangered species. ("Native bush" and "scrub" is not a satisfactory answer).**
Not applicable for this subdivision. The area under application had been part of a farm property development for many years.
5. **Will native vegetation clearance occur? If so, how much?**
No, not as a result of this subdivision.
6. **Describe and/or list the birdlife, wildlife, freshwater and marine life within the application area, or in the vicinity and any recognised special wildlife habitats ("usual West Coast wildlife" or similar is not a satisfactory answer).**
Not applicable for this application.
7. **Describe the effects the activity will have on ecosystems, including effects on plants or animals, any physical disturbance of habitats in the area.**
Not applicable for this application.

Land Use

8. **Describe the current land use (give as many details as possible).**
The land use is rural.
9. **Describe neighbouring land uses.**
Rural-residential and rural.
10. **What is the public use of the area?**
There is no public use of the area.
11. **Describe any recreational uses that occur on the land.**
Not applicable for this application.
12. **What is the intended post-activity vegetation cover and land use? (e.g. forestry, road, residential subdivision, pasture, etc)**
The rural-residential activity is the intended long term use of the land.
13. **What effect will this application have on alternative uses of the land, resources and/or the environment at present or in the future? (discuss the reasons for your answer.)**
This application is unlikely to have any effect either now or in the future on alternative uses of the land.
14. **Describe the present land surface and how it will be rehabilitated (if applicable).**
Not applicable.

Contingencies or Safeguards

15. If your activity includes the use of hazardous substances and installations, provide an assessment of any risks to the following which are likely to arise from such use:

(a) risks to the physical environment

Not applicable.

(b) the neighbourhood

Not applicable.

(c) the wider community

Not applicable.

16. Describe any mitigation measures (safeguards and contingency plans where relevant) to be undertaken to help prevent or reduce the actual or potential effect of any chemical or other contaminant accidents (i.e. where will the contents go, how will they be contained, treated, recycled or disposed?)

Not applicable.

17. Describe any possible alternative locations or methods for undertaking the activity.

Not applicable.

Monitoring

18. How will the effects of the activity be monitored?

There will be no significant effects that require monitoring as a result of this application.

19. Who will monitor the effects of the activity?

If necessary Buller District Council.

Socio-economic Impacts

20. State the number of people who will work at the site

Nil for this application.

21. Give details of the hours of work (provide details of any shift times)

Not applicable for this application.

22. Do you intend working on weekends or outside the hours 7.00 am to 6.00 pm?

Yes No Not applicable for this application.

Noise

23. Is a residential area or any occupied dwelling close by or within the application area. Yes No

All the neighbouring dwellings are sited to comply with the District Plan rules and are therefore not "close by" the application area. The intention is that the when new dwellings are constructed on Lots 1 & 3 these would also comply with the Plan rules for yard and frontage requirements. The existing house is shown on the scheme plan and also complies with the plan requirements.

24. Give details and distances.

Not applicable for this application.

25. Give details of any anticipated noise levels and likely impacts on both wildlife and residents in the area.

There is unlikely be any change in noise levels as a result of this application.

26. Details of noise reduction measures (*rubber lined hoppers, mufflers, shelters, vegetation or soil screens, etc.*)

No noise reductions measures are proposed.

Explosives

27. Will you use explosives? Yes No

28. If so give details of purpose, public warning methods, frequency, timing, storage and handling facilities, type and quantity of blast. Discuss the impacts blasting will have on nearby residents and any measures that will be taken to minimise such effects.

Not applicable.

Maori Interests

29. Give details of particular Maori interest in the land or water within or bordering the application area, or likely to be affected by the application (*sacred or spiritual sites and values, traditional food gathering areas, etc.*)

There is no known interest in the land under application.

Visual Effects

- | 30. Is the operation or activity visible from: | Yes | No |
|---|-------------------------------------|-------------------------------------|
| - nearby dwellings | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| - roads (including rest areas) | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| - walking tracks | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| - known observation points | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| - areas of public access? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
- If so, give details and discuss any measures that will be taken to minimise the usual impacts (i.e. buffers, vegetation, screens planted, trees, etc).**
No measures are proposed as part of this application.

Effects on Present and Future Generations

- 31. Discuss socio-economic and cultural effects the (both positive and/or adverse) activity will have on the immediate neighbourhood and where relevant the wider community for present and future generations (e.g. additional housing and service requirements, noise, vibration, dust, lighting, aesthetic values, change of lifestyle, recreation, scientific values, water supply, increased traffic, historical, spiritual values, etc.)**

This application will create two new rural-residential blocks that will add to the land stock adjacent to Westport. When the building and occupation of the new dwelling occurs this will provide opportunities for people to live in the rural environment and be close to Westport.

- 32. Describe any effects (both positive and negative) on natural and physical resources having aesthetic, recreational, scientific, historical, spiritual, cultural, or other special value for present or future generations:**

The Land Use application for dwellings is unlikely to have any significant effects on the values noted. The District Plan requirement to have Land Use Consent for a residential activity that occurs within 150 metres of MHWS is to "maintain or enhances the natural character of the coastal environment".

The application is close by the Residential Zone of Snodgrass township that means there is already a residential settlement located close to the coastal area, the increase of two new "residential" type sites is unlikely to detract from the "coastal" amenity values.

The visual values are already predominantly of a residential character.

Consultation

- 33. Have you discussed your proposal with your neighbours and other parties who may be adversely affected (eg, Coast Health Care, Department of Conservation, Historic Places Trust, local iwi, Transit New Zealand Ltd, local electricity suppliers and Telecom New Zealand Ltd.)**

Consultation was undertaken as part of RC 2004/0066 as a "subdivision" consent only.

Mr & Mrs Tickelpenny declined to consent to that application and therefore no further consultation has been undertaken as part of this application because the non consent will be the result again.

At the time of consulting for RC 2004/0066 the following parties were consulted.

C H & S L Tickelpenny for Lot 3, D.P.10854

J M Risk for Lot 2, D.P.20308.

K J Dixon for Lot 7, D.P.10854.

- 34. Are all affected persons consent forms completed and attached, or forwarded to Council** Yes No

If no, your application will be placed on hold until Council receives these forms.

As noted no consultation has been undertaken for the combined Subdivision and Land Use Consent application.

- 35. If any environmental concerns have been raised by affected neighbours or other parties, how can these concerns be met ?**

Mr & Mrs Tickelpenny declined to consent to the subdivision proposal. The reason was that any building on Lot 3 could impede their views and subsequent saleability of their land.

Mr & Mrs Reedy were not prepared to agree to a covenant limiting the height of any building on Lot 3 given that the District Plan does provide the opportunity to have a height of 20 metres for buildings other than for residential purposes by right in the rural area.

Mr & Mrs Tickelpenny's property was always subject to the risk of a building being constructed on the part of Lot 1, D.P.8522 adjacent to their land regardless of the proposed subdivision.

All other parties have consented to the subdivision proposal.

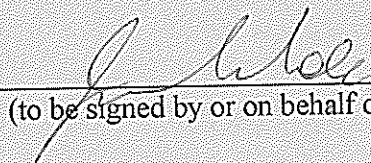
Other Information

36. Outline other information (if any), required to be included in the application by the district plan or regulations.

All information that is required accompanies the application, this includes a plan of the proposed subdivision, a copy of C.T.NL4A/474 and QuickMap prints of the area.

Dated at Westport this 17 th day of June 2004.

Signed:


(to be signed by or on behalf of applicant)

REPORT TO: DELEGATED PLANNING SUB-COMMITTEE

File No: RC04/72

Date: 14 September 2004

From: Gary Rae, Consultant

Subject: RESOURCE CONSENT RC04/72 – MT and GE REEDY

Section 113 of the Resource Management Act 1991, requires that every decision on a resource consent shall be in writing and state reasons for the decision.

SUBJECT	MT & GE Reedy
CONSENT TYPE	Subdivision and Land use
LOCATION	Snodgrass Road, Westport
LEGAL DESCRIPTION	Lot 1 Deposited Plan 8522 Block III Kawatiri Survey District (NL4A/474)
VALUATION ROLL NO.	1884012102
ZONE	Rural Zone

Application

The application is for consent to subdivide Lot 1 DP 8522 (4.0472 hectares) into three allotments comprising Lot 1 (3863m²), Lot 2 (3.2884 hectares), Lot 3 (3724m²), and for a land use consent to construct dwellings on proposed Lots 1 and 3.

The site is on the southern side of Snodgrass Road, towards the end of the road, and adjacent to the Orowaiti Estuary.

Notification

The application, dated 28 June 2004, was processed under the Limited Notification procedures in Section 94 of the Resource Management Act.

Copies of the application were served on the following parties:

- KJ Dixon
- CH and SL Tickelpenny
- JM Risk
- NA and HC Burr
- ME and VG Anderson

- West Coast Regional Council
- Department of Conservation
- Transit New Zealand
- Buller Electricity
- Telecom New Zealand Limited

At the close of the submission period two submissions were lodged. These were by C and S Ticklepenny (in opposition), and JM Risk (in support).

A summary of the submissions is attached to this report.

Statutory Provisions

Under Section 104(1) of the Resource Management Act 1991, Council must consider the following in assessing the application.

1. Part Two principles and purposes of the Resource Management Act 1991; and
2. any actual and potential effects of allowing the activity; and
3. any relevant objectives, policies and rules of the district plan; and
4. any other matter Council considers relevant and reasonably necessary to determine the application.

Under Section 104B the Council may grant or refuse the application for a discretionary activity, and may impose conditions under section 108.

1. Part II of the Act

The purpose and principles of the Resource Management Act have been considered and this proposal does not appear contrary to either.

It is generally considered that the proposed activity will enable the community to provide for their well-being without creating any adverse environmental impact.

2. Any actual and potential effects of allowing the activity (section 104A)

An assessment of environmental effects (as required by Schedule Four of the Resource Management Act 1991) indicates that any significant adverse environmental effects will be mitigated by the inclusion of conditions on the consent.

From my site visit undertaken on 10 September 2004 I noted that the Reedy property is 4.0472 hectares in area, and it is on the southern side of Snodgrass Road, near the end of the road. It is occupied by a dwelling in the middle part of the property. The balance of the site is in open grassed areas, with several mature trees

The Snodgrass Road area is already extensively fragmented, and has several small rural properties, as well as residential and rural life-style dwellings, and other sites where further

dwellings may be built as of right. There is a grouping of residential dwellings on the north side of Snodgrass Road, to the north-west of the Reedy property. There is also a small cluster of dwellings near the eastern end of the property, where Snodgrass Road forms a cul-de-sac.

The application will result in up to two additional dwellings in total on the property. There is an existing dwelling on Lot 2, and a dwelling is proposed for each of Lots 1 and 3. The application is made in such a way that the new dwellings would comply with the Rural Zone standards for height, yards and frontages.

Overall, it is considered that the effects on the existing amenity of this mixed rural/residential area arising from the proposed dwellings will not be more than minor.

A dwelling erected on proposed Lot 1 would be located near to the existing enclave of houses on the northern side of Snodgrass Road, and adjacent to two dwelling sites on the Dixon property on southern side currently being considered by the Council.

Lot 3 will result in a new dwelling being erected near the other dwellings at the end of the cul-de-sac on Snodgrass Road. In my assessment an additional dwelling in this location will not be out of character with the existing development. However, the submission of C and S Ticklepenny states that a building on Lot 3 would block their views, particularly as their existing dwelling is located near to the boundary of proposed Lot 3.

From my site visit, I can concur that without any restrictions a dwelling sited on Lot 3 could result in a partial loss of outlook from the submitters' house out to the north (a view which includes the estuary and coastal environment). However, there is a line of shelter trees and vegetation along part of the common boundary, at the eastern end (adjacent to the south-east corner of proposed Lot 3) and I believe that a dwelling could be carefully sited on Lot 3 as it is currently proposed to retain the major part of the outlook from the submitters property. The preferred siting, to minimise effects on the outlook, would be for a building site back on the site, near the end of the cul-de-sac. From my observations, the line of sight from the submitters dwelling to the north-east is already blocked to some degree by existing trees on the common boundary, and also on road reserve in this area. The appropriate siting of a dwelling could be discussed further at the hearing, after the submitters have elaborated on their submission.

A further consideration is that of the 'permitted baseline'. The RMA was amended in 2003 to give Councils a discretion to consider the effects of a proposal against what the District Plan already allows for a site. In this regard a farm building could be built on any of these allotments, as of right, and such development could obstruct the views neighbours properties for example. However, I have not placed much weight on the permitted baseline, as given the size of the property, and its current use, I would not expect it is realistic that a house-sized farm building would be built on proposed Lot 3 in the normal course of events.

Assuming that an appropriate building site can be agreed upon, I would also recommend that some controls are placed on the height of the dwelling to be erected on Lots 1 and 3. The application as it stands is for the dwellings to meet the Rural Zone standards for height (max. 10 metres), as well as the yard and frontage requirements. I consider that a dwelling of 10 metres height would be visually obtrusive, in this environment, and could

also be obtrusive when viewed from the submitters property in particular. My recommendation is that a condition be imposed to restrict the height of a dwelling on Lot 3 to a maximum of 7.5 metres.

Another matter to consider is the number of dwellings that could be erected on each allotment. The application for land use consent is for "*residential dwellings for Lots 1 & 3*". It is understood that the intention is for only one dwelling for each of Lot 1 and 3, however the application has not specifically restricted itself to one dwelling per title. The Rural Zone rules allow for up to two dwellings per title. At 3863m² and 3724m² these allotments are considered too small for more than one dwelling, particularly having regard to areas for effluent disposal, and amenity considerations.

I would therefore recommend that a condition is placed on any consent to restrict Lots 1 and 3 to a maximum of one dwelling each.

3. Relevant objectives, policies and rules of a district plan (S104d)

Buller District Plan

The Buller District Plan (the Plan) became operative on 28 January 2000 and therefore is the only plan that needs to be considered.

Part 4 of the Plan sets out the significant resource management issues, objectives and policies with regards to activities. Of relevance to this application are sections:

- 4.4 *Rural Land and Water Resources;*
- 4.3 *The Built Environment;*
- 4.7 *The Coastal Environment;*
- 4.8 *Ecosystems and Natural Habitats;*
- 4.2 *Infrastructure; and*
- 4.6 *Cultural/Historical Resources.*

Part 5 of the Plan contains the regulations and rules to implement the objectives and policies stated in Part 4 of the Plan. The site is located in the *Rural Zone* as shown on Planning Map C12. All of Lot 1 DP 8522, and all of the proposed building sites, are within 150 metres of mean high water springs (MHWS).

The relevant rules are contained in *Section 5.3 Rural Character Area* and more specifically *Section 5.3.2 Rural Zone*.

Part 7 of the Plan contains District wide rules and includes:

- 7.3 *Subdivision;*
- 7.4 *Access; and*
- 7.6 [building] *recession planes.*

Part 8 of the Plan contains the requirements for financial contributions.

Objectives and Policies

Rural Land and Water Resources

The policies and objectives for rural land seek to manage the adverse effects of activities on the rural land resource in a manner which ensures the long term productive value of the soil resource but which encourages increased population within the rural environment and the maintenance of viable rural communities.

Objective 4.4.4.1 Ensure that the overall integrity and character of the rural environment and productivity or rural land resources is protected while enabling rural communities to provide for their social, economic and cultural well being.

Policy 4.4.5.1 A wide range of compatible activities which do not individually or cumulatively adversely affect the sustainability of rural land resources shall be generally permitted to locate in the rural area.

Policy 4.4.5.2 Sustainable land management practices which maintain and/or enhance the productive values of soils and amenities and character of the rural area should be encouraged and promoted.

The Plan only provides for either a Rural Zone or Residential Zone and does not specifically provide for rural residential activities. Nevertheless, the policies and objectives of the Plan envisage that residential activities should occur in rural areas, where appropriate, so as to avoid rural depopulation and to maintain viable rural communities.

It is considered that Policy 4.4.5.1 is key in that it envisages that a wide range of compatible activities be able to locate in the rural areas provided that they do not individually or cumulatively affect the sustainability of rural land resources.

Given the site's location on the immediate outskirts of Westport, it is questionable whether this application will contribute to avoiding rural depopulation and contribute to maintain viable rural communities. Nevertheless, this needs to be kept in context with the other policies and objectives, including the potential effects on the land productivity.

The applicant's property is considered to have limited productive potential. It is relatively small, being only 4.0472 hectares, and is used only for grazing. The proposal is to retain most of this land (3.2884 hectares) in the balance lot (Lot 2) as a grazing block. Overall, there will be no significant change to the productive potential of this site.

If my recommendation above is accepted, a condition would be placed on any consent restricting Lots 1 and 3 to one dwelling each. The effects of the proposal on land productivity and loss of rural amenity from the additional dwellings will be no more than minor. These houses will essentially form part of an existing residential enclave. Given the nature of existing development, these additional houses will not create potential reverse sensitivity effects that could limit farming activities on the applicant's or neighbouring sites.

The Built Environment

One of the key issues identified for the Built Environment is how to accommodate future settlement growth while avoiding, remedying or mitigating against the adverse effects of such growth on the environment.

Objective 4.3.17.1 *"To ensure that further settlement growth takes place in a manner and location which does not have significant adverse environmental effects."*

Policy 4.3.18.1 *"Existing settlements will be defined as zoned urban and their outer edges defined accordingly."*

Policy 4.3.18.2 *"Further development of existing bach settlements on unformed parts of roads will not occur."*

Policy 4.3.18.3 *"To ensure that rural-residential development is either adequately serviced or capable of meeting its own requirements."*

Objective 4.3.27.1 *"To facilitate the "intermingling" of land use activities within the District's settlements and towns to the extent that this is compatible with protection of amenity values and the sustainability of existing natural and physical resources in urban areas."*

Policy 4.3.28.5 *"A diversity of residential living opportunities shall be provided for in residential activity areas."*

Policy 4.3.28.6 *"Performance standards shall be set that protect the environmental quality of residential living environments."*

The applicant's land is located on the rural fringe of Westport, across the Orowaiti Estuary from the Residential zones of the town. A small area of Residential Zone land is also located on the opposite side of Snodgrass Road to the immediate north-west of the applicant's property.

The rural environment to the east of the Orowaiti Estuary provides a backdrop to Westport, and this essentially demarks the boundary of Westport at this locality. The blurring of this boundary is an adverse effect of allowing subdivision and further development of these areas.

The proposal could be viewed as contrary to Policy 4.3.18.1 in that it extends the activities characteristic of the Residential Zone into the Rural Zone such that the outcome is similar to shifting the zone boundary.

However, in this instance these effects are not considered to be significant. The applicant's land is located on Snodgrass Road near to an enclave of residential houses, and a further grouping of dwellings to the east. Consequently, this part of Snodgrass Road is presently not rural in character and the addition of up to two more dwellings will not alter this to any significant extent, and will not be visible from the residential areas of

Westport on the opposite side of Orowaiti River. Indeed the whole Snodgrass Road area exhibits mixed rural/residential character with many of the existing sites being 4 – 5ha in area, and smaller, and occupied by dwellings.

The applicant's property is presently served by the Council's reticulated water supply. It is anticipated that the additional lots will connect to this supply subject to Council's engineering standards. Some upgrading of this water supply will be required, and this is discussed further under "Subdivision" below. Similarly, connection to electricity and telephone services are also available.

There is no reticulated sewer available, and so effluent is to be disposed of by way of on-site treatment systems. Resource Consent will need to be obtained at the time of building.

Coastal Environment

Objective 4.7.5.1 *"To maintain or enhance the natural character of the coastal environment by avoiding, remedying or mitigating the adverse effects of land use activities and subdivision requiring a coastal location."*

Policy 4.7.6.2 *"Sensitive coastal environments including areas of importance for mahinga kai shall be protected from the adverse effects of land use activities."*

Policy 4.7.6.4 *"The maintenance and enhancement of public access to and along the coastline shall be encouraged except where restrictions are necessary to ensure public safety or to avoid the potential adverse effects of people and/or vehicles on the coastal environment."*

Policy 4.7.6.7 *"The maintenance and enhancement of public access to and along the coastline shall be encouraged except where restrictions are necessary to ensure public safety or to avoid the potential adverse effects of people and/or vehicles on the coastal environment."*

One of the ways for implementing these policies is by the rule in Table 5.7 which requires that for residential activities, the minimum distance from the Mean High Water Spring mark is 150m. Whilst the application for subdivision and land use consent (construction of dwellings) includes land within 150 metres of MHWS, the applicant's site is separated from the coast by Snodgrass Road. The proposed allotments, and subsequent houses, will not affect the overall coastal environment, and with restrictions on the dwelling proposed for Lot 3 as noted above, will not impinge on the main view shafts from existing houses.

Ecosystems and Natural Habitats

Objective 4.8.6.1 *"To protect areas of significant indigenous vegetation and significant habitats of indigenous fauna and to recognise their*

importance to the character and quality of the natural and physical environment and to the wellbeing of the people and communities in Buller.”

Policy 4.8.7.7 *“To protect areas of significant indigenous vegetation and significant habitats of indigenous fauna from inappropriate use, subdivision and development.”*

The subject site is in developed pasture, and no clearance of significant vegetation is required as part of this application.

Natural Hazards

Objective 4.10.6.1 *“Taking into account community views, to reduce the risks to people and communities from natural hazards, and to avoid the establishment of activities which increase the likelihood of natural hazards occurring.”*

Policy 4.10.7.2 *“An assessment of natural hazard risk shall be provided where appropriate with all applications for resource consents.”*

Policy 4.10.7.4 *“Subject to the relevant statutory provisions in the Resource Management Act and Building Act, further development in identified hazard prone locations will be restricted.”*

The property is relatively low lying and is located close to the Orowaiti estuary. Council staff have noted a very small part of the applicant’s property to the north adjoining Snodgrass Road is affected by inundation.

The proposed allotments and building sites avoid these areas. Any subsequent building can readily be constructed on a slightly raised building platform if necessary without adversely affecting other properties. This can be addressed separately at the time of building consents.

Infrastructure

The infrastructure objectives and policies seek to provide for the efficient development, use and maintenance of infrastructure, in a manner which has regard to the avoidance, remediation, or mitigation of adverse effects. These objectives and policies are also to protect infrastructure services from the adverse effects of other activities.

Objective 4.2.5.1 *“To provide for the efficient development, operation and maintenance of infrastructure throughout the District, while avoiding, remedying or mitigating adverse effects.”*

Objective 4.2.5.2 *“To protect infrastructure resources from the adverse effects of activities located adjacent to, or in association with, the facility.”*

Policy 4.2.6.1 *“Development in areas which, due to physical characteristics, are difficult to service shall be permitted where appropriate technical solutions are provided to avoid, remedy or mitigate against adverse effects.”*

Policy 4.2.6.2 *“To ensure that services are provided in a manner which does not have adverse effects on the environment, and which enables communities to provide for their health and safety.”*

The property is bounded to the north and east by Snodgrass Road. The proposed allotments all have road frontage and access to Snodgrass Road on their respective northern boundaries. Snodgrass Road is a no-exit road, providing access to the existing dwellings as well as to the estuary.

There are existing vehicle crossings to access the parent lot and existing dwelling (i.e. proposed Lot 2). Two further vehicle crossings will be required to access proposed Lots 1 and 3.

Any vehicle crossings onto Snodgrass Road will need to be formed to Council standards, including safe sight distance and visibility requirements.

Cultural/Historic Resources

Objective 4.6.7.1 *“To protect places and sites of historical and cultural value from the adverse effects of land use activities and to ensure where appropriate, access to historic and cultural sites is maintained and enhanced.”*

Policy 4.6.8.4 *“Assessment of resource consent applications shall include their potential impact on known places of historic and/or cultural value.”*

There are no known historic sites in the vicinity of the allotments. The requirements of the NZ Historic Places Act will need to be observed if any items of significance to Maori are accidentally uncovered during the site works.

Rural Zone Rules

The rules relevant to this application are contained in Parts 5, 7 and 8 of the Plan. The relevant sections being:

- 5.3.2 Rural Zone rules;
- 7.3 Subdivision rules;
- 7.4 Access rules; and
- 7.6 [building] recession plane rules.

Part 8 of the Plan contains the requirements for financial contributions.

Subdivision

Under Rule 7.3.3.3.1 of the Plan any subdivision for the purposes of creating one or more new allotments is a Discretionary Activity. Council has not limited its discretion under Rule 7.3.3.3.1.

Under Rule 7.3.3.7 financial contributions may be required in accordance with Part 8 of the Plan. Rule 8.4.1.14 provides for financial contributions for provision of open space, public recreation or other reserves. The maximum amount of contribution for each additional allotment of less than 1ha shall be 7.5% of the land value. It is normal practice for the Council to require the maximum contribution.

Rule 8.4.1.8 provides for financial contributions for the supply of water. Where a piped water supply is available, the full actual cost of providing the necessary reticulation to serve the proposed allotments may be charged. Where the capacity of supply is inadequate, the rule allows Council to charge the full actual cost of increasing the capacity.

The existing 50mm piped water supply along Snodgrass Road will require upgrading to a 100mm pipe, and that this will be in next year's budget. The estimated cost of the upgrade is expected to be in the order of \$10,000 - \$20,000, and this cost will be partly apportioned on subdivisions as they occur in this area. This will be apportioned at the rate of \$1,000 per allotment.

Esplanade reserves and strips may be required in accordance with Part 10 (Rule 7.3.3.8). In my assessment there is no need for the Council to take land for esplanade reserve from this subdivision, particularly given that the site is separated from the coastal environment by Snodgrass Road which provides good public access to the Orowaiti Estuary.

Land Use

Residential activity in the Rural Zone are only permitted where it meets the standards listed in Table 5.7 of the Plan. Table 5.7 specifically excludes residential activities within 150 metres of mean high water springs and does not provide for the activity as either controlled or discretionary. The intention of the district plan is that such a land use activity would default to be considered as a Non-Complying Activity (as noted in Section 5.1.4).

However, following the 2003 amendments to the RMA the following section was inserted to the RMA:

Section 77C(1) An application for a resource consent for an activity must, with necessary modification, be treated as an application for a resource consent for a discretionary activity if –

- (a) ...*
- (b) a plan or proposed plan requires a resource consent to be obtained for the activity, but does not classify the activity as controlled, restricted discretionary, or non-complying under section 77B; or*

(c) ...

Consequently, this application is to be assessed as a discretionary activity, as the requirements of the RMA override the Plan.

A land use consent is only required because of the inability to meet the 150 metre setback from MHWS in Table 5.7. All other matters relating to the construction of building (e.g. boundary setbacks and recession planes, maximum height, domestic wastewater disposal) need to comply with the relevant permitted activity standards of the Plan otherwise a separate resource consent would need to be obtained. As noted above I am recommending that the height of the dwelling proposed for Lot 3 is further restricted to a maximum of 7.5 metres.

The relevant rules in Table 5.7 are as follows:

Table 5.7 Rural Zone Standards

ITEM	PERMITTED	CONTROLLED	DISCRETIONARY
Access	Refer to Part 7.4	Refer to Part 7.4	Refer to Part 7.4
Boundaries	<p>Front yards 10m setback from road.</p> <p>Side and rear yards 1.5m.</p> <p>Minimum side and rear yard For buildings which at any time contain over five animals is 30m.</p> <p>For forestry, prospecting and residential activities, the minimum distance from the Mean High Water Spring mark is 150m.</p>	<p>Not applicable.</p> <p>Not applicable.</p> <p>Not applicable.</p>	<p>Not applicable.</p> <p>Side and rear yards 1m.</p> <p>Not applicable.</p>
Building Height	<p>Maximum building height for residential buildings is 10m.</p> <p>Maximum building height for other buildings is 20m.</p>	Not applicable.	<p>Maximum building height for residential buildings is 15m.</p> <p>Maximum building height for other buildings is 25m.</p>
Dwellings	Maximum number of dwellings per site is 2.	Not applicable.	Not applicable.
Esplanade Strips	Refer to Part 7.9.5	Refer to Part 7.9.5	Refer to Part 7.9.5
General	Refer to Part 7.9.1	Refer to Part 7.9.1	Refer to Part 7.9.1

		7.9.1	
Ground Floor Area	The maximum gross ground floor area of a single building is 500m ² .	Not applicable.	The maximum gross ground floor area of a single building is 1000m ² .
Historic/Cultural Items	Refer to Part 7.9.7	Refer to Part 7.9.7	Refer to Part 7.9.7
Notable Trees	Refer to Part 7.9.8	Refer to Part 7.9.8	Refer to Part 7.9.8
Parking	Refer to Part 7.5	Refer to Part 7.5	Refer to Part 7.5
Recession Planes	Refer to Part 7.6	Refer to Part 7.6	Refer to Part 7.6
Stormwater Disposal	Refer to Part 7.9.2	Refer to Part 7.9.2	Refer to Part 7.9.2

4. Any other relevant matters (S104i)

A submission in support was received from JM Risk, the owner of the property adjoining proposed Lots 1 and 2. The Department of Conservation was also served with a copy of the application and did not lodge a submission. The effects of the proposal on adjoining land to the south-west, and on the Orowaiti Estuary, are therefore not of concern to the owners or agents for that land.

In terms of precedent, it is noted that the Plan clearly envisages subdivision of rural land occurring by providing for such subdivision as a Discretionary Activity. Consequently, each application is to be assessed on its own merits and its particular circumstances. The circumstances of this proposal are that it is adjacent to an existing residential enclave, and it is in an area that is already substantially fragmented and exhibits a rural/residential amenity. The coastal environment here is already substantially modified by roads, power and telephone poles, dwellings and other development.

Conclusion

It is considered that the effects of the proposal will not be more than minor and the policies and objectives in the District Plan are not compromised. Accordingly, resource consent can be granted subject to conditions.

Recommendation: That pursuant to Sections 104 and 104B of the Resource Management Act 1991, Council consent to the application by MT and GE Reedy:

- (a) to subdivide Lot 1 DP 8522 (CT NL4A/474) for the purpose of creating Lots 1, 2 & 3. The site is located at Snodgrass Road, Westport; and
- (b) land use consent for a dwelling on Lots 1 and 3.

That consent be granted on the basis that the proposal is a Discretionary Activity where the activity is not contrary to the objectives and policies of the District Plan.

That consent be granted subject to the following conditions:

1. That the subdivision proceed in accordance with the submitted plans and application except where the following conditions take precedence:
2. That three copies of the land transfer plan be provided to Council.
3. That a Reserve Contribution of 7.5% of the value of the newly created Lots 1 and 3 be payable to Council.
4. That the schedule and memorandum of easements shown on the subdivision plan be granted and reserved.
5. That there shall be a maximum of one dwelling per allotment for Lots 1 and 3.
6. That the dwelling to be erected on Lot 3 shall be restricted to a maximum height of 7.5 metres.
7. That the dwelling proposed for Lot 3 shall be sited in accordance with the building site determined at the hearing and marked on the attached plan.
8. That in all other respects, the dwellings erected on Lots 1 and 3 shall meet all relevant standards in Table 5.7 of the Buller District Plan (and with the exception of the requirement that residential activities shall be set back at least 150m from MHWS).
9. That a consent notice be issued in accordance with Section 221 of the Resource Management Act 1991 to ensure Conditions 5 to 8 of this consent are complied with on a continuing basis. The applicant will be required to pay the costs of this consent notice.
10. That vehicle crossings to Lots 1 and 3 shall be formed to Buller District Council standards, including minimum visibility and sight distance requirements. The consent holder is required to have the work involved carried out by a Council Approved Contractor. The Approved Contractor will be required to make application to the Council's Operations Department for approval to install the vehicle crossing and be given approval including Council specification requirements prior to the construction of the vehicle crossing being undertaken.
11. That the consent holder shall have Council reticulated water services connected to the boundary of newly created lots, at the consent holder's cost. The services shall be constructed to Buller District Council standards. The consent holder is required to have the work involved carried out by a Council Approved Contractor. The Approved Contractor will be required to make application to the Council's Operations Department for approval to install the services including Council specification requirements prior to the construction of the services being undertaken

12. That the consent holder shall pay Council a contribution of \$1000 per newly created allotment, being the financial contribution for the upgrade of the water supply to Snodgrass Road apportioned to this subdivision.
13. That pursuant to Section 127(1)(a) of the Resource Management Act 1991, the consent holder may apply to the consent authority for a change or cancellation of any condition of the consent within five years from the date of issue.
14. That pursuant to Section 128(1)(a) and 128(1)(c) of the Resource Management Act 1991, the Consent Authority may review any conditions of the consent within eight years from the date of issue for any of the following purposes:
 - (a) To deal with any adverse effect on the environment which may arise from the exercise of the consent and which it is appropriate to deal with at a later stage; or
 - (b) To deal with inaccuracies contained in the consent application that materially influenced the decision made on the application and are such that it is necessary to apply more appropriate conditions; or
 - (c) To assess the appropriateness of imposed compliance standards, monitoring regimes and monitoring frequencies and to alter these accordingly.
15. That all actual and reasonable costs incurred by this Council in monitoring, enforcement and administration of this consent shall be met by the consent holder.

NOTES:

- (a) The consent holder shall require a separate application from the Buller District Council's Operations Department for new vehicular accesses.
- (b) At the time of building dwellings the registered proprietor shall provide to the Buller District Council an appropriate design for an on site effluent disposal system which complies with rule 6 of the West Coast Regional Council Discharge to Land Plan.
- (c) The consent holder shall require a separate application from the Buller District Council's Operations Department for any connection to reticulated sewage, stormwater or water system(s).
- (d) At the time of building, the registered proprietor may wish to connect onto the power and phone supply along Snodgrass. Underground connections are permitted. If the registered proprietor wished to go above ground, a resource consent will be required.

IN THE MATTER

of the Resource Management Act
1991

AND

IN THE MATTER

of an application by MT & GE Reedy -
RC04/72

DECISION OF THE BULLER DISTRICT COUNCIL

Introduction

The application is for consent to subdivide Lot 1 DP 8522 (4.0472 hectares) into three allotments comprising of Lot 1 (3863m²), Lot 2 (3.2884 hectares), and Lot 3 (3724m²), and for a land use consent to construct dwellings on proposed Lots 1 and 3.

The site is on the southern side of Snodgrass Road, towards the end of the road, and adjacent to the Orowaiti Estuary.

Lot 2 contains the existing dwelling. Lots 1 and 3 are to be sold as rural-residential allotments.

Limited Notification

The application was served on all parties under Limited Notification on 6 July 2004 and submissions closed on 4 August 2004. Two submissions were received.

Name	Support/Object	Wish to be heard	Reasons
C & S Tickelpenny	Oppose	Yes	Loss of views and rural amenity.
James McFarlane Risk	Support	No	Progress for the area and benefit for the district.

Hearing

The hearing was set down for 22nd September 2004. Two members of Council's Planning and Regulatory Services Committee made up the hearing panel for this consent. These members were Hamish Macbeth and Graeme Neylon.

One other consent was heard in conjunction with this consent at the hearing. This was due to the closely related nature of the applications. Both applicants were represented by the same surveyor, and there was one main submitter common to both consents.

The hearing was adjourned in order for the applicant to further consult with the submitters regarding a potential building site on proposed Lot 3, and on any other volunteered conditions relating to building height and fencing for example. A letter was received from the agent for the applicant on 5 October 2004, including an amended subdivision plan as a result of a meeting held with the submitters in opposition.

This letter was subsequently sent to the submitters, and the parties were advised that the hearing would be reconvened on 11 October 2004. The hearing was reconvened on that date. The applicants were represented, however the submitters did not appear at the reconvened hearing.

Consent Sought

The consent sought is a 3 Lot subdivision consent, for a discretionary subdivision in the Rural Zone. It is also for consent to erect a dwelling on proposed Lots 1 and 3, (which

cannot meet the rule requiring that dwellings be set back at least 150m from MHWS in the Rural Zone) which is also a discretionary activity in the Rural Zone.

Summary of Evidence

Consultant Planner, Gary Rae, presented his staff report as read.

Jan Coll, representing the applicant, said that there was only one submission in opposition, and that was from the Tickelpenny's. Their concern was only in relation to proposed Lot 3, as they considered that a dwelling on this lot would block their views to the west. Mrs Coll said that this eastern end of Snodgrass Road has a rural-residential atmosphere already, and she pointed out that a farm building, such as a barn, could be built on this part of the existing site as of right, and it would have similar effects on views.

Mrs Coll stated that the applicants accepted the recommended conditions in the Officer's Report, and that Condition 6 allows the opportunity to discuss siting of the dwelling at the hearing.

The submitter, Sarah Tickelpenny then gave her evidence. Mrs Tickelpenny stated that her family had purchased the property having regard to its rural zoning, and they had not anticipated re-subdivision of adjacent properties to allow residential development. Her main concern was the placement of a dwelling and other residential buildings on the proposed Lot 3 which would obstruct views from her dwelling. She did not support the recommendation in the Officer's Report that building should be restricted to the eastern part of Lot 3, as this would have a greater effect on views from her property.

In the applicants right of reply, Mrs Coll said that this submitter was making assumptions on what was included in any sales contracts on the applicant's land. She also said that Council could not put controls on who does work on private roads and it was not Council's role to organise such maintenance. She felt that it was up to the owners to take responsibility for the maintenance of the Right of Way.

Mrs Coll, in her right of reply, stated that she anticipated that the applicants would be willing to meet again with the submitter to see if a solution could be reached on the placement of the dwelling so that it had the least possible effect on views. Mrs Tickelpenny indicated that she would be willing to meet and to further consider the matter further.

Accordingly the Chairman adjourned the hearing to allow that process to take place.

Mrs Coll sent a letter to the Consultant Planner on 5 October 2004 outlining that a meeting had taken place on site on 3 October 2004, attended by herself, Mr Reedy, and Mr and Mrs Tickelpenny. It was explained that Mr and Mrs Reedy were now intending to retain Lot 3 and build on it themselves. They also intended to build on the north-west part of the lot, and Mr and Mrs Tickelpenny were comfortable with this. The letter confirmed that the applicants were willing to accept conditions restricting the height of the dwelling to 7.5 metres, and that no buildings would be able to be built on an area shown as 'A' on the amended subdivision plan (which was attached to the letter). The area shown as 'A' on the plan is 15 metres from the southern boundary, 10 metres from the eastern boundary, and 2 metres from the northern boundary. The area is shown as a diagonal from the north-east corner to the south-west corner. This area would be subject to a restrictive covenant on an ongoing basis with a consent notice registered on the new certificate of title.

That letter and the amended plan was sent to the submitters together with an invitation to attend the hearing to be reconvened on 11 October 2004.

Mrs Coll then presented the information at the reconvened hearing. . The submitters did not appear.

Planning Instrument

The Buller District Council's operative District Plan was considered.

Decision

That pursuant to Sections 104 and 104B of the Resource Management Act 1991, Council consent to the application by MT and GE Reedy to subdivide Lot 1 DP 8522 (CT NL4A/474) for the purpose of creating Lots 1, 2 & 3, and for land use consent for a dwelling on Lots 1 and 3, subject to the conditions listed below. The site is located at Snodgrass Road, Westport.

Reasons for Decision

The consent is granted on the basis that the proposal for subdivision and land use consent is a discretionary activity with no more than minor effects on the environment.

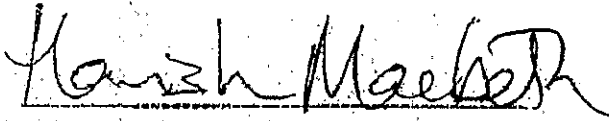
The Hearing Commissioners considered the subdivision and land use consent within 150 metres of the Mean High Water Spring mark and decided that the effects on the coastal environment were negligible for a number of reasons. Firstly, from the foreshore of the estuary at that point, there is a two metre embankment which completely obstructs any view to the applicant's proposed subdivision. The only view towards the north-east which is unobstructed looks out onto a house already built. Secondly, Snodgrass Road runs parallel and adjacent to the top of the embankment, beyond which lies a mixture of paddocks and rural residential housing. It was not felt that the coastal environment was compromised to any extent by the proposal, given the minimal impact from the shoreline, and the already compromised nature from the top of the embankment.

The Hearing Commissioners understand that the applicant attended a site meeting with the submitter, and that 'both parties were comfortable' with a proposal limiting the siting of a building, in the event of the subdivision of the new Lot 3 proceeding. This information was conveyed in a letter to the Council's Planner, Mr G Rae dated 5 October 2004, from Mrs Jan Coll. This letter was then forwarded on to Mr and Mrs Tickelpenny while the hearing was adjourned, and neither of the submitters attended the reconvened hearing.

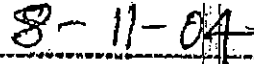
The Hearing Commissioners therefore felt that the issue of house siting on Lot 3 had been resolved and were therefore prepared to approve the subdivision and land use consent, with the conditions as set out in the planner's earlier report. Of particular note are the following points; that there will be only one dwelling for each of the new allotments, that there are height restrictions on the building in Lot 3, that there will be a restrictive covenant against any buildings on a part of Lot 3 which will be to retain a feeling of rural character for the submitters. A financial contribution has been required to help offset the costs of a likely water supply upgrade.

In all other respects, the Hearing Commissioners accepted the position of the Council Planner as set out in his report dated 14 September 2004, and the conditions as outlined in that report. Of particular note was that the eastern end of Snodgrass Road is already rural-residential in character, and the addition of a dwelling on Lot 3 in particular would not adversely affect the coastal character of the Orowaiti estuary, with the imposition of

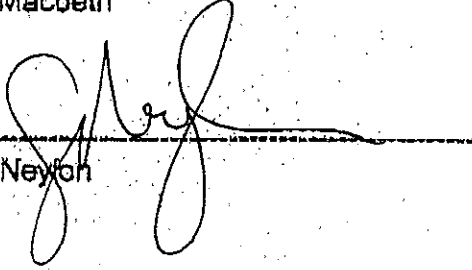
appropriate conditions on the consent. The proposal would not be contrary to the relevant policies and objectives of the Rural Zone, as discussed in the Officer's Report.



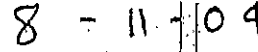
HL Macbeth



Date



GT Neylon



Date

RESOURCE CONSENT RC04/72

MT & GE REEDY

RESOURCE CONSENT CONDITIONS

That consent be granted subject to the following conditions:

1. That the subdivision proceed in accordance with the application and amended plan presented at the reconvened hearing on 11 October 2004 except where the following conditions take precedence:
2. That three copies of the land transfer plan be provided to Council.
3. That a Reserve Contribution of 7.5% of the value of the newly created Lots 1 and 3 be payable to Council.
4. That the schedule and memorandum of easements shown on the subdivision plan be granted and reserved.
5. That there shall be a maximum of one dwelling per allotment for Lots 1 and 3.
6. That the dwelling to be erected on Lot 3 shall be restricted to a maximum height of 7.5 metres.
7. That the dwelling proposed for Lot 3 shall be sited in accordance with the amended plan presented at the hearing (attached), and in particular no buildings are to be erected on the part of Lot 3 marked 'A', this to be protected by the registration of a restricted covenant on the new title for Lot 3.
8. That in all other respects, the dwellings erected on Lots 1 and 3 shall meet all relevant standards in Table 5.7 of the Buller District Plan (and with the exception of the requirement that residential activities shall be set back at least 150m from MHWS).
9. That a consent notice be issued in accordance with Section 221 of the Resource Management Act 1991 to ensure Conditions 5 to 8 of this consent are complied with on a continuing basis. The applicant will be required to pay the costs of this consent notice.
10. That the consent holder shall have Council reticulated water services connected to the boundary of newly created lots, at the consent holder's cost. The services shall be constructed to Buller District Council standards. The consent holder is required to have the work involved carried out by a Council Approved Contractor. The Approved Contractor will be required to make application to the Council's Operations Department for approval to install the services including Council specification requirements prior to the construction of the services being undertaken.

11. That the consent holder shall pay Council a contribution of \$1000 per newly created allotment, being the financial contribution for the upgrade of the water supply to Snodgrass Road apportioned to this subdivision.
12. That pursuant to Section 127(1) of the Resource Management Act 1991, the consent holder may apply to the consent authority for a change or cancellation of any condition of the consent within five years from the date of issue.
13. That pursuant to Section 128(1)(a) and 128(1)(c) of the Resource Management Act 1991, the Consent Authority may review any conditions of the consent within eight years from the date of issue for any of the following purposes:
 - (a) To deal with any adverse effect on the environment which may arise from the exercise of the consent and which it is appropriate to deal with at a later stage; or
 - (b) To deal with inaccuracies contained in the consent application that materially influenced the decision made on the application and are such that it is necessary to apply more appropriate conditions; or
 - (c) To assess the appropriateness of imposed compliance standards, monitoring regimes and monitoring frequencies and to alter these accordingly.
14. That all actual and reasonable costs incurred by this Council in monitoring, enforcement and administration of this consent shall be met by the consent holder.

NOTES:

The consent holder will require a separate application from the Buller District Council's Operations Department for new vehicular accesses to Lots 1 and 3, which will need to be formed to Buller District Council standards, including minimum visibility and sight distance requirements. The work involved is to be carried out by a Council Approved Contractor. The Approved Contractor will be required to make application to the Council's Operations Department for approval to install the vehicle crossing and be given approval including Council specification requirements prior to the construction of the vehicle crossing being undertaken.

At the time of building dwellings the registered proprietor shall provide to the Buller District Council an appropriate design for an on site effluent disposal system which complies with Rule 6 of the West Coast Regional Council Discharge to Land Plan.

The consent holder shall require a separate application from the Buller District Council's Operations Department for any connection to reticulated sewage, stormwater or water system(s).

At the time of building, the registered proprietor may wish to connect onto the power and phone supply along Snodgrass. Underground connections are permitted. If the registered proprietor wished to go above ground, a resource consent will be required.

Approvals

NOTE

This plan was prepared for M.T. REEDY & G.E. REEDY to accompany a Resource Consent Application to the Buller District Council.

This plan is not to be relied on by any other person for any purpose whatsoever.

The dimensions and areas are subject to final field survey.

NOTE

Ⓐ AREA OF RESTRICTIVE COVENANT

NEW C's T ALLOCATED	
LOT 1	
LOT 2	
LOT 3	

DATUM NOTE

Bearing Datum : Geodetic 2000
Coordinate Datum : Geodetic 2000
in terms of False Origin,
Buller Circuit 2000.
800,000 mm, 400,000 mE

Total Area 4.0472ha

Comprised in C.I. NL 5A/474

(Christopher John Col of Westport being a person entitled to practice as a Licensed Cadastral Surveyor, is the surveyor to whom this document relates and who is authorised by me or under my direction in accordance with the Cadastral Survey Act 2002 and the Surveyor-General's Rules for Cadastral Survey 2002/17-18)
This document is correct, and has been created in accordance with the Act and these Rules. Dated at Westport, this day of 2004.
Signature: _____
Field Book P Traverse Code P
Reference Plot
Erected Correct

Approved as to Survey by
Land Information NZ on

Deposited by
Land Information NZ on

File
Received
Instructions

Approved LM 94/05 LINZ FORM 015



OROWAITI LAGOON

LEGAL ROAD

LEGAL ROAD

LOT 3
3724m²

LOT 2
3.2884ha

LOT 1
DP 8522
CT NL 5A/474

LOT 3
DP 10854

LOT 2
DP 20308

LOT 1
3863m²

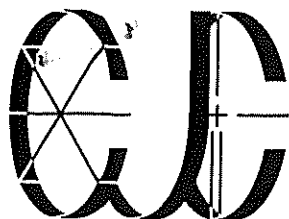
LOT 7
SQUARE 141

**LOTS 1, 2 AND 3 BEING SUBDIVISION OF
LOT 1 DP 8522**

LOCAL AUTHORITY: BULLER DISTRICT
Surveyed by: CHRIS J. COLLINS SURVEYING LTD.
Scale: 1:1000 Date: FEB. 2004

LAND DISTRICT: NELSON
SURVEY BLK & DIST: III, KAWAITIRI
SURVEY CLASS: CLASS II

A. J. BEVIN, SURVEYOR GENERAL, LAND INFORMATION NEW ZEALAND



Chris J Coll Surveying Ltd

Licensed Cadastral Surveyors, Resource Management Consultants
19 Brougham St / P.O. Box 204 Westport
Phone 03 789 8425 Fax 03 789 6016
Email chriscoll@cjcs.co.nz

040083

To : Buller District Council
P. O. Box 21
Westport

RESOURCE CONSENT APPLICATION

This application is made under Section 88 of the Resource Management Act 1991

Applicant Details

1. Applicant(s) name(s) : (Please write names in full)

Kenneth John Dixon

*Jan Coll
2274 311354*

2. Postal Address :

65 Snodgrass Road, Westport.

Telephone : Business : Not applicable.

Facsimile : Not applicable.

Private : 03 789 6620

3. Applicant is the owner (please tick the appropriate box)
 occupier/lessee

Property owner's name (if different from above)

Telephone : Business : Not applicable.

Facsimile : Not applicable.

Private : Not applicable

4. Correspondence to be sent to the following name and address : (if different from applicant)

Jan Coll
P. O. Box 204
Westport

Telephone : Business : (03) 789 8425

Facsimile : (03) 789 6016

Private : Not applicable

Property Details

5. **Location of activity and/or property address :** 65 Snodgrass Road, Westport.
(Include the name of any relevant stream, river or other water body to which the application may relate.)

Map Reference : K 29, *see accompanying QuickMap prints.*

6. **Legal description :** Lot 7, D.P.10854.

7. **Certificate of Title Reference :** NL6B/988..

8. **Valuation Roll Number :** 18840 12104

9. **Zone :** Rural

10. **Size of Property :** Lot 1 - 3.8730 ha.

Lot 2 - 1519 m².

Lot 3 - 1500 m²

Lot 4 - 1505 m²

Areas & dimensions are subject to final field survey

Details of Proposal

11. **This is an application for a** **Land Use Consent** **Subdivision Consent**

12. **Are any other consents required?** **Yes** **No**

If yes, list consents below, and whether they have been applied for :

Not applicable.

13. **A general description of what is proposed :**

The application is to gain consent to subdivide Lot 7, D.P.10854 into 3 rural-residential blocks and the balance as a rural block and to obtain Land Use consents for residential dwellings for Lots 3 & 4. All blocks will gain access from Snodgrass Road.

A tidal pond & drain, shown as the fenced area on the Scheme Plan is an area that may be subject to Esplanade requirements for the drain that is only tidal because of the culvert under Snodgrass Road.. This culvert does have a flood gate which may deem the drain and pond to not be part of the Coastal area.

If the drain and pond are considered to be part of the Coastal area this application is to also seek a dispensation to have no esplanade reserve for Lot 1.

A plan of the proposed subdivision accompanies this application.

14. The reasons for the application and for choosing this site are :

Mr Dixon wishes to build a new dwelling on Lot 1, this will be located at the south east part of the lot, shown as "open grassed paddocks". He intends to plant around the pond and protect the semi wildlife aspect of this part of his land.

The proposed Lot 3 will be sold as a vacant block, Lot 4 is for Mr Dixon's daughter to establish a dwelling and Lot 2 will be sold with the existing dwelling.

15. The following is a full description of the proposed use of every building :

There is a dwelling on Lot 2 with the land being used predominantly as a rural block. There is a shed that will be included in the new Lot 1. There are no buildings on the proposed Lots 3 & 4.

16. The following is a full description of all activities proposed to be carried out on the site outside of the buildings. :

The activities will be rural & rural-residential in nature.

17. The following manufacturing processes are proposed (describe fully) :

Not applicable.

18. Are any alterations to buildings proposed ? Yes No

Not as part of this application.

If yes, what is the nature of the proposed alterations :

19. State the height of any new buildings or alterations to existing buildings :

The maximum building heights will be 10 metres for residential buildings and 20 metres for other buildings.

20. The proposed days and hours of operation per week (indicate any seasonal variations) are : Not applicable for this application.

21. Nil additional people full-time or part-time will be employed as a result of this subdivision application.

22. Traffic movements are likely to be at the rate of 6 to 8 cars light utilities per day for the new lots.

23. Carparking will be accommodated on each new lot.

24. If potable water is required for the site, how will this be provided ?

Buller District Council supply will be utilised.

25. If effluent disposal is required for the site, how will this be provided ?

On site effluent disposal systems will be established on Lots 1, 3 & 4 when new dwellings are built. Mr Dixon proposes to install a "Clearwater" type system. It is envisaged that these types of disposal units will be installed for all the new lots.

26. Will this proposal result in the need for any new services or changes to services (ie water supply, electricity, telecommunications ,sewage disposal, stormwater treatment, rubbish disposal) to the site. Yes No

If yes, what new services or changes to services are proposed and who will be the service provider.

No additional services will be required for this application, existing services where applicable will be utilised.

27. If the application is for subdivision or boundary adjustment are all wells, water pipes, water tanks, septic tanks, effluent soakage fields and stormwater disposal systems contained on the site. Yes No

Please show on a site plan the location of the above services not contained on site.

Existing septic tank shown on Scheme Plan.

28. Details of the landscaping proposed are :

No landscaping is proposed as part of this application.

29. Will dangerous goods be stored on site (ie flammable liquids, gases, solids) ?

Yes No

If yes, what is the nature of the goods.

30. Are any new accessways proposed for the site ? Yes No

The existing accesses will be utilised for Lots 1 & 2 and new access will be required for Lots 3 & 4. When the blocks are developed the location of these access will be identified.

31. Are any new signs or changes to existing signs proposed. Yes No

If yes, please provide a site diagram showing the location, dimensions, colour, exact message and dimensions of lettering and symbols, how the sign is to be fixed to the ground/building.

32. Do you wish to be contacted prior to a member of the Planning Department undertaking a site visit. Yes No

Please contact Mr Dixon prior to the site visit.

Dated at Westport this 28 th day of June 2004

Signed :



(to be signed by or on behalf of applicant).

To : Buller District Council
P. O. Box 21
Westport

ASSESSMENT OF EFFECTS ON THE ENVIRONMENT

1. Answer all questions fully. Some may not apply to your proposal.
2. Please provide a locality map.
3. Contact the Planning Department with any queries or if you require assistance.

Physical

1. Describe the:

(a) **landforms** (eg: mountains, hills, cliffs, streams, rivers, valleys, beaches, lakes gorges, caves, paddocks.)

Old river/beach flats.

(b) **land slopes** (eg: steep, flat, rolling, angle of slope)

Generally flat.

(c) **soils** (eg: sand, clay, rock, fill, name of soil)

Old beach and river sands overlaid with soil.

2. Describe any potential for natural hazards (e.g. flooding, erosion, land slip)

The recent flood hazard survey of Westport and the sounding area notes that the land under application is subject to minor flooding at the road frontage and none for most of the area shown as Lot 1. There is no other known potential of natural hazards affected the land under application.

3. Are any of the following present in the area? (delete which do not apply)

(a) river-protection-works

(b) bridges

(c) railways-and roads

(d) telephone/electricity-wires-or-cables

Please indicate these features on a site diagram/map.

Shown where applicable.

Flora, Fauna and Ecosystems

4. **Describe the vegetation within the application area. List the major species, and any rare or endangered species. ("Native bush" and "scrub" is not a satisfactory answer).**

Not applicable for this subdivision. The area under application had been part of a farm property development for many years.

5. **Will native vegetation clearance occur? If so, how much?**

No, not as a result of this subdivision.

6. **Describe and/or list the birdlife, wildlife, freshwater and marine life within the application area, or in the vicinity and any recognised special wildlife habitats ("usual West Coast wildlife" or similar is not a satisfactory answer).**

Mr Dixon is encouraging the wildlife that are established in the Orowaiti Estuary to use the pond located on the proposed Lot 1. He intends to plant appropriate fauna to further enhance the area. The Department of Conservation are advising him in relation to species etc.

7. **Describe the effects the activity will have on ecosystems, including effects on plants or animals, any physical disturbance of habitats in the area.**

The protection of the pond values will provide an additional area for the wildlife of the estuary to nest and feed.

Land Use

8. **Describe the current land use (give as many details as possible).**

The land use is rural.

9. **Describe neighbouring land uses.**

Rural-residential and rural.

10. **What is the public use of the area?**

There is no public use of the area.

11. **Describe any recreational uses that occur on the land.**

Not applicable for this application.

12. **What is the intended post-activity vegetation cover and land use? (e.g. forestry, road, residential subdivision, pasture, etc)**

The rural-residential activity is the intended long term use of the land.

13. **What effect will this application have on alternative uses of the land, resources and/or the environment at present or in the future? (discuss the reasons for your answer.)**

This application is unlikely to have any effect either now or in the future on alternative uses of the land.

14. **Describe the present land surface and how it will be rehabilitated (if applicable).**

Not applicable.

Contingencies or Safeguards

15. If your activity includes the use of hazardous substances and installations, provide an assessment of any risks to the following which are likely to arise from such use:

(a) risks to the physical environment

Not applicable.

(b) the neighbourhood

Not applicable.

(c) the wider community

Not applicable.

16. Describe any mitigation measures (safeguards and contingency plans where relevant) to be undertaken to help prevent or reduce the actual or potential effect of any chemical or other contaminant accidents (i.e. where will the contents go, how will they be contained, treated, recycled or disposed?)

Not applicable.

17. Describe any possible alternative locations or methods for undertaking the activity.

Not applicable.

Monitoring

18. How will the effects of the activity be monitored?

There will be no significant effects that require monitoring as a result of this application.

19. Who will monitor the effects of the activity?

If necessary Buller District Council.

Socio-economic Impacts

20. State the number of people who will work at the site

Nil for this application.

21. Give details of the hours of work (provide details of any shift times)

Not applicable for this application.

22. Do you intend working on weekends or outside the hours 7.00 am to 6.00 pm?

Yes No Not applicable for this application.

Noise

23. Is a residential area or any occupied dwelling close by or within the application area. Yes No

All neighbouring dwellings are sited to comply with the District Plan rules and are therefore not "close by" the application area. The intention is that the when new dwellings are constructed on Lots 1, 3 & 4 these would also comply with the Plan rules for yard and frontage requirements. The existing house is shown on the scheme plan and already complies with the plan requirements.

24. Give details and distances.

Not applicable for this application.

25. Give details of any anticipated noise levels and likely impacts on both wildlife and residents in the area.

There is unlikely be any change in noise levels as a result of this application.

26. Details of noise reduction measures (*rubber lined hoppers, mufflers, shelters, vegetation or soil screens, etc.*)

No noise reductions measures are proposed.

Explosives

27. Will you use explosives? Yes No

28. If so give details of purpose, public warning methods, frequency, timing, storage and handling facilities, type and quantity of blast. Discuss the impacts blasting will have on nearby residents and any measures that will be taken to minimise such effects.

Not applicable.

Maori Interests

29. Give details of particular Maori interest in the land or water within or bordering the application area, or likely to be affected by the application (*sacred or spiritual sites and values, traditional food gathering areas, etc.*)

There is no known interest in the land under application.

Visual Effects

- | 30. Is the operation or activity visible from: | Yes | No |
|---|-------------------------------------|-------------------------------------|
| - nearby dwellings | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| - roads (including rest areas) | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| - walking tracks | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| - known observation points | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| - areas of public access? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

If so, give details and discuss any measures that will be taken to minimise the usual impacts (i.e. buffers, vegetation, screens planted, trees, etc).

No measures are proposed as part of this application.

Effects on Present and Future Generations

- 31. Discuss socio-economic and cultural effects the (both positive and/or adverse) activity will have on the immediate neighbourhood and where relevant the wider community for present and future generations (e.g. additional housing and service requirements, noise, vibration, dust, lighting, aesthetic values, change of lifestyle, recreation, scientific values, water supply, increased traffic, historical, spiritual values, etc.)**

This application will create new rural-residential blocks that will add to the land stock adjacent to Westport. When the building and occupation of new dwellings occurs this will provide opportunities for people to live in the rural environment and be close to Westport.

- 32. Describe any effects (both positive and negative) on natural and physical resources having aesthetic, recreational, scientific, historical, spiritual, cultural, or other special value for present or future generations:**

This application is unlikely to have any significant effect on the values noted in Question 32.

Consultation

- 33. Have you discussed your proposal with your neighbours and other parties who may be adversely affected (eg, Coast Health Care, Department of Conservation, Historic Places Trust, local iwi, Transit New Zealand Ltd, local electricity suppliers and Telecom New Zealand Ltd.)** Yes.

If so, who was consulted ?

M T & G E Reedy for Lot 1, D.P.8522

J M Risk for Lot 2, D.P.20308.

34. Are all affected persons consent forms completed and attached, or forwarded to Council Yes No

If no, your application will be placed on hold until Council receives these forms.

Mr Risk has consented and his form accompanies this application.

Mr & Mrs Reedy are overseas until early July. It is anticipated that they will also consent to the application.

35. If any environmental concerns have been raised by affected neighbours or other parties, how can these concerns be met ?

Both parties had previously consented to just the subdivision proposal.

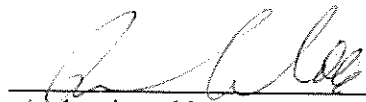
It is noted that this application is immediately adjacent to the road that services the "township" area of Snodgrass. This residential occupation is already located in the "coastal" area and has the effect of strongly establishing the "residential" atmosphere.

Other Information

36. Outline other information (if any), required to be included in the application by the district plan or regulations.

All information that is required accompanies the application, this includes a plan of the proposed subdivision, a copy of C.T.NL6B/988 and QuickMap prints of the area.

Dated at Westport this 28 th day of June 2004.

Signed: 
(to be signed by or on behalf of applicant)

IN THE MATTER

of the Resource Management Act
1991

AND

IN THE MATTER

of an application by KJ Dixon -
RC04/83

DECISION OF THE BULLER DISTRICT COUNCIL

Section 113 of the Resource Management Act 1991, requires that every decision on a resource consent shall be in writing and state reasons for the decision.

SUBJECT	K J Dixon
CONSENT TYPE	Subdivision and Land use
LOCATION	65 Snodgrass Road, Westport
LEGAL DESCRIPTION	Lot 7 Deposited Plan 10854 Block III Kawatiri Survey District (CT NL6B/988, 4.1794 hectares)
VALUATION ROLL NO.	1884012104
ZONE	Rural Zone

Application

The application is for consent to subdivide Lot 7 DP 10854 (4.1794 hectares) into four allotments comprising Lot 1 (3.8730 hectares), Lot 2 (0.1519 hectares), Lot 3 (0.1500 hectares), and Lot 4 (0.1505 hectares) and for a land use to construct a dwelling on proposed Lots 3 and 4.

Note: A land use consent is not required for a dwelling on Lot 1 as there is a building area in the south-east corner where a dwelling could be built in accordance with all relevant rules.

The site is on the southern side of Snodgrass Road, opposite a line of dwellings facing the Orowaiti Estuary.

Notification

The application, dated 28 June 2004, was processed as non-notified under Section 94 of the Resource Management Act.

The written approvals of the following parties were obtained from:

- MT and GE Reedy, owners of Lot 1 DP 8522
- JM Risk, owner of Lot 2 DP 20308
- Department of Conservation

Statutory Provisions

Under Section 104(1) of the Resource Management Act 1991, Council must consider the following in assessing the application.

1. Part Two principles and purposes of the Resource Management Act 1991; and
2. any actual and potential effects of allowing the activity; and
3. any relevant objectives, policies and rules of the district plan; and
4. any other matter Council considers relevant and reasonably necessary to determine the application.

Under Section 104B the Council may grant or refuse the application for a discretionary activity, and may impose conditions under section 108.

A consent authority must not have regard to any effect on a person who has given written approval to the application (unless that approval has been subsequently withdrawn before the date of the hearing).

1. Part II of the Act

The purpose and principles of the Resource Management Act have been considered and this proposal does not appear contrary to either.

It is generally considered that the proposed activity will enable the community to provide for their well-being without creating any adverse environmental impact.

2. Any actual and potential effects of allowing the activity (section 104A)

An assessment of environmental effects (as required by Schedule Four of the Resource Management Act 1991) indicates that any significant adverse environmental effects will be mitigated by the inclusion of conditions on the consent.

A site visit undertaken on 10 September 2004 by Gary Rae, consultant, noted that the Dixon property is 4.1794 hectares in area, and it is on the southern side of Snodgrass Road. It is occupied by a dwelling and sheds. There is a tidal pond and open drain on the southern part of the site. This drains under Snodgrass Road to the Estuary.

The Snodgrass Road area is already extensively fragmented, and has several rural residential and rural life-style dwellings, and other sites where further dwellings may be built as of right. There is a grouping of residential dwellings on the north side of Snodgrass Road, opposite the Dixon property.

The application will result in up to three additional dwellings in total on the property. There is an existing dwelling on Lot 2, a dwelling is proposed for each of Lots 3 and 4, and a dwelling would be able to be erected on Lot 1 as of right following approval of the

subdivision. The application is made in such a way that the new dwellings would comply with the Rural Zone standards for height, yards and frontages.

The area has been extensively modified from its natural state, and has a mixed rural/residential amenity. Written approvals have been obtained from the owners of adjoining properties, and so the effects of the activity on those owners cannot be taken account of in terms of Section 104 of the RMA.

Overall, it is considered that the effects arising from the proposed dwellings will not be more than minor.

The application for land use consent is for "*residential dwellings for Lots 3 & 4*". It is understood that the intention is for only one dwelling for each of Lot 3 and 4, however the application has not specifically restricted itself to one dwelling per title. The Rural Zone rules allow for up to two dwellings per title, and it is therefore necessary to place a condition on the consent to restrict Lots 3 and 4 to a maximum of one dwelling each. The applicant has agreed to this condition. At 1500m², these allotments are considered too small for more than one dwelling, particularly having regard to areas for effluent disposal, and amenity considerations.

3. Relevant objectives, policies and rules of a district plan (S104d)

Buller District Plan

The Buller District Plan (the Plan) became operative on 28 January 2000 and therefore is the only plan that needs to be considered.

Part 4 of the Plan sets out the significant resource management issues, objectives and policies with regards to activities. Of relevance to this application are sections:

- 4.4 *Rural Land and Water Resources;*
- 4.3 *The Built Environment;*
- 4.7 *The Coastal Environment;*
- 4.8 *Ecosystems and Natural Habitats;*
- 4.2 *Infrastructure; and*
- 4.6 *Cultural/Historical Resources.*

Part 5 of the Plan contains the regulations and rules to implement the objectives and policies stated in Part 4 of the Plan. The site is located in the *Rural Zone* as shown on Planning Map C12. All but a small area in the south-eastern corner of Lot 7 DP 10854 is within 150 metres of mean high water springs (MHWS). All of the proposed building sites are within 150 metres of MHWS.

The relevant rules are contained in *Section 5.3 Rural Character Area* and more specifically *Section 5.3.2 Rural Zone*.

Part 7 of the Plan contains District wide rules and includes:

- 7.3 *Subdivision;*
- 7.4 *Access; and*

- 7.6 [building] *recession planes*.

Part 8 of the Plan contains the requirements for financial contributions.

Objectives and Policies

Rural Land and Water Resources

The policies and objectives for rural land seek to manage the adverse effects of activities on the rural land resource in a manner which ensures the long term productive value of the soil resource but which encourages increased population within the rural environment and the maintenance of viable rural communities.

Objective 4.4.4.1 Ensure that the overall integrity and character of the rural environment and productivity or rural land resources is protected while enabling rural communities to provide for their social, economic and cultural well being.

Policy 4.4.5.1 A wide range of compatible activities which do not individually or cumulatively adversely affect the sustainability of rural land resources shall be generally permitted to locate in the rural area.

Policy 4.4.5.2 Sustainable land management practices which maintain and/or enhance the productive values of soils and amenities and character of the rural area should be encouraged and promoted.

The Plan only provides for either a Rural Zone or Residential Zone and does not specifically provide for rural residential activities. Nevertheless, the policies and objectives of the Plan envisage that residential activities should occur in rural areas, where appropriate, so as to avoid rural depopulation and to maintain viable rural communities.

It is considered that Policy 4.4.5.1 is key in that it envisages that a wide range of compatible activities be able to locate in the rural areas provided that they do not individually or cumulatively affect the sustainability of rural land resources.

Given the site's location on the immediate outskirts of Westport, it is questionable whether this application will contribute to avoiding rural depopulation and contribute to maintain viable rural communities. Nevertheless, this needs to be kept in context with the other policies and objectives, including the potential effects on the land productivity.

The applicant's property is considered to have limited productive potential. It is relatively small, being only 4.1794 hectares, and is used only for grazing. The proposal is to retain most of this land (3.8730 hectares) in the balance lot (Lot 1) as a grazing block. Overall, there will be no significant change to the productive potential of this site.

The applicant has agreed to a Consent Notice on the new titles for Lots 3 and 4, limiting their development to one dwelling. The effects of the proposal on land productivity and loss of rural amenity from the additional dwellings will be no more than minor. These houses will essentially form part of an existing residential enclave. Given the nature of existing development, these additional houses will not create potential reverse sensitivity

effects that could conceivably limit farming activities on the applicant's or neighbouring sites.

The Built Environment

One of the key issues identified for the Built Environment is how to accommodate future settlement growth while avoiding, remedying or mitigating against the adverse effects of such growth on the environment.

Objective 4.3.17.1 *"To ensure that further settlement growth takes place in a manner and location which does not have significant adverse environmental effects."*

Policy 4.3.18.1 *"Existing settlements will be defined as zoned urban and their outer edges defined accordingly."*

Policy 4.3.18.2 *"Further development of existing bach settlements on unformed parts of roads will not occur."*

Policy 4.3.18.3 *"To ensure that rural-residential development is either adequately serviced or capable of meeting its own requirements."*

Objective 4.3.27.1 *"To facilitate the "intermingling" of land use activities within the District's settlements and towns to the extent that this is compatible with protection of amenity values and the sustainability of existing natural and physical resources in urban areas."*

Policy 4.3.28.5 *"A diversity of residential living opportunities shall be provided for in residential activity areas."*

Policy 4.3.28.6 *"Performance standards shall be set that protect the environmental quality of residential living environments."*

The applicant's land is located on the rural fringe of Westport, across the Orowaiti Estuary from the Residential zones of the town. A small area of Residential Zone land is also located on the opposite of Snodgrass Road to the immediate north of the applicant's property.

The rural environment to the east of the Orowaiti Estuary provides a backdrop to Westport, and coupled with the Orowaiti Estuary, essentially demarks the boundary of Westport at this locality. The blurring of this boundary is an adverse effect of allowing subdivision and further development of these areas.

The proposal could be viewed as contrary to Policy 4.3.18.1 in that it extends the activities characteristic of the Residential Zone into the Rural Zone such that the outcome is similar to shifting the zone boundary.

However, in this instance these effects are not considered to be significant. The applicant's land is located on the opposite side of the Snodgrass Road to the existing enclave of residential houses to the north. Consequently, this part of Snodgrass Road is presently not rural in character and the addition of up to three more dwellings on the

opposite side for the road will not alter this to any significant extent, even when viewed from the residential areas of Westport on the opposite side of Orowaiti River. Indeed the whole Snodgrass Road area exhibits mixed rural/residential character with many of the existing sites being 4 – 5ha in area, and smaller, and occupied by dwellings.

The applicant's property is presently served by the Council's reticulated water supply. It is anticipated that the additional lots will connect to this supply subject to Council's engineering standards. Some upgrading of this water supply will be required, and this is discussed further under "Subdivision" below. Similarly, connection to electricity and telephone services are also available.

There is no reticulated sewer available, and so effluent is to be disposed of by way of on-site treatment systems. Resource Consent will need to be obtained at the time of building or any application to install an on-site effluent disposal system will need to show how the applicant will comply with the provisions of the West Coast Regional Councils Rule 6 of the Discharge to Land Plan.

Coastal Environment

Objective 4.7.5.1 *"To maintain or enhance the natural character of the coastal environment by avoiding, remedying or mitigating the adverse effects of land use activities and subdivision requiring a coastal location."*

Policy 4.7.6.2 *"Sensitive coastal environments including areas of importance for mahinga kai shall be protected from the adverse effects of land use activities."*

Policy 4.7.6.4 *"The maintenance and enhancement of public access to and along the coastline shall be encouraged except where restrictions are necessary to ensure public safety or to avoid the potential adverse effects of people and/or vehicles on the coastal environment."*

Policy 4.7.6.7 *"The maintenance and enhancement of public access to and along the coastline shall be encouraged except where restrictions are necessary to ensure public safety or to avoid the potential adverse effects of people and/or vehicles on the coastal environment."*

One of the ways for implementing these policies is by the rule in Table 5.7 which requires that for residential activities, the minimum distance from the Mean High Water Spring mark is 150m. Whilst the application for subdivision and land use consent (construction of dwellings) includes land within 150 metres of MHWS, the applicant's site is separated from the coast by Snodgrass Road and its enclave of existing houses. The proposed allotments and subsequent houses will not affect the overall coastal environment, and they will not impinge on view shafts from existing houses.

Ecosystems and Natural Habitats

Objective 4.8.6.1 *"To protect areas of significant indigenous vegetation and significant habitats of indigenous fauna and to recognise their importance to the*

character and quality of the natural and physical environment and to the wellbeing of the people and communities in Buller."

Policy 4.8.7.7 *"To protect areas of significant indigenous vegetation and significant habitats of indigenous fauna from inappropriate use, subdivision and development."*

The subject site is in developed pasture, and no clearance of significant vegetation is required as part of this application.

There is an existing pond on the applicant's property that is connected to the Orowaiti Estuary via a tidal drain and a culvert under Snodgrass Road. This pond and drain will be retained on the balance lot (proposed Lot 1) and unaltered by the subdivision. The applicant proposes to plant with vegetation the margins of the pond and drain.

Natural Hazards

Objective 4.10.6.1 *"Taking into account community views, to reduce the risks to people and communities from natural hazards, and to avoid the establishment of activities which increase the likelihood of natural hazards occurring."*

Policy 4.10.7.2 *"An assessment of natural hazard risk shall be provided where appropriate with all applications for resource consents."*

Policy 4.10.7.4 *"Subject to the relevant statutory provisions in the Resource Management Act and Building Act, further development in identified hazard prone locations will be restricted."*

The property is relatively low lying and is located close to the Orowaiti Estuary. Council staff have noted that part of the applicant's property to the south and west is affected by flooding and some minor inundation in pockets to the north.

The proposed allotments and building sites avoid these areas. Any subsequent building can readily be constructed on a raised building platform if necessary without adversely affecting other properties. This can be addressed separately at the time of building consents.

Infrastructure

The infrastructure objectives and policies seek to provide for the efficient development, use and maintenance of infrastructure, in a manner which has regard to the avoidance, remediation, or mitigation of adverse effects. These objectives and policies are also to protect infrastructure services from the adverse effects of other activities.

Objective 4.2.5.1 *"To provide for the efficient development, operation and maintenance of infrastructure throughout the District, while avoiding, remedying or mitigating adverse effects."*

Objective 4.2.5.2 *"To protect infrastructure resources from the adverse effects of activities located adjacent to, or in association with, the facility."*

Policy 4.2.6.1 *“Development in areas which, due to physical characteristics, are difficult to service shall be permitted where appropriate technical solutions are provided to avoid, remedy or mitigate against adverse effects.”*

Policy 4.2.6.2 *“To ensure that services are provided in a manner which does not have adverse effects on the environment, and which enables communities to provide for their health and safety.”*

The property is bounded to the north and west by Snodgrass Road. The proposed allotments all have road frontage and access to Snodgrass Road on their respective northern boundaries. On the opposite side of Snodgrass Road from the proposed allotments is a small 12 lot beach settlement that is zoned residential. Snodgrass Road is a no-exit road, providing access to the existing dwellings as well as to the estuary.

There are existing vehicle crossings to access the parent lot and existing dwelling (i.e. proposed Lots 1 and 2 respectively). Two further vehicle crossings will be required to access proposed Lots 3 and 4.

Any vehicle crossings onto Snodgrass Road will need to be formed to Council standards, including safe sight distance and visibility requirements.

Cultural/Historic Resources

Objective 4.6.7.1 *“To protect places and sites of historical and cultural value from the adverse effects of land use activities and to ensure where appropriate, access to historic and cultural sites is maintained and enhanced.”*

Policy 4.6.8.4 *“Assessment of resource consent applications shall include their potential impact on known places of historic and/or cultural value.”*

There are no known historic sites in the vicinity of the allotments. The requirements of the NZ Historic Places Act will need to be observed if any items of significance to Maori are accidentally uncovered during the site works.

Rural Zone Rules

The rules relevant to this application are contained in Parts 5, 7 and 8 of the Plan. The relevant sections being:

- 5.3.2 Rural Zone rules;
- 7.3 Subdivision rules;
- 7.4 Access rules; and
- 7.6 [building] recession plane rules.

Part 8 of the Plan contains the requirements for financial contributions.

Subdivision

Under Rule 7.3.3.3.1 of the Plan any subdivision for the purposes of creating one or more new allotments is a Discretionary Activity. Council has not limited its discretion under Rule 7.3.3.3.1.

Under Rule 7.3.3.7 financial contributions may be required in accordance with Part 8 of the Plan. Rule 8.4.1.14 provides for financial contributions for provision of open space, public recreation or other reserves. The maximum amount of contribution for each additional allotment of less than 1ha shall be 7.5% of the land value. It is normal practice for the Council to require the maximum contribution.

Rule 8.4.1.8 provides for financial contributions for the supply of water. Where a piped water supply is available, the full actual cost of providing the necessary reticulation to serve the proposed allotments may be charged. Where the capacity of supply is inadequate, the rule allows Council to charge the full actual cost of increasing the capacity.

The existing 50mm piped water supply along Snodgrass Road will require upgrading to a 100mm pipe, and that this will be in next year's budget. The estimated cost of the upgrade is expected to be in the order of \$10,000 - \$20,000, and this cost will be partly apportioned on subdivisions as they occur in this area. This will be apportioned at the rate of \$1,000 per allotment.

Esplanade reserves and strips may be required in accordance with Part 10 (Rule 7.3.3.8). In my assessment there is no need for the Council to take land for esplanade reserve from this subdivision, particularly given that the site is separated from the coastal environment by Snodgrass Road which provides good public access to the Orowaiti estuary.

Land Use

Residential activity in the Rural Zone are only permitted where it meets the standards listed in Table 5.7 of the Plan. Table 5.7 specifically excludes residential activities within 150 metres of mean high water springs and does not provide for the activity as either controlled or discretionary. The intention of the district plan is that such a land use activity would default to be considered as a Non-Complying Activity (as noted in Section 5.1.4).

However, following the 2003 amendments to the RMA the following section was inserted to the RMA:

Section 77C(1) An application for a resource consent for an activity must, with necessary modification, be treated as an application for a resource consent for a discretionary activity if –

- (a) ...
- (b) a plan or proposed plan requires a resource consent to be obtained for the activity, but does not classify the activity as controlled, restricted discretionary, or non-complying under section 77B; or
- (c) ...

Consequently, this application is to be assessed as a discretionary activity, as the requirements of the RMA override the Plan.

A land use consent is only required because of the inability to meet the 150 metre setback from MHWS in Table 5.7. All other matters relating to the construction of building (e.g. boundary setbacks and recession planes, maximum height, domestic wastewater disposal) need to comply with the relevant permitted activity standards of the Plan otherwise a separate resource consent would need to be obtained.

The relevant rules in Table 5.7 are as follows:

Table 5.7 Rural Zone Standards

ITEM	PERMITTED	CONTROLLED	DISCRETIONARY
Access	Refer to Part 7.4	Refer to Part 7.4	Refer to Part 7.4
Boundaries	<p>Front yards 10m setback from road.</p> <p>Side and rear yards 1.5m.</p> <p>Minimum side and rear yard For buildings which at any time contain over five animals is 30m.</p> <p>For forestry, prospecting and residential activities, the minimum distance from the Mean High Water Spring mark is 150m.</p>	<p>Not applicable.</p> <p>Not applicable.</p> <p>Not applicable.</p>	<p>Not applicable.</p> <p>Side and rear yards 1m.</p> <p>Not applicable.</p>
Building Height	<p>Maximum building height for residential buildings is 10m.</p> <p>Maximum building height for other buildings is 20m.</p>	Not applicable.	<p>Maximum building height for residential buildings is 15m.</p> <p>Maximum building height for other buildings is 25m.</p>
Dwellings	Maximum number of dwellings per site is 2.	Not applicable.	Not applicable.
Esplanade Strips	Refer to Part 7.9.5	Refer to Part 7.9.5	Refer to Part 7.9.5
General	Refer to Part 7.9.1	Refer to Part 7.9.1	Refer to Part 7.9.1
Ground Floor Area	The maximum gross ground floor area of a single building is 500m ² .	Not applicable.	The maximum gross ground floor area of a single building is 1000m ² .
Historic/Cultural Items	Refer to Part 7.9.7	Refer to Part 7.9.7	Refer to Part 7.9.7
Notable Trees	Refer to Part 7.9.8	Refer to Part 7.9.8	Refer to Part 7.9.8
Parking	Refer to Part 7.5	Refer to Part 7.5	Refer to Part 7.5
Recession Planes	Refer to Part 7.6	Refer to Part 7.6	Refer to Part 7.6
Stormwater Disposal	Refer to Part 7.9.2	Refer to Part 7.9.2	Refer to Part 7.9.2

4. Any other relevant matters (S104i)

Written affected parties approval was obtained from MT and GE Reedy, and JM Risk, being the owners of the adjoining properties. The Department of Conservation has also provided its written approval.

The effects of the proposal on all adjoining sites, and on the Orowaiti Estuary are therefore not able to be taken account of by the Council.

In terms of precedent, it is noted that the Plan clearly envisages subdivision of rural land occurring by providing for such subdivision as a Discretionary Activity. Consequently, each application is to be assessed on its own merits and its particular circumstances. The circumstances of this proposal are that it is adjacent to an existing residential enclave, and it is in an area that is already substantially fragmented and exhibits a rural/residential amenity. The coastal environment here is already substantially modified by roads, power and telephone poles, dwellings and other development.

Conclusion

It is considered that the effects of the proposal will not be more than minor and the policies and objectives in the District Plan are not compromised. Accordingly, resource consent can be granted subject to conditions.

RESOURCE CONSENT RC04/83**KJ DIXON****RESOURCE CONSENT CONDITIONS**

Recommendation: That pursuant to Sections 104 and 104B of the Resource Management Act 1991, Council consent to the application by K J Dixon:

- (a) to subdivide Lot 7 DP 10854 (CT NL6B/988) for the purpose of creating Lots 1, 2, 3, & 4. The site is located at Snodgrass Road, Westport; and**
- (b) land use consent for a dwelling on Lots 3 and 4.**

That consent be granted on the basis that the proposal is a Discretionary Activity where the activity is not contrary to the objectives and policies of the District Plan.

That consent be granted subject to the following conditions:

1. That the subdivision proceed in accordance with the submitted plans and application except where the following conditions take precedence:
2. That three copies of the land transfer plan be provided to Council.
3. That a Reserve Contribution of 7.5% of the value of the newly created Lots 2, 3 and 4 be payable to Council.
4. That the schedule and memorandum of easements shown on the subdivision plan be granted and reserved.
5. That there shall be a maximum of one dwelling per allotment for Lots 3 and 4.
6. That dwellings erected on Lots 3 and 4 shall meet all relevant standards in Table 5.7 of the Buller District Plan, with the exception of the requirement that residential activities shall be set back at least 150m from MHWS.
7. That a consent notice be issued in accordance with Section 221 of the Resource Management Act 1991 to ensure Conditions 5 and 6 of this consent are complied with on a continuing basis. The applicant will be required to pay the costs of this consent notice.
8. That vehicle crossings to Lots 1, 3 and 4 shall be formed to Buller District Council standards, including minimum visibility and sight distance requirements. The consent holder is required to have the work involved carried out by a Council Approved Contractor. The Approved Contractor will be required to make application to the Council's Operations Department for approval to install the vehicle crossing and be given approval including Council specification requirements prior to the construction of the vehicle crossing being undertaken.
9. That the consent holder shall have Council reticulated water services connected to the boundary of newly created lots, at the consent holder's cost. The services shall be constructed to Buller District Council standards. The consent holder is required to have the work involved carried out by a Council Approved Contractor. The Approved

Contractor will be required to make application to the Council's Operations Department for approval to install the services including Council specification requirements prior to the construction of the services being undertaken

10. That the consent holder shall pay Council a contribution of \$1000 per newly created allotment, being the financial contribution for the upgrade of the water supply to Snodgrass Road apportioned to this subdivision.
11. That pursuant to Section 127(1)(a) of the Resource Management Act 1991, the consent holder may apply to the consent authority for a change or cancellation of any condition of the consent within five years from the date of issue.
12. That pursuant to Section 128(1)(a) and 128(1)(c) of the Resource Management Act 1991, the Consent Authority may review any conditions of the consent within eight years from the date of issue for any of the following purposes:
 - (a) To deal with any adverse effect on the environment which may arise from the exercise of the consent and which it is appropriate to deal with at a later stage; or
 - (b) To deal with inaccuracies contained in the consent application that materially influenced the decision made on the application and are such that it is necessary to apply more appropriate conditions; or
 - (c) To assess the appropriateness of imposed compliance standards, monitoring regimes and monitoring frequencies and to alter these accordingly.
13. That all actual and reasonable costs incurred by this Council in monitoring, enforcement and administration of this consent shall be met by the consent holder.

NOTE:

The consent holder shall require a separate application from the Buller District Council's Operations Department for new vehicular accesses.

At the time of building dwellings the registered proprietor shall provide to the Buller District Council an appropriate design for an on site effluent disposal system which complies with rule 6 of the West Coast Regional Council Discharge to Land Plan.

The consent holder shall require a separate application from the Buller District Council's Operations Department for any connection to reticulated sewage, stormwater or water system(s).

At the time of building, the registered proprietor may wish to connect onto the power and phone supply along Snodgrass. Underground connections are permitted. If the registered proprietor wished to go above ground, a resource consent will be required.



Dated at Westport this 22nd day of September 2004



RESOURCE CONSENT RC04/83

KJ DIXON

RESOURCE CONSENT CONDITIONS

As Amended at 12 October 2004

Recommendation: That pursuant to Sections 104 and 104B of the Resource Management Act 1991, Council consent to the application by K J Dixon:

- (a) to subdivide Lot 7 DP 10854 (CT NL6B/988) for the purpose of creating Lots 1, 2, 3, & 4. The site is located at Snodgrass Road, Westport; and**
- (b) land use consent for a dwelling on Lots 3 and 4.**

That consent be granted on the basis that the proposal is a Discretionary Activity where the activity is not contrary to the objectives and policies of the District Plan.

That consent be granted subject to the following conditions:

1. That the subdivision proceed in accordance with the submitted plans and application except where the following conditions take precedence:
2. That three copies of the land transfer plan be provided to Council.
3. That a Reserve Contribution of 5% of the value of the newly created Lot 1, and 7.5% of the value of the newly created Lots 3 and 4, be payable to Council.
4. That the schedule and memorandum of easements shown on the subdivision plan be granted and reserved.
5. That there shall be a maximum of one dwelling per allotment for Lots 3 and 4.
6. That dwellings erected on Lots 3 and 4 shall meet all relevant standards in Table 5.7 of the Buller District Plan, with the exception of the requirement that residential activities shall be set back at least 150m from MHWS.
7. That a consent notice be issued in accordance with Section 221 of the Resource Management Act 1991 to ensure Conditions 5 and 6 of this consent are complied with on a continuing basis. The applicant will be required to pay the costs of this consent notice.
8. That vehicle crossings to Lots 1, 3 and 4 shall be formed to Buller District Council standards, including minimum visibility and sight distance requirements. The consent holder is required to have the work involved carried out by a Council Approved Contractor. The Approved Contractor will be required to make application to the Council's Operations Department for approval to install the vehicle crossing

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and be given approval including Council specification requirements prior to the construction of the vehicle crossing being undertaken.

9. That the consent holder shall have Council reticulated water services connected to the boundary of newly created lots, at the consent holder's cost. The services shall be constructed to Buller District Council standards. The consent holder is required to have the work involved carried out by a Council Approved Contractor. The Approved Contractor will be required to make application to the Council's Operations Department for approval to install the services including Council specification requirements prior to the construction of the services being undertaken
10. That the consent holder shall pay Council a contribution of \$1000 per newly created allotment, being the financial contribution for the upgrade of the water supply to Snodgrass Road apportioned to this subdivision.
11. That pursuant to Section 127(1)(a) of the Resource Management Act 1991, the consent holder may apply to the consent authority for a change or cancellation of any condition of the consent within five years from the date of issue.
12. That pursuant to Section 128(1)(a) and 128(1)(c) of the Resource Management Act 1991, the Consent Authority may review any conditions of the consent within eight years from the date of issue for any of the following purposes:
 - (a) To deal with any adverse effect on the environment which may arise from the exercise of the consent and which it is appropriate to deal with at a later stage; or
 - (b) To deal with inaccuracies contained in the consent application that materially influenced the decision made on the application and are such that it is necessary to apply more appropriate conditions; or
 - (c) To assess the appropriateness of imposed compliance standards, monitoring regimes and monitoring frequencies and to alter these accordingly.
13. That all actual and reasonable costs incurred by this Council in monitoring, enforcement and administration of this consent shall be met by the consent holder.

NOTE:

The consent holder shall require a separate application from the Buller District Council's Operations Department for new vehicular accesses.

At the time of building dwellings the registered proprietor shall provide to the Buller District Council an appropriate design for an on site effluent disposal system which complies with rule 6 of the West Coast Regional Council Discharge to Land Plan.

The consent holder shall require a separate application from the Buller District Council's Operations Department for any connection to reticulated sewage, stormwater or water system(s).



At the time of building, the registered proprietor may wish to connect onto the power and phone supply along Snodgrass. Underground connections are permitted. If the registered proprietor wished to go above ground, a resource consent will be required.

A handwritten signature in black ink, appearing to read 'Tony Dean', written in a cursive style.

Dated at Westport this 12th day of October 2004

Approvals

NOTE

This plan was prepared for K.J. BIXON to accompany a Resource Consent Application to the Buller District Council.

This plan is not to be relied on by any other person for any purpose whatsoever.

The dimensions and areas are subject to final field survey.

SCHEDULE OF EASEMENTS IN GROSS

PURPOSE	SERVIENT TENEMENT	SHOWN	GRANTEE
RIGHT TO TRANSMIT ELECTRICITY	LOT 1 HEREON	(A) (B)	BULLER ELECTRICITY LIMITED

NEW C's T ALLOCATED

LOT 1
LOT 2
LOT 3
LOT 4

DATUM NOTE

Bearing Datum : Geodetic 2000
 Coordinate Datum : Geodetic 2000
 in terms of False Origin,
 Buller Circuit 2000,
 800,000 mt, 400,000 mE.

Total Area 4.1749ha.

Comprised in C.T. NL6B/988

(A) Certificate with C/T of Waterfront being a permit which is provided as a licensed Electrical Surveyor, and the surveys to which this electrical notice are connected, and were undertaken by me or under my direction in accordance with the Electrical Survey Act 1997 and the Survey-General's Rules for Electrical Survey activity.

(B) This electrical notice, and has been created in accordance with that Act and these Rules. Dated at Wellington, the _____ day of _____ 2004.

Field Book P Pages East P

Reference Plans Correct

Examined Correct

Approved as to Survey by Land Information NZ on / /

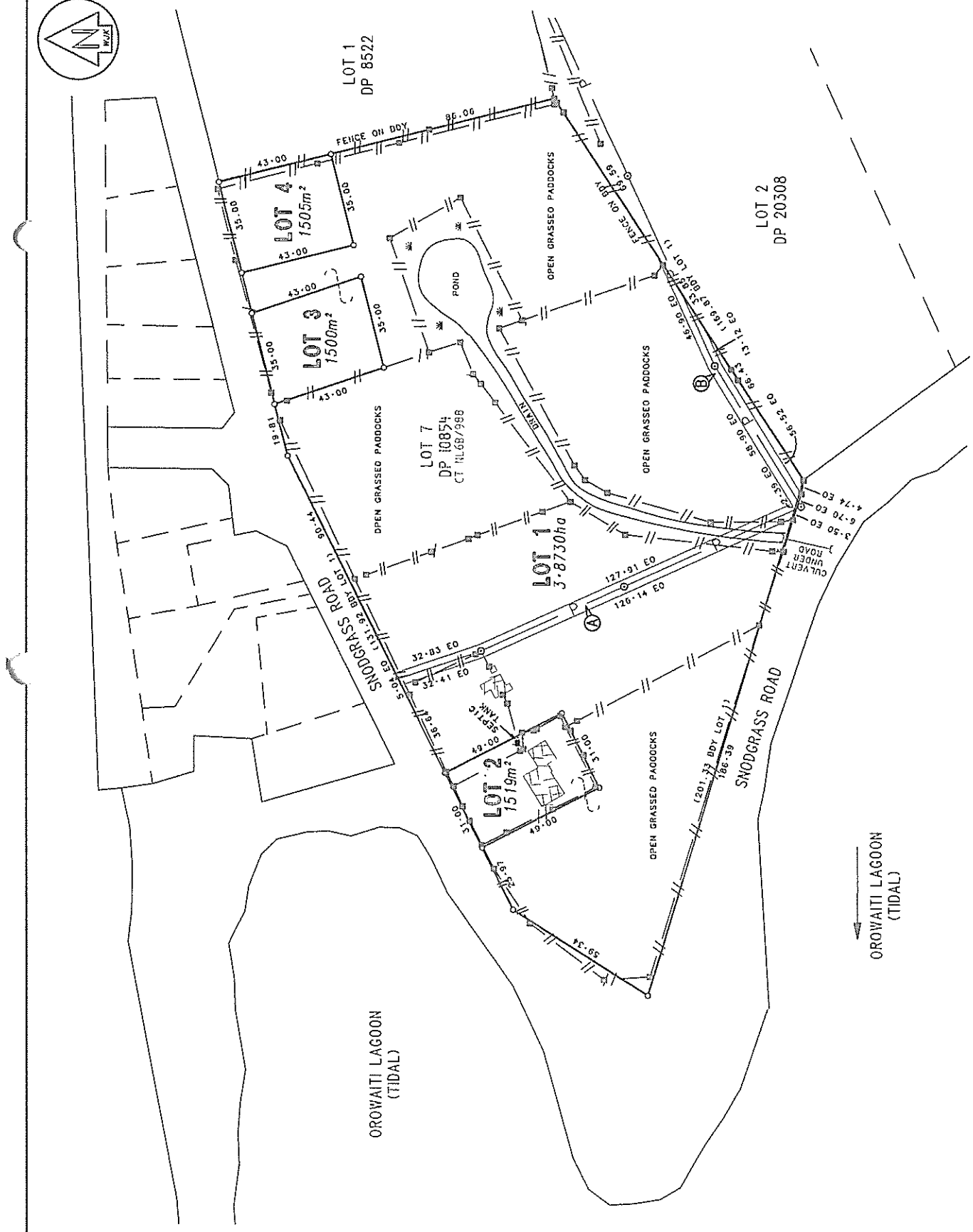
Deposited by Land Information NZ on / /

Local Authority: BULLER DISTRICT

Surveyed by: CHRIS J. COLLINS SURVEYING LTD

Scale: 1:1000 Date: FEB. 2004

Approved LM 94723



LAND DISTRICT: NELSON

SURVEY BLK & DIST: III, KAWATIRI

SURVEY CLASS :- CLASS II

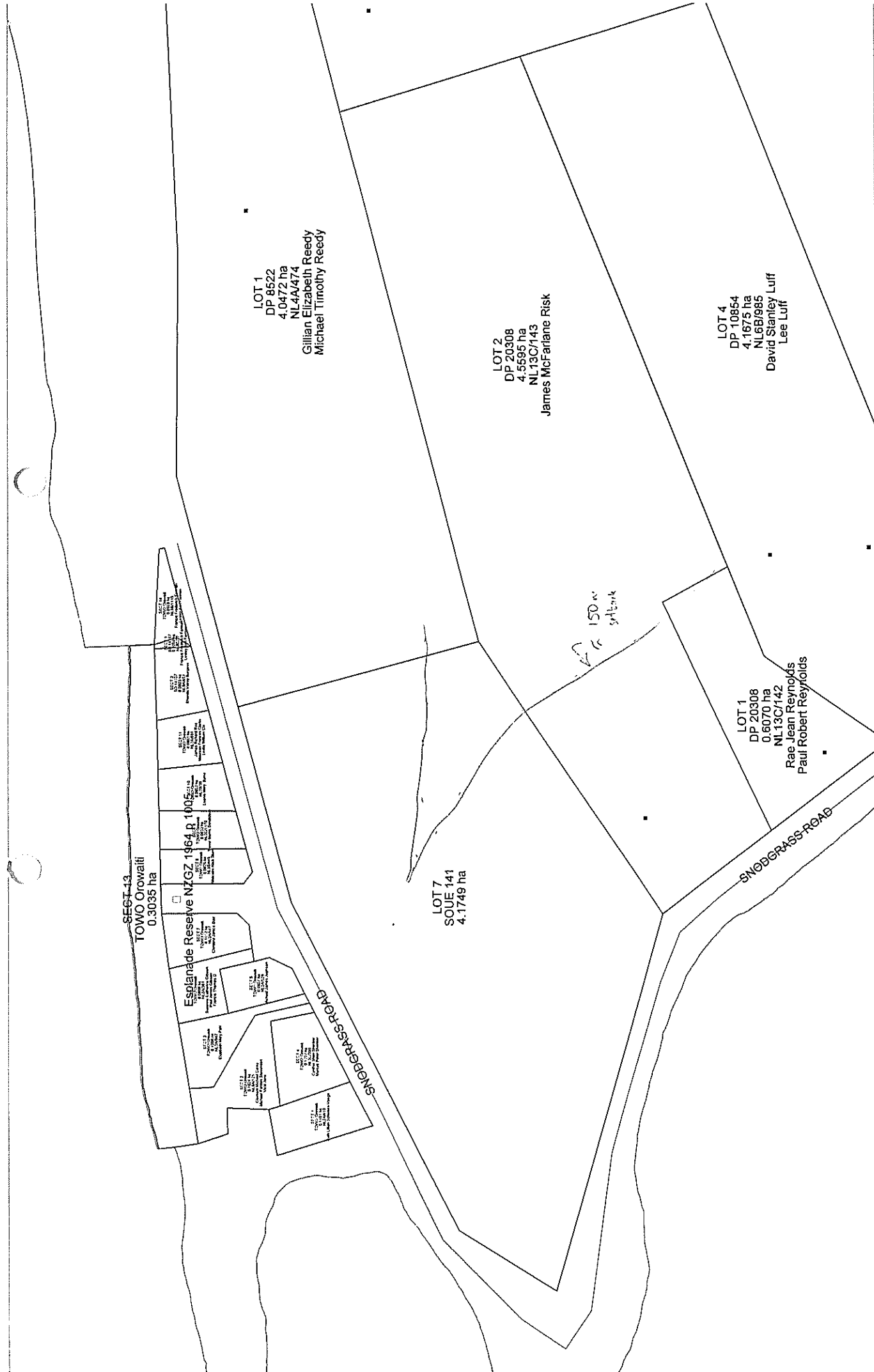
LOCAL AUTHORITY: BULLER DISTRICT

Surveyed by: CHRIS J. COLLINS SURVEYING LTD

Scale: 1:1000 **Date:** FEB. 2004

LOTS 1- 4 BEING SUBDIVISION OF LOT 7 DP 10854

A. J. BEVIN, SURVEYOR GENERAL, LAND INFORMATION NEW ZEALAND



Scale 1:2500
Topographical and Cadastral map derived from LINZ data.



REPORT TO: DELEGATED PLANNING SUB-COMMITTEE

File No: RC04/83

Date: 16 September 2004

From: Gary Rae, Consultant

Subject: RESOURCE CONSENT RC04/83 – K J DIXON

Section 113 of the Resource Management Act 1991, requires that every decision on a resource consent shall be in writing and state reasons for the decision.

SUBJECT	K J Dixon
CONSENT TYPE	Subdivision and Land use
LOCATION	65 Snodgrass Road, Westport
LEGAL DESCRIPTION	Lot 7 Deposited Plan 10854 Block III Kawatiri Survey District (CT NL6B/988, 4.1794 hectares)
VALUATION ROLL NO.	1884012104
ZONE	Rural Zone

Application

The application is for consent to subdivide Lot 7 DP 10854 (4.1794 hectares) into four allotments comprising Lot 1 (3.8730 hectares), Lot 2 (0.1519 hectares), Lot 3 (0.1500 hectares), and Lot 4 (0.1505 hectares) and for a land use to construct a dwelling on proposed Lots 3 and 4.

Note: A land use consent is not required for a dwelling on Lot 1 as there is a building area in the south-east corner where a dwelling could be built in accordance with all relevant rules.

The site is on the southern side of Snodgrass Road, opposite a line of dwellings facing the Orowaiti Estuary.

Notification

The application, dated 28 June 2004, was processed as non-notified under Section 94 of the Resource Management Act.

The written approvals of the following parties were obtained:

- MT and GE Reedy, owners of Lot 1 DP 8522
- JM Risk, owner of Lot 2 DP 20308
- Department of Conservation

Statutory Provisions

Under Section 104(1) of the Resource Management Act 1991, Council must consider the following in assessing the application.

1. Part Two principles and purposes of the Resource Management Act 1991; and
2. any actual and potential effects of allowing the activity; and
3. any relevant objectives, policies and rules of the district plan; and
4. any other matter Council considers relevant and reasonably necessary to determine the application.

Under Section 104B the Council may grant or refuse the application for a discretionary activity, and may impose conditions under section 108.

A consent authority must not have regard to ~~the~~ any effect on a person who has given written approval to the application (unless that approval has been subsequently withdrawn before the date of the hearing).

1. Part II of the Act

The purpose and principles of the Resource Management Act have been considered and this proposal does not appear contrary to either.

It is generally considered that the proposed activity will enable the community to provide for their well-being without creating any adverse environmental impact.

2. Any actual and potential effects of allowing the activity (section 104A)

An assessment of environmental effects (as required by Schedule Four of the Resource Management Act 1991) indicates that any significant adverse environmental effects will be mitigated by the inclusion of conditions on the consent.

A site visit undertaken on 10 September 2004 by Gary Rae, consultant, noted that the Dixon property is 4.1794 hectares in area, and it is on the southern side of Snodgrass Road. It is occupied by a dwelling and sheds. There is a tidal pond and open drain on the southern part of the site. This drains under Snodgrass Road to the Estuary.

The Snodgrass Road area is already extensively fragmented, and has several rural residential and rural life-style dwellings, and other sites where further dwellings may be built as of right. There is a grouping of residential dwellings on the north side of Snodgrass Road, opposite the Dixon property.

The application will result in up to three additional dwellings in total on the property. There is an existing dwelling on Lot 2, a dwelling is proposed for each of Lots 3 and 4, and a dwelling would be able to be erected on Lot 1 as of right following approval of the subdivision. The application is made in such a way that the new dwellings would comply with the Rural Zone standards for height, yards and frontages.

The area has been extensively modified from its natural state, and has a mixed rural/residential amenity. Written approvals have been obtained from the owners of adjoining properties, and so the effects of the activity on those owners cannot be taken account of in terms of Section 104 of the RMA.

Overall, it is considered that the effects arising from the proposed dwellings will not be more than minor.

The application for land use consent is for "*residential dwellings for Lots 3 & 4*". It is understood that the intention is for only one dwelling for each of Lot 3 and 4, however the application has not specifically restricted itself to one dwelling per title. The Rural Zone rules allow for up to two dwellings per title, and it is therefore necessary to place a condition on the consent to restrict Lots 3 and 4 to a maximum of one dwelling each. The applicant has agreed to this condition. At 1500m², these allotments are considered too small for more than one dwelling, particularly having regard to areas for effluent disposal, and amenity considerations.

3. Relevant objectives, policies and rules of a district plan (S104d)

Buller District Plan

The Buller District Plan (the Plan) became operative on 28 January 2000 and therefore is the only plan that needs to be considered.

Part 4 of the Plan sets out the significant resource management issues, objectives and policies with regards to activities. Of relevance to this application are sections:

- 4.4 *Rural Land and Water Resources;*
- 4.3 *The Built Environment;*
- 4.7 *The Coastal Environment;*
- 4.8 *Ecosystems and Natural Habitats;*
- 4.2 *Infrastructure; and*
- 4.6 *Cultural/Historical Resources.*

Part 5 of the Plan contains the regulations and rules to implement the objectives and policies stated in Part 4 of the Plan. The site is located in the *Rural Zone* as shown on Planning Map C12. All but a small area in the south-eastern corner of Lot 7 DP 10854 is within 150 metres of mean high water springs (MHWS). All of the proposed building sites are within 150 metres of MHWS.

The relevant rules are contained in *Section 5.3 Rural Character Area* and more specifically *Section 5.3.2 Rural Zone*.

Part 7 of the Plan contains District wide rules and includes:

- 7.3 Subdivision;
- 7.4 Access; and
- 7.6 [building] recession planes.

Part 8 of the Plan contains the requirements for financial contributions.

Objectives and Policies

Rural Land and Water Resources

The policies and objectives for rural land seek to manage the adverse effects of activities on the rural land resource in a manner which ensures the long term productive value of the soil resource but which encourages increased population within the rural environment and the maintenance of viable rural communities.

Objective 4.4.4.1 Ensure that the overall integrity and character of the rural environment and productivity or rural land resources is protected while enabling rural communities to provide for their social, economic and cultural well being.

Policy 4.4.5.1 A wide range of compatible activities which do not individually or cumulatively adversely affect the sustainability of rural land resources shall be generally permitted to locate in the rural area.

Policy 4.4.5.2 Sustainable land management practices which maintain and/or enhance the productive values of soils and amenities and character of the rural area should be encouraged and promoted.

The Plan only provides for either a Rural Zone or Residential Zone and does not specifically provide for rural residential activities. Nevertheless, the policies and objectives of the Plan envisage that residential activities should occur in rural areas, where appropriate, so as to avoid rural depopulation and to maintain viable rural communities.

It is considered that Policy 4.4.5.1 is key in that it envisages that a wide range of compatible activities be able to locate in the rural areas provided that they do not individually or cumulatively affect the sustainability of rural land resources.

Given the site's location on the immediate outskirts of Westport, it is questionable whether this application will contribute to avoiding rural depopulation and contribute to maintain viable rural communities. Nevertheless, this needs to be kept in context with the other policies and objectives, including the potential effects on the land productivity.

The applicant's property is considered to have limited productive potential. It is relatively small, being only 4.1794 hectares, and is used only for grazing. The proposal is to retain

most of this land (3.8730 hectares) in the balance lot (Lot 1) as a grazing block. Overall, there will be no significant change to the productive potential of this site.

The applicant has agreed to a Consent Notice on the new titles for Lots 3 and 4, limiting their development to one dwelling. The effects of the proposal on land productivity and loss of rural amenity from the additional dwellings will be no more than minor. These houses will essentially form part of an existing residential enclave. Given the nature of existing development, these additional houses will not create potential reverse sensitivity effects that could conceivably limit farming activities on the applicant's or neighbouring sites.

The Built Environment

One of the key issues identified for the Built Environment is how to accommodate future settlement growth while avoiding, remedying or mitigating against the adverse effects of such growth on the environment.

Objective 4.3.17.1 *"To ensure that further settlement growth takes place in a manner and location which does not have significant adverse environmental effects."*

Policy 4.3.18.1 *"Existing settlements will be defined as zoned urban and their outer edges defined accordingly."*

Policy 4.3.18.2 *"Further development of existing bach settlements on unformed parts of roads will not occur."*

Policy 4.3.18.3 *"To ensure that rural-residential development is either adequately serviced or capable of meeting its own requirements."*

Objective 4.3.27.1 *"To facilitate the "intermingling" of land use activities within the District's settlements and towns to the extent that this is compatible with protection of amenity values and the sustainability of existing natural and physical resources in urban areas."*

Policy 4.3.28.5 *"A diversity of residential living opportunities shall be provided for in residential activity areas."*

Policy 4.3.28.6 *"Performance standards shall be set that protect the environmental quality of residential living environments."*

The applicant's land is located on the rural fringe of Westport, across the Orowaiti Estuary from the Residential zones of the town. A small area of Residential Zone land is also located on the opposite of Snodgrass Road to the immediate north of the applicant's property.

The rural environment to the east of the Orowaiti Estuary provides a backdrop to Westport, and coupled with the Orowaiti Estuary, essentially demarks the boundary of Westport at this locality. The blurring of this boundary is an adverse effect of allowing subdivision and further development of these areas.

The proposal could be viewed as contrary to Policy 4.3.18.1 in that it extends the activities characteristic of the Residential Zone into the Rural Zone such that the outcome is similar to shifting the zone boundary.

However, in this instance these effects are not considered to be significant. The applicant's land is located on the opposite side of the Snodgrass Road to the existing enclave of residential houses to the north. Consequently, this part of Snodgrass Road is presently not rural in character and the addition of up to three more dwellings on the opposite side for the road will not alter this to any significant extent, even when viewed from the residential areas of Westport on the opposite side of Orowaiti River. Indeed the whole Snodgrass Road area exhibits mixed rural/residential character with many of the existing sites being 4 – 5ha in area, and smaller, and occupied by dwellings.

The applicant's property is presently served by the Council's reticulated water supply. It is anticipated that the additional lots will connect to this supply subject to Council's engineering standards. Some upgrading of this water supply will be required, and this is discussed further under "Subdivision" below. Similarly, connection to electricity and telephone services are also available.

There is no reticulated sewer available, and so effluent is to be disposed of by way of on-site treatment systems. Resource Consent will need to be obtained at the time of building. *any application to install an on site effluent disposal system will need to show how the applicant will comply with the provisions of the West Coast Regional Council Rule 6 of the Discharge to Land Plan.*

Coastal Environment

Objective 4.7.5.1 *"To maintain or enhance the natural character of the coastal environment by avoiding, remedying or mitigating the adverse effects of land use activities and subdivision requiring a coastal location."*

Policy 4.7.6.2 *"Sensitive coastal environments including areas of importance for mahinga kai shall be protected from the adverse effects of land use activities."*

Policy 4.7.6.4 *"The maintenance and enhancement of public access to and along the coastline shall be encouraged except where restrictions are necessary to ensure public safety or to avoid the potential adverse effects of people and/or vehicles on the coastal environment."*

Policy 4.7.6.7 *"The maintenance and enhancement of public access to and along the coastline shall be encouraged except where restrictions are necessary to ensure public safety or to avoid the potential adverse effects of people and/or vehicles on the coastal environment."*

One of the ways for implementing these policies is by the rule in Table 5.7 which requires that for residential activities, the minimum distance from the Mean High Water Spring mark is 150m. Whilst the application for subdivision and land use consent (construction of dwellings) includes land within 150 metres of MHWS, the applicant's site is separated from the coast by Snodgrass Road and its enclave of existing houses. The proposed

allotments and subsequent houses will not affect the overall coastal environment, and they will line not impinge on view shafts from existing houses.

Ecosystems and Natural Habitats

Objective 4.8.6.1 *"To protect areas of significant indigenous vegetation and significant habitats of indigenous fauna and to recognise their importance to the character and quality of the natural and physical environment and to the wellbeing of the people and communities in Buller."*

Policy 4.8.7.7 *"To protect areas of significant indigenous vegetation and significant habitats of indigenous fauna from inappropriate use, subdivision and development."*

The subject site is in developed pasture, and no clearance of significant vegetation is required as part of this application.

There is an existing pond on the applicant's property that is connected to the Orowaiti Estuary via a tidal drain and a culvert under Snodgrass Road. This pond and drain will be retained on the balance lot (proposed Lot 1) and unaltered by the subdivision. The applicant proposes to plant with vegetation the margins of the pond and drain.

Natural Hazards

Objective 4.10.6.1 *"Taking into account community views, to reduce the risks to people and communities from natural hazards, and to avoid the establishment of activities which increase the likelihood of natural hazards occurring."*

Policy 4.10.7.2 *"An assessment of natural hazard risk shall be provided where appropriate with all applications for resource consents."*

Policy 4.10.7.4 *"Subject to the relevant statutory provisions in the Resource Management Act and Building Act, further development in identified hazard prone locations will be restricted."*

The property is relatively low lying and is located close to the Orowaiti Estuary. Council staff have noted that part of the applicant's property to the south and west is affected by flooding and some minor inundation in pockets to the north.

The proposed allotments and building sites avoid these areas. Any subsequent building can readily be constructed on a raised building platform if necessary without adversely affecting other properties. This can be addressed separately at the time of building consents.

Infrastructure

The infrastructure objectives and policies seek to provide for the efficient development, use and maintenance of infrastructure, in a manner which has regard to the avoidance, remediation, or mitigation of adverse effects. These objectives and policies are also to protect infrastructure services from the adverse effects of other activities.

Objective 4.2.5.1 *"To provide for the efficient development, operation and maintenance of infrastructure throughout the District, while avoiding, remedying or mitigating adverse effects."*

Objective 4.2.5.2 *"To protect infrastructure resources from the adverse effects of activities located adjacent to, or in association with, the facility."*

Policy 4.2.6.1 *"Development in areas which, due to physical characteristics, are difficult to service shall be permitted where appropriate technical solutions are provided to avoid, remedy or mitigate against adverse effects."*

Policy 4.2.6.2 *"To ensure that services are provided in a manner which does not have adverse effects on the environment, and which enables communities to provide for their health and safety."*

The property is bounded to the north and west by Snodgrass Road. The proposed allotments all have road frontage and access to Snodgrass Road on their respective northern boundaries. On the opposite side of Snodgrass Road from the proposed allotments is a small 12 lot beach settlement that is zoned residential. Snodgrass Road is a no-exit road, providing access to the existing dwellings as well as to the estuary.

There are existing vehicle crossings to access the parent lot and existing dwelling (i.e. proposed Lots 1 and 2 respectively). Two further vehicle crossings will be required to access proposed Lots 3 and 4.

Any vehicle crossings onto Snodgrass Road will need to be formed to Council standards, including safe sight distance and visibility requirements.

Cultural/Historic Resources

Objective 4.6.7.1 *"To protect places and sites of historical and cultural value from the adverse effects of land use activities and to ensure where appropriate, access to historic and cultural sites is maintained and enhanced."*

Policy 4.6.8.4 *"Assessment of resource consent applications shall include their potential impact on known places of historic and/or cultural value."*

There are no known historic sites in the vicinity of the allotments. The requirements of the NZ Historic Places Act will need to be observed if any items of significance to Maori are accidentally uncovered during the site works.

Rural Zone Rules

The rules relevant to this application are contained in Parts 5, 7 and 8 of the Plan. The relevant sections being:

- 5.3.2 *Rural Zone rules*;
- 7.3 *Subdivision rules*;
- 7.4 *Access rules*; and
- 7.6 [building] *recession plane rules*.

Part 8 of the Plan contains the requirements for financial contributions.

Subdivision

Under Rule 7.3.3.3.1 of the Plan any subdivision for the purposes of creating one or more new allotments is a Discretionary Activity. Council has not limited its discretion under Rule 7.3.3.3.1.

Under Rule 7.3.3.7 financial contributions may be required in accordance with Part 8 of the Plan. Rule 8.4.1.14 provides for financial contributions for provision of open space, public recreation or other reserves. The maximum amount of contribution for each additional allotment of less than 1ha shall be 7.5% of the land value. It is normal practice for the Council to require the maximum contribution.

Rule 8.4.1.8 provides for financial contributions for the supply of water. Where a piped water supply is available, the full actual cost of providing the necessary reticulation to serve the proposed allotments may be charged. Where the capacity of supply is inadequate, the rule allows Council to charge the full actual cost of increasing the capacity.

The existing 50mm piped water supply along Snodgrass Road will require upgrading to a 100mm pipe, and that this will be in next year's budget. The estimated cost of the upgrade is expected to be in the order of \$10,000 - \$20,000, and this cost will be partly apportioned on subdivisions as they occur in this area. This will be apportioned at the rate of \$1,000 per allotment.

Esplanade reserves and strips may be required in accordance with Part 10 (Rule 7.3.3.8). In my assessment there is no need for the Council to take land for esplanade reserve from this subdivision, particularly given that the site is separated from the coastal environment by Snodgrass Road which provides good public access to the Orowaiti estuary.

Land Use

Residential activity in the Rural Zone are only permitted where it meets the standards listed in Table 5.7 of the Plan. Table 5.7 specifically excludes residential activities within 150 metres of mean high water springs and does not provide for the activity as either controlled or discretionary. The intention of the district plan is that such a land use activity would default to be considered as a Non-Complying Activity (as noted in Section 5.1.4).

However, following the 2003 amendments to the RMA the following section was inserted to the RMA:

Section 77C(1) An application for a resource consent for an activity must, with necessary modification, be treated as an application for a resource consent for a discretionary activity if –

- (a) ...*
- (b) a plan or proposed plan requires a resource consent to be obtained for the activity, but does not classify the activity as controlled, restricted discretionary, or non-complying under section 77B; or*
- (c) ...*

Consequently, this application is to be assessed as a discretionary activity, as the requirements of the RMA override the Plan.

A land use consent is only required because of the inability to meet the 150 metre setback from MHWS in Table 5.7. All other matters relating to the construction of building (e.g. boundary setbacks and recession planes, maximum height, domestic wastewater disposal) need to comply with the relevant permitted activity standards of the Plan otherwise a separate resource consent would need to be obtained.

The relevant rules in Table 5.7 are as follows:

Table 5.7 Rural Zone Standards

ITEM	PERMITTED	CONTROLLED	DISCRETIONARY
Access	Refer to Part 7.4	Refer to Part 7.4	Refer to Part 7.4
Boundaries	<p>Front yards 10m setback from road.</p> <p>Side and rear yards 1.5m.</p> <p>Minimum side and rear yard For buildings which at any time contain over five animals is 30m.</p> <p>For forestry, prospecting and residential activities, the minimum distance from the Mean High Water Spring mark is 150m.</p>	<p>Not applicable.</p> <p>Not applicable.</p> <p>Not applicable.</p>	<p>Not applicable.</p> <p>Side and rear yards 1m.</p> <p>Not applicable.</p>
Building Height	<p>Maximum building height for residential buildings is 10m.</p> <p>Maximum building height for other buildings is 20m.</p>	Not applicable.	<p>Maximum building height for residential buildings is 15m.</p> <p>Maximum building height for other buildings is 25m.</p>
Dwellings	Maximum number of dwellings per site is 2.	Not applicable.	Not applicable.
Esplanade Strips	Refer to Part 7.9.5	Refer to Part 7.9.5	Refer to Part 7.9.5
General	Refer to Part 7.9.1	Refer to Part 7.9.1	Refer to Part 7.9.1
Ground Floor Area	The maximum gross ground floor area of a single building is	Not applicable.	The maximum gross ground floor area of a

	500m ² .		single building is 1000m ² .
Historic/Cultural Items	Refer to Part 7.9.7	Refer to Part 7.9.7	Refer to Part 7.9.7
Notable Trees	Refer to Part 7.9.8	Refer to Part 7.9.8	Refer to Part 7.9.8
Parking	Refer to Part 7.5	Refer to Part 7.5	Refer to Part 7.5
Recession Planes	Refer to Part 7.6	Refer to Part 7.6	Refer to Part 7.6
Stormwater Disposal	Refer to Part 7.9.2	Refer to Part 7.9.2	Refer to Part 7.9.2

4. Any other relevant matters (S104i)

Written affected parties approval was obtained from MT and GE Reedy, and JM Risk, being the owners of the adjoining properties. The Department of Conservation has also provided its written approval.

The effects of the proposal on all adjoining sites, and on the Orowaiti Estuary are therefore not able to be taken account of by the Council.

In terms of precedent, it is noted that the Plan clearly envisages subdivision of rural land occurring by providing for such subdivision as a Discretionary Activity. Consequently, each application is to be assessed on its own merits and its particular circumstances. The circumstances of this proposal are that it is adjacent to an existing residential enclave, and it is in an area that is already substantially fragmented and exhibits a rural/residential amenity. The coastal environment here is already substantially modified by roads, power and telephone poles, dwellings and other development.

Conclusion

It is considered that the effects of the proposal will not be more than minor and the policies and objectives in the District Plan are not compromised. Accordingly, resource consent can be granted subject to conditions.

Recommendation: That pursuant to Sections 104 and 104B of the Resource Management Act 1991, Council consent to the application by K J Dixon:

- (a) to subdivide Lot 7 DP 10854 (CT NL6B/988) for the purpose of creating Lots 1, 2, 3, & 4. The site is located at Snodgrass Road, Westport; and**
- (b) land use consent for a dwelling on Lots 3 and 4.**

That consent be granted on the basis that the proposal is a Discretionary Activity where the activity is not contrary to the objectives and policies of the District Plan.

That consent be granted subject to the following conditions:


- 1. That the subdivision proceed in accordance with the submitted plans and application except where the following conditions take precedence:
- 2. That three copies of the land transfer plan be provided to Council.

3. That a Reserve Contribution of 7.5% of the value of the newly created Lots 2, 3 and 4 be payable to Council.
4. That the schedule and memorandum of easements shown on the subdivision plan be granted and reserved.
5. That there shall be a maximum of one dwelling per allotment for Lots 3 and 4.
6. That dwellings erected on Lots 3 and 4 shall meet all relevant standards in Table 5.7 of the Buller District Plan, with the exception of the requirement that residential activities shall be set back at least 150m from MHWS.
7. That a consent notice be issued in accordance with Section 221 of the Resource Management Act 1991 to ensure Conditions 5 and 6 of this consent are complied with on a continuing basis. The applicant will be required to pay the costs of this consent notice.
8. That vehicle crossings to Lots 1, 3 and 4 shall be formed to Buller District Council standards, including minimum visibility and sight distance requirements. The consent holder is required to have the work involved carried out by a Council Approved Contractor. The Approved Contractor will be required to make application to the Council's Operations Department for approval to install the vehicle crossing and be given approval including Council specification requirements prior to the construction of the vehicle crossing being undertaken.
9. That the consent holder shall have Council reticulated water services connected to the boundary of newly created lots, at the consent holder's cost. The services shall be constructed to Buller District Council standards. The consent holder is required to have the work involved carried out by a Council Approved Contractor. The Approved Contractor will be required to make application to the Council's Operations Department for approval to install the services including Council specification requirements prior to the construction of the services being undertaken
10. That the consent holder shall pay Council a contribution of \$1000 per newly created allotment, being the financial contribution for the upgrade of the water supply to Snodgrass Road apportioned to this subdivision.
11. That pursuant to Section 127(1)(a) of the Resource Management Act 1991, the consent holder may apply to the consent authority for a change or cancellation of any condition of the consent within five years from the date of issue.
12. That pursuant to Section 128(1)(a) and 128(1)(c) of the Resource Management Act 1991, the Consent Authority may review any conditions of the consent within eight years from the date of issue for any of the following purposes:
 - (a) To deal with any adverse effect on the environment which may arise from the exercise of the consent and which it is appropriate to deal with at a later stage;
or

- (b) To deal with inaccuracies contained in the consent application that materially influenced the decision made on the application and are such that it is necessary to apply more appropriate conditions; or
 - (c) To assess the appropriateness of imposed compliance standards, monitoring regimes and monitoring frequencies and to alter these accordingly.
13. That all actual and reasonable costs incurred by this Council in monitoring, enforcement and administration of this consent shall be met by the consent holder.

NOTES:

- (a) The consent holder shall require a separate application from the Buller District Council's Operations Department for new vehicular accesses.
- (b) At the time of building dwellings the registered proprietor shall provide to the Buller District Council an appropriate design for an on site effluent disposal system which complies with rule 6 of the West Coast Regional Council Discharge to Land Plan.
- (c) The consent holder shall require a separate application from the Buller District Council's Operations Department for any connection to reticulated sewage, stormwater or water system(s).
- (d) At the time of building, the registered proprietor may wish to connect onto the power and phone supply along Snodgrass. Underground connections are permitted. If the registered proprietor wished to go above ground, a resource consent will be required.



Authorised Officer

21 Sept 2004

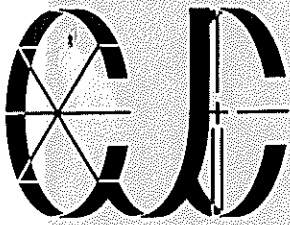
Date



Authorised Officer

22/09/04

Date



Chris J Coll Surveying Ltd

Licensed Cadastral Surveyors, Resource Management Consultants
19 Brougham St / P.O. Box 204 Westport
Phone 03 789 8425 Fax 03 789 6016
Email chriscoll@cjc.co.nz

To : Buller District Council
P. O. Box 21
Westport

RESOURCE CONSENT APPLICATION

This application is made under Section 88 of the Resource Management Act 1991

Applicant Details

1. Applicant(s) name(s) : (Please write names in full)

Malcolm Edward & Vyonette Gail Anderson and Alistair David Orchard.

2. Postal Address :

Snodgrass Road, Westport.

Telephone : Business : Not applicable.

Facsimile : Not applicable.

Private : 03 789 8933

3. Applicants at the owners (please tick the appropriate box)
 occupier/lessee

Property owner's name (if different from above)

Telephone : Business : Not applicable.

Facsimile : Not applicable.

Private : Not applicable

4. Correspondence to be sent to the following name and address : (if different from applicant)

Jan Coll
P. O. Box 204
Westport

Telephone : Business : (03) 789 8425

Facsimile : (03) 789 6016

Private : Not applicable

Property Details

5. **Location of activity and/or property address :** Snodgrass Road, Westport.
(Include the name of any relevant stream, river or other water body to which the application may relate.)

Map Reference : K 29, see accompanying *QuickMap* prints.

6. **Legal description :** Lot 2, D.P.10854.
7. **Certificate of Title Reference :** NL6B/983.
8. **Valuation Roll Number :** 18840 12002
9. **Zone :** Rural
10. **Size of Property :** Lot 1 - 3.5528 ha.

Lot 2 - 2975 m².

Lot 3 - 2640 m²

Areas & dimensions are subject to final field survey

Details of Proposal

11. **This is an application for a** Land Use Consent Subdivision Consent

12. **Are any other consents required?** Yes No

If yes, list consents below, and whether they have been applied for :

Not applicable.

13. **A general description of what is proposed :**

The application is to gain consent to subdivide Lot 2, D.P.10854 into 2 rural-residential blocks and the balance as a rural block. All blocks will gain access from Snodgrass Road.

An easement will be created over the proposed Lot 2 in favour of the proposed Lot 1 for access.

A plan of the proposed subdivision accompanies this application.

14. **The reasons for the application and for choosing this site are :**

Mr & Mrs Anderson wish to dispose of the front part of their property as two rural-residential blocks.

15. **The following is a full description of the proposed use of every building :**

There is a dwelling on Lot 1 with the land being used predominantly as a rural block. There are no buildings on the proposed Lots 2 & 3.

16. The following is a full description of all activities proposed to be carried out on the site outside of the buildings. :

The activities will be rural & rural-residential in nature.

17. The following manufacturing processes are proposed (describe fully) :

Not applicable.

18. Are any alterations to buildings proposed ? Yes No

Not as part of this application.

If yes, what is the nature of the proposed alterations :

19. State the height of any new buildings or alterations to existing buildings :

Not applicable for this application.

20. The proposed days and hours of operation per week (indicate any seasonal variations) are : Not applicable for this application.

21. Nil additional people full-time or part-time will be employed as a result of this subdivision application.

22. Traffic movements are likely to be at the rate of 6 to 8 cars light utilities per day for the new lots.

23. Carparking will be accommodated on each new lot.

24. If potable water is required for the site, how will this be provided ?

The existing Buller District Council supply will be utilised.

25. If effluent disposal is required for the site, how will this be provided ?

On site effluent disposal systems will be established on Lots 2 & 3 when new dwellings are built. There is an existing system in place on Lot 1.

26. Will this proposal result in the need for any new services or changes to services (ie water supply, electricity, telecommunications, sewage disposal, stormwater treatment, rubbish disposal) to the site. Yes No

If yes, what new services or changes to services are proposed and who will be the service provider.

No additional services will be required for this application, existing services where applicable will be utilised.

27. If the application is for subdivision or boundary adjustment are all wells, water pipes, water tanks, septic tanks, effluent soakage fields and stormwater disposal systems contained on the site. Yes No

Please show on a site plan the location of the above services not contained on site.

Existing septic tank shown on Scheme Plan.

28. Details of the landscaping proposed are :

No landscaping is proposed as part of this application.

29. Will dangerous goods be stored on site (ie flammable liquids, gases, solids) ?

Yes No

If yes, what is the nature of the goods.

30. Are any new accessways proposed for the site ? Yes No

The existing accesses will be utilised for Lot 1 and a new access will be required for Lots 2 & 3.

31. Are any new signs or changes to existing signs proposed. Yes No

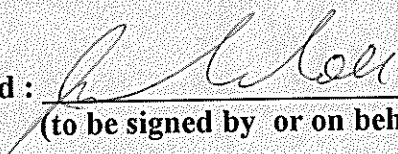
If yes, please provide a site diagram showing the location, dimensions, colour, exact message and dimensions of lettering and symbols, how the sign is to be fixed to the ground/building.

32. Do you wish to be contacted prior to a member of the Planning Department undertaking a site visit. Yes No

Please contact Mr & Mrs Anderson prior to the site visit.

Dated at Westport this 21 st day of October 2004

Signed :


(to be signed by or on behalf of applicant).

To : Buller District Council
P. O. Box 21
Westport

ASSESSMENT OF EFFECTS ON THE ENVIRONMENT

1. Answer all questions fully. Some may not apply to your proposal.
2. Please provide a locality map.
3. Contact the Planning Department with any queries or if you require assistance.

Physical

1. Describe the:

(a) **landforms** (eg: mountains, hills, cliffs, streams, rivers, valleys, beaches, lakes gorges, caves, paddocks.)

Old river/beach flats.

(b) **land slopes** (eg: steep, flat, rolling, angle of slope)

Generally flat.

(c) **soils** (eg: sand, clay, rock, fill, name of soil)

Old beach and river sands overlaid with soil.

2. Describe any potential for natural hazards (e.g. flooding, erosion, land slip)

The recent flood hazard survey of Westport and the sounding area does not note that the land under application is subject to flooding.

There are no other known potential of natural hazards affected the land under application.

3. Are any of the following present in the area? (delete which do not apply)

(a) ~~river protection works~~

(b) ~~bridges~~

(c) ~~railways and roads~~

(d) ~~telephone/electricity wires or cables~~

Please indicate these features on a site diagram/map.

Shown where applicable.

Flora, Fauna and Ecosystems

4. **Describe the vegetation within the application area. List the major species, and any rare or endangered species. ("Native bush" and "scrub" is not a satisfactory answer).**
Not applicable for this subdivision. The area under application had been part of a farm property development for many years prior to the subdivision of D.P.10854.
5. **Will native vegetation clearance occur? If so, how much?**
No, not as a result of this subdivision.
6. **Describe and/or list the birdlife, wildlife, freshwater and marine life within the application area, or in the vicinity and any recognised special wildlife habitats ("usual West Coast wildlife" or similar is not a satisfactory answer).**
Not applicable for this application.
7. **Describe the effects the activity will have on ecosystems, including effects on plants or animals, any physical disturbance of habitats in the area.**
Not applicable for this application.

Land Use

8. **Describe the current land use (give as many details as possible).**
The land use is rural.
9. **Describe neighbouring land uses.**
Rural-residential and rural.
10. **What is the public use of the area?**
There is no public use of the area.
11. **Describe any recreational uses that occur on the land.**
Not applicable for this application.
12. **What is the intended post-activity vegetation cover and land use? (e.g. forestry, road, residential subdivision, pasture, etc)**
The rural and rural-residential activity is the intended long term use of the land.
13. **What effect will this application have on alternative uses of the land, resources and/or the environment at present or in the future? (discuss the reasons for your answer.)**
This application is unlikely to have any effect either now or in the future on alternative uses of the land.
14. **Describe the present land surface and how it will be rehabilitated (if applicable).**
Not applicable.

Contingencies or Safeguards

15. If your activity includes the use of hazardous substances and installations, provide an assessment of any risks to the following which are likely to arise from such use:

(a) risks to the physical environment

Not applicable.

(b) the neighbourhood

Not applicable.

(c) the wider community

Not applicable.

16. Describe any mitigation measures (safeguards and contingency plans where relevant) to be undertaken to help prevent or reduce the actual or potential effect of any chemical or other contaminant accidents (i.e. where will the contents go, how will they be contained, treated, recycled or disposed?)

Not applicable.

17. Describe any possible alternative locations or methods for undertaking the activity.

Not applicable.

Monitoring

18. How will the effects of the activity be monitored?

There will be no significant effects that require monitoring as a result of this application.

19. Who will monitor the effects of the activity?

If necessary Buller District Council.

Socio-economic Impacts

20. State the number of people who will work at the site

Nil for this application.

21. Give details of the hours of work (provide details of any shift times)

Not applicable for this application.

22. Do you intend working on weekends or outside the hours 7.00 am to 6.00 pm?

Yes No Not applicable for this application.

Noise

23. Is a residential area or any occupied dwelling close by or within the application area. Yes No

All neighbouring dwellings are sited to comply with the District Plan rules and are therefore not "close by" the application area. The intention is that the when new dwellings are constructed on Lots 2 & 3 these would also comply with the Plan rules as noted in Table 5.7 of the District Plan.

The existing house is shown on the scheme plan and already complies with the plan requirements.

24. Give details and distances.

Not applicable for this application.

25. Give details of any anticipated noise levels and likely impacts on both wildlife and residents in the area.

There is unlikely be any change in noise levels as a result of this application.

26. Details of noise reduction measures (rubber lined hoppers, mufflers, shelters, vegetation or soil screens, etc.)

No noise reductions measures are proposed.

Explosives

27. Will you use explosives? Yes No

28. If so give details of purpose, public warning methods, frequency, timing, storage and handling facilities, type and quantity of blast. Discuss the impacts blasting will have on nearby residents and any measures that will be taken to minimise such effects.

Not applicable.

Maori Interests

29. Give details of particular Maori interest in the land or water within or bordering the application area, or likely to be affected by the application (sacred or spiritual sites and values, traditional food gathering areas, etc).

There is no known interest in the land under application.

Visual Effects

- | 30. Is the operation or activity visible from: | Yes | No |
|--|-------------------------------------|-------------------------------------|
| - nearby dwellings | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| - roads (including rest areas) | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| - walking tracks | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| - known observation points | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| - areas of public access? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

If so, give details and discuss any measures that will be taken to minimise the usual impacts (i.e. buffers, vegetation, screens planted, trees, etc).

No measures are proposed as part of this application.

Effects on Present and Future Generations

31. Discuss socio-economic and cultural effects the (both positive and/or adverse) activity will have on the immediate neighbourhood and where relevant the wider community for present and future generations (e.g. additional housing and service requirements, noise, vibration, dust, lighting, aesthetic values, change of lifestyle, recreation, scientific values, water supply, increased traffic, historical, spiritual values, etc.)

This application will create new rural-residential blocks that will add to the land stock adjacent to Westport. When the building and occupation of new dwellings occurs this will provide opportunities for people to live in the rural environment and be close to Westport.

32. Describe any effects (both positive and negative) on natural and physical resources having aesthetic, recreational, scientific, historical, spiritual, cultural, or other special value for present or future generations:

This application is unlikely to have any significant effect on the values noted in Question 32.

Consultation

33. Have you discussed your proposal with your neighbours and other parties who may be adversely affected (eg, Coast Health Care, Department of Conservation, Historic Places Trust, local iwi, Transit New Zealand Ltd, local electricity suppliers and Telecom New Zealand Ltd.) Yes.

If so, who was consulted ?

C H & S L Tickelpenny for Lot 3, D.P.10854.

Buller District Council for Lot 1, D.P.6239 & Pt Sect 2, Blk III, Kawatiri S.D.

N A & H C Burr for Lot 1, D.P.10854

34. Are all affected persons consent forms completed and attached, or forwarded to Council Yes No

If no, your application will be placed on hold until Council receives these forms.

Mr & Mrs Tickelpenny and the Buller District Council consented to the application and returned the "Section 94" forms.

Mr & Mrs Burr wrote directly to Council confirming that they did not object.

35. If any environmental concerns have been raised by affected neighbours or other parties, how can these concerns be met ?

Mr & Mrs Burr discussed the plans they have for future development of their block. It would seem that the development they plan, if constructed on their land, would not impact on the proposed new Lots 2 and 3.

Other Information

36. Outline other information (if any), required to be included in the application by the district plan or regulations.

All information that is required accompanies the application, this includes a plan of the proposed subdivision, a copy of C.T.NL6B/983 and QuickMap prints of the area.

Dated at Westport this 21 st day of October 2004.

Signed: _____

(to be signed by or on behalf of applicant)

Approvals



NOTE
 This plan was prepared for M.E. & V.C. ANDERSON to accompany a Resource Consent Application to the Buller District Council.
 This plan is not to be relied on by any other person for any purpose whatsoever.
 The dimensions and areas are subject to final field survey.

MEMORANDUM OF EASEMENTS

PURPOSE	SERVIENT TENEMENT	SHOWN HEREON	DOMINANT TENEMENT
RIGHT OF WAY.	LOT 2	(A)	LOT 3
	HEREON		HEREON

NEW C's T ALLOCATED

LOT 1	
LOT 2	
LOT 3	

DATUM NOTE

Bearing Datum : Geodetic 2000
 Coordinate Datum : Geodetic 2000
 in terms of False Origin,
 Buller Circuit 2800.
 800,000 mM, 400,000 mE.

Total Area 4,114.310
 Comprised in C.I. NL68/983

I, Christopher John Cole of Wellington being a person entitled to practise as a Licensed Cadastral Surveyor, do hereby certify that:-
 (a) The survey to which this document relates is accurate, and was undertaken by me or under my direction in accordance with the Cadastral Survey Act 2002 and the Survey-General's Rules for Cadastral Survey, 2002/3;
 (b) This document is accurate, and has been created in accordance with that Act and these Rules, dated at Wellington, this _____ day of _____ 20____. Signature.....
 Field Book P Traverse Book P
 Reference Plans Correl
 Examined Correl

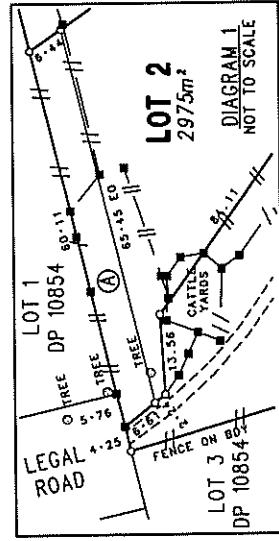
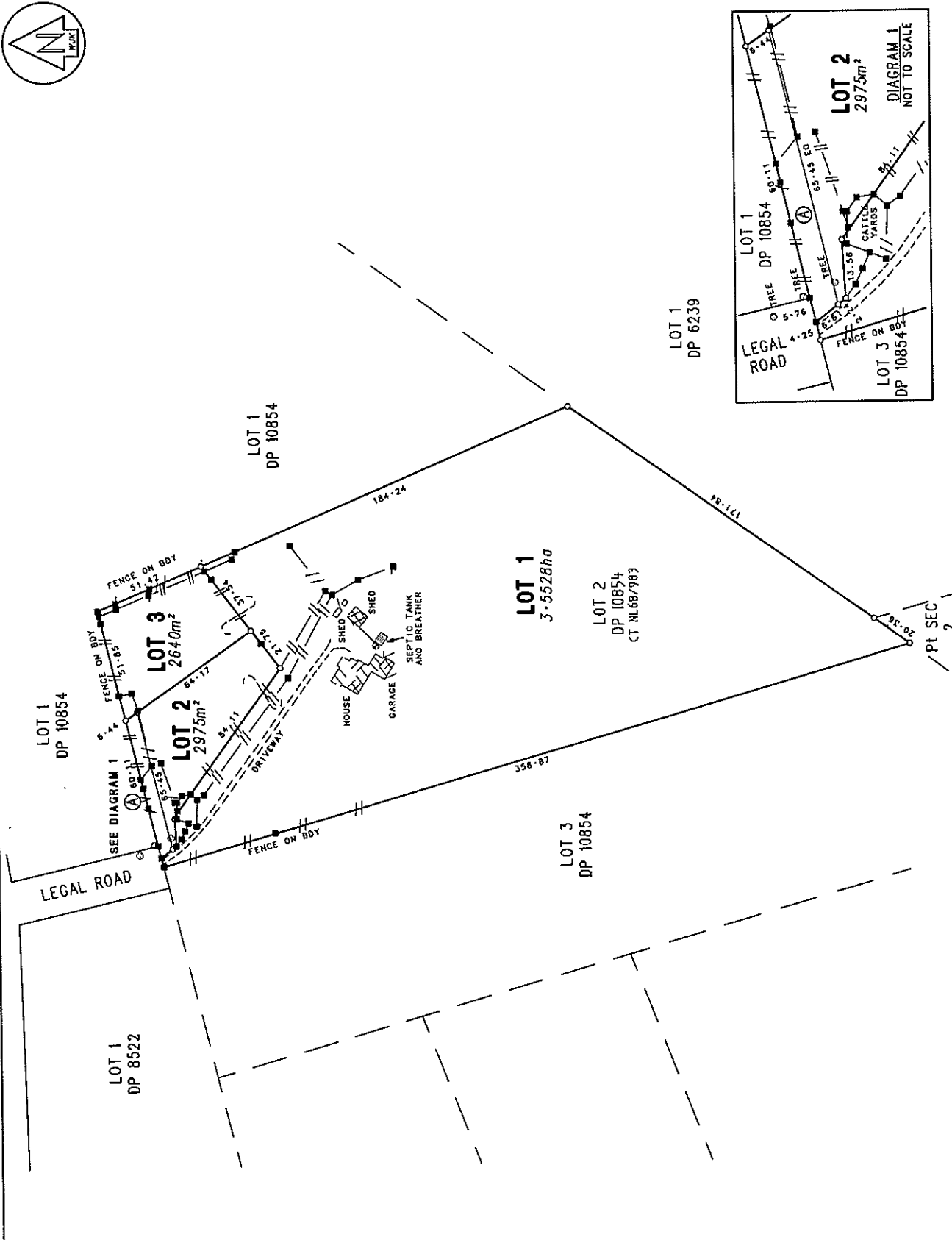
Approved as to Survey by
 Land Information NZ on

Deposited by
 Land Information NZ on

File
 Instructions

Approved LV 94/05

LINZ FORM D15



LOCAL AUTHORITY: BULLER DISTRICT
 Surveyed by: CHRIS J. COLE SURVEYING LTD.
 1624 SCHEME PLAN
 Scale: 1:1250 Date: FEB. 2004

**LOTS 1, 2 AND 3 BEING SUBDIVISION OF
 LOT 2 DP 10854**

LAND DISTRICT: NELSON
 SURVEY BLK & DIST: III, KAWAIRI
 SURVEY CLASS: CL.ASS. II

REPORT TO: DELEGATED PLANNING SUB-COMMITTEE

File No: RC04/142

Date: 19 November 2004

From: Gary Rae, Consultant

Subject: RESOURCE CONSENT RC04/142 – ME & VG ANDERSON and AD ORCHARD

Section 113 of the Resource Management Act 1991, requires that every decision on a resource consent shall be in writing and state reasons for the decision.

SUBJECT	ME & VG Anderson and AD Orchard
CONSENT TYPE	Subdivision
LOCATION	Snodgrass Road, Westport
LEGAL DESCRIPTION	Lot 2 Deposited Plan 10854 Block III Kawatiri Survey District (NL6B/983)
VALUATION ROLL NO.	1884012002
ZONE	Rural Zone

Application

The application is for consent to subdivide Lot 2 Deposited Plan 10854 (4.1143 hectares) into three allotments comprising Lot 1 (3.5528 hectares), Lot 2 (2975m²), Lot 3 (2640m²).

The site is on the southern side of Snodgrass Road, at the end of the road, with the Orowaiti Lagoon further to the north.

Notification

The application, dated 21 October 2004, was processed as non-notified under Section 94 of the Resource Management Act.

The written approvals of the following parties were obtained:

- S & C Tickelpenny
- NA and HC Burr

Statutory Provisions

Under Section 104(1) of the Resource Management Act 1991, Council must consider the following in assessing the application.

1. Part Two principles and purposes of the Resource Management Act 1991; and
2. any actual and potential effects of allowing the activity; and
3. any relevant objectives, policies and rules of the district plan; and
4. any other matter Council considers relevant and reasonably necessary to determine the application.

Under Section 104B the Council may grant or refuse the application for a discretionary activity, and may impose conditions under section 108.

A consent authority must not have regard to any effect on a person who has given written approval to the application.

1. Part II of the Act

The purpose and principles of the Resource Management Act have been considered and this proposal does not appear contrary to either.

It is generally considered that the proposed activity will enable the community to provide for their well-being without creating any adverse environmental impact.

2. Any actual and potential effects of allowing the activity (section 104A)

An assessment of environmental effects (as required by Schedule Four of the Resource Management Act 1991) indicates that any significant adverse environmental effects will be mitigated by the inclusion of conditions on the consent.

From my site visit undertaken on 2 November 2004 I noted that the subject property is a level property occupied by a dwelling and landscaped grounds at the front and in the middle part of the property, accessed by a drive from the cul-de-sac head off Snodgrass Road. The balance of the site to the south and west is in paddocks.

The Snodgrass Road area is already extensively fragmented, and has several small rural properties, as well as residential and rural life-style dwellings, and other sites where further dwellings may be built as of right. There is a grouping of residential dwellings on the north side of Snodgrass Road, to the west of the subject property. There is also a small cluster of dwellings near the northern end of the property, where Snodgrass Road forms a cul-de-sac. A subdivision has recently been approved for the Reedy property (RC04/72) to the north-west of the subject site, to create three allotments.

The application will result in up to two additional dwellings in total on the property. There is an existing dwelling on Lot 1, and a dwelling could in the future be expected to be built on each of Lots 2 and 3. There is sufficient area on those proposed allotments for dwellings to

be built in accordance with the relevant District Plan conditions for permitted activities in Table 5.7, including the rule requiring dwellings to be sited at least 150 metres from the Mean High Water Springs (MHWS) level.

A dwelling erected on each of proposed Lots 2 and 3 would be located near to the other dwellings at the end of the cul-de-sac on Snodgrass Road. In my assessment additional dwellings in this location will not be out of character with the existing development, and the owners of the immediately adjoining properties have provided their written approvals to the application. Dwellings located on these sites would not have an adverse effect on the coastal values of the area, as they would be set back from the Orowaiti Lagoon area and would be part of the existing grouping of dwellings.

Overall, it is considered that the effects on the existing amenity of this mixed rural/residential area arising from the proposed dwellings will not be more than minor.

3. Relevant objectives, policies and rules of a district plan (S104d)

Buller District Plan

The Buller District Plan (the Plan) became operative on 28 January 2000 and therefore is the only plan that needs to be considered.

Part 4 of the Plan sets out the significant resource management issues, objectives and policies with regards to activities. Of relevance to this application are sections:

- 4.4 *Rural Land and Water Resources;*
- 4.3 *The Built Environment;*
- 4.7 *The Coastal Environment;*
- 4.8 *Ecosystems and Natural Habitats;*
- 4.2 *Infrastructure; and*
- 4.6 *Cultural/Historical Resources.*

Part 5 of the Plan contains the regulations and rules to implement the objectives and policies stated in Part 4 of the Plan. The site is located in the *Rural Zone* as shown on Planning Map C12.

The relevant zone rules are contained in *Section 5.3 Rural Character Area* and more specifically *Section 5.3.2 Rural Zone*.

Part 7 of the Plan contains District wide rules and includes:

- 7.3 *Subdivision; and*
- 7.4 *Access.*

Part 8 of the Plan contains the requirements for financial contributions.

Objectives and Policies

Rural Land and Water Resources

The policies and objectives for rural land seek to manage the adverse effects of activities on the rural land resource in a manner which ensures the long term productive value of the soil resource but which encourages increased population within the rural environment and the maintenance of viable rural communities.

Objective 4.4.4.1 Ensure that the overall integrity and character of the rural environment and productivity or rural land resources is protected while enabling rural communities to provide for their social, economic and cultural well being.

Policy 4.4.5.1 A wide range of compatible activities which do not individually or cumulatively adversely affect the sustainability of rural land resources shall be generally permitted to locate in the rural area.

Policy 4.4.5.2 Sustainable land management practices which maintain and/or enhance the productive values of soils and amenities and character of the rural area should be encouraged and promoted.

The Plan only provides for either a Rural Zone or Residential Zone and does not specifically provide for rural residential activities. Nevertheless, the policies and objectives of the Plan envisage that residential activities should occur in rural areas, where appropriate, so as to avoid rural depopulation and to maintain viable rural communities.

It is considered that Policy 4.4.5.1 is key in that it envisages that a wide range of compatible activities be able to locate in the rural areas provided that they do not individually or cumulatively affect the sustainability of rural land resources.

Given the site's location on the immediate outskirts of Westport, it is questionable whether this application will contribute to avoiding rural depopulation and contribute to maintain viable rural communities. Nevertheless, this needs to be kept in context with the other policies and objectives, including the potential effects on the land productivity.

The applicant's property is considered to have limited productive potential. It is relatively small, being only 4.1143 hectares, and is essentially used for rural-residential purposes. The proposal is to retain most of this land (3.5528 hectares) in the balance lot (Lot 1) as a small rural block. Overall, there will be no significant change to the productive potential of this site.

The Built Environment

One of the key issues identified for the Built Environment is how to accommodate future settlement growth while avoiding, remedying or mitigating the adverse effects of such growth on the environment.

- Objective 4.3.17.1 "To ensure that further settlement growth takes place in a manner and location which does not have significant adverse environmental effects."*
- Policy 4.3.18.1 "Existing settlements will be defined as zoned urban and their outer edges defined accordingly."*
- Policy 4.3.18.2 "Further development of existing bach settlements on unformed parts of roads will not occur."*
- Policy 4.3.18.3 "To ensure that rural-residential development is either adequately serviced or capable of meeting its own requirements."*
- Objective 4.3.27.1 "To facilitate the "intermingling" of land use activities within the District's settlements and towns to the extent that this is compatible with protection of amenity values and the sustainability of existing natural and physical resources in urban areas."*
- Policy 4.3.28.5 "A diversity of residential living opportunities shall be provided for in residential activity areas."*
- Policy 4.3.28.6 "Performance standards shall be set that protect the environmental quality of residential living environments."*

The applicant's land is located on the rural fringe of Westport, across the Orowaiti Estuary from the Residential zones of the town. A small area of Residential Zone land is also located on the northern side of Snodgrass Road to the west of the applicants' property.

The rural environment to the east of the Orowaiti Estuary provides a backdrop to Westport, and this essentially demarks the boundary of Westport at this locality. The blurring of this boundary is an adverse effect of allowing subdivision and further development of these areas. The proposal could be viewed as contrary to Policy 4.3.18.1 in that it extends the activities characteristic of the Residential Zone into the Rural Zone such that the outcome is similar to shifting the zone boundary.

However, in this instance these effects are not considered to be significant. The applicants' land is located on Snodgrass Road near to a grouping of dwellings to the north. Consequently, this part of Snodgrass Road is presently not rural in character and the addition of up to two more dwellings will not alter this to any significant extent, and will not be visible from the residential areas of Westport on the opposite side of Orowaiti River. Indeed the whole Snodgrass Road area exhibits mixed rural/residential character with many of the existing sites being 4 – 5ha in area, and smaller, and occupied by dwellings.

The applicant's property is presently served by the Council's reticulated water supply. It is anticipated that the additional lots will connect to this supply subject to Council's engineering standards. Some upgrading of this water supply will be required, and this is discussed further under "Subdivision" below. Similarly, connection to electricity and telephone services are also available. *

There is no reticulated sewer available, and so effluent is to be disposed of by way of on-site treatment systems. Resource Consent may need to be obtained at the time of building.

Coastal Environment

- Objective 4.7.5.1* "To maintain or enhance the natural character of the coastal environment by avoiding, remedying or mitigating the adverse effects of land use activities and subdivision requiring a coastal location."
- Policy 4.7.6.2* "Sensitive coastal environments including areas of importance for mahinga kai shall be protected from the adverse effects of land use activities."
- Policy 4.7.6.4* "The maintenance and enhancement of public access to and along the coastline shall be encouraged except where restrictions are necessary to ensure public safety or to avoid the potential adverse effects of people and/or vehicles on the coastal environment."
- Policy 4.7.6.7* "The maintenance and enhancement of public access to and along the coastline shall be encouraged except where restrictions are necessary to ensure public safety or to avoid the potential adverse effects of people and/or vehicles on the coastal environment."

One of the ways for implementing these policies is by the rule in Table 5.7 which requires that for residential activities, the minimum distance from the MHWS mark is 150 metres. As noted earlier, the subdivided allotments would each be able to have a dwelling built in a location which complies with this rule. The proposed allotments, and subsequent houses, will not affect the overall coastal environment.

Ecosystems and Natural Habitats

- Objective 4.8.6.1* "To protect areas of significant indigenous vegetation and significant habitats of indigenous fauna and to recognise their importance to the character and quality of the natural and physical environment and to the wellbeing of the people and communities in Buller."
- Policy 4.8.7.7* "To protect areas of significant indigenous vegetation and significant habitats of indigenous fauna from inappropriate use, subdivision and development."

The subject site is in developed pasture, and no clearance of significant vegetation is required as part of this application.

Natural Hazards

- Objective 4.10.6.1 *"Taking into account community views, to reduce the risks to people and communities from natural hazards, and to avoid the establishment of activities which increase the likelihood of natural hazards occurring."*
- Policy 4.10.7.2 *"An assessment of natural hazard risk shall be provided where appropriate with all applications for resource consents."*
- Policy 4.10.7.4 *"Subject to the relevant statutory provisions in the Resource Management Act and Building Act, further development in identified hazard prone locations will be restricted."*

The property is relatively low lying and is located close to the Orowaiti estuary. Council staff have noted that the proposed sites are unlikely to be affected by flooding, having a 2% annual exceedence probability.

The site appears to have been 'humped and hollowed'. The potential building areas may therefore need to be filled and compacted. Any subsequent building can readily be constructed on a slightly raised building platform if necessary without adversely affecting other properties. This can be addressed separately at the time of building consents.

Infrastructure

The infrastructure objectives and policies seek to provide for the efficient development, use and maintenance of infrastructure, in a manner which has regard to the avoidance, remediation, or mitigation of adverse effects. These objectives and policies are also to protect infrastructure services from the adverse effects of other activities.

- Objective 4.2.5.1 *"To provide for the efficient development, operation and maintenance of infrastructure throughout the District, while avoiding, remedying or mitigating adverse effects."*
- Objective 4.2.5.2 *"To protect infrastructure resources from the adverse effects of activities located adjacent to, or in association with, the facility."*
- Policy 4.2.6.1 *"Development in areas which, due to physical characteristics, are difficult to service shall be permitted where appropriate technical solutions are provided to avoid, remedy or mitigate against adverse effects."*
- Policy 4.2.6.2 *"To ensure that services are provided in a manner which does not have adverse effects on the environment, and which enables communities to provide for their health and safety."*

Snodgrass Road is a no-exit road, providing access to the existing dwelling on the site via an existing vehicle crossing. The proposal is to provide a right of way access to the two new allotments from this existing crossing which will need to be upgraded to Council standards when the sites are developed.

Cultural/Historic Resources

Objective 4.6.7.1 "To protect places and sites of historical and cultural value from the adverse effects of land use activities and to ensure where appropriate, access to historic and cultural sites is maintained and enhanced."

Policy 4.6.8.4 "Assessment of resource consent applications shall include their potential impact on known places of historic and/or cultural value."

The only known historic sites in this vicinity is a "Urupa" site on a property two sites removed to the west. This will be unaffected by the proposed subdivision of the subject site.

The requirements of the NZ Historic Places Act will need to be observed if any items of significance to Maori are accidentally uncovered during the site works.

Rural Zone Rules

The rules relevant to this application are contained in Part 7 of the Plan, the relevant section being 7.3 Subdivision rules.

Part 8 of the Plan contains the requirements for financial contributions.

Subdivision

Under Rule 7.3.3.3.1 of the Plan any subdivision for the purposes of creating one or more new allotments is a Discretionary Activity. Council has not limited its discretion under Rule 7.3.3.3.1.

Under Rule 7.3.3.7 financial contributions may be required in accordance with Part 8 of the Plan. Rule 8.4.1.14 provides for financial contributions for provision of open space, public recreation or other reserves. The maximum amount of contribution for each additional allotment of less than 1ha shall be 7.5% of the land value. It is normal practice for the Council to require the maximum contribution.

Rule 8.4.1.8 provides for financial contributions for the supply of water. Where a piped water supply is available, the full actual cost of providing the necessary reticulation to serve the proposed allotments may be charged. Where the capacity of supply is inadequate, the rule allows Council to charge the full actual cost of increasing the capacity.

The existing 50mm piped water supply along Snodgrass Road will require upgrading to a 100mm pipe, and that this will be in next year's budget. The estimated cost of the upgrade is expected to be in the order of \$10,000 - \$20,000, and this cost will be partly apportioned on subdivisions as they occur in this area. This will be apportioned at the rate of \$1,000 per allotment.

Esplanade reserves and strips may be required in accordance with Part 10 (Rule 7.3.3.8). In my assessment there is no need for the Council to take land for esplanade reserve from this subdivision.

4. Any other relevant matters (\$104i)

There are not considered to be any other relevant matters.

Conclusion

It is considered that the effects of the proposal will not be more than minor and the policies and objectives in the District Plan are not compromised. Accordingly, resource consent can be granted subject to conditions.

Recommendation: That pursuant to Sections 104 and 104B of the Resource Management Act 1991, Council consent to the application by ME & VG Anderson and AD Orchard to subdivide Lot 2 Deposited Plan 10854 (NL6B/983) for the purpose of creating Lots 1, 2 & 3. The site is located at Snodgrass Road, Westport.

That consent be granted on the basis that the proposal is a Discretionary Activity where the activity is not contrary to the objectives and policies of the District Plan.

That consent be granted subject to the following conditions:

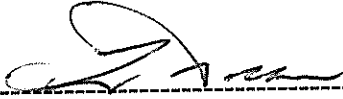
1. That the subdivision proceed in accordance with the submitted plans and application except where the following conditions take precedence:
2. That three copies of the land transfer plan be provided to Council.
3. That a Reserve Contribution of 7.5% of the value of the newly created Lots 2 and 3 be payable to Council.
4. That the schedule and memorandum of easements shown on the subdivision plan be granted and reserved.
5. That any dwellings erected on Lots 1, 2 and 3 shall meet all relevant standards in Table 5.7 of the Buller District Plan.
6. That the consent holder shall have Council reticulated water services connected to the boundary of newly created lots, at the consent holder's cost. The services shall be constructed to Buller District Council standards. The consent holder is required to have the work involved carried out by a Council Approved Contractor. The Approved Contractor will be required to make application to the Council's Operations Department for approval to install the services including Council specification requirements prior to the construction of the services being undertaken
7. That the consent holder shall pay Council a contribution of \$1000 per newly created allotment, being the financial contribution for the upgrade of the water supply to Snodgrass Road apportioned to this subdivision.

8. That pursuant to Section 127(1) of the Resource Management Act 1991, the consent holder may apply to the consent authority for a change or cancellation of any condition of the consent within five years from the date of issue.
9. That pursuant to Section 128(1)(a) and 128(1)(c) of the Resource Management Act 1991, the Consent Authority may review any conditions of the consent within eight years from the date of issue for any of the following purposes:
 - (a) To deal with any adverse effect on the environment which may arise from the exercise of the consent and which it is appropriate to deal with at a later stage; or
 - (b) To deal with inaccuracies contained in the consent application that materially influenced the decision made on the application and are such that it is necessary to apply more appropriate conditions; or
 - (c) To assess the appropriateness of imposed compliance standards, monitoring regimes and monitoring frequencies and to alter these accordingly.
10. That all actual and reasonable costs incurred by this Council in monitoring, enforcement and administration of this consent shall be met by the consent holder.

NOTES:

- (a) The consent holder shall require a separate application from the Buller District Council's Operations Department to upgrade the vehicle crossing to be used to gain access to Lots 2 and 3, to Buller District Council standards, including minimum visibility and sight distance requirements. The consent holder is required to have the work involved carried out by a Council Approved Contractor. The Approved Contractor will be required to make application to the Council's Operations Department for approval to upgrade the vehicle crossing and be given approval including Council specification requirements prior to the construction of the vehicle crossing being undertaken.
- (b) At the time of building dwellings the registered proprietor shall provide to the Buller District Council an appropriate design for an on site effluent disposal system which complies with rule 6 of the West Coast Regional Council Discharge to Land Plan.
- (c) The consent holder shall require a separate application from the Buller District Council's Operations Department for any connection to reticulated sewage, stormwater or water system(s).
- (d) At the time of building, the registered proprietor may wish to connect onto the power and phone supply along Snodgrass. Underground connections are permitted. If the registered proprietor wished to go above ground, a resource consent will be required.
- (e) As the site appears to have been 'humped and hollowed', the potential building areas may therefore need to be filled and compacted, and any subsequent building

may need to be constructed on a slightly raised building platform. This will need to be addressed separately at the time of building consents.



Authorised Officer

22 Nov 2004

Date



Authorised Officer

23/11/04

Date

IN THE MATTER

of the Resource Management Act
1991

AND

IN THE MATTER

of an application by ME & VG
Anderson and AD Orchard -
RC04/142

DECISION OF THE BULLER DISTRICT COUNCIL

Section 113 of the Resource Management Act 1991, requires that every decision on a resource consent shall be in writing and state reasons for the decision.

SUBJECT	ME & VG Anderson and AD Orchard
CONSENT TYPE	Subdivision
LOCATION	Snodgrass Road, Westport
LEGAL DESCRIPTION	Lot 2 Deposited Plan 10854 Block III Kawatiri Survey District (NL6B/983)
VALUATION ROLL NO.	1884012002
ZONE	Rural Zone

Application

The application is for consent to subdivide Lot 2 Deposited Plan 10854 (4.1143 hectares) into three allotments comprising Lot 1 (3.5528 hectares), Lot 2 (2975m²), Lot 3 (2640m²).

The site is on the southern side of Snodgrass Road, at the end of the road, with the Orowaiti Lagoon further to the north.

Notification

The application, dated 21 October 2004, was processed as non-notified under Section 94 of the Resource Management Act.

The written approvals of the following parties were obtained:

- S & C Tickelpenny
- NA and HC Burr

Statutory Provisions

Under Section 104(1) of the Resource Management Act 1991, Council must consider the following in assessing the application.

1. Part Two principles and purposes of the Resource Management Act 1991; and
2. any actual and potential effects of allowing the activity; and
3. any relevant objectives, policies and rules of the district plan; and
4. any other matter Council considers relevant and reasonably necessary to determine the application.

Under Section 104B the Council may grant or refuse the application for a discretionary activity, and may impose conditions under section 108.

A consent authority must not have regard to any effect on a person who has given written approval to the application.

1. Part II of the Act

The purpose and principles of the Resource Management Act have been considered and this proposal does not appear contrary to either.

It is generally considered that the proposed activity will enable the community to provide for their well-being without creating any adverse environmental impact.

2. Any actual and potential effects of allowing the activity (section 104A)

An assessment of environmental effects (as required by Schedule Four of the Resource Management Act 1991) indicates that any significant adverse environmental effects will be mitigated by the inclusion of conditions on the consent.

From my site visit undertaken on 2 November 2004 I noted that the subject property is a level property occupied by a dwelling and landscaped grounds at the front and in the middle part of the property, accessed by a drive from the cul-de-sac head off Snodgrass Road. The balance of the site to the south and west is in paddocks.

The Snodgrass Road area is already extensively fragmented, and has several small rural properties, as well as residential and rural life-style dwellings, and other sites where further dwellings may be built as of right. There is a grouping of residential dwellings on the north side of Snodgrass Road, to the west of the subject property. There is also a small cluster of dwellings near the northern end of the property, where Snodgrass Road forms a cul-de-sac. A subdivision has recently been approved for the Reedy property (RC04/72) to the north-west of the subject site, to create three allotments.

The application will result in up to two additional dwellings in total on the property. There is an existing dwelling on Lot 1, and a dwelling could in the future be expected to be built on each of Lots 2 and 3. There is sufficient area on those proposed allotments for dwellings to

be built in accordance with the relevant District Plan conditions for permitted activities in Table 5.7, including the rule requiring dwellings to be sited at least 150 metres from the Mean High Water Springs (MHWS) level.

A dwelling erected on each of proposed Lots 2 and 3 would be located near to the other dwellings at the end of the cul-de-sac on Snodgrass Road. In my assessment additional dwellings in this location will not be out of character with the existing development, and the owners of the immediately adjoining properties have provided their written approvals to the application. Dwellings located on these sites would not have an adverse effect on the coastal values of the area, as they would be set back from the Orowaiti Lagoon area and would be part of the existing grouping of dwellings.

Overall, it is considered that the effects on the existing amenity of this mixed rural/residential area arising from the proposed dwellings will not be more than minor.

3. Relevant objectives, policies and rules of a district plan (S104d)

Buller District Plan

The Buller District Plan (the Plan) became operative on 28 January 2000 and therefore is the only plan that needs to be considered.

Part 4 of the Plan sets out the significant resource management issues, objectives and policies with regards to activities. Of relevance to this application are sections:

- 4.4 *Rural Land and Water Resources;*
- 4.3 *The Built Environment;*
- 4.7 *The Coastal Environment;*
- 4.8 *Ecosystems and Natural Habitats;*
- 4.2 *Infrastructure; and*
- 4.6 *Cultural/Historical Resources.*

Part 5 of the Plan contains the regulations and rules to implement the objectives and policies stated in Part 4 of the Plan. The site is located in the *Rural Zone* as shown on Planning Map C12.

The relevant zone rules are contained in *Section 5.3 Rural Character Area* and more specifically *Section 5.3.2 Rural Zone*.

Part 7 of the Plan contains District wide rules and includes:

- 7.3 *Subdivision; and*
- 7.4 *Access.*

Part 8 of the Plan contains the requirements for financial contributions.

Objectives and Policies

Rural Land and Water Resources

The policies and objectives for rural land seek to manage the adverse effects of activities on the rural land resource in a manner which ensures the long term productive value of the soil resource but which encourages increased population within the rural environment and the maintenance of viable rural communities.

Objective 4.4.4.1 Ensure that the overall integrity and character of the rural environment and productivity or rural land resources is protected while enabling rural communities to provide for their social, economic and cultural well being.

Policy 4.4.5.1 A wide range of compatible activities which do not individually or cumulatively adversely affect the sustainability of rural land resources shall be generally permitted to locate in the rural area.

Policy 4.4.5.2 Sustainable land management practices which maintain and/or enhance the productive values of soils and amenities and character of the rural area should be encouraged and promoted.

The Plan only provides for either a Rural Zone or Residential Zone and does not specifically provide for rural residential activities. Nevertheless, the policies and objectives of the Plan envisage that residential activities should occur in rural areas, where appropriate, so as to avoid rural depopulation and to maintain viable rural communities.

It is considered that Policy 4.4.5.1 is key in that it envisages that a wide range of compatible activities be able to locate in the rural areas provided that they do not individually or cumulatively affect the sustainability of rural land resources.

Given the site's location on the immediate outskirts of Westport, it is questionable whether this application will contribute to avoiding rural depopulation and contribute to maintain viable rural communities. Nevertheless, this needs to be kept in context with the other policies and objectives, including the potential effects on the land productivity.

The applicant's property is considered to have limited productive potential. It is relatively small, being only 4.1143 hectares, and is essentially used for rural-residential purposes. The proposal is to retain most of this land (3.5528 hectares) in the balance lot (Lot 1) as a small rural block. Overall, there will be no significant change to the productive potential of this site.

The Built Environment

One of the key issues identified for the Built Environment is how to accommodate future settlement growth while avoiding, remedying or mitigating the adverse effects of such growth on the environment.

- Objective 4.3.17.1 "To ensure that further settlement growth takes place in a manner and location which does not have significant adverse environmental effects."*
- Policy 4.3.18.1 "Existing settlements will be defined as zoned urban and their outer edges defined accordingly."*
- Policy 4.3.18.2 "Further development of existing bach settlements on unformed parts of roads will not occur."*
- Policy 4.3.18.3 "To ensure that rural-residential development is either adequately serviced or capable of meeting its own requirements."*
- Objective 4.3.27.1 "To facilitate the "intermingling" of land use activities within the District's settlements and towns to the extent that this is compatible with protection of amenity values and the sustainability of existing natural and physical resources in urban areas."*
- Policy 4.3.28.5 "A diversity of residential living opportunities shall be provided for in residential activity areas."*
- Policy 4.3.28.6 "Performance standards shall be set that protect the environmental quality of residential living environments."*

The applicant's land is located on the rural fringe of Westport, across the Orowaiti Estuary from the Residential zones of the town. A small area of Residential Zone land is also located on the northern side of Snodgrass Road to the west of the applicants' property.

The rural environment to the east of the Orowaiti Estuary provides a backdrop to Westport, and this essentially demarks the boundary of Westport at this locality. The blurring of this boundary is an adverse effect of allowing subdivision and further development of these areas. The proposal could be viewed as contrary to Policy 4.3.18.1 in that it extends the activities characteristic of the Residential Zone into the Rural Zone such that the outcome is similar to shifting the zone boundary.

However, in this instance these effects are not considered to be significant. The applicants' land is located on Snodgrass Road near to a grouping of dwellings to the north. Consequently, this part of Snodgrass Road is presently not rural in character and the addition of up to two more dwellings will not alter this to any significant extent, and will not be visible from the residential areas of Westport on the opposite side of Orowaiti River. Indeed the whole Snodgrass Road area exhibits mixed rural/residential character with many of the existing sites being 4 – 5ha in area, and smaller, and occupied by dwellings.

The applicant's property is presently served by the Council's reticulated water supply. It is anticipated that the additional lots will connect to this supply subject to Council's engineering standards. Some upgrading of this water supply will be required, and this is discussed further under "Subdivision" below. Similarly, connection to electricity and telephone services are also available.

There is no reticulated sewer available, and so effluent is to be disposed of by way of on-site treatment systems. Resource Consent may need to be obtained at the time of building.

Coastal Environment

- Objective 4.7.5.1* "To maintain or enhance the natural character of the coastal environment by avoiding, remedying or mitigating the adverse effects of land use activities and subdivision requiring a coastal location."
- Policy 4.7.6.2* "Sensitive coastal environments including areas of importance for mahinga kai shall be protected from the adverse effects of land use activities."
- Policy 4.7.6.4* "The maintenance and enhancement of public access to and along the coastline shall be encouraged except where restrictions are necessary to ensure public safety or to avoid the potential adverse effects of people and/or vehicles on the coastal environment."
- Policy 4.7.6.7* "The maintenance and enhancement of public access to and along the coastline shall be encouraged except where restrictions are necessary to ensure public safety or to avoid the potential adverse effects of people and/or vehicles on the coastal environment."

One of the ways for implementing these policies is by the rule in Table 5.7 which requires that for residential activities, the minimum distance from the MHWS mark is 150 metres. As noted earlier, the subdivided allotments would each be able to have a dwelling built in a location which complies with this rule. The proposed allotments, and subsequent houses, will not affect the overall coastal environment.

Ecosystems and Natural Habitats

- Objective 4.8.6.1* "To protect areas of significant indigenous vegetation and significant habitats of indigenous fauna and to recognise their importance to the character and quality of the natural and physical environment and to the wellbeing of the people and communities in Buller."
- Policy 4.8.7.7* "To protect areas of significant indigenous vegetation and significant habitats of indigenous fauna from inappropriate use, subdivision and development."

The subject site is in developed pasture, and no clearance of significant vegetation is required as part of this application.

Natural Hazards

- Objective 4.10.6.1 "Taking into account community views, to reduce the risks to people and communities from natural hazards, and to avoid the establishment of activities which increase the likelihood of natural hazards occurring."*
- Policy 4.10.7.2 "An assessment of natural hazard risk shall be provided where appropriate with all applications for resource consents."*
- Policy 4.10.7.4 "Subject to the relevant statutory provisions in the Resource Management Act and Building Act, further development in identified hazard prone locations will be restricted."*

The property is relatively low lying and is located close to the Orowaiti estuary. Council staff have noted that the proposed sites are unlikely to be affected by flooding, having a 2% annual exceedence probability.

The site appears to have been 'humped and hollowed'. The potential building areas may therefore need to be filled and compacted. Any subsequent building can readily be constructed on a slightly raised building platform if necessary without adversely affecting other properties. This can be addressed separately at the time of building consents.

Infrastructure

The infrastructure objectives and policies seek to provide for the efficient development, use and maintenance of infrastructure, in a manner which has regard to the avoidance, remediation, or mitigation of adverse effects. These objectives and policies are also to protect infrastructure services from the adverse effects of other activities.

- Objective 4.2.5.1 "To provide for the efficient development, operation and maintenance of infrastructure throughout the District, while avoiding, remedying or mitigating adverse effects."*
- Objective 4.2.5.2 "To protect infrastructure resources from the adverse effects of activities located adjacent to, or in association with, the facility."*
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Snodgrass Road is a no-exit road, providing access to the existing dwelling on the site via an existing vehicle crossing. The proposal is to provide a right of way access to the two new allotments from this existing crossing which will need to be upgraded to Council standards when the sites are developed.

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Policy 4.6.8.4 "Assessment of resource consent applications shall include their potential impact on known places of historic and/or cultural value."

The only known historic sites in this vicinity is a "Urupa" site on a property two sites removed to the west. This will be unaffected by the proposed subdivision of the subject site.

The requirements of the NZ Historic Places Act will need to be observed if any items of significance to Maori are accidentally uncovered during the site works.

Rural Zone Rules

The rules relevant to this application are contained in Part 7 of the Plan, the relevant section being 7.3 Subdivision rules.

Part 8 of the Plan contains the requirements for financial contributions.

Subdivision

Under Rule 7.3.3.3.1 of the Plan any subdivision for the purposes of creating one or more new allotments is a Discretionary Activity. Council has not limited its discretion under Rule 7.3.3.3.1.

Under Rule 7.3.3.7 financial contributions may be required in accordance with Part 8 of the Plan. Rule 8.4.1.14 provides for financial contributions for provision of open space, public recreation or other reserves. The maximum amount of contribution for each additional allotment of less than 1ha shall be 7.5% of the land value. It is normal practice for the Council to require the maximum contribution.

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Esplanade reserves and strips may be required in accordance with Part 10 (Rule 7.3.3.8). In my assessment there is no need for the Council to take land for esplanade reserve from this subdivision.

4. Any other relevant matters (S104i)

There are not considered to be any other relevant matters.

Conclusion

It is considered that the effects of the proposal will not be more than minor and the policies and objectives in the District Plan are not compromised. Accordingly, resource consent can be granted subject to conditions.

RESOURCE CONSENT RC04/142

ME & VG ANDERSON AND AD ORCHARD

RESOURCE CONSENT CONDITIONS

Recommendation: That pursuant to Sections 104 and 104B of the Resource Management Act 1991, Council consent to the application by ME & VG Anderson and AD Orchard to subdivide Lot 2 Deposited Plan 10854 (NL6B/983) for the purpose of creating Lots 1, 2 & 3. The site is located at Snodgrass Road, Westport.

That consent be granted on the basis that the proposal is a Discretionary Activity where the activity is not contrary to the objectives and policies of the District Plan.

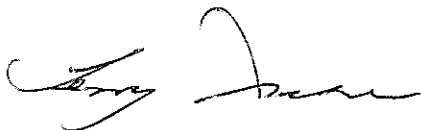
That consent be granted subject to the following conditions:

1. That the subdivision proceed in accordance with the submitted plans and application except where the following conditions take precedence:
2. That three copies of the land transfer plan be provided to Council.
3. That a Reserve Contribution of 7.5% of the value of the newly created Lots 2 and 3 be payable to Council.
4. That the schedule and memorandum of easements shown on the subdivision plan be granted and reserved.
5. That any dwellings erected on Lots 1, 2 and 3 shall meet all relevant standards in Table 5.7 of the Buller District Plan.
6. That the consent holder shall have Council reticulated water services connected to the boundary of newly created lots, at the consent holder's cost. The services shall be constructed to Buller District Council standards. The consent holder is required to have the work involved carried out by a Council Approved Contractor. The Approved Contractor will be required to make application to the Council's Operations Department for approval to install the services including Council specification requirements prior to the construction of the services being undertaken
7. That the consent holder shall pay Council a contribution of \$1000 per newly created allotment, being the financial contribution for the upgrade of the water supply to Snodgrass Road apportioned to this subdivision.
8. That pursuant to Section 127(1) of the Resource Management Act 1991, the consent holder may apply to the consent authority for a change or cancellation of any condition of the consent within five years from the date of issue.
9. That pursuant to Section 128(1)(a) and 128(1)(c) of the Resource Management Act 1991, the Consent Authority may review any conditions of the consent within eight years from the date of issue for any of the following purposes:

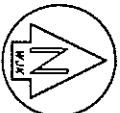
- (a) To deal with any adverse effect on the environment which may arise from the exercise of the consent and which it is appropriate to deal with at a later stage; or
 - (b) To deal with inaccuracies contained in the consent application that materially influenced the decision made on the application and are such that it is necessary to apply more appropriate conditions; or
 - (c) To assess the appropriateness of imposed compliance standards, monitoring regimes and monitoring frequencies and to alter these accordingly.
10. That all actual and reasonable costs incurred by this Council in monitoring, enforcement and administration of this consent shall be met by the consent holder.

NOTES:

- (a) The consent holder shall require a separate application from the Buller District Council's Operations Department to upgrade the vehicle crossing to be used to gain access to Lots 2 and 3, to Buller District Council standards, including minimum visibility and sight distance requirements. The consent holder is required to have the work involved carried out by a Council Approved Contractor. The Approved Contractor will be required to make application to the Council's Operations Department for approval to upgrade the vehicle crossing and be given approval including Council specification requirements prior to the construction of the vehicle crossing being undertaken.
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- (c) The consent holder shall require a separate application from the Buller District Council's Operations Department for any connection to reticulated sewage, stormwater or water system(s).
- (d) At the time of building, the registered proprietor may wish to connect onto the power and phone supply along Snodgrass. Underground connections are permitted. If the registered proprietor wished to go above ground, a resource consent will be required.
- (e) As the site appears to have been 'humped and hollowed', the potential building areas may therefore need to be filled and compacted, and any subsequent building may need to be constructed on a slightly raised building platform. This will need to be addressed separately at the time of building consents.



Dated at Westport this 23rd day of November 2004



NOTE
 This plan was prepared for M.E. & V.C. ANDERSON to accompany a Resource Consent Application to the Buller District Council.
 This plan is not to be relied on by any other person for any purpose whatsoever.
 The dimensions and areas are subject to final field survey.

MEMORANDUM OF EASEMENTS

PURPOSE	SERVIENT TENEMENT	SHOWN	DOMINANT TENEMENT
RIGHT OF WAY.	LOT 2	(A)	LOT 3
	HEREON		HEREON

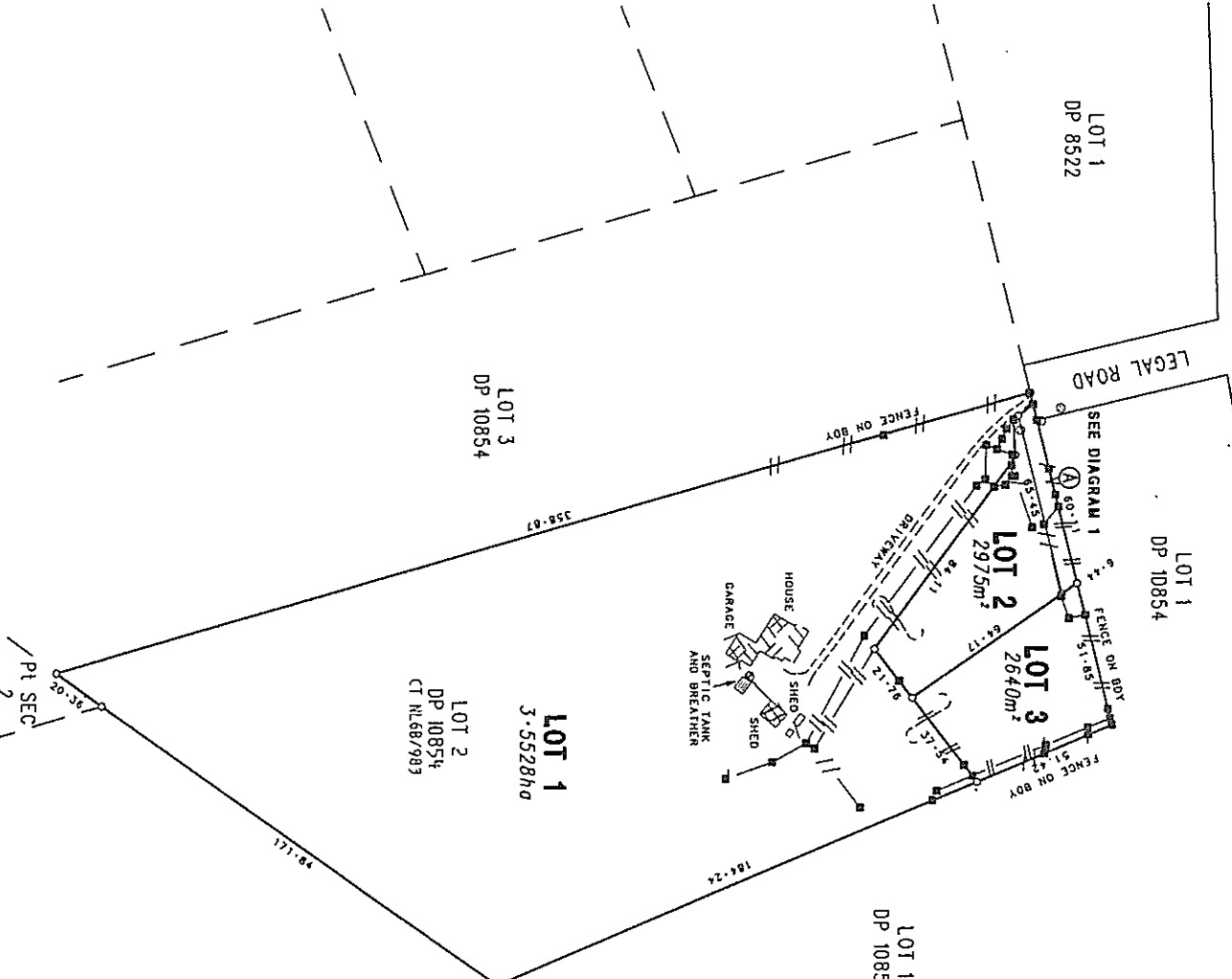
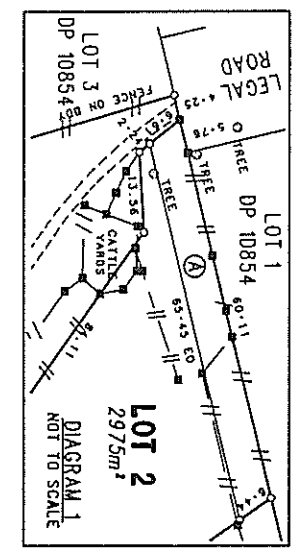
NEW C'S T ALLOCATED

LOT 1	
LOT 2	
LOT 3	

DATUM NOTE
 Bearing Datum : Geodetic 2000
 Coordinate Datum : Geodetic 2000
 In Terms of False Origin,
 Buller Circuit 2000.
 800,000 mN, 400,000 mE.

Total Area 4,114.3ha
Comprised in CI NL6B/983

1. Christopher John Cole of Buller being a person entitled to practice as a Licensed Cadastral Surveyor, hereby declares:
 (a) the surveys to which this document relates are accurate, and were conducted by me or under my direction in accordance with the Cadastral Survey Act 2002 and the Surveyor-General's District for Cadastral Survey 2002;
 (b) this document is accurate, and has been created in accordance with that Act and those Rules, Code of Best Practice and Specifications that apply to it.
 Signed:
 My office:
 Date:
 Field Book
 Reference Plan
 Easement
 Approved as to Survey by
 Land Information NZ on
 Deposited by
 Land Information NZ on
 Date Received
 File Reference
 Approved LD 94205



LAND DISTRICT: NELSON
 SURVEY BLK & DIST: III, KAWAIAI
 SURVEY CLASS: CLASS II

**LOTS 1, 2 AND 3 BEING SUBDIVISION OF
 LOT 2 DP 10854**

LOCAL AUTHORITY: BULLER DISTRICT
 Surveyed by: CHRIS J. COLE, SURVEYING, LTD
 Scale: 1:1000
 Date: FEB 2004



Westport Office
PO Box 21
WESTPORT
Phone (03) 788 9111
(03) 788 9112(Regulatory)
Fax (03) 788 8041

Reefton Office
PO Box 75
REEFTON
Phone (03) 732 8821
Fax (03) 732 8822

RESOURCE CONSENT APPLICATION

This application is made under Section 88 of the Resource Management Act 1991

Applicant Details

1. Applicant(s) name(s) : (Please write names in full)

Ngatai Holdings Ltd and G K & K C Ngatai.

2. Postal Address :

3 Snodgrass Road, Westport.

Telephone : Business : 03 789 6648 or 03 789 5030. Facsimile : 03 789 6399.

Private : 03 789 6399

3. Applicant is the owners/occupiers (please tick the appropriate box)
 prospective owner

Property owner's name (if different from above)

Telephone : Business : Not applicable.

Facsimile : Not applicable.

Private : Not applicable

4. Correspondence to be sent to the following name and address : (if different from applicant)

Jan Coll
P. O. Box 204
Westport

Telephone : Business : (03) 789 8425

Facsimile : (03) 789 6016

Private : Not applicable

Property Details

5. **Location of activity and/or property address :** Snodgrass Road, Westport
(Include the name of any relevant stream, river or other water body to which the application may relate.)

Map Reference : K 29, *see accompanying QuickMap prints.*

6. **Legal description :** Lot 4, D.P.10854 and Lot 1, D.P.11720.

7. **Certificate of Title Reference :** NL6B/985 and NL7A/1269.

8. **Valuation Roll Number :** 18840 12004 and 18840 12105.

9. **Zone :** Rural.

10. **Size of Property :** Lot 1 - 7435 m²

Lot 2 - 3.4240 ha - *to be amalgamated with Lot 1, D.P.11720 - CT NL7A/1269.*
Areas & Dimension subject to final field survey

Details of Proposal

11. This is an application for a Land Use Consent Subdivision Consent

12. Are any other consents required? Yes No

If yes, list consents below, and whether they have been applied for :

Not applicable.

13. **A general description of what is proposed :**

The application is to subdivide an existing dwelling and adjacent land from a rural block as Lot 1. The balance of the block, Lot 2, is to be held with Lot 1, D.P.11720.

An amalgamation consultation with LINZ will be required to hold Lot 2 with Lot 1, D.P.11720 - C.T.NL7A/1269.

There will be no new access, the existing access to the dwelling will be utilised for Lot 1.

The application is essentially a Boundary Adjustment because no new lot is being created but it falls under the Discretionary Activity of the District Plan because the change in area is more than 1.0 hectare.

Although the application is within 150 metres of MHWS there is to be no change to the existing situation and therefore a Land Use Consent is not required.

A plan of the proposed subdivision accompanies this application.

14. **The reasons for the application and for choosing this site are :**

The applicants wish to sell the dwelling presently situated on Lot 4, D.P.10854 and retain the balance of the rural block.

15. **The following is a full description of the proposed use of every building :**

The existing buildings on the proposed Lot 1 are utilised for rural-residential purposes. There are no buildings on Lot 2.

16. The following is a full description of all activities proposed to be carried out on the site outside of the buildings. :

The activities will be rural-residential in nature for Lot 1 and rural for Lot 2.

17. The following manufacturing processes are proposed (describe fully) :

Not applicable for this application.

18. Are any alterations to buildings proposed ? Yes No

Not as part of this application.

If yes, what is the nature of the proposed alterations :

19. State the height of any new buildings or alterations to existing buildings :

Not applicable for this application.

20. The proposed days and hours of operation per week (indicate any seasonal variations) are :

Not applicable for this application.

21. Nil additional people full-time or part-time will be employed as a result of this subdivision application.

22. Traffic movements are unlikely to alter as a result of this application.

23. Carparking is able to be accommodated on each lot.

24. If potable water is required for the site, how will this be provided ?

There is an existing supply for the dwelling on Lot 1.

25. If effluent disposal is required for the site, how will this be provided ?

An on-site system is in place for Lot 1.

26. Will this proposal result in the need for any new services or changes to services (ie water supply, electricity, telecommunications, sewage disposal, stormwater treatment, rubbish disposal) to the site. Yes No

If yes, what new services or changes to services are proposed and who will be the service provider.

No new additional services will be required for this application, existing services where applicable will be utilised.

27. If the application is for subdivision or boundary adjustment are all wells, water pipes, water tanks, septic tanks, effluent soakage fields and stormwater disposal systems contained on the site. Yes No

Please show on a site plan the location of the above services not contained on site.

Not applicable for this application.

28. Details of the landscaping proposed are :

No landscaping is proposed as part of this application.

29. Will dangerous goods be stored on site (ie flammable liquids, gases, solids) ?

Yes No

If yes, what is the nature of the goods.

30. Are any new accessways proposed for the site ? Yes No

No new access will be required.

31. Are any new signs or changes to existing signs proposed. Yes No

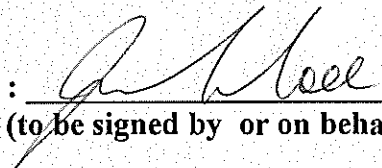
If yes, please provide a site diagram showing the location, dimensions, colour, exact message and dimensions of lettering and symbols, how the sign is to be fixed to the ground/building.

32. Do you wish to be contacted prior to a member of the Planning Department undertaking a site visit. Yes No

Please contact Mr or Mrs Ngatai prior to the site visit.

Dated at Westport this 10 th day of March 2006.

Signed :


(to be signed by or on behalf of applicant).



Westport Office
PO Box 21
WESTPORT
Phone (03) 788 9111
(03) 788 9112(Regulatory)
Fax (03) 788 8041

Reefton Office
PO Box 75
REEFTON
Phone (03) 732 8821
Fax (03) 732 8822

ASSESSMENT OF EFFECTS ON THE ENVIRONMENT

1. Answer all questions fully. Some may not apply to your proposal.
2. Please provide a locality map.
3. Contact the Planning Department with any queries or if you require assistance.

Physical

1. Describe the:

- (a) **landforms** (eg: mountains, hills, cliffs, streams, rivers, valleys, beaches, lakes gorges, caves, paddocks.)

No significant landforms.

- (b) **land slopes** (eg: steep, flat, rolling, angle of slope)

The area is generally flat.

- (c) **soils** (eg: sand, clay, rock, fill, name of soil)

Old beach and river sands overlaid with soil.

2. Describe any potential for natural hazards (e.g. flooding, erosion, land slip)

There is minor potential for inundation of less than 1.0 metres in the south west corner of Lot 4, D.P.10854. There is no known potential for any other hazards affecting the land under subdivision.

3. Are any of the following present in the area? (delete which do not apply)

- (a) ~~river protection works~~
(b) ~~bridges~~
(c) ~~railways and roads~~
(d) ~~telephone/electricity wires or cables~~

Please indicate these features on a site diagram/map.

The aerial image accompanying the application shows the relevant features.

Flora, Fauna and Ecosystems

4. **Describe the vegetation within the application area. List the major species, and any rare or endangered species. (“Native bush” and “scrub” is not a satisfactory answer).**

There is no significant vegetation on the land under application. The land has been utilised as a rural block for many years.

5. **Will native vegetation clearance occur? If so, how much?** No
6. **Describe and/or list the birdlife, wildlife, freshwater and marine life within the application area, or in the vicinity and any recognised special wildlife habitats (“usual West Coast wildlife” or similar is not a satisfactory answer).**

There are no recognised special habitats in the area under application.

7. **Describe the effects the activity will have on ecosystems, including effects on plants or animals, any physical disturbance of habitats in the area.**

Not applicable for this application.

Land Use

8. **Describe the current land use (give as many details as possible).**

The current land use is rural.

9. **Describe neighbouring land uses.**

The neighbouring land uses are rural and rural-residential.

10. **What is the public use of the area?**

There is no public use of the area.

11. **Describe any recreational uses that occur on the land.**

No recreational uses occur on the land under application.

12. **What is the intended post-activity vegetation cover and land use? (e.g. forestry, road, residential subdivision, pasture, etc)**

The rural and rural-residential use will be the long term use of the land.

13. **What effect will this application have on alternative uses of the land, resources and/or the environment at present or in the future? (discuss the reasons for your answer.)**

This application is unlikely to have any effect either now or in the future on alternative uses of the land.

14. **Describe the present land surface and how it will be rehabilitated (if applicable).**

Not applicable for this application.

Contingencies or Safeguards

15. If your activity includes the use of hazardous substances and installations, provide an assessment of any risks to the following which are likely to arise from such use:

(a) risks to the physical environment

Not applicable for this application.

(b) the neighbourhood

Not applicable for this application.

(c) the wider community

Not applicable for this application.

16. Describe any mitigation measures (safeguards and contingency plans where relevant) to be undertaken to help prevent or reduce the actual or potential effect of any chemical or other contaminant accidents (i.e. where will the contents go, how will they be contained, treated, recycled or disposed?)

Not applicable for this application.

17. Describe any possible alternative locations or methods for undertaking the activity.

Not applicable for this application.

Monitoring

18. How will the effects of the activity be monitored?

It is anticipated that there will be no significant effects generated as a result of this subdivision application.

19. Who will monitor the effects of the activity?

If necessary Buller District Council.

Socio-economic Impacts

20. State the number of people who will work at the site Not applicable

21. Give details of the hours of work (provide details of any shift times)

Not applicable for this subdivision application.

22. Do you intend working on weekends or outside the hours 7.00 am to 6.00 pm?

Yes No Not applicable for this application.

Noise

23. Is a residential area or any occupied dwelling close by or within the application area. Yes No

24. Give details and distances.

There is an existing dwelling in the proposed Lot 1 and on both the north west and south boundaries of the land under application.

These dwellings are all shown relative to the legal boundaries on the aerial image accompanying the application.

25. Give details of any anticipated noise levels and likely impacts on both wildlife and residents in the area.

It is anticipated that there will be no impact on wildlife or residents as a result of this boundary adjustment subdivision application.

26. Details of noise reduction measures (*rubber lined hoppers, mufflers, shelters, vegetation or soil screens, etc.*)

No noise reductions measures are proposed.

Explosives

27. Will you use explosives? Yes No

28. If so give details of purpose, public warning methods, frequency, timing, storage and handling facilities, type and quantity of blast. Discuss the impacts blasting will have on nearby residents and any measures that will be taken to minimise such effects.

Not applicable for this application.

Maori Interests

29. Give details of particular Maori interest in the land or water within or bordering the application area, or likely to be affected by the application (*sacred or spiritual sites and values, traditional food gathering areas, etc.*)

There are no known or recorded interest in the land under application.

Visual Effects

- | 30. Is the operation or activity visible from: | Yes | No |
|---|-------------------------------------|-------------------------------------|
| - nearby dwellings | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| - roads (including rest areas) | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| - walking tracks | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| - known observation points | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| - areas of public access? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

If so, give details and discuss any measures that will be taken to minimise the visual impacts (i.e. buffers, vegetation, screens planted, trees, etc).

No measures are proposed as part of this application.

Effects on Present and Future Generations

- 31. Discuss socio-economic and cultural effects the (both positive and/or adverse) activity will have on the immediate neighbourhood and where relevant the wider community for present and future generations (e.g. additional housing and service requirements, noise, vibration, dust, lighting, aesthetic values, change of lifestyle, recreation, scientific values, water supply, increased traffic, historical, spiritual values, etc.)**

Not applicable for this Boundary Adjustment subdivision application.

- 32. Describe any effects (both positive and negative) on natural and physical resources having aesthetic, recreational, scientific, historical, spiritual, cultural, or other special value for present or future generations:**

Not applicable for this Boundary Adjustment subdivision application.

Consultation

- 33. Have you discussed your proposal with your neighbours and other parties who may be adversely affected (eg, Coast Health Care, Department of Conservation, Historic Places Trust, local iwi, Transit New Zealand Ltd, local electricity suppliers and Telecom New Zealand Ltd.)** Yes

Consultation was undertaken with :

P R & R J Reynolds for Lot 1, D.P.20308.

J M Risk for Lot 2, D.P.20308.

C H & S L Tickelpenny for Lot 3, D.P.10854

Consultation cont.

34. Are all affected persons consent forms completed and attached, or forwarded to Council Yes No

If no, your application will be placed on hold until Council receives these forms.

35. If any environmental concerns have been raised by affected neighbours or other parties, how can these concerns be met ?

No concerns were raised by the parties consulted.

Other Information

36. Outline other information (if any), required to be included in the application by the district plan or regulations.

All information that is required accompanies the application, this includes a plan of the proposed subdivision, an aerial image of the area with the proposed and existing boundaries superimposed, copies of C.T.'s NL6B/985 and NL7A/1269 and QuickMap prints of the area.

Dated at Westport this 10th day of March 2006.

24.03.06 - Numbers 33, 34 & 35 amended after neighbours consent forms were returned.

Signed: 

(to be signed by or on behalf of applicant)

REPORT TO: DELEGATED PLANNING SUB-COMMITTEE

File No: RC06/46

Date: 26 April 2006

From: Senior Planner

Subject: RESOURCE CONSENT RC06/46 - NGATAI HOLDINGS LIMITED

Section 113 of the Resource Management Act 1991, requires that every decision on a resource consent shall be in writing and state reasons for the decision.

SUBJECT	Ngatai Holdings Limited
CONSENT TYPE	Subdivision – Discretionary
LOCATION	Snodgrass, Westport
LEGAL DESCRIPTION	Lot 4 Deposited Plan 10854 and Lot 1 Deposited Plan 11720 Block III Kawatiri Survey District
VALUATION ROLL NO.	18840 12004 and 18840 12105
ZONE	Rural Zone - Buller District Plan

Application

The application is for consent to subdivide Lot 4 DP 10854 into two allotments, with Lot 1 being the existing dwelling site of 7435m² and Lot 2, 3.424ha of pasture land which is to be amalgamated with Lot 1 DP 11720. Both allotments have existing services and accesses.

Statutory Provisions

Under Section 104 of the Resource Management Act 1991, Council must consider the following in assessing the application.

1. Part Two principles and purposes of the Resource Management Act 1991; and
2. any actual and potential effects of allowing the activity; and
3. any relevant objectives, policies and rules of the district plan or proposed district plan; and
4. any relevant regulations; and
5. any other matter Council considers relevant and reasonably necessary to determine the application.

1. Part Two of the Act

The purpose and principles of the Resource Management Act have been considered and this proposal does not appear contrary to either. It is generally considered that the proposed activity will enable the community to provide for their well-being without creating any adverse environmental impact.

2. Any actual and potential effects of allowing the activity (S104a)

An assessment of environmental effects (as required by Schedule Four of the Resource Management Act 1991) indicates that any significant adverse environmental effects will be mitigated by the inclusion of conditions attached to the consent.

Council's Senior Planner inspected the site on 26 April 2006.

It was noted that the vehicle crossing to Lot 1 DP 11720 has not been formed to Council's standards. The crossing to proposed Lot 1 has however been formed to Council's standards.

Both dwellings are connected to Council's water supply and have independent soakage pits and disposal fields. The soakage pit and disposal field for Lot 1 is on the eastern side of the house fence, but within the proposed boundaries of Lot 1.

The electricity connection to Lot 1 is via an aboveground line which crosses Lot 2. As such, an easement is required to be registered.

It was uncertain from the site visit where the telecommunication line to Lot 1 is. If this crosses over Lot 2, an easement will also need to be registered in favour of Lot 1.

Part 7.3 outlines the rules related to subdivisions. Within the Rural Zone, a subdivision undertaken for boundary adjustment. A boundary adjustment is defined as a subdivision where the number of allotments, as a result of the subdivision, does not exceed the number of allotments previously existing and the area of each allotment is altered by less than one hectare. The proposal will however result in the area being altered by more than one hectare, therefore it is a discretionary activity under Rule 7.3.3.1, which needs to be assessed according to the criteria in Part 9 of the Buller District Plan. *Doesn't make sense*

9.2.3.1 *Natural and physical resources, in particular, possible initiation or acceleration of soil erosion or deposition of any vegetation, soil, rock or debris in a water course or directly to coastal water.*

9.2.3.2 *Natural habitats and/or vegetation, landscape and natural features and the integrity, resilience and functioning of indigenous ecosystems.*

9.2.3.3 *The natural character of the coastal environment, wetlands, and lakes and rivers and their margins.*

9.2.3.4 *Water courses, streams and lakes and on water quality.*

The application is separated from the Orowaiti Lagoon by Snodgrass Road. The Lagoon at this point is still part of the coastal marine area and is tidal. Therefore the MHWS mark setback of 150m is relevant to these sections for any new dwelling to be erected on the lots. It was noted at the site visit that the two dwellings affected by this subdivision are

each within the 150m setback. Lot 1 is entirely within the 150 metre set back, however the area is already developed with residential activity, as is the adjoining section, so the subdivision is not altering the character of the coastal environment in this location.

9.2.3.6 *The degree of exposure or risk to natural hazards of both people, buildings and structures.*

The Council, in conjunction with NIWA, have undertaken a study to determine the likelihood of flooding of the Buller and Orowaiti Rivers on a 2% Annual Exceedence Probability, or what is commonly termed the 50 year flood. Lot 1 DP 11720 is identified as being likely to be subject to inundation and potential flooding along its western boundary for approximately 40 metres (the house and other buildings are located outside this predicted flood area.)

9.2.3.7 *Visual amenities including those of any buildings or structures associated with the activity and other ancillary features, for example, signage and parking. The design, siting and appearance of buildings should have special regard for, and be visually appropriate to, the natural landscape and scenic character of the locality, particularly in areas of high scenic value. Appropriate landscape treatment and sensitive use of colours for example, assist in mitigating possible adverse effects.*

9.2.3.9 *The sound environment in the locality (for example traffic noise generated at nearby settlements as a result of traffic movements to and from the activity), other users acoustical amenities, and where any noise has special audible characteristics, for example, impulses or tonality, or where vibration is significant, the extent to which sound or vibration is likely to affect community health or amenity.*

9.2.3.10 *Infrastructure and services including the safety and health of nearby residents or occupiers of land and the ability of the site to cater for the disposal of effluent likely to be generated by activities.*

The sections have existing dwellings located on them. Both are connected to reticulated water supply, electricity and telecommunications, and each has its separate septic tank and soakage field. As the sections are already developed, there will not be a change in sound environment nor in character of the area.

Electricity to Lot 1 is over proposed Lot 2 and an easement is required. The location of the phone line to Lot 1 is uncertain, and may possibly follow a similar line to the electricity line. If the telecommunication cables are across Lot 2, then an easement will also be required for this service.

9.2.3.8 *The relationship of tangata whenua with their ancestral lands, waters, waahi tapu sites and other taonga.*

Lot 1 DP 11720 is shown on our District Plan maps as being subject to an urupa. Given the nature of the archaeological site, a cemetery, and catering for possible inaccuracies with mapping, a buffer of 200m from the identified site is recommended for consideration of effects on the archaeological site. The boundary adjustment is therefore within this buffer. As such, the Council required the applicant to consult with Ngai Tahu and the local runanga, Ngati Waewae.

- 9.2.3.12 *Neighbouring land uses. Landowners adjacent to the site should not have activities on their land jeopardised or detrimentally affected unless their prior written consent has been obtained. Where written consent is not obtained, the effects on adjacent landowners' amenity and activities will be considered.*
- 9.2.3.14 *The settlement pattern of the District including tendency to promote closer settlement, or cause a possible demand for the inefficient and uneconomic extension of public services and infrastructure.*

The application is for a boundary adjustment for existing dwellings. The surrounding land use is a mix of residential and rural-residential use. The boundary adjustment will result in a small section, similar in size to the adjacent section and a recently consented subdivision to the north of the site.

3. Relevant objectives, policies and rules of the Buller District Plan (S104d)

Part 4 of the Buller District Plan identifies key resource management issues that are specific to the District. Objectives and policies have been identified to ensure that the key issues are addressed.

Objective 4.2.5.1 - Infrastructure

To provide for the efficient development, operation and maintenance of infrastructure throughout the District, while avoiding, remedying or mitigating adverse effects

Policy 4.3.18.3 - The Built Environment

To ensure that rural-residential development is either adequately serviced or capable of meeting its own requirements.

The proposed subdivision has existing services and crossings to each lot, however the vehicle crossing to Lot 1 DP 11720 requires upgrading to Council's standards.

To ensure that Lot 1 has appropriate service protection, an easement for electricity, and telecommunications is required, over Lot 2 is to be included on the survey plan.

Objective 4.4.4.1 – Rural Land and Water Resource

To ensure that the overall integrity and character of the rural environment and productivity of rural land resources is protected while enabling rural communities to provide for their social, economic and cultural wellbeing.

Policy 4.4.5.1 - Rural Land and Water Resource

A wide range of compatible activities which do not individually or cumulatively adversely affect the sustainability of rural land resources shall be generally permitted to locate in the rural area.

While the land is zoned rural, it is more rural-residential in nature along Snodgrass. The subdivision is a boundary adjustment, so not increasing the number of sections. The proposal ensures that the boundary each Lot includes all provision for site coverage of the existing dwellings and services.

Objective 4.7.5.1 – Coastal Environment

To maintain or enhance the natural character of the coastal environment by avoiding, remedying or mitigating the adverse effects of land use activities and subdivision requiring a coastal location.

Policy 4.7.6.4 - Coastal Environment

The maintenance and enhancement of public access to and along the coastline shall be encouraged except where restrictions are necessary to ensure public safety or to avoid the potential adverse effects of people and/or vehicles on the coastal environment.

Policy 4.7.6.7 - Coastal Environment

The needs of existing and future activities requiring a coastal location shall be recognised.

Policy 4.4.14.5 - Rural Land and Water Resource

The establishment of buffers for example, in the form of esplanade reserves or strips along the margins of lakes, rivers and the Coastal Marine Area shall be promoted and encouraged as a means of maintaining and enhancing water quality.

As noted above, the subdivision is within the coastal environment and the 150m setback from MHWS mark does affect the subdivision. The subdivision is however separated from the actual mud flat area of the Orowaiti Lagoon by a strip of legal road, thus it does not impact on the accessibility of public to the Lagoon. Also, as the subdivision is a boundary adjustment, it is not creating any additional sections which would result in the intensification of the area.

Objective 4.10.6.1 - Natural Hazards

Taking into account community views, to reduce the risks to people and communities from natural hazards, and to avoid the establishment of activities which increase the likelihood of natural hazards occurring.

Policy 4.10.7.2 - Natural Hazards

An assessment of natural hazard risk shall be provided where appropriate with all applications for resource consents.

Policy 4.10.7.3 - Natural Hazards

Mitigation works to minimise the risks of natural hazards to the safety of people and communities shall be assessed according to the degree of risk.

Policy 4.10.7.4 - Natural Hazards

Subject to the relevant statutory provisions in the Resource Management Act and Building Act, further development in identified hazard prone locations will be restricted.

Also as noted above, Lot 1 DP 11720 is likely to be subject to a 2% AEP inundation from flooding of the Orowaiti River, as identified in the NIWA 2005 report. A consent notice will be included on the parcel advising that if any building which may take place on this lot needs to be above the highest known flood level as determined by the Council's Building Inspectors.

4. Any relevant regulations

Nil

5. Any other relevant matters (S104i)

Consultation was undertaken with the New Zealand Historic Places Trust & Ngai Tahu, neither of whose interests be adversely affected.

Affected parties approvals have been obtained from: *Ngaiti Waiwae.*

Conclusion

It is considered that the effect of the proposal will not be more than minor and the policies and objectives in the District Plan are not compromised. Accordingly, resource consent can be granted subject to conditions.

Recommendation: That pursuant to Sections 104, 104B, 106 and 108 of the Resource Management Act 1991, Council consents to the application by Ngatai Holdings Limited to subdivide Lot 4 Deposited Plan 10854 Block III Kawatiri Survey District, for the purpose of a boundary adjustment with Lot 1 Deposited Plan 11720 Block III Kawatiri Survey District. The site is situated at Snodgrass Road, Westport.

That consent be granted on the basis that the proposal is a discretionary activity where the effects are no more than minor.

That consent be granted subject to the following conditions:

1. That the subdivision proceed in accordance with the submitted plans and application, except where the following conditions take precedence.
2. That four copies of the land transfer plan be provided to Council.
3. The following amalgamation condition, pursuant to Section 220(1)(b)(i) of the Resource Management Act 1991, shall be included on the survey plan:

“That Lot 2 hereon be transferred to the owner of Lot 1 DP 11720 (CT NL7A/1269) and that one certificate of title be issued to include both parcels. See Document ”

4. That the vehicle crossing to Lot 1 Deposited Plan 11720 shall be constructed to Buller District Council standards. The consent holder is required to have the work involved carried out by a Council Approved Contractor. The Approved Contractor will be required to make application to the Council's Operations Department for approval to install the vehicle crossing and be given approval including Council specification requirements prior to the construction of the vehicle crossing being undertaken.
5. That a consent notice be issued in accordance with Section 221 of the Resource Management Act 1991 on Lot 1 DP 11720. The consent holder is required to pay the costs of the consent notice.

Lot 1 DP 11720 is identified in the NIWA 2005 report as being subject to a 2% AEP inundation from flooding of the Orowaiti River. Any building which may take place on this lot needs to be above the highest known flood level as determined by the Council's Building Inspectors.

6. That an easement be registered over newly created Lot 2 in favour of Lot 1 in regards to the conveying of electricity and, if required, telecommunications.
7. That pursuant to Section 127(1) of the Resource Management Act 1991, the consent holder may apply to the consent authority for a change or cancellation of any condition of the consent within five years from the date of issue.
8. That pursuant to Section 128(1)(a) and 128(1)(c) of the Resource Management Act 1991, the Consent Authority may review any conditions of the consent within eight years from the date of issue for any of the following purposes:
 - (a) To deal with any adverse effect on the environment which may arise from the exercise of the consent and which it is appropriate to deal with at a later stage; or
 - (b) To deal with inaccuracies contained in the consent application that materially influenced the decision made on the application and are such that it is necessary to apply more appropriate conditions; or
 - (c) To assess the appropriateness of imposed compliance standards, monitoring regimes and monitoring frequencies and to alter these accordingly.
9. That all actual and reasonable costs incurred by this Council in monitoring, enforcement and administration of this consent shall be met by the consent holder.

Note: Accidented Discovery Protocol - Slub.



Authorised Officer

19.6.06

Date



Authorised Officer

20.6.06

Date

IN THE MATTER

of the Resource Management Act
1991

AND

IN THE MATTER

of an application by Ngatai Holdings
Limited - RC06/46

DECISION OF THE BULLER DISTRICT COUNCIL

Section 113 of the Resource Management Act 1991, requires that every decision on a resource consent shall be in writing and state reasons for the decision.

SUBJECT	Ngatai Holdings Limited
CONSENT TYPE	Subdivision – Discretionary
LOCATION	Snodgrass, Westport
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2. any actual and potential effects of allowing the activity; and
3. any relevant objectives, policies and rules of the district plan or proposed district plan; and
4. any relevant regulations; and
5. any other matter Council considers relevant and reasonably necessary to determine the application.

1. Part Two of the Act

The purpose and principles of the Resource Management Act have been considered and this proposal does not appear contrary to either. It is generally considered that the proposed activity will enable the community to provide for their well-being without creating any adverse environmental impact.

2. Any actual and potential effects of allowing the activity (S104a)

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Council's Senior Planner inspected the site on 26 April 2006.

It was noted that the vehicle crossing to Lot 1 DP 11720 has not been formed to Council's standards. The crossing to proposed Lot 1 has however been formed to Council's standards.

Both dwellings are connected to Council's water supply and have independent soakage pits and disposal fields. The soakage pit and disposal field for Lot 1 is on the eastern side of the house fence, but within the proposed boundaries of Lot 1.

The electricity connection to Lot 1 is via an aboveground line which crosses Lot 2. As such, an easement is required to be registered.

It was uncertain from the site visit where the telecommunication line to Lot 1 is. If this crosses over Lot 2, an easement will also need to be registered in favour of Lot 1.

Part 7.3 outlines the rules related to subdivisions. Within the Rural Zone, a subdivision undertaken for boundary adjustments is defined as a subdivision where the number of allotments, as a result of the subdivision, does not exceed the number of allotments previously existing and the area of each allotment is altered by less than one hectare. The proposal will however result in the area being altered by more than one hectare, therefore it is a discretionary activity under Rule 7.3.3.3.1, which needs to be assessed according to the criteria in Part 9 of the Buller District Plan.

- 9.2.3.1 *Natural and physical resources, in particular, possible initiation or acceleration of soil erosion or deposition of any vegetation, soil, rock or debris in a water course or directly to coastal water.*
- 9.2.3.2 *Natural habitats and/or vegetation, landscape and natural features and the integrity, resilience and functioning of indigenous ecosystems.*
- 9.2.3.3 *The natural character of the coastal environment, wetlands, and lakes and rivers and their margins.*
- 9.2.3.4 *Water courses, streams and lakes and on water quality.*

The application is separated from the Orowaiti Lagoon by Snodgrass Road. The Lagoon at this point is still part of the coastal marine area and is tidal. Therefore the MHWS mark setback of 150m is relevant to these sections for any new dwelling to be erected on the lots. It was noted at the site visit that the two dwellings affected by this subdivision are

each within the 150m setback. Lot 1 is entirely within the 150 metre set back, however the area is already developed with residential activity, as is the adjoining section, so the subdivision is not altering the character of the coastal environment in this location.

9.2.3.6 *The degree of exposure or risk to natural hazards of both people, buildings and structures.*

The Council, in conjunction with NIWA, have undertaken a study to determine the likelihood of flooding of the Buller and Orowaiti Rivers on a 2% Annual Exceedence Probability, or what is commonly termed the 50 year flood. Lot 1 DP 11720 is identified as being likely to be subject to inundation and potential flooding along its western boundary for approximately 40 metres (the house and other buildings are located outside this predicted flood area.)

9.2.3.7 *Visual amenities including those of any buildings or structures associated with the activity and other ancillary features, for example, signage and parking. The design, siting and appearance of buildings should have special regard for, and be visually appropriate to, the natural landscape and scenic character of the locality, particularly in areas of high scenic value. Appropriate landscape treatment and sensitive use of colours for example, assist in mitigating possible adverse effects.*

9.2.3.9 *The sound environment in the locality (for example traffic noise generated at nearby settlements as a result of traffic movements to and from the activity), other users acoustical amenities, and where any noise has special audible characteristics, for example, impulses or tonality, or where vibration is significant, the extent to which sound or vibration is likely to affect community health or amenity.*

9.2.3.10 *Infrastructure and services including the safety and health of nearby residents or occupiers of land and the ability of the site to cater for the disposal of effluent likely to be generated by activities.*

The sections have existing dwellings located on them. Both are connected to reticulated water supply, electricity and telecommunications, and each has its separate septic tank and soakage field. As the sections are already developed, there will not be a change in sound environment nor in character of the area.

Electricity to Lot 1 is over proposed Lot 2 and an easement is required. The location of the phone line to Lot 1 is uncertain, and may possibly follow a similar line to the electricity line. If the telecommunication cables are across Lot 2, then an easement will also be required for this service.

9.2.3.8 *The relationship of tangata whenua with their ancestral lands, waters, waahi tapu sites and other taonga.*

Lot 1 DP 11720 is shown on our District Plan maps as being subject to an urupa. Given the nature of the archaeological site, a cemetery, and catering for possible inaccuracies with mapping, a buffer of 200m from the identified site is recommended for consideration of effects on the archaeological site. The boundary adjustment is therefore within this buffer. As such, the Council required the applicant to consult with the local runanga, Ngati Waewae.

- 9.2.3.12 *Neighbouring land uses. Landowners adjacent to the site should not have activities on their land jeopardised or detrimentally affected unless their prior written consent has been obtained. Where written consent is not obtained, the effects on adjacent landowners' amenity and activities will be considered.*
- 9.2.3.14 *The settlement pattern of the District including tendency to promote closer settlement, or cause a possible demand for the inefficient and uneconomic extension of public services and infrastructure.*

The application is for a boundary adjustment for existing dwellings. The surrounding land use is a mix of residential and rural-residential use. The boundary adjustment will result in a small section, similar in size to the adjacent section and a recently consented subdivision to the north of the site.

3. Relevant objectives, policies and rules of the Buller District Plan (S104d)

Part 4 of the Buller District Plan identifies key resource management issues that are specific to the District. Objectives and policies have been identified to ensure that the key issues are addressed.

Objective 4.2.5.1 - Infrastructure

To provide for the efficient development, operation and maintenance of infrastructure throughout the District, while avoiding, remedying or mitigating adverse effects

Policy 4.3.18.3 - The Built Environment

To ensure that rural-residential development is either adequately serviced or capable of meeting its own requirements.

The proposed subdivision has existing services and crossings to each lot, however the vehicle crossing to Lot 1 DP 11720 requires upgrading to Council's standards.

To ensure that Lot 1 has appropriate service protection, an easement for electricity, and telecommunications is required, over Lot 2 is to be included on the survey plan.

Objective 4.4.4.1 – Rural Land and Water Resource

To ensure that the overall integrity and character of the rural environment and productivity of rural land resources is protected while enabling rural communities to provide for their social, economic and cultural wellbeing.

Policy 4.4.5.1 - Rural Land and Water Resource

A wide range of compatible activities which do not individually or cumulatively adversely affect the sustainability of rural land resources shall be generally permitted to locate in the rural area.

While the land is zoned rural, it is more rural-residential in nature along Snodgrass. The subdivision is a boundary adjustment, so not increasing the number of sections. The proposal ensures that the boundary each Lot includes all provision for site coverage of the existing dwellings and services.

Objective 4.7.5.1 – Coastal Environment

To maintain or enhance the natural character of the coastal environment by avoiding, remedying or mitigating the adverse effects of land use activities and subdivision requiring a coastal location.

Policy 4.7.6.4 - Coastal Environment

The maintenance and enhancement of public access to and along the coastline shall be encouraged except where restrictions are necessary to ensure public safety or to avoid the potential adverse effects of people and/or vehicles on the coastal environment.

Policy 4.7.6.7 - Coastal Environment

The needs of existing and future activities requiring a coastal location shall be recognised.

Policy 4.4.14.5 - Rural Land and Water Resource

The establishment of buffers for example, in the form of esplanade reserves or strips along the margins of lakes, rivers and the Coastal Marine Area shall be promoted and encouraged as a means of maintaining and enhancing water quality.

As noted above, the subdivision is within the coastal environment and the 150m setback from MHWS mark does affect the subdivision. The subdivision is however separated from the actual mud flat area of the Orowaiti Lagoon by a strip of legal road, thus it does not impact on the accessibility of public to the Lagoon. Also, as the subdivision is a boundary adjustment, it is not creating any additional sections which would result in the intensification of the area.

Objective 4.10.6.1 - Natural Hazards

Taking into account community views, to reduce the risks to people and communities from natural hazards, and to avoid the establishment of activities which increase the likelihood of natural hazards occurring.

Policy 4.10.7.2 - Natural Hazards

An assessment of natural hazard risk shall be provided where appropriate with all applications for resource consents.

Policy 4.10.7.3 - Natural Hazards

Mitigation works to minimise the risks of natural hazards to the safety of people and communities shall be assessed according to the degree of risk.

Policy 4.10.7.4 - Natural Hazards

Subject to the relevant statutory provisions in the Resource Management Act and Building Act, further development in identified hazard prone locations will be restricted.

Also as noted above, Lot 1 DP 11720 is likely to be subject to a 2% AEP inundation from flooding of the Orowaiti River, as identified in the NIWA 2005 report. A consent notice will be included on the parcel advising that if any building which may take place on this lot needs to be above the highest known flood level as determined by the Council's Building Inspectors.

4. Any relevant regulations

Nil

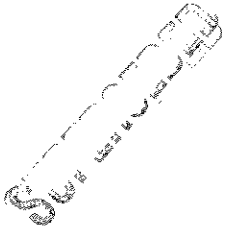
5. Any other relevant matters (S104i)

Consultation was undertaken with the New Zealand Historic Places Trust and Ngai Tahu; neither who considered to be adversely affected.

Affected parties approval has been obtained from Ngati Waewae.

Conclusion

It is considered that the effect of the proposal will not be more than minor and the policies and objectives in the District Plan are not compromised. Accordingly, resource consent can be granted subject to conditions.



RESOURCE CONSENT RC06/46

NGATAI HOLDINGS LIMITED

RESOURCE CONSENT CONDITIONS

Recommendation: That pursuant to Sections 104, 104B, 106 and 108 of the Resource Management Act 1991, Council consents to the application by Ngatai Holdings Limited to subdivide Lot 4 Deposited Plan 10854 Block III Kawatiri Survey District, for the purpose of a boundary adjustment with Lot 1 Deposited Plan 11720 Block III Kawatiri Survey District. The site is situated at Snodgrass Road, Westport.

That consent be granted on the basis that the proposal is a discretionary activity where the effects are no more than minor.

That consent be granted subject to the following conditions:

1. That the subdivision proceed in accordance with the submitted plans and application, except where the following conditions take precedence.
2. That four copies of the Land Transfer Plan be provided to Council.
3. The following amalgamation condition, pursuant to Section 220(1)(b)(i) of the Resource Management Act 1991, shall be included on the survey plan:

"That Lot 2 hereon be transferred to the owner of Lot 1 DP 11720 (CT NL7A/1269) and that one Certificate of Title be issued to include both parcels. See Document 560180"

4. That the vehicle crossing to Lot 1 Deposited Plan 11720 shall be constructed to Buller District Council standards. The Consent Holder is required to have the work involved carried out by a Council Approved Contractor. The Approved Contractor will be required to make application to the Council's Operations Department for approval to install the vehicle crossing and be given approval including Council specification requirements prior to the construction of the vehicle crossing being undertaken.
5. That a consent notice be issued in accordance with Section 221 of the Resource Management Act 1991 on Lot 1 DP 11720. The Consent Holder is required to pay the costs of the consent notice.

Lot 1 DP 11720 is identified in the NIWA 2005 report as being subject to a 2% AEP inundation from flooding of the Orowaiti River. Any building which may take place on this lot needs to be above the highest known flood level as determined by the Council's Building Inspectors.

6. That an easement be registered over newly created Lot 2 in favour of Lot 1 in regards to the conveying of electricity and, if required, telecommunications.

SUPERSEDED

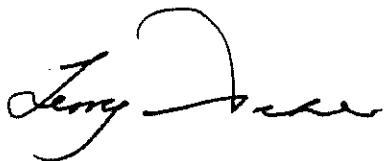
7. That pursuant to Section 127(1) of the Resource Management Act 1991, the consent holder may apply to the consent authority for a change or cancellation of any condition of the consent within five years from the date of issue.
8. That pursuant to Section 128(1)(a) and 128(1)(c) of the Resource Management Act 1991, the Consent Authority may review any conditions of the consent within eight years from the date of issue for any of the following purposes:
 - (a) To deal with any adverse effect on the environment which may arise from the exercise of the consent and which it is appropriate to deal with at a later stage; or
 - (b) To deal with inaccuracies contained in the consent application that materially influenced the decision made on the application and are such that it is necessary to apply more appropriate conditions; or
 - (c) To assess the appropriateness of imposed compliance standards, monitoring regimes and monitoring frequencies and to alter these accordingly.
9. That all actual and reasonable costs incurred by this Council in monitoring, enforcement and administration of this consent shall be met by the consent holder.

Note:

The normal requirements amalgamated titles, is that the land is in the same ownership and that any existing joint family home settlements are cancelled or extended to include all the land being amalgamated.

Accidental Discovery Protocol

If any activity associated with this proposal, such as earthworks, fencing or landscaping, may modify, damage or destroy any archaeological site(s), an authority from the New Zealand Historic Places Trust must be obtained for the work to proceed lawfully. An authority is required whether or not the land on which an archaeological site may be present is designated, a resource or building consent has been granted, or the activity is permitted under the District or Regional Plan. Evidence of archaeological site may include tailings, mining sites, oven stones, charcoal, shells, ditches, banks, pits, building foundations, and artefacts of Maori or European origin or burials.



Dated at Westport this 20th day of June 2006

RESOURCE CONSENT RC06/46

NGATAI HOLDINGS LIMITED

RESOURCE CONSENT CONDITIONS

AS REVIEWED AT 30 AUGUST 2006

That pursuant to Sections 104, 104B, 106 and 108 of the Resource Management Act 1991, Council consents to the application by Ngatai Holdings Limited to subdivide Lot 4 Deposited Plan 10854 Block III Kawatiri Survey District, for the purpose of a boundary adjustment with Lot 1 Deposited Plan 11720 Block III Kawatiri Survey District. The site is situated at Snodgrass Road, Westport.

That consent be granted on the basis that the proposal is a discretionary activity where the effects are no more than minor.

That consent be granted subject to the following conditions:

1. That the subdivision proceed in accordance with the submitted plans and application, except where the following conditions take precedence.
2. That four copies of the Land Transfer Plan be provided to Council.
3. The following amalgamation condition, pursuant to Section 220(1)(b)(i) of the Resource Management Act 1991, shall be included on the survey plan:

"That Lot 2 hereon be transferred to the owner of Lot 1 DP 11720 (CT NL7A/1269) and that one Certificate of Title be issued to include both parcels. See Document 560180"

4. That an easement be registered over newly created Lot 2 in favour of Lot 1 in regards to the conveying of electricity and, if required, telecommunications.
5. That pursuant to Section 127(1) of the Resource Management Act 1991, the consent holder may apply to the consent authority for a change or cancellation of any condition of the consent within five years from the date of issue.
6. That pursuant to Section 128(1)(a) and 128(1)(c) of the Resource Management Act 1991, the Consent Authority may review any conditions of the consent within eight years from the date of issue for any of the following purposes:
 - (a) To deal with any adverse effect on the environment which may arise from the exercise of the consent and which it is appropriate to deal with at a later stage; or
 - (b) To deal with inaccuracies contained in the consent application that materially influenced the decision made on the application and are such that it is necessary to apply more appropriate conditions; or

(c) To assess the appropriateness of imposed compliance standards, monitoring regimes and monitoring frequencies and to alter these accordingly.

7. That all actual and reasonable costs incurred by this Council in monitoring, enforcement and administration of this consent shall be met by the consent holder.

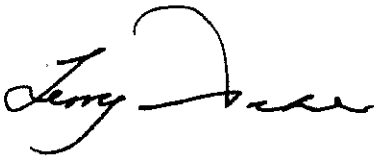
Note:

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This consent lapses five year after the date of initial issue, being 20th day of June 2006



Dated at Westport this 30th day of August 2006



Westport Office
PO Box 21
WESTPORT 7866
Phone (03) 788 9111
Fax (03) 788 8041
Freephone 0800 807 239

Reefton Office
PO Box 75
REEFTON 7851
Phone (03) 732 8821
Fax (03) 732 8822

RESOURCE CONSENT APPLICATION FOR SUBDIVISION

Please complete all sections. Examples are provided in brackets to help you answer the questions. If you require assistance in completing the application please feel free to give us a call, or make an appointment at the Westport office, as a Duty Planner is available most days.

Site photos are always helpful. If you are taking photos take one of the access from the road. Either print the photos and attach to your application, or email them to planning@bdc.govt.nz with reference to the site that the application is for.

A diagram (Site Plan) of the site is essential. It doesn't have to be complicated, but you do have to indicate how big the sections are and which will be Lot 1, Lot 2 etc. We require the important measurements like how long each boundary is, and any easements that are required. You will need to engage a surveyor at some stage during your subdivision. Your surveyor can prepare the site plan for you.

Have you thought about what will happen when the sections are sold? The new purchasers may have different plans for the lot than you expect. You may want to think about restricting the number or height of future houses, or the types of activities that can take place on the new lot.

Note: Before you have a new title issued and are going to sell the subdivided lot, you must meet all the costs of the subdivision. You will have to pay for the processing and monitoring of your consent, pay your surveyors fees, and pay a reserve contribution. You may also be required to install services to the new lot, install vehicle crossings, form Rights of Way, and contribute to road upgrades.

Checklist

- Have you included a site plan?
- Have you included photos of the site, (Google print) or
 Are you going to email photos to Council?
- Have you included the deposit of \$ 800.00 plus \$ 50.00 per additional lot?
Please note that this is a deposit only and Council operates on a full cost recovery system. Therefore if the cost of processing the consent is more than the deposit, you will be charged the additional amount. Upon payment of any additional amount, you will receive the decision.
- Have you included a copy of the Certificate of Title, or
 Do you wish Council to search a copy for you (at a cost of \$10 per Title)?
- Have you signed the application?
- Have you filled in and attached an Assessment of Environmental Effects form?
- Have you included any coastal hazard assessment, or N/A
- geotechnical assessment of the site if it is subject to a hazard, or N/A
- landscape assessment if the subdivision is in a sensitive area? N/A
- Have you attached any affected parties forms that have been completed?

See #33 of the AEE

If you have **not included all the information required** for Council to assess your application it will either be **sent back** to you or be lodged (which means Council keeps the application but does **not start to process the application**).

Applicant Details

1. Applicant(s) name(s): (please write all names in full)

James McFarlane Risk

2. Postal Address: P. O. Box 168, Westport 7866

Telephone: Business: Not applicable Facsimile: Not applicable

Private: 03 789 7202

Email: Not applicable

3. Applicant is the owner/occupier (please tick the appropriate box)
 prospective owner

Property owner's name: (if different from above)

4. Correspondence to be sent to the following name and address: (if different from applicant)

Jan Coll
Chris J Coll Surveying Limited
PO Box 204
Westport 7866

Telephone: Business: 03 789 8425

Facsimile: 03 789 6016

Private: Not applicable

Email: jan@cjc.co.nz

Property Details

5. Property address or description of location: (include the name of any relevant stream, river or other water body to which the application may relate, proximity to any well known landmark, etc)

24-26 Snodgrass Road, Westport

6. Legal Description: Lot 1, D.P.358517

7. Valuation Roll Number (from rates or valuation notice) : 18840 12100

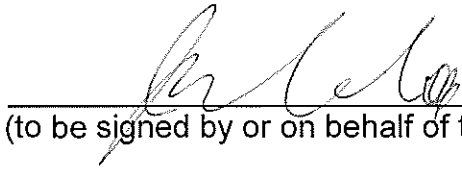
8. Zone: Rural

Details of Proposal

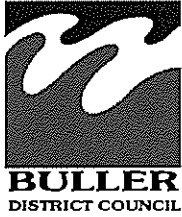
9. This is an application for a Boundary Adjustment Subdivision Consent
10. Are any other consents required? Yes No
(a land use consent for boundary encroachment, a building consent, or a consent from the Regional Council)
- If yes, list consents below, stating whether they have been applied for.
- A Land Use consent for a residential dwelling on the new Lot 2 because the new lot is within 150 metres of Mean High water Springs mark.
11. Provide the reasons for the application and for choosing this site: (disposal of unwanted land etc)
- Mr Risk wishes to take the opportunity to subdivide his land to provide a rural-residential block in an area that has a unique and special atmosphere. The subdivision is situated adjacent to the "Township" of Snodgrass with access to and views of the river and is also in close proximity to the facilities of Westport.
- This application for both the subdivision and the Land Use consent are Discretionary Activities under the District Plan rules.
- A plan of the proposed subdivision accompanies this application.
12. What is the intended use of the lots after subdivision? (rural use, residential, lifestyle blocks, etc)
- The activities will continue to be rural for Lot 1 and will be rural-residential for Lot 2.
13. Are any Covenants or Consent Notices (restrictions) proposed on the new lots? (limiting the number of dwellings on each lot to one, not allowing the lots to be used for purposes other than residential, etc)
- As part of the Land Use consent, it is suggested that a Consent Notice be registered on the new Lot 2 of the same nature as the Consent Notice registered on the adjacent block, Lot 2, D.P.358517.
- This Consent Notice would allow only a maximum of one dwelling on the new Lot 2 and that dwelling would be restricted to a maximum height of 7.5 metres, i.e. a height of 9.7 metres above MSL Lyttelton. The Consent Notice would also require that the dwelling be no closer than 25 metres from the Snodgrass Road boundary and that the floor levels of the dwelling be 150 mm above the level determined by Buller District Council for a 50 year flood event.
- A copy of the Consent Notice registered on Lot 2 D.P.358517 is included in the application documentation.
- We would request that the Consent Notice allow the opportunity for an auxiliary building to be constructed such as garage or a shed.
- The application also includes the provision for the new Lot 2 to gain access from Snodgrass Road from the existing access for Lot 1, D.P.358517. This is to be via a Right of Way shown "A" over the new Lot 1.
- The Right of Way will be constructed to an Engineer's design.
14. Are there any existing buildings on site? If so, what are they used for? (a dwelling for residential purposes, a barn for storing farm equipment etc)
- Yes, there is a dwelling and ancillary out-buildings on the new Lot 1.
15. Regular traffic movements are likely to be 6 to 8 vehicle movements per day for both lots.
16. Is there space on each proposed lot for a car park? Yes No

17. How is potable (drinking) water provided, or how will it be provided for each lot? (town supply, rain catchment, the responsibility of the purchasers of the lots, etc)
- The existing Buller District Council supply is connected to the block and this will be utilised for the new Lot 2 as well.
18. How is effluent disposal provided for, or how will it be provided for on each lot? (town supply, septic tank, communal system, aerated system, etc)
- A disposal system is in place for the existing dwelling on Lot 1. A site specific effluent treatment and disposal system would be installed when a dwelling is built on the new Lot 2.
19. How is stormwater disposal provided for, or how will it be provided for on each lot? (town reticulation, used for water supply, onsite sump, piped to a water course, discharged into sewage system etc)
- Stormwater disposal is to the ground.
20. Where is the closest point for connecting to electricity and telecommunications services? (there is an electricity line at the road boundary and telecommunications cables buried across the street, etc)
- Electricity and telecommunications are in place for the dwelling on Lot 1. New connections for Lot 2 will be to the existing services adjacent to the block.
21. Are all wells, pipes, water tanks, septic tanks, effluent soakage fields, and stormwater disposal systems contained within each site? Yes No
- Please show on a site plan the location of any of the above services in relation to lot boundaries.
22. Provide details of any landscaping proposed: (bundling, planting along the borders of the lots or along access ways, etc)
- No landscaping is specifically proposed for this subdivision application.
23. Are any new accessways (vehicle crossings) proposed for the site? Yes No
- If so, please show on a site plan.
- The existing access for Lot 1, D.P.358517 will be utilised for the new Lot 2 with a Right of Way over part of the "leg-in". This is shown as "A" on the Scheme Plan.
24. Are any new signs or changes to existing signs proposed? Yes No
(an entrance sign naming the subdivision, a new road sign)
- If yes, please provide a site plan showing the location, dimensions, colour, exact message and dimensions of lettering and symbols, and where within the subdivision the sign will be located.
25. Do you wish to be contacted prior to a member of the Planning Department undertaking a site visit? Yes No
- Please contact Mr Risk or us prior to the site visit.

Dated at Westport this 7th day of February 2012

Signed: 
(to be signed by or on behalf of the applicant)

**PLEASE MAKE SURE YOU HAVE READ THE CHECKLIST ON THE FRONT PAGE
AND PROVIDED ALL REQUIRED INFORMATION**



Westport Office
PO Box 21
WESTPORT
Phone (03) 788 9111
(03) 788 9112 (Regulatory)
Fax (03) 788 8041

Reefton Office
PO Box 75
REEFTON
Phone (03) 732 8821
Fax (03) 732 8822

ASSESSMENT OF EFFECTS ON THE ENVIRONMENT

1. Answer all questions fully. Some may not apply to your proposal.
2. Please provide a locality map.
3. Contact the Planning Department with any queries or if you require assistance.

Physical

1. Describe the:

(a) **landforms** (e.g. mountains, hills, cliffs, streams, rivers, valleys, beaches, lakes, gorges, caves, paddocks)

Old river/beach flats

(b) **land slopes** (e.g. steep, flat, rolling, angle of slope)

Generally flat.

(c) **soils** (e.g. sand, clay, rock, fill, name of soil)

Old beach and river sands overlaid with soil.

2. Describe any potential for natural hazards (e.g. flooding, erosion, land slip)

The Westport flood hazard survey notes that the new Lot 2 may be subject to moderate inundation at the road frontage. This hazard would be addressed by a Consent Notice requiring the floor levels of a dwelling to be 150 mm above the level determined by Council for a 50 year flood event.

3. Are any of the following present in the area? (delete which do not apply)

- (a) ~~river protection works~~
- (b) ~~bridges~~
- (c) ~~railways and roads~~
- (d) ~~telephone/electricity wires or cables~~

Please indicate these features on a site diagram/map.

There are no significant features on the block.

Flora, Fauna and Ecosystems

4. **Describe the vegetation within the application area. List the major species, and any rare or endangered species. (“Native bush” and “scrub” is not a satisfactory answer).**

The land under application is part of open grassed paddocks which have been farmed and developed for many years.

5. **Will native vegetation clearance occur? If so, how much?** No

6. **Describe and/or list the birdlife, wildlife, freshwater and marine life within the application area, or in the vicinity and any recognised special wildlife habitats (“usual West Coast wildlife” or similar is not a satisfactory answer).**

Not applicable for this subdivision application.

7. **Describe the effects the activity will have on ecosystems, including effects on plants or animals, any physical disturbance of habitats in the area.**

Not applicable for this subdivision application.

Land Use

8. **Describe the current land use (give as many details as possible).**

The current land use is rural.

9. **Describe neighbouring land uses.**

The neighbouring land uses are rural-residential and rural.

10. **What is the public use of the area?**

There is no public use of the area.

11. **Describe any recreational uses that occur on the land.**

No recreational uses occur on the land under application.

12. **What is the intended post-activity vegetation cover and land use? (e.g. forestry, road, residential subdivision, pasture, etc)**

There will be no change for Lot 1 as a rural lot and Lot 2 will be developed as a rural-residential lot with more residential type vegetation cover.

13. **What effect will this application have on alternative uses of the land, resources and/or the environment at present or in the future? (discuss the reasons for your answer)**

This application will result in the new Lot 2 being an extension of the rural-residential development of the Township of Snodgrass.

14. **Describe the present land surface and how it will be rehabilitated (if applicable).**

Not applicable for this subdivision application.

Contingencies or Safeguards

15. If your activity includes the use of hazardous substances and installations, provide an assessment of any risks to the following which are likely to arise from such use:

(a) risks to the physical environment

Not applicable for this subdivision application.

(b) the neighbourhood

Not applicable for this subdivision application.

(c) the wider community

Not applicable for this subdivision application.

16. Describe any mitigation measures (safeguards and contingency plans where relevant) to be undertaken to help prevent or reduce the actual or potential effect of any chemical or other contaminant accidents (i.e. where will the contents go, how will they be contained, treated, recycled or disposed?)

Not applicable for this subdivision application.

17. Describe any possible alternative locations or methods for undertaking the activity.

Not applicable for this subdivision application.

Monitoring

18. How will the effects of the activity be monitored?

It is anticipated that there will be no significant effects generated as a result of this subdivision application.

19. Who will monitor the effects of the activity?

If necessary, Buller District Council.

Socio-economic Impacts

20. State the number of people who will work at the site:

Not applicable for this subdivision application.

21. Give details of the hours of work (provide details of any shift times)

Not applicable for this subdivision application.

22. Do you intend working on weekends or outside the hours 7.00am to 6.00pm?

Yes No Not applicable for this application

Noise

- 23. Is a residential area or any occupied dwelling close by or within the application area.**
 Yes No

There are existing rural-residential dwellings on blocks to the south and north.

- 24. Give details and distances.**

The existing buildings on these blocks appear to be located more or less within the requirements of the District Plan rules for boundary set-backs.

- 25. Give details of any anticipated noise levels and likely impacts on both wildlife and residents in the area.**

This subdivision application is unlikely to have any impact on either wildlife or residents in the area. Any increases in noise level will be negligible.

- 26. Details of noise reduction measures (*rubber lined hoppers, mufflers, shelters, vegetation or soil screens, etc.*)**

No noise reduction measures are proposed

Explosives

- 27. Will you use explosives?** Yes No

- 28. If so give details of purpose, public warning methods, frequency, timing, storage and handling facilities, type and quantity of blast. Discuss the impacts blasting will have on nearby residents and any measures that will be taken to minimise such effects.**

Not applicable for this application.

Maori Interests

- 29. Give details of particular Maori interest in the land or water within or bordering the application area, or likely to be affected by the application (*sacred or spiritual sites and values, traditional food gathering areas, etc.*)**

There are no known or recorded interests in the land under application.

Visual Effects

30. Is the operation or activity visible from:	Yes	No
- nearby dwellings	<input checked="" type="checkbox"/>	<input type="checkbox"/>
- roads (including rest areas)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
- walking tracks	<input checked="" type="checkbox"/>	<input type="checkbox"/>
- known observation points	<input checked="" type="checkbox"/>	<input type="checkbox"/>
- areas of public access?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

If so give details and discuss any measures that will be taken to minimise the visual impacts (i.e. buffers, vegetation, screens planted, trees, etc).

No measures are proposed as part of this application.

Effects on Present and Future Generation

- 31. Discuss socio-economic and cultural effects the (both positive and/or adverse) activity will have on the immediate neighbourhood and where relevant the wider community for present and future generations (e.g. additional housing and service requirements, noise, vibration, dust, lighting, aesthetic values, change of lifestyle, recreation, scientific values, water supply, increased traffic, historical, spiritual values, etc.)**

This application is unlikely to have any significant adverse effects on the values noted.

The subdivision of the new Lot 2 will provide the opportunity for a family to live in an area that has a very unique atmosphere of being semi-rural and also very close to the amenities and facilities of Westport. Living in Snodgrass also adds a household unit to the area that would contribute to the maintenance and upgrading of the existing infrastructure.

The subdivision places no burden on the existing services such as roading, electricity and telecommunications as they are all in place adjacent to the subdivision.

- 32. Describe any effects (both positive and negative) on natural and physical resources having aesthetic, recreational, scientific, historical, spiritual, cultural, or other special value for present or future generations:**

There are no designated historic sites in the District Plan noted for the area under application.

The subdivision will have no significant adverse effects on the values noted.

Consultation

- 33. Have you discussed your proposal with your neighbours and other parties who may be adversely affected (e.g. Coast Health Care, Department of Conservation, Historic Places Trust, local iwi, Transit New Zealand, Tranz Rail Limited, local electricity supplies and Telecom New Zealand Limited).**

No consultation has been undertaken.

If Council considers the effects to be less than minor, then the applicant requests that the application be considered under the Limited Notification submission process of the Resource Management Amendment Act 2003.

- 34. Are all affected persons consent forms completed and attached, or forwarded to Council?** Yes No Not applicable.

If no, your application will be placed on hold until Council receives these forms.

See question 33 above.

- 35. If any environmental concerns have been raised by affected neighbours or other parties, how can these concerns be met?**

Not applicable at this stage.

Other Information

- 36. Outline other information (if any), required to be included in the application by the district plan or regulations.**

The information accompanying this application includes a Scheme Plan of the proposed subdivision, a copy of CFR 2387343, a copy of the Consent Notice that is registered on Lot 2, D.P.358517, a Google Earth aerial map and QuickMap prints of the area.

Dated at Westport this 7th day of February 2012

Signed:



(to be signed by or on behalf of applicant)

DECISION REPORT – NOTIFIED CONSENT – RC120114

DATE: 21 May 2012
TO: Delegated Planning Sub-Committee
REPORTING OFFICER: Gary Rae - Consultant Planner

Applicant: JM Risk
Subject Site: 24-26 Snodgrass Road, Westport
Legal Description: Lot 1 DP 358517
Zoning: Rural Zone - Buller District Plan
Consents Sought: Subdivision consent to subdivide Lot 1 DP 358517 for the purpose of creating Lot 1 of 3.9826ha and Lot 2 of 2722m², and Land Use consent to erect a dwelling on Lot 2, within 150m of MHWS in the Rural Zone.

1.0 Application Description

- 1.1 The applicant proposes to subdivide Lot 1 DP 358517 for the purpose of creating Lot 1 of 3.9826ha and Lot 2 of 2722m². Lot 2 will have shared access with Lot 1 via an existing vehicle crossing on Snodgrass Road, and shared right of way to be created. The property has access to the town water supply. Wastewater and stormwater will be provided on site due to the absence of a reticulated system in the area. The applicant has also advised that existing electricity and telecommunications infrastructure is in place for Lot 1 and will be installed for a proposed new dwelling on Lot 2 along the proposed right of way.
- 1.2 Consent is also sought to erect a dwelling on proposed Lot 2. The applicant has volunteered that a Consent Notice be placed on the new title for Lot 2 to restrict it to one dwelling, its height be limited to 7.5m maximum, and that it be set back at least 25 metres from the Snodgrass Road boundary. Following the limited notification process, the applicant agreed to include further restrictions on the height (to 5.0 metres maximum height) and to include a minimum 5 metre setback from the south boundary (i.e. from Lot 2 DP 358517).
- 1.3 The land was the subject of a subdivision in 2004 (Council reference RC04/71), which resulted in the subject site (Lot 1 DP 35817 of 4.2567ha), and Lot 2 DP 35817 of 3028m². I was the reporting Planner on that subdivision, and I refer to it again in Section 6 of this report.

2.0 Subject Site and Local Environment

- 2.1 I undertook a site visit on the 22nd of February 2012.
- 2.2 The site is a rural residential property of 4.2ha located on Snodgrass Road, along the margin of the Orowaiti Lagoon. The site has a dwelling and garage mid-section with open grassed paddocks to the rear. This area down Snodgrass Road has been

subject to several smaller lot subdivisions, and it also has a small residential zone just past the site. The overall character of the area is therefore rural residential and residential, which belies its Rural zoning.

3.0 Buller District Plan

3.1 The rules of the Buller District Plan (the Plan) (operative January 2000) that are relevant to this application are as follows:

- Rule 7.3.3.3.1 – Any subdivision for the purpose of creating one or more new allotments in the Rural Zone - Discretionary Activity.
- Rule 5.3.2.3 – Any land use activity which complies with the standards for discretionary activities in Table 5.7 and is not a permitted or controlled activity. The standards for permitted activities in Table 5.7 includes a minimum set back of 150m from the Mean High Water Spring mark, which will not be able to be achieved when a new dwelling is built on proposed Lot 2.

4.0 Notification and Submissions

4.1 This application was limited notified in accordance with Section 95B of the Resource Management Act 1991 (the Act) on the 15th of March 2012 with submissions closing on the 13th of April 2012. A list of those persons who were directly served with notice of the application is contained in the resource consent file.

4.2 Two submissions were received for this application. A submission from G and M Reedy, owners of an adjoining property on the northern side, was in support and did not request to be heard. The other submission was also in support, and was from Laurie Ward the owner of the adjoining residential property to the south on Snodgrass Road. Mr Ward's submission requested conditions be imposed to provide for the proposed dwelling on Lot 2 to be set back at least 25m from the front boundary and at least 5 metres from the south boundary, and that the maximum height of a dwelling is to be 5 metres.

4.3 In a letter dated 7th May 2012, the applicant accepted the conditions requested in Mr Ward's submission.

Section 100 of the Act

4.3 Due to the nature of the proposal, its status within the Plan, the fact that the only submissions received were in support, and that the conditions requested in Mr Ward's submission have been accepted by the applicant, a hearing is not considered necessary pursuant to Section 100 of the Act.

5.0 Part 2 of the Act

5.1 This application has to be considered, subject to Part 2, on its merits in accordance with the provisions of Section 104 of the Act. Conditions of consent may be imposed pursuant to Section 108 of the Act should consent be granted.

5.2 Section 5 sets out the Purpose of the Act, and states:

- (1) *The purpose of this Act is to promote the sustainable management of natural and physical resources.*
- (2) *In this Act, sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while—*
 - (a) *Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
 - (b) *Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
 - (c) *Avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

5.2 Section 6 details matters of national importance to be recognised and provided for. In my opinion there are no Section 6 matters of relevance to this application.

5.3 Section 7 provides other matters that Council shall have particular regard to. Of relevance to this application is:

(c) the maintenance and enhancement of amenity values:

Amenity values are defined in the Act as “those natural or physical qualities and characteristics of an area that contribute to people’s appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes”. An assessment of the application with respect to the amenity values of the environment is contained in Section 6.0 of this report below.

5.4 Section 8 relates to the principles of the Treaty of Waitangi. No specific issues in this regard have been raised by the applicant and no submissions have been received. I am satisfied that there are no matters pertaining to the Treaty of Waitangi that are of a concern for this application.

6.0 Section 104 of the Act - Assessment of Application

6.1 Under Section 104 of the Act:

- (1) *When considering an application for a resource consent and any submissions received, the consent authority must, subject to Part 2, have regard to—*
 - (a) *any actual and potential effects on the environment of allowing the activity; and*
 - (b) *any relevant provisions of—*
 - (i) *a national environmental standard:*
 - (ii) *other regulations:*
 - (iii) *a national policy statement:*
 - (iv) *a New Zealand coastal policy statement:*
 - (v) *a regional policy statement or proposed regional policy statement:*

(vi) a plan or proposed plan; and

(c) any other matter the consent authority considers relevant and reasonably necessary to determine the application.

6.2 As this application is for a Discretionary activity, Section 104B of the Act is also relevant:

104B. Determination of applications for discretionary or non-complying activities

After considering an application for a resource consent for a discretionary activity or non-complying activity, a consent authority—

(a) may grant or refuse the application; and

(b) if it grants the application, may impose conditions under section 108.

Section 104(1)(a) - Actual and Potential Effects on the Environment

6.3 An assessment of the actual and potential effects on the environment of allowing the activity indicates that no significant adverse environmental effects are likely. I consider that the adverse effects of the activity on the environment will be no more than minor for the following reasons:

- (i) Whilst the site is located within the Rural Zone, this area in Snodgrass Road is very close to the Westport urban area, and has a mixture of mainly rural-residential and residential properties. The adjoining site at 22 Snodgrass Road is of similar size to both proposed Lot 2 and the site one removed from that to the south is also of similar size. This area on Snodgrass Road appears very much to be an enclave of development, and it is quite distinct from the wider Rural Zone which has a different character, with larger properties and productive farming taking place. In my opinion, the proposed subdivision, and the resulting development of a single level dwelling set back at least 25 metres from the road boundary, will not be out of character with the surrounding environment.
- (ii) The Council's decision on RC04/71 acknowledged a concern that there could be ribbon development along Snodgrass Road, and that was a factor in the decision to allow only two allotments instead of the three allotments that were proposed at that time. The Council supported my recommendation on that application. However, I note the current application is different in that the size of the smaller allotment is almost twice as large as each of the small lots proposed in RC04/71; and there have been no opposing submissions this time. I have spoken to Council's policy planners and have been informed that Council has not yet advanced the Plan review to a stage where it can be definite about future Rural Residential zones but this area is recognised as having characteristics that are different to the wider Rural Zone. I have been advised that this subdivision does not pose any difficulties from a policy point of view at this time.
- (iii) Council's Operations Department has reviewed the application and has not raised any concerns with respect to the need to provide for wastewater and stormwater on the sites. In my opinion, the proposed lots are all of a sufficient size, having well in excess of 1500m² of 'useable' area available, to accommodate on-site servicing without having any adverse cross-boundary effects.

- (iv) The proposal is for a shared access to both lots, using the existing vehicle crossing to Lot 1 and a right of way to be formed. Council's Operations Department have recommended that the vehicle crossing is inspected and if necessary is constructed to Council specifications by an approved contractor and a condition to this effect should be placed on the consent. Taking into account the development established in the area, the sealed urban style road which the sites will access, and that no concerns have been raised by Council's Works Engineer, I am satisfied that the proposal will not adversely affect the safety and efficiency of the adjoining road network.
- (v) Under the Plan the permitted number of dwellings per site within the Rural Zone is two. The applicant has agreed to restrict the number of dwellings on proposed Lot 2 to only one and given the size of the proposed lot I consider this is appropriate to maintain the existing character and amenity of the area. The applicant has also agreed to limit the area of accessory buildings on Lot 2 to 150m² maximum area and this is considerably less than the Plan's standard which is for a maximum of 500m² per single building. Considering the size of proposed Lot 2 at only 2,722m², I consider that it is appropriate to restrict the total building coverage of accessory buildings to ensure that a reasonable degree of open space and visual amenity is maintained. I consider that a limitation of a total combined floor area of 150m² and a maximum height of 5m (to reflect the height limitation on the dwelling) is acceptable in this instance.
- (vi) The site is in an area close to the Orowaiti Lagoon and this area may be prone to inundation. Accordingly, a minimum floor level should be imposed by way of Consent Notice on the title to ensure a new dwelling on Lot 2 meets the appropriate standard.
- (vii) A reserves contribution, as per 8.4.1.14, Part 8 of the Plan, is applicable to this proposal as the subdivision will result in an increased intensification of the use of the land by creating one additional allotment than currently exists.

Conclusion

- 6.4 Taking into account the assessment above, in my opinion the proposal will have no more than minor effects on the environment.

Section 104(1)(b) - Relevant provisions of standards, policies and plans

West Coast Regional Policy Statement

- 6.5 The West Coast Regional Policy Statement has been incorporated into the policies, objectives and rules of the Buller District Plan. An assessment of the Plan will therefore be consistent with the Regional Policy Statement.

Buller District Plan (Operative January 2000)

- 6.6 I have reviewed the relevant objectives and policies contained within Part 4 of the Plan. I have assessed the proposal against these objectives and policies and in my opinion the proposal is consistent with them.

Section 104(1)(c) – Other Matters

- 6.7 There are considered to be no other matters of relevance to this application.

7.0 Conclusion and Recommendation

- 7.1 I recommend that this application be granted subject to the recommended conditions of consent in Section 8.0 below.

8.0 Recommended Conditions of Consent

1. The activity shall proceed in accordance with the submitted application received by Buller District Council (Council) on 8 February 2012 and the relevant plan as detailed above and stamped as approved, except where the following conditions take precedence.
2. A reserve contribution of 7.50% + GST of the value of newly created Lot 2 shall be payable to Council.
3. The memorandum of easements shown on the subdivision plan shall be granted and reserved.
4. The existing vehicle crossing to Lot 1, which is intended to be used as a shared access to Lot 2, shall be inspected by Council's Operations Department, and if required, upgraded to Council standards by a Council approved contractor. The approved contractor will be required to make application to the Council's Operations Department for approval to upgrade the vehicle crossing and be given approval, including Council specification requirements prior to the upgrade of the vehicle crossing being undertaken.
5. Pursuant to Section 221 of the Resource Management Act 1991, a Consent Notice shall be imposed on Lot 2 to ensure that the following conditions are met on a continuing basis. The consent holder is required to pay the costs of the consent notice.
 - (i) No more than one residential dwelling shall be erected on the lot.
 - (ii) The dwelling to be erected on Lot 2 shall be restricted to a maximum height of 5.0m (i.e. a height of 7.2 metres above MSL at Lyttelton).
 - (iii) The dwelling and any accessory buildings to be erected on Lot 2 shall be sited no closer than 25 metres from the western boundary (boundary with Snodgrass Road), and no closer than 5 metres from the southern boundary (boundary with 22 Snodgrass Road).
 - (vii) The floor levels of the dwelling to be erected on proposed Lot 2 shall be at least 150mm above the level determined by the Buller District Council for a 50 year flood period.
 - (viii) That in all other respects, the dwelling erected on the new allotment shall meet all relevant standards in Table 5.7 of the Buller District Plan (and with the exception of the requirement that residential activities shall be set back at least 150m from MHWS).

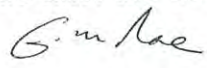
(ix) Accessory Buildings - Accessory buildings shall have a maximum (combined) ground floor area of 150m² and a maximum height of 5.0m above existing ground level. For the purpose of this restriction, the term 'accessory buildings' shall exclude utilities such as water and wastewater tanks, structures having the sole purpose of screening or enclosing such utilities, and swimming pools.

Note: Condition 5 was volunteered by the applicant.

6. All actual and reasonable costs incurred by this Council in monitoring, enforcement and administration of this consent shall be met by the consent holder.

NOTE(S):

1. A monitoring fee of \$100 has been included on your consent invoice to contribute towards the costs associated with monitoring consent conditions. Please note that further fees are likely in accordance with Condition 6.
2. If you do not understand any or all conditions of this consent, please contact Council's Planning Department for clarification before starting work.
3. Pursuant to Section 127(1) of the Resource Management Act 1991, the consent holder may apply to the consent authority for a change or cancellation of any condition of this consent within five years from the date of issue.
4. Pursuant to Section 128(1)(a) and 128(1)(c) of the Resource Management Act 1991, the Consent Authority may review any condition of this consent within eight years from the date of issue for any of the following purposes: (a) To deal with any adverse effect on the environment which may arise from the exercise of the consent and which it is appropriate to deal with at a later stage; or (b) To deal with inaccuracies contained in the consent application that materially influenced the decision made on the application and are such that it is necessary to apply more appropriate conditions; or (c) To assess the appropriateness of imposed compliance standards, monitoring regimes and monitoring frequencies and to alter these accordingly.
5. This consent shall lapse five years after the decision date if not given effect to.



Reporting Officer:Date: 23 May 2012
Gary Rae, Consultant Planner



Peer Reviewer: Date: 23 May 2012
Annie Radford, Acting Team Leader Policy and Planning
Buller District Council

Manager: Date: 28/5/12

Steve Griffin, Manager Operations
Buller District Council

RESOURCE CONSENT DECISION - RC120014

Pursuant to Sections 104, 104B, and 108 of the Resource Management Act 1991, Buller District Council **GRANTS** consent to the application by JM Risk, **subject to the Conditions below.**

The approved Activity:

To subdivide Lot 1 DP 358517 for the purpose of creating Lot 1 of 3.9826ha and Lot 2 of 2722m², and to erect a dwelling on Lot 2, in the Rural Zone.

Location:

Address:	24-26 Snodgrass Road, Westport
Legal Description:	Lot 1 DP 358517
Computer Freehold Register:	Identifier 238343
Valuation Roll Number:	18840 12100

Approved Plans:

The scheme plan titled "*Lots 1 and 2 being subdivision of Lot 1 DP 358517*", dated August 2011 (certified by surveyor on 22 November 2011) and prepared by Chris J Coll Surveying Ltd.

Please note that the plan which is approved is stamped Approved Plan and attached to this consent.

CONDITIONS:

1. The activity shall proceed in accordance with the submitted application received by Buller District Council (Council) on 8 February 2012 and the relevant plan as detailed above and stamped as approved, except where the following conditions take precedence.
2. A reserve contribution of 7.5% + GST of the value of newly created Lot 2 shall be payable to Council.
3. The memorandum of easements shown on the subdivision plan shall be granted and reserved.
4. The existing vehicle crossing to Lot 1, which is intended to be used as a shared access to Lot 2, shall be inspected by Council's Operations Department, and if required, upgraded to Council standards by a Council approved contractor. The approved contractor will be required to make application to the Council's Operations Department for approval to upgrade the vehicle crossing and be given approval including Council specification requirements prior to the upgrade of the vehicle crossing being undertaken.
5. Pursuant to Section 221 of the Resource Management Act 1991, a Consent Notice shall be imposed on Lot 2 to ensure that the following conditions are met on a continuing basis. The consent holder is required to pay the costs of the consent notice.

- (i) No more than one residential dwelling shall be erected on the lot.
- (ii) The dwelling to be erected on Lot 2 shall be restricted to a maximum height of 5.0m (i.e. a height of 7.2 metres above MSL at Lyttelton).
- (iii) The dwelling and any accessory buildings to be erected on Lot 2 shall be sited no closer than 25 metres from the western boundary (boundary with Snodgrass Road), and no closer than 5 metres from the southern boundary (boundary with 22 Snodgrass Road).
- (iv) The floor levels of the dwelling to be erected on proposed Lot 2 shall be at least 150mm above the level determined by the Buller District Council for a 50 year flood period.
- (v) That in all other respects, the dwelling erected on the new allotment shall meet all relevant standards in Table 5.7 of the Buller District Plan (and with the exception of the requirement that residential activities shall be set back at least 150m from MHWS).
- (vi) Accessory Buildings - Accessory buildings shall have a maximum (combined) ground floor area of 150m² and a maximum height of 5.0m above existing ground level. For the purpose of this restriction, the term 'accessory buildings' shall exclude utilities such as water and wastewater tanks, structures having the sole purpose of screening or enclosing such utilities, and swimming pools.

Note: Condition 5 was volunteered by the applicant.

- 6. All actual and reasonable costs incurred by this Council in monitoring, enforcement and administration of this consent shall be met by the consent holder.

NOTE(S):

- 1. A monitoring fee of \$100 has been included on your consent invoice to contribute towards the costs associated with monitoring consent conditions. Please note that further fees are likely in accordance with Condition 6.
- 2. If you do not understand any or all conditions of this consent, please contact Council's Planning Department for clarification before starting work.
- 3. Pursuant to Section 127(1) of the Resource Management Act 1991, the consent holder may apply to the consent authority for a change or cancellation of any condition of this consent within five years from the date of issue.
- 4. Pursuant to Section 128(1)(a) and 128(1)(c) of the Resource Management Act 1991, the Consent Authority may review any condition of this consent within eight years from the date of issue for any of the following purposes: (a) To deal with any adverse effect on the environment which may arise from the exercise of the consent and which it is appropriate to deal with at a later stage; or (b) To deal with inaccuracies contained in the consent application that materially influenced the decision made on the application and are such that it is necessary to apply more appropriate conditions; or (c) To assess

appropriate to deal with at a later stage; or (b) To deal with inaccuracies contained in the consent application that materially influenced the decision made on the application and are such that it is necessary to apply more appropriate conditions; or (c) To assess the appropriateness of imposed compliance standards, monitoring regimes and monitoring frequencies and to alter these accordingly.

5. This consent shall lapse five years after the decision date if not given effect to.

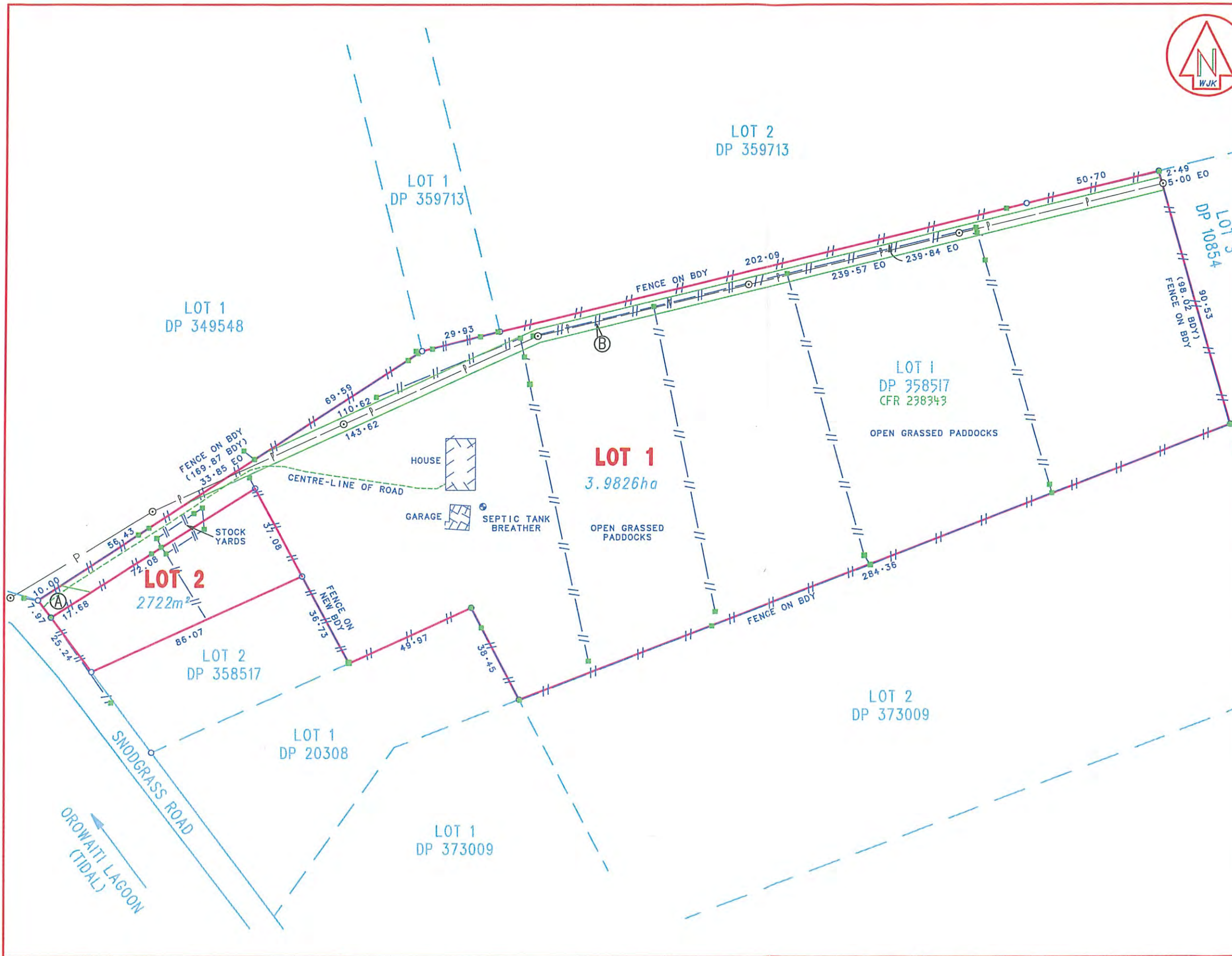
PLANNING OFFICER'S REPORT

A copy of the Planning Officer's Report is attached to this consent. The Officer's Report outlines the reasons for the decision.

A handwritten signature in black ink, appearing to read "A. Wood".

Dated at Westport this 28th day of May 2012

APPROVED PLAN



Approvals

NOTE

This plan was prepared for J.M. RISK to accompany a Resource Consent Application to the Buller District Council.

This plan is not to be relied on by any other person for any purpose whatsoever.

The dimensions and areas are subject to final field survey.

SCHEDULE OF EXISTING EASEMENTS IN GROSS

PURPOSE	SERVIENT TENEMENT	SHOWN	DOMINANT TENEMENT
RIGHT OF WAY.			
RIGHT TO CONVEY ELECTRICITY	LOT 1 HEREON	(A)	LOT 2 HEREON
RIGHT TO CONVEY TELE-COMMUNICATIONS			

SCHEDULE OF EXISTING EASEMENTS IN GROSS

PURPOSE	SERVIENT TENEMENT	SHOWN	CREATED BY
RIGHT TO TRANSMIT ELECTRICITY	LOT 1 HEREON	(B)	EI. 7567207.4

NEW C's T ALLOCATED

LOT 1	LOT 2

DATUM NOTE

Bearing Datum : Geodetic 2000
 Coordinate Datum : Geodetic 2000
 in terms of False Origin,
 Buller Circuit 2000.
 800,000 mN, 400,000 mE.

Total Area 4.2540ha (CFR)
 Comprised in CFR. 238343

I, Christopher John Coll of Westport being a person entitled to practise as a Licensed Cadastral 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 Cadastral Survey Act 2002 and the Surveyor-General's Rules for Cadastral Survey 2002/1/-

(b) This dataset is accurate, and has been created in accordance with that Act and those Rules. Dated at Westport, this 22nd day of November, 2011. Signature: *[Signature]*

Field Book p Traverse Book p
 Reference Plans
 Examined Correct

Approved as to Survey by
 Land Information NZ on

Deposited by
 Land Information NZ on

LAND DISTRICT :- NELSON
 SURVEY CLASS :- CLASS B
 SURVEYOR'S REF :- 2730 SCHEME PLAN.

LOTS 1 AND 2 BEING SUBDIVISION OF LOT 1 DP 358517

LOCAL AUTHORITY: BULLER DISTRICT
 Surveyed by: CHRIS J COLL SURVEYING Ltd.
 1:1000(A2)
 Scale: 1:1500(A3) Date: AUG. 2011



Westport Office
PO Box 21
WESTPORT 7866
Phone (03) 788 9111
Fax (03) 788 8041
Freephone 0800 807 239

Reefton Office
PO Box 75
REEFTON 7851
Phone (03) 732 8821
Fax (03) 732 8822

RESOURCE CONSENT APPLICATION FOR SUBDIVISION

Please complete all sections. Examples are provided in brackets to help you answer the questions. If you require assistance in completing the application please feel free to give us a call, or make an appointment at the Westport office, as a Duty Planner is available most days.

Site photos are always helpful. If you are taking photos take one of the access from the road. Either print the photos and attach to your application, or email them to planning@bdc.govt.nz with reference to the site that the application is for.

A diagram (Site Plan) of the site is essential. It doesn't have to be complicated, but you do have to indicate how big the sections are and which will be Lot 1, Lot 2 etc. We require the important measurements like how long each boundary is, and any easements that are required. You will need to engage a surveyor at some stage during your subdivision. Your surveyor can prepare the site plan for you.

Have you thought about what will happen when the sections are sold? The new purchasers may have different plans for the lot than you expect. You may want to think about restricting the number or height of future houses, or the types of activities that can take place on the new lot.

Note: Before you have a new title issued and are going to sell the subdivided lot, you must meet all the costs of the subdivision. You will have to pay for the processing and monitoring of your consent, pay your surveyors fees, and pay a reserve contribution. You may also be required to install services to the new lot, install vehicle crossings, form Rights of Way, and contribute to road upgrades.

Checklist

- Have you included a site plan?
- Have you included photos of the site, (Google print) or
 Are you going to email photos to Council?
- Have you included the deposit of \$ 800.00 plus \$ 50.00 per additional lot?
Please note that this is a deposit only and Council operates on a full cost recovery system. Therefore if the cost of processing the consent is more than the deposit, you will be charged the additional amount. Upon payment of any additional amount, you will receive the decision.
- Have you included a copy of the Certificate of Title, or
 Do you wish Council to search a copy for you (at a cost of \$10 per Title)?
- Have you signed the application?
- Have you filled in and attached an Assessment of Environmental Effects form?
- Have you included any coastal hazard assessment, or N/A
- geotechnical assessment of the site if it is subject to a hazard, or N/A
- landscape assessment if the subdivision is in a sensitive area? N/A
- Have you attached any affected parties forms that have been completed?

See #33 of the AEE

If you have **not included all the information required** for Council to assess your application it will either be **sent back** to you or be lodged (which means Council keeps the application but does **not start to process the application**).

Applicant Details

1. Applicant(s) name(s): (please write all names in full)

Kenneth John Dixon

2. Postal Address: 21 B Snodgrass Road, RD 2, Westport, 7892

Telephone: Business: Not applicable Facsimile: Not applicable

Private: 03 789 6620

Email: Not applicable

3. Applicant is the owner/occupier (please tick the appropriate box)
 prospective owner

Property owner's name: (if different from above)

4. Correspondence to be sent to the following name and address: (if different from applicant)

Jan Coll
Chris J Coll Surveying Limited
PO Box 204
Westport 7866

Telephone: Business: 03 789 8425

Facsimile: 03 789 6016

Private: Not applicable

Email: jan@cjc.co.nz

Property Details

5. Property address or description of location: (include the name of any relevant stream, river or other water body to which the application may relate, proximity to any well known landmark, etc)

28 – 46 and 50 - 60 Snodgrass Road, Westport

6. Legal Description: Lot 1, D.P.349548

7. Valuation Roll Number (from rates or valuation notice) : 18840 12104

8. Zone: Rural

Details of Proposal

9. This is an application for a Boundary Adjustment Subdivision Consent
10. Are any other consents required? Yes No
(a land use consent for boundary encroachment, a building consent, or a consent from the Regional Council)

If yes, list consents below, stating whether they have been applied for.

A Land Use consent for residential dwellings on the new Lot 1 and Lot 2 because both lots are within 150 metres of Mean High Water Springs mark although there is the "Township" area of Snodgrass between the area under survey and the Mean High Water Springs.

11. Provide the reasons for the application and for choosing this site: (disposal of unwanted land etc)

Mr Dixon wishes to take the opportunity to subdivide his land to provide two rural-residential blocks in an area that has a unique and special atmosphere. The proposed subdivision is situated opposite the enclave of dwellings of the "Township" of Snodgrass with views of the mountains to the east and south-east and also in close proximity to the facilities of Westport.

This application for both the subdivision and the Land Use consent are Discretionary Activities under the District Plan rules.

A plan of the proposed subdivision accompanies this application.

12. What is the intended use of the lots after subdivision? (rural use, residential, lifestyle blocks, etc)

The activities will continue to be rural for Lot 3 and will be rural-residential for Lots 1 and 2.

13. Are any Covenants or Consent Notices (restrictions) proposed on the new lots? (limiting the number of dwellings on each lot to one, not allowing the lots to be used for purposes other than residential, etc)

There are existing electricity easements in favour of Buller Electricity Ltd that cross through Lot 1, D.P.349548 will be brought down as easements A and B on the new Lot 3 and Easement C on the new Lot 1.

It is requested as part of the application, that a Land Use Consent be approved and for the approval to be registered as Consent Notices on the new Lot 1 and Lot 2 and that the notices be similar to the Consent Notice registered on the lots further along Snodgrass Road. These are Lots 3 and 4, D.P.349548. The subdivision of D.P.349548 was approved by RC 040083.

The Consent Notice registered on Lots 3 and 4, D.P. 349548 limits each lot to one dwelling and allows for the erection of dwellings that meet all the relevant standards of Table 5.7 of the District Plan with the provision that the buildings can be built within 150 metres of MHWS.

It is requested that an additional clause be included in the Consent Notice to provide for accessory buildings with a maximum (combined) ground floor area of 150 m². This is in addition to the one dwelling per lot.

A copy of the decision for RC 040083 and the Consent Notice registered on Lots 3 and 4, D.P.349548 is included with the documentation accompanying this application.

The Right of Way will be constructed to an Engineer's design.

14. Are there any existing buildings on site? If so, what are they used for? (a dwelling for residential purposes, a barn for storing farm equipment etc)

Yes, there is a dwelling and ancillary out-buildings on the new Lot 3. These buildings are located in the south east part of Lot 1, D.P.349548 and have not been picked up by survey at this stage. At the time of pegging the new blocks, these buildings can be surveyed and shown on a plan if Council wishes.

15. Regular traffic movements are likely to be 8 to 10 vehicle movements per day for both new lots and there will be no change for Lot 3, the balance block of Lot 1, D.P.349548.

16. Is there space on each proposed lot for a car park? Yes No

17. How is potable (drinking) water provided, or how will it be provided for each lot? (town supply, rain catchment, the responsibility of the purchasers of the lots, etc)

The existing Buller District Council supply to Snodgrass is adjacent to the two new lots. Lots 1 and 2 will be connected to this supply. The existing dwelling on Lot 3 has a supply in place.

18. How is effluent disposal provided for, or how will it be provided for on each lot? (town supply, septic tank, communal system, aerated system, etc)

A disposal system is in place for the existing dwelling on Lot 3. Site specific effluent treatment and disposal systems would be installed when dwellings are built on the new Lots 1 and 2.

19. How is stormwater disposal provided for, or how will it be provided for on each lot? (town reticulation, used for water supply, onsite sump, piped to a water course, discharged into sewage system etc)

Stormwater disposal will be to ground for Lots 1 and 2 and there will be no change for Lot 3.

20. Where is the closest point for connecting to electricity and telecommunications services? (there is an electricity line at the road boundary and telecommunications cables buried across the street, etc)

Electricity and telecommunications are in place for the dwelling on Lot 3. New connections for Lots 1 and 2 will be to the existing services adjacent to the block.

21. Are all wells, pipes, water tanks, septic tanks, effluent soakage fields, and stormwater disposal systems contained within each site? Yes No

Please show on a site plan the location of any of the above services in relation to lot boundaries.

As noted at # 14, if Council wish to have the septic tank and effluent field shown on the a plan then a survey of the existing dwelling and relevant features will be done at the time of pegging the new blocks. The dwelling on Lot 3 was built since 2005 and it will have been built within the boundaries of Lot 1, D.P.349548 in the south eastern part of the lot.

The new Lots 1 and 2 are on the opposite side of the block to the existing dwelling.

22. Provide details of any landscaping proposed: (bundling, planting along the borders of the lots or along access ways, etc)

No landscaping is specifically proposed for this subdivision application.

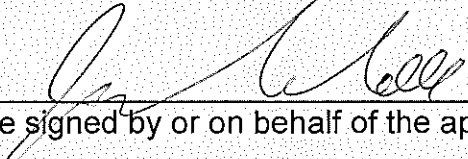
23. Are any new accessways (vehicle crossings) proposed for the site? Yes No
If so, please show on a site plan.

The existing access for Lot 1, D.P.349548 will continue to be used for the new Lot 3 and new accesses on to Snodgrass Road will be constructed for the new Lots 1 and 2.

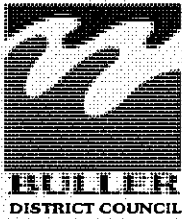
24. Are any new signs or changes to existing signs proposed? Yes No
(an entrance sign naming the subdivision, a new road sign)
If yes, please provide a site plan showing the location, dimensions, colour, exact message and dimensions of lettering and symbols, and where within the subdivision the sign will be located.

25. Do you wish to be contacted prior to a member of the Planning Department undertaking a site visit? Yes No
Please contact Mr Dixon or us prior to the site visit.

Dated at Westport this 24th day of August 2012

Signed: 
(to be signed by or on behalf of the applicant)

**PLEASE MAKE SURE YOU HAVE READ THE CHECKLIST ON THE FRONT PAGE
AND PROVIDED ALL REQUIRED INFORMATION**



Westport Office
PO Box 21
WESTPORT
Phone (03) 788 9111
(03) 788 9112 (Regulatory)
Fax (03) 788 8041

Reefton Office
PO Box 75
REEFTON
Phone (03) 732 8821
Fax (03) 732 8822

ASSESSMENT OF EFFECTS ON THE ENVIRONMENT

1. Answer all questions fully. Some may not apply to your proposal.
2. Please provide a locality map.
3. Contact the Planning Department with any queries or if you require assistance.

Physical

1. Describe the:

- (a) **landforms** (e.g. mountains, hills, cliffs, streams, rivers, valleys, beaches, lakes, gorges, caves, paddocks)

Old river/beach flats.

- (b) **land slopes** (e.g. steep, flat, rolling, angle of slope)

Generally flat.

- (c) **soils** (e.g. sand, clay, rock, fill, name of soil)

Old beach and river sands overlaid with soil.

2. Describe any potential for natural hazards (e.g. flooding, erosion, land slip)

The Westport flood hazard plan shows a minimal part along the road frontage part on the western boundary of Lot 1, D.P.349548 as being subject to moderate inundation. If necessary, this hazard would be addressed by a Consent Notice requiring the floor levels of a dwelling built in this part of the new Lot 3 to be 150 mm above the level determined by Council for a 50 year flood event.

3. Are any of the following present in the area? (delete which do not apply)

(a) ~~river protection works~~

(b) ~~bridges~~

(c) ~~railways and roads~~

(d) telephone/electricity wires or cables

Please indicate these features on a site diagram/map.

The existing electricity easement covers the powerline. The Google print accompanying the application shows the road adjacent to the area under application.

Flora, Fauna and Ecosystems

4. **Describe the vegetation within the application area. List the major species, and any rare or endangered species. (“Native bush” and “scrub” is not a satisfactory answer).**

The land under application is part of open grassed paddocks which had been farmed and developed for many years prior to the subdivision of D.P.349548.

5. **Will native vegetation clearance occur? If so, how much?** No

6. **Describe and/or list the birdlife, wildlife, freshwater and marine life within the application area, or in the vicinity and any recognised special wildlife habitats (“usual West Coast wildlife” or similar is not a satisfactory answer).**

Mr Dixon has, over the years, developed a pond area on his block with the establishment of vegetation that enhances the wetland type environment around the pond. He has in the past taken advice from the Department of Conservation about appropriate plants to use in his development. The pond was in place and discussed at the time of the subdivision approved by RC 040083. There have been no significant changes since then other than the vegetation has become quite well established adjacent to the pond.

7. **Describe the effects the activity will have on ecosystems, including effects on plants or animals, any physical disturbance of habitats in the area.**

The development and enhancement of the pond area provides additional area for wildlife that frequent the Orowaiti Estuary to nest and feed.

Land Use

8. **Describe the current land use (give as many details as possible).**

The current land use is predominantly rural.

9. **Describe neighbouring land uses.**

The neighbouring land uses are residential, rural-residential and rural.

10. **What is the public use of the area?**

There is no public use of the area.

11. **Describe any recreational uses that occur on the land.**

No recreational uses occur on the land under application.

12. **What is the intended post-activity vegetation cover and land use? (e.g. forestry, road, residential subdivision, pasture, etc)**

There will be no change for Lot 3 as a predominantly rural lot, Lots 1 and 2 will be developed as rural-residential lots with more residential-type vegetation cover.

13. **What effect will this application have on alternative uses of the land, resources and/or the environment at present or in the future? (discuss the reasons for your answer)**

This application will result in the new Lots 1 and 2 being an extension of the rural-residential development of the Township of Snodgrass.

14. **Describe the present land surface and how it will be rehabilitated (if applicable).**

Not applicable for this subdivision application.

Contingencies or Safeguards

15. If your activity includes the use of hazardous substances and installations, provide an assessment of any risks to the following which are likely to arise from such use:

(a) risks to the physical environment

Not applicable for this subdivision application.

(b) the neighbourhood

Not applicable for this subdivision application.

(c) the wider community

Not applicable for this subdivision application.

16. Describe any mitigation measures (safeguards and contingency plans where relevant) to be undertaken to help prevent or reduce the actual or potential effect of any chemical or other contaminant accidents (i.e. where will the contents go, how will they be contained, treated, recycled or disposed?)

Not applicable for this subdivision application.

17. Describe any possible alternative locations or methods for undertaking the activity.

Not applicable for this subdivision application.

Monitoring

18. How will the effects of the activity be monitored?

It is anticipated that there will be no significant effects generated as a result of this subdivision application.

19. Who will monitor the effects of the activity?

If necessary, Buller District Council.

Socio-economic Impacts

20. State the number of people who will work at the site:

Not applicable for this subdivision application.

21. Give details of the hours of work (provide details of any shift times)

Not applicable for this subdivision application.

22. Do you intend working on weekends or outside the hours 7.00am to 6.00pm?

Yes No Not applicable for this application

Noise

23. Is a residential area or any occupied dwelling close by or within the application area.

Yes No

There are existing residential dwellings on the blocks to the north and rural-residential dwellings on blocks to the west, south and east.

24. Give details and distances.

The existing buildings on these blocks appear to be located more or less within the requirements of the District Plan rules for boundary set-backs.

25. Give details of any anticipated noise levels and likely impacts on both wildlife and residents in the area.

This subdivision application is unlikely to have any impact on either wildlife or residents in the area. Any increases in noise level will be negligible.

26. Details of noise reduction measures (*rubber lined hoppers, mufflers, shelters, vegetation or soil screens, etc.*)

No noise reduction measures are proposed

Explosives

27. Will you use explosives? Yes No

28. If so give details of purpose, public warning methods, frequency, timing, storage and handling facilities, type and quantity of blast. Discuss the impacts blasting will have on nearby residents and any measures that will be taken to minimise such effects.

Not applicable for this application.

Maori Interests

29. Give details of particular Maori interest in the land or water within or bordering the application area, or likely to be affected by the application (*sacred or spiritual sites and values, traditional food gathering areas, etc.*)

There are no known or recorded interests in the land under application.

Visual Effects

30. Is the operation or activity visible from:	Yes	No
- nearby dwellings	<input checked="" type="checkbox"/>	<input type="checkbox"/>
- roads (including rest areas)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
- walking tracks	<input checked="" type="checkbox"/>	<input type="checkbox"/>
- known observation points	<input checked="" type="checkbox"/>	<input type="checkbox"/>
- areas of public access?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

If so give details and discuss any measures that will be taken to minimise the visual impacts (i.e. buffers, vegetation, screens planted, trees, etc).

No measures are proposed as part of this application.

Effects on Present and Future Generations

31. Discuss socio-economic and cultural effects the (both positive and/or adverse) activity will have on the immediate neighbourhood and where relevant the wider community for present and future generations (e.g. additional housing and service requirements, noise, vibration, dust, lighting, aesthetic values, change of lifestyle, recreation, scientific values, water supply, increased traffic, historical, spiritual values, etc.)

This application is unlikely to have any significant adverse effects on the values noted.

The subdivision of the new Lots 1 and 2 will provide the opportunity for families to live in an area that has a very unique atmosphere of being semi-rural and also very close to the amenities and facilities of Westport. Two new dwellings in Snodgrass will also add to the household units to the area and will contribute to the maintenance and upgrading of the existing infrastructure.

The subdivision places no burden on the existing services such as roading, electricity and telecommunications as they are all in place adjacent to the subdivision and can easily cope with the demands of the two new dwellings.

32. Describe any effects (both positive and negative) on natural and physical resources having aesthetic, recreational, scientific, historical, spiritual, cultural, or other special value for present or future generations:

There are no designated historic sites in the District Plan noted for the area under application.

The subdivision will have no significant adverse effects on the values noted.

Consultation

- 33. Have you discussed your proposal with your neighbours and other parties who may be adversely affected (e.g. Coast Health Care, Department of Conservation, Historic Places Trust, local iwi, Transit New Zealand, Tranz Rail Limited, local electricity supplies and Telecom New Zealand Limited).**

No consultation has been undertaken.

If Council considers the effects to be less than minor, then the applicant requests that the application be considered under the Limited Notification submission process of the Resource Management Amendment Act 2003.

- 34. Are all affected persons consent forms completed and attached, or forwarded to Council?** Yes No Not applicable.

If no, your application will be placed on hold until Council receives these forms.

See question 33 above.

- 35. If any environmental concerns have been raised by affected neighbours or other parties, how can these concerns be met?**


Not applicable at this stage.

Other Information

- 36. Outline other information (if any), required to be included in the application by the district plan or regulations.**

The information accompanying this application includes a Scheme Plan of the proposed subdivision, a copy of CFR 203056, a copy of the electricity easement document registered on Lot 1, D.P.349548, a copy of the decision and approval for RC 040083, a copy of the Consent Notice registered on Lots 3 and 4, D.P.349548, a Google Earth aerial map and QuickMap prints of the area.

Dated at Westport this 24th day of August 2012

Signed: 
(to be signed by or on behalf of applicant)

DECISION REPORT – LIMITED NOTIFIED CONSENT: RC120108

DATE: 23 January 2013
TO: Delegated Planning Sub-Committee
REPORTING OFFICER: Jessica Hollis, Resource Management Consultant

Applicant: Kenneth John Dixon
Subject Site: 28-46 and 50-60 Snodgrass Road, Westport
Legal Description: Lot 1 Deposited Plan 349548, CFR 203056
Zoning: Rural Zone - Buller District Plan
Consents Sought: Subdivision consent to subdivide Lot 1 Deposited Plan 349548 into three fee simple allotments creating Lot 1 of 1550m², Lot 2 of 1550m², and Lot 3 of 3.4144ha.
Land Use consent for the establishment of a residential activity located within 150 metres of the Mean High Water Spring (MHWS) mark on the new Lots 1 and 2.

1.0 Application Description

- 1.1 The applicant proposes to subdivide Lot 1 Deposited Plan 349548 into three fee simple allotments to create proposed Lot 1 of 1550m², proposed Lot 2 of 1550m², and proposed Lot 3 of 3.4144ha. All proposed lots will have separate vehicle access from Snodgrass Road with proposed Lot 3 utilising an existing formed access which services the existing dwelling on the site.
- 1.2 Due to the rural nature of the site the applicant does not propose installing any services as part of the subdivision proposal, however the applicant has advised that the Council reticulated Snodgrass water main is located within the adjacent road reserve and that sewer and stormwater will be dealt with on site due to the absence of a reticulated system in the area. The applicant has also advised that electricity and telecommunications services are available in the adjoining road reserve.

2.0 Subject Site and Local Environment

- 2.1 I undertook a site visit on 23 October 2012.
- 2.2 Proposed Lots 1 and 2 are both grassed over and fenced for grazing purposes. There are no structures present on the lots. Proposed Lot 1 sits at a lower ground level than the adjacent level of Snodgrass Road and falls away in a gentle slope from Snodgrass Road. Proposed Lot 2 (at the road boundary) is higher than the level of the adjacent road however it also falls away gently from Snodgrass Road towards the south. Proposed Lot 3 contains an existing residential dwelling and accessory buildings in the eastern portion of the lot and formed vehicle access is provided from Snodgrass Road.
- 2.3 Despite the rural zoning of the area, Snodgrass Road clearly exhibits a mixed density rural/residential environment with established housing being clearly visible

to the north, south, west and east of the subject site. The scale of the surrounding housing is also variable with both single and two level dwellings able to be seen from the site, and a common theme is the orientation of most properties towards the Orowaiti Lagoon.

2.4 Snodgrass Road is a sealed road and there are existing telecommunications and electricity infrastructure present within the road reserve.

3.0 Buller District Plan

3.1 The rules of the Buller District Plan ("the Plan") (operative January 2000) that are relevant to this application are as follows:

- Rule 7.3.3.3.1. – Any subdivision for the purpose of creating one or more new allotments in the Rural Zone - Discretionary Activity.
- Table 5.7, Boundaries –The required setback for residential activities from the MHWS mark is 150 metres. Dwellings on proposed Lots 1 and 2 will be unable to meet this rule and therefore the proposal is a Non-Complying Activity.

4.0 Notification and Submissions

4.1 Notice of the application was served on affected persons in accordance with Section 95B of the Resource Management Act 1991 ("the Act") on 14 September 2012 with submissions closing on 12 October 2012. A list of those persons who were served with notice of the application is contained in the resource consent file.

4.2 A total of four submissions were received for this application, three in opposition and one neutral submission. The submissions have been summarised in the table below.

Submitter	Address	Support/ Opposition	Reasons/ Issues raised	Wishes to be heard
Buller Electricity	Robertson Street, Westport	Neutral	Holds no objection to the proposal.	No
M & L Shenker	11/75 Snodgrass Road, Westport	Opposition	Concerns regarding the lack of services available - particularly the water supply pressure and water quality is of concern and this may be worsened by the addition of new lots.	No* ¹
G Bowden	77 Snodgrass Road, Westport	Opposition	Is not against the subdivision per se, but has concerns regarding the existing issues with stormwater drainage and flooding in the area, and the extent to which the proposal may exacerbate the problem.	No
E M M ^c Gregor	3/75 Snodgrass Road, Westport	Opposition	Is not against the subdivision per se, but has concerns regarding existing water pressure and the possibility of this becoming worse with new lots.	No* ²

*¹ M & L Shenker originally stated in their submission that they wished to be heard, however following liaison with the applicant they withdrew their wish to be heard on 28 November 2012.

*2 E M M^cGregor originally stated in her submission that she wished to be heard, however following liaison with the applicant she withdrew her wish to be heard on 18 November 2012.

- 4.3 Following the close of submissions, I discussed the matters regarding stormwater flooding and water supply/pressure (as raised by the submitters) with the applicant's agent, Mrs Jan Coll. Mrs Coll undertook further consultation with all three submitters and discussed the issues and options with Council's Operations Department. The applicant subsequently agreed to volunteer additional conditions relating to stormwater and water on proposed Lots 1 and 2 (the currently undeveloped lots) and this was relayed to the three submitters by Mrs Coll via letters dated 24 October 2012.
- 4.4 As a result of the additional conditions being volunteered by the applicant, both M & L Shenker and Ms M^cGregor withdrew their wish to be heard at a hearing. With respect to the concerns raised by Mr Bowden, Mrs Coll advised that she had received no official written response, therefore I phoned Mr Bowden on 11 December 2012 to discuss his concerns and my views with respect to the issue of the ponding of stormwater within the legal road reserve. This phone call was followed by email correspondence (contained on the resource consent file) between Mr Bowden and me, and on 18 December 2012 Mr Bowden confirmed that he did not wish to be heard at a hearing although he did continue to have reservations that the stormwater issue would be adequately addressed.
- 4.5 Further discussion with respect to the matters raised in the submissions is contained in Section 6.0 of this report.

Section 100 of the Act

- 4.7 Due to the nature of the proposal, its status within the Plan, that no submitters wish to be heard and the applicant has not requested to be heard, a hearing is not considered necessary pursuant to Section 100 of the Act.

5.0 Part 2 of the Act

- 5.1 This application has to be considered, subject to Part 2, on its merits in accordance with the provisions of Section 104 of the Act. Conditions of consent may be imposed pursuant to Section 108 of the Act should consent be granted.
- 5.2 Section 5 sets out the Purpose of the Act, and states:
- (1) *The purpose of this Act is to promote the sustainable management of natural and physical resources.*
 - (2) *In this Act, sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while—*
 - (a) *Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
 - (b) *Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
 - (c) *Avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

- 5.3 Section 6 details matters of national importance to be recognised and provided for. In my opinion there are no Section 6 matters of relevance to this application.
- 5.4 Section 7 provides other matters that Council shall have particular regard to. Of relevance to this application are:
(c) the maintenance and enhancement of amenity values:
 Amenity values are defined in the Act as “those natural or physical qualities and characteristics of an area that contribute to people’s appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes”. An assessment of the application with respect to the amenity values of the environment is included in Section 6.0 of this report below.
- 5.5 Section 8 relates to the principles of the Treaty of Waitangi. No specific issues in this regard have been raised by the applicant or submitters and I am satisfied that there are no matters pertaining to the Treaty of Waitangi that are of a concern for this application.

6.0 Section 104 of the Act - Assessment of Application

- 6.1 Under Section 104 of the Act:
(1) When considering an application for a resource consent and any submissions received, the consent authority must, subject to Part 2, have regard to—
- (a) any actual and potential effects on the environment of allowing the activity; and*
 - (b) any relevant provisions of—*
 - (i) a national environmental standard:*
 - (ii) other regulations:*
 - (iii) a national policy statement:*
 - (iv) a New Zealand coastal policy statement:*
 - (v) a regional policy statement or proposed regional policy statement:*
 - (vi) a plan or proposed plan; and*
 - (c) any other matter the consent authority considers relevant and reasonably necessary to determine the application.*

Section 104(1)(a) - Actual and Potential Effects on the Environment

- 6.2 An assessment of the actual and potential effects on the environment of allowing the activity indicates that no significant adverse environmental effects are likely. I consider that the adverse effects of the activity on the environment will be no more than minor for the following reasons:
- (i) Council’s Operations Department has reviewed the application and has not raised any concerns with respect to the lack of services to be provided at the subdivision stage. Due to the rural zoning of the site I am satisfied that the provision of services for water, stormwater, sewage, power and telecommunications will be more effectively dealt with upon further development of each of the proposed lots (e.g. at the Building Consent stage) as the type and level of servicing required will be dependant on the type and intensity of the activity to be established.
 - (ii) With respect to wastewater, there are no Council reticulated sewage mains in the area, therefore development of proposed Lots 1 and 2 will inevitably involve an on-site effluent treatment and disposal system. As proposed Lots 1 and 2 are only just above the area of 1500m², being the generally accepted minimum size under the Plan to accommodate land disposal of effluent

without having any adverse cross-boundary effects, it is considered necessary to require further detailed site assessment to be undertaken at the time of application to further develop the lots. A condition will therefore be placed on the lots requiring a site evaluation for effluent disposal to be prepared by a suitably qualified person experienced in wastewater design at the time of application for building consent. The site evaluation should include a recommendation on the best design for effluent disposal and shall specifically advise whether a site specific engineer designed effluent treatment and disposal system is required.

- (iii) With respect to water supply, Council's Operations Department has advised that there is an existing 50mm water main located within the road reserve to which proposed Lots 1 and 2 could connect. Council's Utilities Engineer, Mr Ian Forsyth, has further advised that Council is planning to replace the water main with a 100mm line within the ensuing months and that this should alleviate the pressure and flow issues currently being experienced by Snodgrass residents (and highlighted by submitters). Mr Forsyth has agreed that in the event that a residential dwelling is proposed to be constructed on the lot prior to the Council water upgrade to Snodgrass being completed, then an on-site water supply tank with a connection to the existing reticulation will be acceptable provided the inlet to the tank has a timer to allow topping up during "off-peak" demand, being from midnight to 5am. A condition to this effect will be placed on the consent and I am satisfied that this will adequately address the concerns raised by submitters M & L Shenker and Ms M^cGregor.
- (iv) The concerns raised by Mr Bowden regarding stormwater ponding within the road reserve were also referred to Council's Operations Department for comment. In response, Mr Forsyth commented via email - *"although we recognise there is an issue with low lying ground in the area of the submitters, we don't believe the new lots will exacerbate this problem, as land above the bank falls away from Snodgrass Road, and a driveway would contribute very little additional stormwater to the road. Council is also considering what could be done to dispose of the stormwater ponding issue adjacent to the Bowden property"*. At the time of site inspection I noted that proposed Lot 2 (at the road boundary) is actually a reasonable height above the road level and therefore it is likely that a driveway leading into the lot will be cut into the site and potentially shaped to drain towards Snodgrass Road.
- (v) To provide certainty that the development of proposed Lots 1 and 2 will not exacerbate the existing stormwater ponding issue, a condition requiring the developer to provide an assessment of stormwater disposal for the site prepared by a suitably experienced drainage professional will be placed on this consent. The assessment shall address stormwater disposal from the dwelling, accessory buildings, hardstand areas, and the formed driveway to the site, and shall detail any stormwater disposal methods required (e.g. on site soakage pits) to ensure that the disposal of stormwater from the site will not have any adverse cross-boundary effects, particularly that it should not increase the ponding of stormwater within the Snodgrass Road legal road reserve. An additional condition will be placed on the consent requiring the implementation of the stormwater disposal mechanisms. I am satisfied that whilst this condition will not address the existing situation, it will adequately address any additional stormwater run-off which will be a *direct result* of the subdivision and resulting land development. With respect to the existing situation, Council's Operations Department have confirmed that they are considering options for installing a soak-pit within the road reserve to assist with stormwater drainage.

- (vi) In terms of access to the lots it is noted that proposed Lot 3 has an existing approved vehicle crossing to Snodgrass Road whilst proposed Lots 1 and 2 will require new separate crossings to be formed. This will be conditioned under this consent. Given that no concerns have been raised by Council's Operations Department, and the proposal will only be resulting in two additional allotments, with both lots being restricted to a single dwelling only, I am satisfied that the proposal will not adversely affect the safety and efficiency of the adjoining road network.
- (vii) Under the Plan the permitted number of dwellings per site within the Rural Zone is two. The applicant has volunteered to restrict the number of dwellings on both proposed lots to only one and given the size of the proposed lots and the existing density of development in the area, I consider this is appropriate to maintain the existing character and amenity of the area. Under the Plan there is also no restriction on site/building coverage within the Rural Zone apart from a maximum of 500m² per single building; however there are no limitations on the number of, or combined coverage of such buildings. The applicant has volunteered to restrict the total building coverage and height of accessory buildings to ensure that a reasonable degree of open space and visual amenity is maintained. The applicant has volunteered a total combined floor area for accessory buildings of 150m² and a maximum height of 10.0 metres which I agree is reasonable in this instance. The restrictions detailed above will be conditioned on the consent as consent notices.
- (viii) While the site is located within the Rural Zone, the Snodgrass Road area is very close to the Westport town area and it is also noted that there is a "village" of residentially zoned land located immediately opposite proposed Lots 1 and 2 on the northern side of Snodgrass Road. This residential area contains a range of housing sizes and densities and contributes to the character of the surrounding environment. Whilst there is still some open pastoral land present in the area the predominant land use is residential lifestyle blocks and this creates an environment that is quite distinct from what may be traditionally expected in the Rural Zone. Taking into account the restrictions to be imposed on development of proposed Lots 1 and 2, and the unique environment identified above, I am satisfied that the proposal will not detract from the character and amenity of the surrounding area.
- (ix) With respect to the location of proposed Lots 1 and 2 (and their inevitable built development) within 150 metres of MHWS, it is noted that the location of the site is near to the Orowaiti Lagoon and not the open coastline. It is therefore considered that any hazards relating to the MHWS set back relate more specifically to potential inundation of the land in a flooding event rather than coastal erosion from sources such as wave inundation. The Council has completed a flood mapping study of Westport (undertaken by the National Institute of Weather and Atmospheric Research) which does not show any area within proposed Lots 1 or 2 that is likely to be affected by inundation in a 50-year flood event or 2% annual exceedence probability. However as the area is close to Orowaiti Lagoon and may therefore be prone to inundation, a consent notice advising of the potential requirement for specific minimum floor levels to address flooding hazards at the time of building will be placed on the lots by way of consent notice.
- (x) A reserves contribution, as per 8.4.1.14, Part 8 of the Plan, is applicable to this proposal as the subdivision will result in an increased intensification of the use of the land by creating two additional allotments above that which currently exists.

- (xi) The proposal will have the positive effect of providing two additional allotments for development for rural-residential purposes.

Section 104(1)(b) - Relevant provisions of standards, policies and plans
West Coast Regional Policy Statement

- 6.3 The West Coast Regional Policy Statement has been incorporated into the policies, objectives and rules of the Buller District Plan. An assessment of the Plan will therefore be consistent with the Regional Policy Statement.

Buller District Plan (Operative January 2000)

- 6.4 I have reviewed the relevant objectives and policies contained within Part 4 of the Plan (and included as Appendix One to this report). I have assessed the proposal against these objectives and policies and in my opinion the proposal is not contrary to them.

Section 104(1)(c) – Other Matters

- 6.5 There are considered to be no other matters of relevance to this application.

Section 104(D) – Non-Complying Activity

- 6.6 In my opinion the effects of the proposal will be minor and the proposal is not contrary to the relevant policies and objectives contained within Part 4 of the Buller District Plan. Therefore the proposal passes both of the gateway tests of Section 104D of the Act and consent may be granted.

7.0 Section 106 of the Act

- 7.1 Under Section 106 of the Act, a consent authority may refuse to grant a subdivision consent, or may grant a subdivision consent subject to conditions, if it considers that the land is subject to damage by erosion, falling debris, subsidence, slippage, or inundation, or that the proposed use of the land is likely to accelerate or worsen damage from those sources, or if sufficient provision has not been made for legal and physical access to each lot.

- 7.2 I am satisfied that legal and physical access is proposed for each lot and I acknowledge that the subject site has the *potential* to be subject to damage by inundation due to its location in close proximity to Orowaiti Lagoon. Given the location of the site (on the landward side of Snodgrass Road and buffered by existing residential development to the north), that the land is not covered by the projected 50 year flood map, and that a consent notice will be placed on the lots advising of the potential future requirement to address finished floor levels in relation to flooding, I am satisfied that that the proposed use is not likely to worsen any potential material damage caused by natural hazards. Therefore in my opinion the application satisfactorily addresses the issues raised in Section 106 of the Act.

8.0 Conclusion and Recommendation

- 8.1 I recommend that this application be granted subject to the recommended conditions of consent contained in Section 9.0 below.

9.0 Recommended Conditions of Consent

1. The subdivision and land use shall proceed in accordance with the submitted application received by Buller District Council (Council) on 27 August 2012, and the

relevant plan as detailed above and stamped as approved, except where the following conditions take precedence.

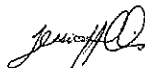
2. A reserve contribution of 7.5% + GST of the value of newly created Lots 1 and 2 shall be payable to Council.
3. Pursuant to Section 221 of the Resource Management Act 1991, a Consent Notice shall be imposed on Lots 1 and 2 to ensure that the following conditions are met on a continuing basis. The Consent Holder is required to pay the costs of the consent notice.
 - (i) Residential Dwellings - No more than one residential dwelling shall be erected on the lot.
 - (ii) At the time of application for building consent for a residential dwelling, the applicant may be required to demonstrate to Council that the finished floor level of the dwelling will be at least 150mm above the level determined by Council for a 1 in 50 year flood event.
 - (iii) In all other respects, the residential dwelling on the lot shall be required to meet all relevant standards in Table 5.7 of the Buller District Plan (with the exception of the requirement that residential activities shall be set back at least 150 metres from MHWS).
 - (iv) Accessory Buildings - Accessory buildings shall have a maximum (combined) ground floor area of 150m² and a maximum height of 10.0m above existing ground level. For the purpose of this restriction, the term 'accessory buildings' shall exclude utilities such as water and wastewater tanks, structures having the sole purpose of screening or enclosing such utilities, and swimming pools.
 - (v) At the time of application for building consent for a residential dwelling, the applicant shall submit a site evaluation for effluent disposal prepared by a suitably qualified person experienced in wastewater design. The site evaluation should include a recommendation on the best design for effluent disposal, and shall specifically advise whether a site specific engineer designed effluent treatment and disposal system is required.
 - (vi) At the time of application for building consent for a residential dwelling, the applicant shall provide an assessment of stormwater disposal for the site prepared by a suitably experienced drainage professional. The assessment shall address stormwater disposal from the dwelling, accessory buildings, hardstand areas, and the formed driveway to the site, and shall detail any stormwater disposal methods required (e.g. on site soakage pits) to ensure that the disposal of stormwater from the site will not have any adverse cross-boundary effects, particularly that it should not increase the ponding of stormwater within the Snodgrass Road legal road reserve.
 - (vii) At the time of construction of a residential dwelling, the owner of the lot shall ensure that all required stormwater disposal mechanisms, as identified in the report referred to in (vi) above, are implemented.

(viii) In the event that a residential dwelling is proposed to be constructed on the lot prior to the Council water upgrade to Snodgrass being completed, then an on-site water supply tank with a connection to the existing reticulation will be acceptable provided the inlet to the tank has a timer to allow topping up during "off-peak" demand, being from midnight to 5am.

4. New vehicle crossings servicing Lots 1 and 2 shall be constructed to Council standards. The consent holder is required to have the work involved carried out by a Council Approved Contractor. The Approved Contractor will be required to make application to the Council's Operations Department for approval to install the vehicle crossing and be given approval including Council specification requirements prior to the construction of the vehicle crossing being undertaken.
5. All actual and reasonable costs incurred by this Council in monitoring, enforcement and administration of this consent shall be met by the consent holder.

NOTE(S):

1. A monitoring fee of \$100 has been included on your consent invoice to contribute towards the costs associated with monitoring consent conditions. Please note that monitoring of the consent will likely incur additional fees as per Condition 5.
2. If you do not understand any or all conditions of this consent, please contact Council's Planning Department for clarification before starting work.
3. Pursuant to Section 127(1) of the Resource Management Act 1991, the consent holder may apply to the consent authority for a change or cancellation of any condition of this consent within five years from the date of issue.
4. Pursuant to Section 128(1)(a) and 128(1)(c) of the Resource Management Act 1991, the Consent Authority may review any condition of this consent within eight years from the date of issue for any of the following purposes: (a) To deal with any adverse effect on the environment which may arise from the exercise of the consent and which it is appropriate to deal with at a later stage; or (b) To deal with inaccuracies contained in the consent application that materially influenced the decision made on the application and are such that it is necessary to apply more appropriate conditions; or (c) To assess the appropriateness of imposed compliance standards, monitoring regimes and monitoring frequencies and to alter these accordingly.
5. This consent shall lapse five years after the decision date if not given effect to.



Reporting Officer:

Date: 23 January 2013

Jessica Hollis
Resource Management Consultant



Peer Reviewer:

Date: 29 January 2013

Helen Montgomery, Team Leader Policy and Planning
Buller District Council

Manager:


.....
Steve Griffin, Manager Operations
Buller District Council

Date: 31.1.13.

APPENDIX ONE

Relevant Objectives and Policies of the Buller District Plan

Objective 4.2.5.1 - Infrastructure

To provide for the efficient development, operation and maintenance of infrastructure throughout the District, while avoiding, remedying or mitigating adverse effects.

Objective 4.2.5.2 - Infrastructure

To protect infrastructure resources from the adverse effects of activities located adjacent to, or in association with, the facility.

Policy 4.2.6.3 - Infrastructure

To utilise a roading hierarchy which enables the effects of activities on the roading resource to be avoided, remedied or mitigated depending on the status of the road in the hierarchy.

Objective 4.3.6.1 - The Built Environment

To recognise, and where possible, protect the distinctive character and heritage values of Buller settlements from the adverse effects of inappropriate development.

Policy 4.3.7.6 - The Built Environment

All land and building shall be maintained so as to preserve the amenities of the environment in which they are situated.

Objective 4.3.17.1 - The Built Environment

To ensure that further settlement growth takes place in a manner and location which does not have significant adverse environmental effects.

Policy 4.3.18.3 - The Built Environment

To ensure that rural-residential development is either adequately serviced or capable of meeting its own requirements.

Objective 4.4.4.1 – Rural Land and Water Resource

To ensure that the overall integrity and character of the rural environment and productivity of rural land resources is protected while enabling rural communities to provide for their social, economic and cultural wellbeing.

Policy 4.4.5.2 – Rural Land and Water Resource

Sustainable land management practices which maintain and/or enhance the productive values of soils and amenities and character of the rural area shall be encouraged and promoted.

Objective 4.10.6.1 - Natural Hazards

Taking into account community views, to reduce the risks to people and communities from natural hazards, and to avoid the establishment of activities which increase the likelihood of natural hazards occurring.

Policy 4.10.7.1 - Natural Hazards

Areas where natural hazards represent a significant threat to the health and safety of individuals and communities and/or to buildings or structures shall be identified as information becomes available and used in the consideration of applications for resource consent.

Policy 4.10.7.4 - Natural Hazards

Mitigation works to minimise the risks of natural hazards to the safety of people and communities shall be assessed according to the degree of risk.

Policy 4.10.7.5 - Natural Hazards

Subject to the relevant statutory provisions in the Resource Management Act and Building Act, further development in identified hazard prone locations will be restricted.

RESOURCE CONSENT DECISION - RC120108

Pursuant to Sections 104, 104B, and 108 of the Resource Management Act 1991, Buller District Council **GRANTS** the application by Kenneth John Dixon, **subject to the conditions below.**

The approved Activity:

Subdivision consent to subdivide Lot 1 Deposited Plan 349548 into three fee simple allotments to create Lot 1 of 1550m², Lot 2 of 1550m², and Lot 3 of 3.4144ha.

Land Use consent for the establishment of a residential activity located within 150 metres of the Mean High Water Spring (MHWS) mark on the new Lots 1 and 2.

Location:

Address: 28-46 and 50-60 Snodgrass Road, Westport
Legal Description: Lot 1 Deposited Plan 349548
Computer Freehold Register: 203056
Valuation Roll Number: 18840 12104

Approved Plan:

The subdivision scheme plan titled "*Lots 1, 2 and 3 Being Subdivision of Lot 1 DP 349548*", dated January 2013 and prepared by Chris J Coll Surveying Ltd.

Please note that the plan which is approved is stamped Approved Plan and attached to this consent.

CONDITION(S):

Pursuant to Section 108 of the Resource Management Act 1991 this consent is granted subject to the following conditions:

1. The subdivision and land use shall proceed in accordance with the submitted application received by Buller District Council (Council) on 27 August 2012, and the relevant plan as detailed above and stamped as approved, except where the following conditions take precedence.
2. A reserve contribution of 7.5% + GST of the value of newly created Lots 1 and 2 shall be payable to Council.
3. Pursuant to Section 221 of the Resource Management Act 1991, a Consent Notice shall be imposed on Lots 1 and 2 to ensure that the following conditions are met on a continuing basis. The Consent Holder is required to pay the costs of the consent notice.
 - (i) Residential Dwellings - No more than one residential dwelling shall be erected on the lot.
 - (ii) At the time of application for building consent for a residential dwelling, the applicant may be required to demonstrate to Council that the finished floor

level of the dwelling will be at least 150mm above the level determined by Council for a 1 in 50 year flood event.

- (iii) In all other respects, the residential dwelling on the lot shall be required to meet all relevant standards in Table 5.7 of the Buller District Plan (with the exception of the requirement that residential activities shall be set back at least 150 metres from MHWS).
 - (iv) Accessory Buildings - Accessory buildings shall have a maximum (combined) ground floor area of 150m² and a maximum height of 10.0m above existing ground level. For the purpose of this restriction, the term 'accessory buildings' shall exclude utilities such as water and wastewater tanks, structures having the sole purpose of screening or enclosing such utilities, and swimming pools.
 - (v) At the time of application for building consent for a residential dwelling, the applicant shall submit a site evaluation for effluent disposal prepared by a suitably qualified person experienced in wastewater design. The site evaluation should include a recommendation on the best design for effluent disposal, and shall specifically advise whether a site specific engineer designed effluent treatment and disposal system is required.
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 - (vii) At the time of construction of a residential dwelling, the owner of the lot shall ensure that all required stormwater disposal mechanisms, as identified in the report referred to in (vi) above, are implemented.
 - (viii) In the event that a residential dwelling is proposed to be constructed on the lot prior to the Council water upgrade to Snodgrass being completed, then an on-site water supply tank with a connection to the existing reticulation will be acceptable provided the inlet to the tank has a timer to allow topping up during "off-peak" demand, being from midnight to 5am.
4. New vehicle crossings servicing Lots 1 and 2 shall be constructed to Council standards. The consent holder is required to have the work involved carried out by a Council Approved Contractor. The Approved Contractor will be required to make application to the Council's Operations Department for approval to install the vehicle crossing and be given approval including Council specification requirements prior to the construction of the vehicle crossing being undertaken.
5. All actual and reasonable costs incurred by this Council in monitoring, enforcement and administration of this consent shall be met by the consent holder.

NOTE(S):

1. A monitoring fee of \$100 has been included on your consent invoice to contribute towards the costs associated with monitoring consent conditions. Please note that monitoring of the consent will likely incur additional fees as per Condition 5.
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3. Pursuant to Section 127(1) of the Resource Management Act 1991, the consent holder may apply to the consent authority for a change or cancellation of any condition of this consent within five years from the date of issue.
4. Pursuant to Section 128(1)(a) and 128(1)(c) of the Resource Management Act 1991, the Consent Authority may review any condition of this consent within eight years from the date of issue for any of the following purposes: (a) To deal with any adverse effect on the environment which may arise from the exercise of the consent and which it is appropriate to deal with at a later stage; or (b) To deal with inaccuracies contained in the consent application that materially influenced the decision made on the application and are such that it is necessary to apply more appropriate conditions; or (c) To assess the appropriateness of imposed compliance standards, monitoring regimes and monitoring frequencies and to alter these accordingly.
5. This consent shall lapse five years after the decision date if not given effect to.

PLANNING OFFICER'S REPORT

A copy of the Planning Officer's Report is attached to this consent. The Officer's Report outlines the reasons for the decision.



Dated at Westport this 31st day of January 2013



Approvals

NOTE

This plan was prepared for K. J. Dixon to accompany a Resource Consent application to the Buller District Council.

This plan is not to be relied on by any other person for any purpose whatsoever.

The dimensions and areas are subject to final field survey.

SCHEDULE OF EXISTING SUBJECT EASEMENTS

PURPOSE	SHOWN	SERVIENT TENEMENT	CREATED BY
RIGHT TO CONVEY ELECTRICITY	(A)	LOT 3 HEREON	E.I. 6463490.3
	(B)		
	(C)	LOT 1 HEREON	

APPROVED PLAN
FC12/108

NEW CFR ALLOCATED

LOT	CFR
LOT 1	
LOT 2	
LOT 3	

Total Area 3.7244ha
Comprised in CFR 203056

I, Christopher John Coll of Westport, being a person entitled to practise as a Licensed Cadastral Surveyor, certify the accuracy of this plan.
This plan has been prepared by me or has been prepared under my direction, this 23rd day of January 2013. Signature: *C. Coll*

Field Book p Traverse Book p
Reference Plans
Examined Correct

Approved as to Survey by
Land Information NZ on

Deposited by
Land Information NZ on

File Received
Instructions

LAND DISTRICT :- NELSON
SURVEY CLASS :- CLASS A
SURVEYOR'S REF :- 2827 SCHEME PLAN

**LOTS 1, 2 AND 3 BEING
SUBDIVISION OF LOT 1 DP 349548**

LOCAL AUTHORITY: BULLER DISTRICT
Surveyed by: CHRIS J COLL SURVEYING Ltd.
Scale: 1:1250 (A3) Date: JANUARY 2013

BULLER COUNTY COUNCIL

WESTPORT

TELEPHONE: 7269

P.O. BOX 247

CMC:MS

2 November 1983

Mr C. J. Coll,
Registered Surveyor,
P.O. Box 204,
WESTPORT.

Dear Sir,

SCHEME PLANS

At its meeting on 25 October 1983 the Buller County Council approved the following scheme plans:

- a. Scheme Plan 10/83, Martin/Low, Oparara River
This scheme plan was approved in two parts (A and B) pursuant to Section 279 of the Local Government Act 1974, without condition.
- b. Scheme Plan 11/83, Mr and Mrs Beveridge, Little Wanganui
Council resolved not to approve this scheme plan in its present form as it considers the proposal to be poor subdivisional and planning practice. However, council has agreed in principle to a subdivision into two Lots only - that is, one incorporating Lots 1, 4 and 5, and the other incorporating Lots 2 and 3.
- c. Scheme Plan 12/83, Mr J. McF. Risk, Snodgrass's
Council resolved to approve this scheme plan pursuant to Section 279 of the Local Government Act 1974 conditional upon:
 1. The applicant proving soakage on both Lots 1 and 2 to council's satisfaction;
 2. Payment of a reserves contribution amounting to 7½% of the current valuation on the newly-created Lot based on a valuation to be supplied by the Government Valuer. (N.B.: I will forward you a copy of the Government Valuer's report as soon as it comes to hand.)
 3. In view of the recent flooding, the house sites are to be approved following advice to be requested from the Westland Catchment Board.
- d. Scheme Plan 13/83, Mr and Mrs Gunning, Waimangaroa
Council resolved to approve this scheme plan unconditionally pursuant to Section 279 of the Local Government Act 1974.

Mr C. J. Coll

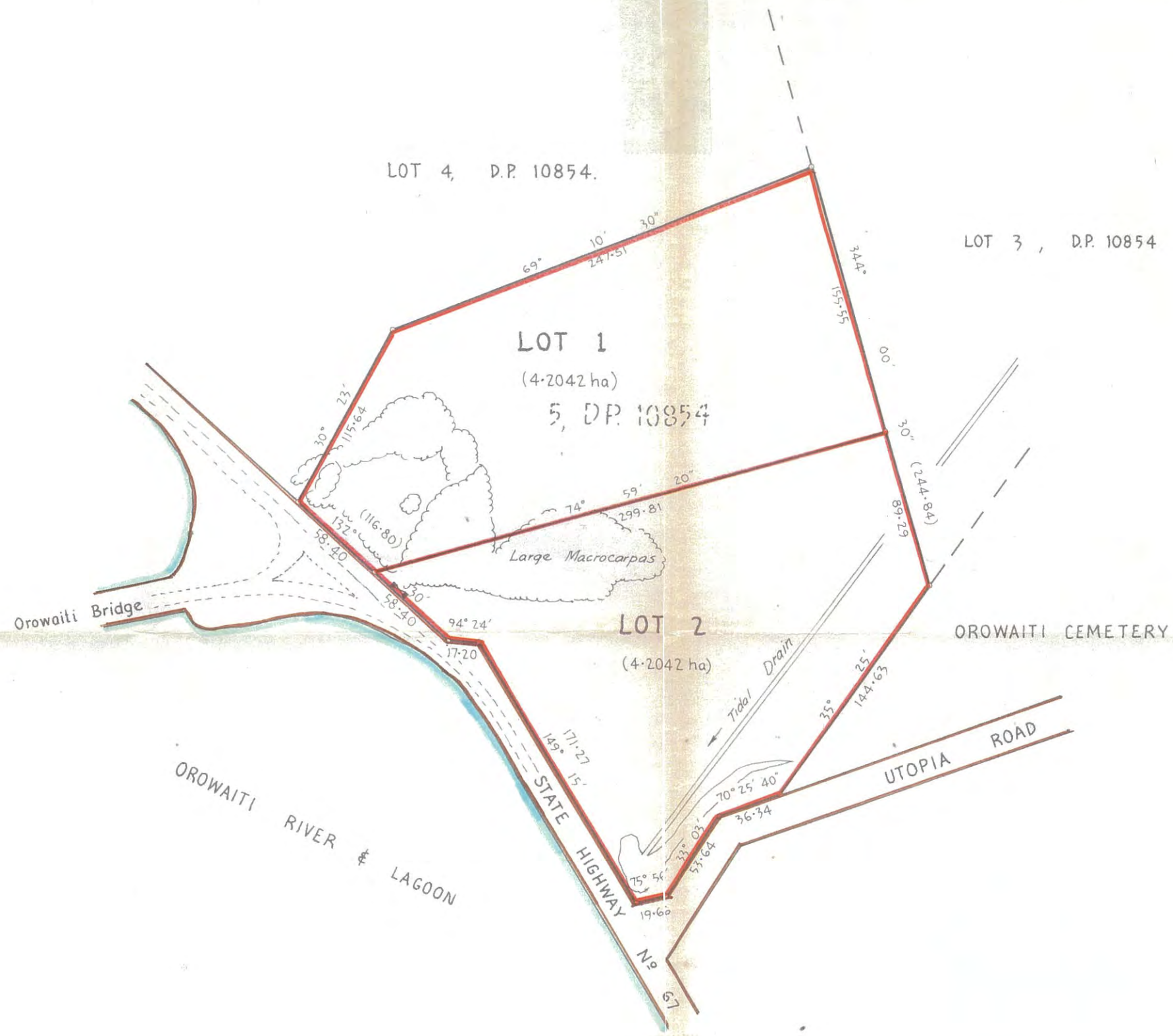
2 November 1983

- e. Scheme Plan 14/83, Mr and Mrs R. L. Volckman, Little Wanganui
The council resolved to approve this scheme plan pursuant to Section 279 of the Local Government Act 1974 with the land which is to vest as road (Lot 2 shown on the plan) to be accepted as a grant in lieu of reserves contribution.
- f. Scheme Plan 16/83, Neil Walters
Council resolved to approve this scheme plan pursuant to Section 279 of the Local Government Act 1974 subject to the following conditions:
1. Ground soakage conditions for the underground disposal to septic tank effluent are to be proved to the council's satisfaction;
 2. As this is a rural/residential subdivision a reserves contribution amounting to 7½% of the current value of the newly-created Lot will be payable to council's Reserves Fund. (N.B.: I will forward you a copy of the District valuer's report as soon as it comes to hand.)

As you are aware, survey plans relating to Hogarth (S.P. 9/83), Walters (S.P. 16/83), Low/Martin (S.P. 10/83A), Gunning (S.P. 13/83), Volckman (S.P. 14/83) were approved by the council at its October meeting pursuant to Section 305 of the Local Government Act 1974 and these certified plans, signed and sealed, were collected from this office and returned to you by Mrs J. Coll.

Yours faithfully,

C. M. Comber
Town Planning Officer (Acting)

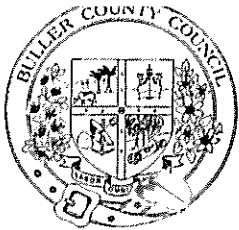


I, Christopher John Coll of Westport, Registered Surveyor and holder of an annual practising certificate, hereby certify that this Scheme Plan has been prepared by me in accordance with Sec. 275 of the Local Government Act, 1974

C.J. Coll

SCHEME PLAN
LOTS 1 AND 2, BEING PROPOSED SUBDIVISION OF
LOT 5, D.P. 10854.

DRAWN C.J.C.		CHECKED	SCALES	SHEET
TRACED C.J.C.		DATE Sept '83	1:2000	1 of 1
SERIES OF			REF	



BULLER COUNTY COUNCIL

WESTPORT

TELEPHONE: 7269

P.O. BOX 247

CMC:HAH

24 September 1986

Ref: SP 19/1986

Mr C.J. Coll,
Registered Surveyor,
P.O. Box 204,
WESTPORT.

Dear Sir,

SUBDIVISION APPROVAL: HAWES AND BURGESS - SNODGRASS

The above scheme plan of subdivision was approved pursuant to Section 279 of the Local Government Act 1974 by Council at its 20 August 1986 meeting without condition, recognising the proposed amalgamation of Lot 1 with Section 14 as endorsed on the scheme plan.

I will advise further on receipt of advice from the District Land Registrar that it is practicable to issue one certificate of title as proposed.

Yours faithfully,

C. M. Comber
Planning Officer

C J C

C.J. COLL. MNZIS, DIP SURV, NZCE.
Regd. Land Surveyor, Mining Agent.

511 22/11
SP19/86

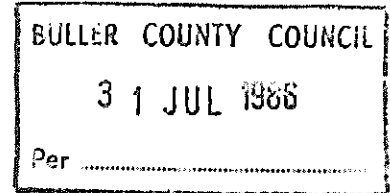
P.O. BOX 204 WESTPORT.

38 RINTOUL ST WESTPORT.

PHONE 8425.

27 July 1986

Planning Officer
Buller County Council
P.O. Box 247
Westport



Dear Sir,

Subdivision = Snodgrass :- Hawes/Burgess

Mr R Hawes wishes to have a boundary adjustment surveyed.
The purpose of the survey is to shift the road frontage part
of the common boundary between R Hawes and R Burgess to
coincide with a fence and access drive that already exist.
This is a practical solution to a problem so that the title
boundaries will be the same as the occupational boundaries.
Both parties are in agreement to the subdivision and it
eliminates any potential future arguments if the properties
eventually change hands.
Council's consent to the subdivision is formally requested.

Yours faithfully,

C. J. Coll

KARAMEA BIGHT

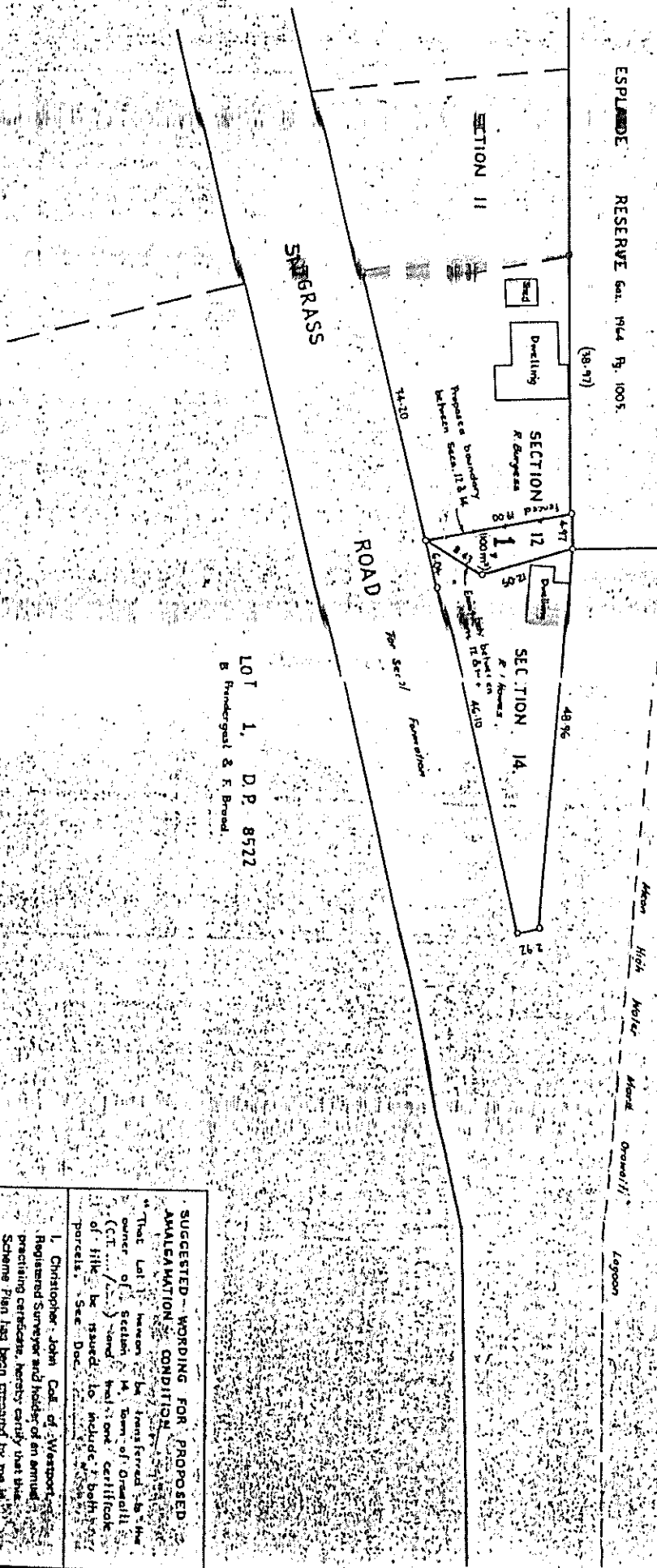
(OROWAITI BASIN)

LEGAL ROAD (New formation)

ESPLANADE RESERVE GEN. RULA P. 1005

SMUGGRASS ROAD

LOT 1, D.P. 8522
B. Fundergall & F. Broad



LOT 1, BEING PROPOSED SUBDIVISION OF SECTION 12, TOWN OF OROWAITI, BLOCK III, KAWAITIRI S.D. (BURGESS - HAINES)

DATE	18/3/83	BOARDS	1/400
PREPARED BY		APPROVED BY	

SUGGESTED WORDING FOR PROPOSED AMALGAMATION CONDITION

That Lot 1 between be transferred to the owner of Section 14, Town of Orowaiti (C.T. ... / ...) and that one certificate of title be issued to include both parcels. See Doc. ...

I, Christopher John Cole of Westport, Registered Surveyor and holder of an annual practicing certificate, hereby certify that the Scheme Plan has been prepared by me in accordance with Sec 275 of the Local Government Act 1974.