



HURUNUI
District Council

REGULATORY COMMITTEE

AGENDA

FOR AN EXTRAORDINARY MEETING TO BE HELD ON:

THURSDAY 17 MAY 2012
COMMENCING AT 1.00PM

IN THE COUNCIL CHAMBERS,
66 CARTERS ROAD,
AMBERLEY.

In Hurunui we live the lives the rest of the world would love to live.

REGULATORY COMMITTEE

For the meeting timetable and order of business please refer to the back page fold-out.

Committee Membership:

Cr R Little (Chairperson)
Mayor W Dalley
Cr Marie Black
Cr Russell Black
Cr Gary Cooper
Cr Vince Daly
Cr Dick Davison
Cr Jim Harré
Cr Michael Malthus
Cr Judith McKendry

Quorum: no less than 5 members

Extraordinary Regulatory Committee – 17 May 2012

TIMETABLE

Time	Item
1.00pm	Meeting Commences
1.05pm	Mr P Carmichael and David Rowell will be in attendance to speak to the objection to RC120035.

ITEM	ORDER OF BUSINESS	Pages
	<ul style="list-style-type: none"> • Apologies • Conflict of Interest Declarations • Recording Device 	
1.	Resource Consent	
	1.1 Objection to Resource Consent RC120035.....	1 - 28



HURUNUI
District Council

Meeting Date:

17 May 2012

REPORT TO: Regulatory Committee

SUBJECT: Objection to Resource Consent RC120035

REPORT BY: Consent Planner

A handwritten signature in black ink, appearing to read 'Rebecca Holden'.

Signature: Rebecca Holden
Consent Planner

A handwritten signature in black ink, appearing to read 'Judith Batchelor'.

Judith Batchelor
Manager Environmental
Services

Summary Report

This report outlines the background to an objection relating to a condition imposed on resource consent RC120035 at 131 Mays Road, Leithfield.

Recommendation

THAT THE OBJECTION TO CONDITION 7 OF RC120035 BE DISMISSED PURSUANT TO SECTION 357D(1)(A) OF THE RESOURCE MANAGEMENT ACT 1991.

BEFORE Hurunui District Council

AND

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER An objection to conditions pursuant to section 357 of the Resource Management Act 1991 with respect to resource consent RC 120035 applied for by N L & P Carmichael for a two lot subdivision at 131 Mays Road, Leithfield

SECTION 42A OFFICERS REPORT - REBECCA HOLDEN

DATE OF HEARING: 1PM, 17 MAY 2012

DESCRIPTION OF OBJECTION

1. The applicant (N L & P Carmichael) is objecting, pursuant to section 357 of the Resource Management Act 1991, to conditions in respect of a subdivision consent (RC120035) granted on 10 April 2012.
2. RC120035 was granted on a non-notified basis on 10 April 2012, under delegated authority by Council officers. This consent was for a two-lot subdivision at 131 Mays Road, Leithfield. The notification and decision reports are attached for Councillors information.
3. The applicant objects to condition 7 which reads:

Accessways – Local and Collector Roads

7. *An accessway shall be provided to each lot in accordance with Rule A5.2.4 (other roads) of the Hurunui District Plan. This requires an accessway for Lot 2 to be formed and sealed off Mays Road in accordance with Figure and Perspective A5.4 local & collector roads (1-50 ECM/day) or A5.6 local and collector roads (51-100 ECM/day) and construction shall be carried out in accordance with Figure A5.9 Rural accessways construction standards.*

BACKGROUND

4. Application was made and consent was granted to subdivide the property into two lots, creating Lot 1 of 5.3581 hectares and Lot 2 of 5.9946 hectares. The Council granted resource consent RC120035 on 10 April 2012 with conditions of consent addressing servicing issues including accessway formation.

SITE AND LOCALITY

5. The subject site is identified as Lot 11 DP 54781, and is contained in certificate of title CB32B/1265. The existing lot is 11.3535 hectares and is zoned General Management in the Hurunui District Plan.
6. Proposed Lot 1 contains an existing dwelling. Proposed Lot 2 is currently vacant. The topography of the site is generally flat with the surrounding environment consisting predominantly of lifestyle blocks containing pastoral farming activities.

PLAN PROVISIONS / ACTIVITY STATUS

7. The site is zoned General Management in the Hurunui District Plan. The Council processed the application as a controlled activity under Rule A3.1 and in assessing the proposal considered Rule A3.2 Standards and terms for controlled activities and took into account the matters relating to controlled activities set out in Rule A3.3.

STATUTORY REQUIREMENTS

8. Section 357A of the Resource Management Act states:

357A Right of objection to consent authority against certain decisions or requirements–

- (1) *There is a right of objection to a consent authority, -*
- (e) *in respect of a consent authority's decision on an application or review of a kind referred to in subsection (2), for an applicant or consent holder if -*
- (i) *the application or review was not notified or notice of the application or review was not serve (in accordance with section 93, section 94, section 127(3), or section 130): or*
- (ii) *the application or review was notified or served and –*
- (A) *no submissions were received; or*
- (B) *any submissions received were withdrawn.*
- (2) *Unless subsection (3) applies, subsection (1)(e) applies to –*
- (a) *An application made under section 88 for a resource consent.*

9. Section 357D of the Resource Management Act states:

357D Decision on objections made under sections 357 to 357B

- (1) *The consent authority or local authority may -*
- (a) *dismiss the objection; or*
- (b) *uphold the objection in whole or in part; or*
- (c) *in the case of an objection under section 357B(a) as it relates to an additional charge under section 36(3), remit the whole or nay part of the additional charge over which the objection was made.*

- (2) *The consent authority or local authority must, within 15 working days after making its decision on the objection, give to the objector, and to every person whom the local authority considers appropriate, notice in writing of its decision on the objection and the reasons for it.*
- (3) *In the case of an objection made under section 357A(1)(e), if the consent authority upholds the objection in whole or in part, that decision replaces the part of the earlier decision to which the objection relates.*

10. Section 108 of the Resource Management Act allows Council to impose conditions for Resource Management purposes. This section states:

108 Conditions of resource consents

- (1) *Except as expressly provided in this section and subject to any regulations, a resource consent may be granted on any condition that the consent authority considers appropriate, including any condition of a kind referred to in subsection (2).*

CONDITION 7

11. The applicant objects to the requirement to form and seal the accessway to proposed Lot 2 for the following reasons:
- The majority of Mays Road is metalled except for a small portion of road to the east of the application site, adjacent to 93 Mays Road, which the applicant is of the understanding was privately undertaken by these property owners and uses an experimental lesser standard of seal.
 - The existing accessway to 93 Mays Road is metalled.
 - Vehicle movements along the metalled portion of Mays Road would drag more shingle and debris onto the sealed section of road than vehicle movements from the accessway, particularly as they will be travelling at a much lower speed.
 - To the applicant's knowledge the Council does not have any plans to seal all of Mays Road, or extend the seal past the applicants' driveway and to the east to connect with the existing sealed roads towards Leithfield.
 - The applicant has been advised that there are serious flooding issues along Mays Road which is regularly scoured out by surface water. Therefore they are of the opinion that flooding would lift and damage any sealed access.

12. Rule A3.2.8 of the District Plan requires that all allotments must comply with vehicle access Rule A5.2. Rule A5.2.4(i) requires that all accessways which adjoin a sealed carriageway shall be formed and sealed for their full length from the road to the property boundary, or to 6 metres, whichever is the greater distance. This shall be in accordance with the standards in either Figure A5.4 or A5.6 depending on traffic generation. As such, the Council has imposed a condition of consent on RC120035 requiring the accessway to Lot 2 be formed and sealed as it adjoins a sealed strip of road.
13. The attached report prepared by the Council's Consent Engineer (Appendix 1) outlines the background to the sealing of this stretch of road and the rationale behind the requirement to seal the accessway to Lot 2 created through the proposed subdivision. This report also gives a background to the use of an alternative form of seal system, called Otta seal, for this section of Mays Road. He advises that this was a trial for this type of seal system and was jointly funded by the contractor, the Hurunui Council and the adjoining property owner who had elected to subsidise the cost of these works to achieve a measure of dust suppression on their property. This was carried out under the Council's seal extension policy operative at that time. Although funded from these various sources, the Consent Engineer advises that this asset is vested in the Council and the responsibility for maintenance of the seal clearly remains with the Council.
14. With respect to damage to the seal edge of the road by vehicles dragging stones and debris from a metalled accessway, I acknowledge, as does the Council's Consent Engineer in the attached report, that this would also occur where the seal ends and the metalled part of Mays Road starts. However, as the Consent Engineer points out, when this part of Mays Road is resealed, the cost of upgrading any unsealed accessway adjoining the sealed section of road would be borne by the ratepayer.
15. I consider that should the applicant be allowed to proceed with the subdivision without the requirement to seal the accessway to Lot 2 to Council standards that this could potentially set a precedent for other subdivisions where an accessway adjoins a sealed road. In addition, I concur with the Council's Consent Engineer that the cost of sealing the accessway at the time of resealing would be borne by the ratepayers, as outlined in the attached report.

HURUNUI DISTRICT PLAN

16. The District Plan sets out a number of objectives and policies. The objectives and policies that are of most relevance to this application and objection are discussed below:

Objective 12

An environmentally sustainable infrastructure and pattern of development, meeting both the needs of today's community and the reasonably foreseeable needs of future generations.

Policy 12.2

To promote an efficient pattern of land subdivision that protects environmental values and systems and the potential of resources to meet the reasonably foreseeable needs of future generations.

Policy 12.3

To recognise and provide for the different requirements for managing subdivision of developed and undeveloped land to avoid, remedy or mitigate adverse effects on the environment.

Policy 12.10

To promote safe and efficient use and development of the transportation network.

17. The application site is considered to be undeveloped land in terms of the District Plan. The subdivision of undeveloped land refers to new lots created on which no buildings exist at the time of subdivision. The explanation of Policies 12.2 and 12.3 refers to the fact that servicing of sites, including road access, is an important consideration of the subdivision process, particularly for new undeveloped lots. The explanation to Policy 12.10 refers to the transportation network being a major physical resource in the District and identifies that land and other resources used for transportation need to be efficiently maintained and developed to ensure the sustainability of this resource.
18. It is therefore considered that the conditions of consent are consistent with the District Plan's objectives and policies, and, as discussed above, the adverse effect that condition 7 seeks to mitigate is to prevent damage to the seal edge of the road where stones and debris have been dragged from the accessway onto the road by vehicle movements.

CONCLUSION AND RECOMMENDATION

19. For the reasons set out above, I am of the opinion that the objection to Condition 7 be dismissed pursuant to section 357D(1)(a) of the RMA.

Rebecca Holden

Consent Planner

8 May 2012

APPENDICES

1. Council Consent Engineer's Report
2. Application & Site Plan
3. Notice of Decision & Decision report
4. Objection letters & responses

APPENDIX 1:

Resource Consent – RC 120035 – Carmichael- 131 Mays Road

1. Introduction

My name is Brian Leslie Earnshaw, and I am the Consents Engineer for the Hurunui District Council. My career with local government spans over 30 years with an additional 9 years spent in agricultural engineering and research at Lincoln College.

2. Site visit

A roadside site visit was carried out on Sunday 6 May 2012.

3. Scope of Evidence

In this evidence I will comment on:

- Roothing
- Accessway
- Conclusion

4. Roothing - Mays Road

4.1 Sealing funding

This section of Mays Road was sealed in 2004 and was jointly funded by the contractor, the Hurunui Council and the adjoining property owner who had elected to subsidise the cost of these works to achieve a measure of dust suppression on their property. This was carried out under the Council's seal extension policy operative at that time. Although funded from these various sources this asset is vested in the Council and the responsibility for maintenance of the seal clearly remains with the Council.

4.2 Sealing background

The Otta seal for this section of Mays Road was a trial for this type of seal system in the Hurunui District. The trial was a section of road approximately 220 metres long, between unsealed sections of road and a result of the dust suppression measures discussed in section 4.1 above. The length of sealing was limited to the area outside the property owner who was funding a share of the works involved.

Generally the Otta seal is used in places that lack resources and capital. However, even with its cost effectiveness, many countries are resistant to change to Otta seal from traditional seals. As more information about Otta seal becomes available, there will likely be more widespread use by the construction industry, but to date Mays Road is the only section of road treated with this seal system in Hurunui. However two other sections of Road were given a similar treatment with some bitumen which did not meet the specifications for chip seal application.

Overseas Otta sealing has generally been used in places that have low capital, and expect relatively low traffic (up to 500 vehicles per day).

4.3 History

Otta seals were developed in Norway in the 1960s. They have been used frequently in Norway, Sweden, Iceland, and Botswana, and to a lesser extent in several other countries. Otta seal performance has been good in countries that are familiar with this type of surfacing. Otta seal design is empirical in nature and trial sections are often constructed to determine the proper material application rates.

4.4 Life Expectancy

Life expectancy varies depending on construction materials used, environmental conditions, and traffic volumes. Reported serviceable lives for double Otta seals range from 8 to 15 years however Mays Road is a single application and is still performing well after 8 years. As a trial it is obviously monitored and for the second phase of the trial is anticipated to reseal the surface with a conventional chip system.

4.5 Seal Extensions

Each year unsealed roads within the District are prioritised for sealing under the Council's Policies. The unsealed sections of Mays Road are considered for sealing, along with all other unsealed roads in the district. Any future seal extension of Mays Road will be addressed through this policy.

4.6 Mays Road Summary

Although this section of Mays Road is not sealed with one of the more traditional seal systems commonly used in Hurunui, it is most definitely sealed with a system that is recognised within the sealing industry. As a general observation the Otta seal currently has the appearance of a single first coat seal. At this stage the trial has exceeded expectations and it is planned to chip seal the surface in the future.

5. Accessway

5.1 Current Conditions

The conditions imposed in the Decision Letter (attached) are consistent with the rules in the District Plan detailed below

Rule A5 2.4(i) All accessways which adjoin a sealed carriageway shall be formed and sealed for their full length from the road to the property boundary or to 6m from the edged of the road seal, whichever is the greatest distance, in accordance with the standards in either Figure A5.4 or A5.6 depending on Traffic Generation.

The accessway for Lot 2 is off the sealed section of Mays Road, albeit near the end of the seal. The access leg into the lot, is proposed at 10 metres wide so the seal will extend for about 3 metres beyond the western boundary of the access leg with no issues to the east side .

Lot 1 is off the unsealed section of Mays Road and is not required to be sealed under the conditions imposed.

5.2 Rationale for sealing Lot 2's accessway

From an engineering perspective the District Plan Rules make good sense, requiring accessways to be sealed adjoining sealed roads because:

- the access points are the location of high stress to a sealed surface imposed by the tyres of vehicles turning at low speed, leading to carriageway seal edge break. Edge break of the seal is stopped at the road/accessway interface reducing road maintenance costs for ratepayers and providing a safer roadway.
- the migration of metal from unsealed accessways onto the carriageway is minimised reducing the risk of stones being "flicked" at other road users. It is recognized at this location, stones from the unsealed section of Mays Road are likely to be a more significant source compared to the accessway.
- the District's ratepayers would be required to fund upgrading of any unsealed accessways adjoining sealed roads, when the road is resealed or in this instance when the Otta seal is resurfaced.

6. Conclusion

I recommend the conditions proposed in the decision letter remain unchanged.

Brian Earnshaw

Consents Engineer

7 April 2012

Resource Management Report- Subdivision, : N L & P Carmichael, 131 Mays Road, Leithfield,

David Rowell M.N.Z.I.S., Dip. Surv.(Otago), B.Sc.(Canterbury)

103 Kowai River Road
R D 1 Amberley

"Surveying North Canterbury"

Phone (03) 314 8277

Tuesday, March 13, 2012

Town Planning
Hurunui District Council
Box 13
Amberley

**RESOURCE CONSENT REPORT
APPLICATION FOR SUBDIVISION CONSENT
N L & P Carmichael, 131 Mays Road, Leithfield**

1 GENERAL

1.1 This report has been prepared in accordance with the requirements of Section 88 and the Forth Schedule of the Resource Management Act 1991 to accompany the application for Subdivision Consent to the Hurunui District Council by **N L & P Carmichael, 131 Mays Road, Leithfield**, hereafter called the applicants.

1.2 The legal description of the property is Lot 13 D.P.54781, being comprised in CT CB32B/1265, total area 11.3535 ha. A search copy is attached at **APPENDIX A**.

1.3 The property is located within the General Rural Zone of the Proposed Hurunui District Scheme (Planning Maps 2a & 2b, Section F). Copy of the relevant map (2b) is attached at **APPENDIX B**. The location of the property is identified on this map.

2 PROPOSAL

2.1 The applicant recognises the shortage of 5ha lots and will subdivide. The neighbour, Natham Pulley is vert interested in buying Lot 2. They subdivided next door as RC 07009. Each lot will have a separate access off Mays Road. Lot 1 being the front paddock with an existing house on it is 5.35 ha abd the back Lot 2 being bare land is 5.9946 ha. The proposal is shown on attached compiled plan.. **Appendix C**.

3.DISTRICT PLAN PROVISIONS

3.3.1 Rules relating to subdivision in the rural general zone at pages 169 to 174, set a minimum lot size of 5 hectare. Allotments are also required to be able to dispose of effluent in some legal manner and to have a potable water supply which meets the New Zealand Drinking Water Standards. Lots must have access to public roads..

4 SUBDIVISION SERVICING

4.1 **SEWER** A sewer report is has been lodge with the Hurunui District Council on 3rd Nov. 2011 from Biotechnology Ltd (Bill Cowie) and a discharge permit has been granted by Ecan. (ref CON070, 2/11/2011)

4.2 **WATER** An extra unit will be applied for.

Resource Management Report- Subdivision, : N L & P Carmichael, 131 Mays Road, Leithfield,

4.3 ACCESS. There is an existing access to the existing house on the west side of the property. The neighbours adjoins this. A new access will be formed on the east side of the property approx 180 metres away. The shared access to the next eastern property is another 180 m away.

4.4 POWER & TELEPHONE. There are available although not required as part of this application. **5.5 CAPITAL CONTRIBUTION.** It may be appropriate to ask for Capital Contributions for 2 lot at this stage.

5 STATUTORY PROVISIONS

5.1 Under Section 104 of the RMA when considering an application for a resource consent the Council is required to have regard to:

Any actual or potential effects on the activity on the environment

Any relevant regional policy statement, current or proposed

Any relevant objectives, policies, rules or other provisions of a plan or proposed plan.

5.2 The proposed subdivision complies with the District plan and is far in excess to any area requirements. It is not a life style development so servicing is not necessary.

5.3 The effect of this subdivision on the environment as is, will be absolutely negligible. (Future land use maybe more an impact. It maybe suitable for grapes given that the neighbouring farm is in grapes.)

6 PART II, RESOURCE MANAGEMENT ACT 1991

6.1 In terms of Part II, the purpose and principles of the Resource Management Act 1991, Section 5 requires that natural resources are managed in a way which recognises that the potential of these resources to meet the needs of future generations should be sustained, and that the life supporting capacity of soils should be safeguarded.

6.2 It is submitted that in terms of Part II the proposed subdivision will contribute to the promotion of the sustainable management of the natural and physical resources of the site and will not result in any adverse effects on the environment which are considered to be more than minor. It is considered that the proposed subdivision is consistent with the purpose and the principles of the Act.

7 CONCLUSION

7.1 For the reasons given above, the actual and potential effects of the subdivision are concluded to be minimal.

7.2 The proposed subdivision is a complying activity in terms of District Scheme and is in accordance with the Purpose & Principles of the Resource Management Act 1991.

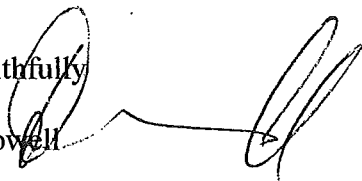
7.3 Accordingly the Council is in a position to grant consent to the proposal pursuant to Sec 105(1) of the Resource Management Act 1991.

8 COUNCIL FEE

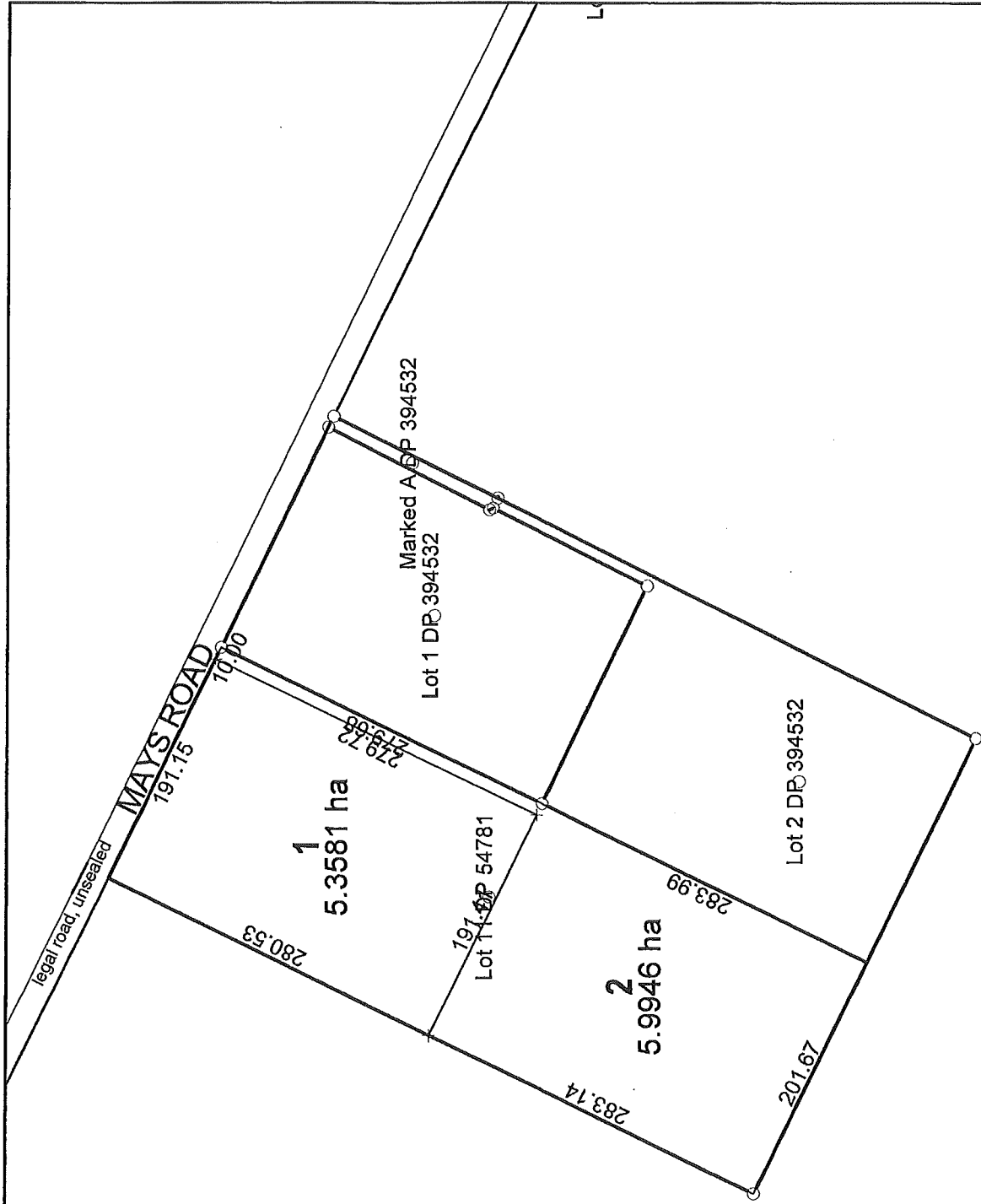
A cheque for \$1300 is attached being the required fee for a 2 lot subdivision.

Yours faithfully

David Rovell



Enclosed: A Form 5, this report, copies of titles, subdivision proposal, aerial photos etc. Location(planning) map, applicant's site plans cheque for \$1300.



Prepared by David Rowell
Registered Surveyor

13/03/2012
1:5000

Lots 1 & 2 being proposed subdivison of Lot 11 DP54781
CT CB32B/1265 Hurunui District

1023 Peter Carmichael - 2 lots

ADDENDIX

SA



HURUNUI

District Council

P.O. BOX 13
 AMBERLEY 7441
 NEW ZEALAND.
 Phone: (03) 314-8816
 Fax: (03) 314-9181
 Email: info@hurunui.govt.nz
 Web: www.hurunui.govt.nz

IF CALLING ASK FOR
 Rebecca Holden

.....RC120035.....
 REF1383/131.....

10 April 2012

N L & P Carmichael
 C/- D Rowell
 103 Kowai River Road
 R D 1
 Amberley

Dear Sir/Madam

RESOURCE MANAGEMENT ACT 1991 – NOTICE OF DECISION

Consent Number: RC120035
Site Address: 131 Mays Road, Leithfield
Legal Description: Lot 11 DP 54781

I refer to your application for subdivision consent to subdivide into two lots.

The Council has considered this application on a non-notified basis pursuant to sections 95A-E of the Resource Management Act 1991 and consent has been granted subject to the following conditions. A copy of the decision is enclosed for your information.

CONDITIONS OF CONSENT

Standards

1. *At all stages of design and construction, the standards adopted shall be those contained in the Hurunui District Plan and NZS 4404:2004 Land Development and Subdivision Engineering unless altered by or with the agreement of Hurunui District Council.*

Environment Measures

2. *The applicant shall take measures to minimise soil erosion and sediment discharge at all times during earthworks, roading development and the installation of underground services. During all earthworks the applicant shall employ dust control measures such as watering to mitigate the nuisance effects caused by dust.*

Easements

3. *All services, including open drains and accessways, serving more than one lot or traversing lots other than those being served and not situated within a public road or proposed public road, shall be protected by easements.*
4. *The easements on the plan shall be shown in a memorandum and duly granted and reserved.*

Potable Water Supply –HDC supply

5. *The applicant shall establish an independent connection to each lot on the plan of subdivision by connecting to the Ashley Rural Water Supply in accordance with NZS 4404:2004 and the "Hurunui District Council Water Supply Bylaw 2008". The applicant shall be responsible for the cost of all works to provide a new connection to the lot and the applicant shall only use materials that meet the Council's approval. The applicant shall make application to the Hurunui District Council for the connection to be undertaken.*

These works are subject to final design, but will include the following:

- The restrictor unit with toby valve for Lot 2 shall be installed in an approved valve box at the road boundary of the lot with the lateral extending to the new water storage tank.

As the network utility provider, the Council shall carry out all connections to a public water supply at the applicant's cost.

Water Storage Tanks

6. The applicant shall provide on-site water tanks connected via a lateral pipe to the restrictor unit for Lot 2. The storage capacity for the tank shall be at least 3 days storage with the minimum size of 5,400 litre capacity of any tank connected to the supply. Storage tanks shall be water tight with no evidence of water leaks from the tank or associated connections. Tanks shall be installed so that the nominal water volume of each tank is achieved. In addition it is recommended that all tanks used for a potable water source should have an insect proof lid and overflow vents.

Accessways – Local and Collector Roads

7. An accessway shall be provided to each lot in accordance with Rule A5.2.4 (other roads) of the Hurunui District Plan. This requires an accessway for Lot 2 to be formed and sealed off Mays Road in accordance with Figure and Perspective A5.4 local & collector roads (1-50 ECM/day) or A5.6 local and collector roads (51-100 ECM/day) and construction shall be carried out in accordance with Figure A5.9 Rural accessways construction standards.
8. Any existing accessway off Mays Road for Lot 1 shall be upgraded or reconstructed to comply with Figure and Perspective noted above as appropriate. The existing subgrade and metal depths on the existing accessway shall be checked against the standards of the Rule A5.2.4 and the requirements of Figure A5.9 of the Hurunui District Plan. If these comply with the current standards, the area shall be reshaped and compacted and metalled as necessary. Should the subgrade and metal layers not comply the accessway shall be reconstructed to the metalled standard.
9. The design and construction of the accessways shall have a minimum sight distance of 160 metres in accordance with Table A5.2 and Figure 5.2 "Access sight lines" or as approved by the Consents Engineer. A plan showing the accessway location, sight distances and any culvert positions with pipe size shall be provided to the Council prior to any construction commencing.
10. Any gate installed on an accessway must be recessed back from the road edge sufficient to allow any vehicle using the driveway to stop clear of the roadway while the gate is being opened or closed.

Conditions Auditing

11. Audit inspections will be carried out to ensure the work is completed in accordance with the approved plans and specifications and to the Council's standards. These inspections will be undertaken by the Council's engineering staff for a fee as defined in the Council's Schedule of Fees and Charges, payable by the applicant. The applicant shall notify the Council at least two working days prior to commencing various stages of the works to enable audit inspections to be carried out. Any other works directly associated with the subdivision shall also be charged at the rates defined in the Council's Schedule of Fees and Charges. The minimum level of inspection shall be as follows:

Accessway

- Following shaping accessways to subgrade prior to the placement of sub-base material. May include culvert inspections.
- Following compaction of basecourse.

Whole of works

- *Prior to issue of a Section 224(c) Certificate.*

Where additional inspections are required because of faulty workmanship or work not being ready contrary to the receipt of a notification, such inspections will be carried out for an additional fee, in accordance with the Council's Schedule of Fees and Charges.

As Built Plans

12. *As built plans of the following are required:*

- *Access showing dimensions, formation area metal depths, and any culvert pipe sizes length pipe type and position.*
- *Water plan showing the location of connection points and tanks and associated reticulation relative to boundaries. Finished cover levels at valves shall be shown. Pipe size, material and pipe class shall also be shown.*

ADVICE NOTES**Site Inspections**

- i) *Site inspections are an important component of the works, please ensure contractors are aware of the requirements outlined in the clause Conditions Auditing. It is essential that the contractors are given sufficient detail from the conditions to ensure compliance of their works, with the conditions imposed in the consent.*

Traffic Management Plan

- ii) *As a requirement of the Health and Safety in Employment Act 1992, the Local Government Act 1974 and 2002, and the Land Transport Management Act 2003, the applicant and or their contractors will need an approved Traffic Management Plan detailing traffic control works prior to any of the works commencing on or in Mays Road.*

Development Contributions

- iii) *Development Contributions are required to be paid for each new lot on the plan of subdivision or for each new unit of demand constructed. Development Contributions must be paid prior to the issue of a certificate pursuant to section 224 of the Resource Management Act 1991 for Development Contributions charged as part of a resource consent. These contributions are currently:*

Reserves

\$770 for the Queen Mary Development

\$180 for the Amberley Domain Pavilion

\$1450 for Amberley Ward Reserves

Network Infrastructure

\$5,860 for Ashley Rural Water Supply

Note: Separate connection fee is in addition to above cost.

Community Infrastructure

\$390 for the Hurunui District Library

resulting in a total of \$8650 for each new unit of demand and a total of \$8650 for the subdivision.

Note: *The development contributions payable are those shown in the current Hurunui Long Term Community Plan (The Long Term Council Community Plan developed by the Hurunui District Council in compliance with the Local Government Act 2002).*

While development contributions are not required to be paid until immediately prior to the issue of a certificate pursuant to section 224 of the Resource Management Act 1991, please note the following:

- *If a 224 certificate is applied for within 2 years of the subdivision approval, or the development contributions are paid within the above period, the development contributions payable are those indicated in the subdivision decision above.*
- *If the development contributions are not paid within the two year period, then the development contributions payable are those indicated in the Hurunui Long Term Community Plan current at the time the 224 certificate is applied for. These may vary from those indicated above.*

It should be emphasised that to ensure that you comply with this resource consent all conditions of consent must be complied with and the consent holder must continue to comply with all conditions in order that the activity remains lawfully established.

ADDITIONAL INFORMATION RELATING TO THE GRANTING OF NON-NOTIFIED RESOURCE CONSENTS WHICH SHOULD BE READ IN CONJUNCTION WITH THE DECISION

YOUR RIGHTS OF OBJECTION

If you do not agree with the Council's decision on this non-notified resource consent, any of its conditions, or any additional fees that have been charged, you may, pursuant to Section 357A of the Resource Management Act 1991, lodge an objection with the Council. The notice of objection must be received by the Council within 15 working days of receipt of this decision.

COMMENCEMENT OF CONSENT

The commencement date for your resource consent is the date of this letter advising you of the Council's decision, unless you lodge an objection against the decision. The commencement date will then be the date on which the decision on the objection is determined.

MONITORING

A general monitoring programme has been set up to ensure compliance with the conditions imposed on resource consents. Where further site inspections are required because of non-compliance with any of the conditions the Council may render an account to the consent holder for monitoring fees at the rate set out in the fees and charges schedule.

LAPSING OF THIS CONSENT

Resource consents are granted to authorise an activity until the expiry date specified on the consent. Unless this consent has been given effect to, **the consent will lapse five years after the date of its commencement**, or unless on receipt of a further application under section 125 of the Resource Management Act 1991, the Council extends this period.

Any development authorised by a resource consent must be completed within the 5 year period in order that it is lawfully established. Any proposal that is not fully implemented and completed within 5 years will require either a new resource consent or an extension of time.

Applications for an extension of the duration of a consent are required to meet a number of criteria contained in Section 125 of the Resource Management Act 1991 before the Council can extend the duration of any consent.

Yours sincerely



Rebecca Holden
Consent Planner

Resource Management Act 1991

Section 104

Consent Number:	RC120035
Applicant:	N L & P Carmichael
Site Address:	131 Mays Road, Leithfield
Legal Description:	Lot 11 DP 54781
Description of Application:	To subdivide into two lots

Planning framework

The site is zoned General Management in the Hurunui District Plan. The following rule in the District Plan is relevant to the proposed subdivision:

A3.1 Controlled activities

Unless specified as a discretionary (restricted or unrestricted) or non-complying activity, any subdivision that complies with the standards and terms within Section A3.2 is a controlled activity.

The proposed subdivision complies with the standards and terms for controlled activities within Section A3.2 and is not specified as a discretionary or non-complying activity. Therefore the proposal is considered a controlled activity in terms of Rule A3.1 and the Council has taken into account the matters relating to controlled activities set out in Rule A3.3.

The Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 took effect on 1 January 2012. Under regulation 5(7), the NES applies to any piece of land on which an activity or industry described in the current edition of the Hazardous Activities and Industries List (HAIL) is being undertaken, has been undertaken or is more likely than not to have been undertaken. The application site was identified in the Canterbury Regional Council's Listed Land Use Register (LLUR) which identified the site as having contained storage tanks or drums for fuel, chemicals or liquid waste. The site had not been investigated. However, the status of the site has since been changed to Verified non-HAIL after the applicant provided the Regional Council with information confirming that hazardous substances were never stored or used at this site. This change of status has been recorded on the LLUR. Therefore, the Council was satisfied that any disturbance of soil associated with the subdivision is a permitted activity in terms of the NES.

Introduction

Consent is sought for a two lot subdivision of a 11.3535 hectare site located at 131 Mays Road, Leithfield. The proposed subdivision will create Lot 1 of 5.3581 hectares and Lot 2 of 5.9946 hectares. Proposed Lot 1 contains an existing dwelling. Proposed Lot 2 is currently vacant.

Access to the proposed lots will be from Mays Road, which is formed and metalled. The topography of the site is generally flat with the surrounding environment consisting predominantly of lifestyle blocks containing pastoral farming activities.

Statutory Requirements

Section 104A states that after considering an application for a **controlled activity**, the consent authority must grant consent and may impose conditions under section 108 for matters over which it has reserved control in its plan, or over which control is reserved in national environmental standards or other regulations.

Section 104 states that subject to Part II, the consent authority must 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.

When considering an application for resource consent the consent authority shall have regard to Section 104(1) of the Resource Management Act 1991. What are the actual and potential effects on the environment of allowing the activity?

In considering any actual and potential effects on the environment of allowing the activity, the Council has restricted its discretion to those matters listed under Rule A3.2.

The proposal meets the terms for matters relating to controlled activities under Section A3.3 of the District Plan. The proposal will create two lots, both of which meet the 5 hectare minimum area requirement of the District Plan. In terms of servicing, the dwelling on proposed Lot 1 has existing provisions for the disposal of sewage and stormwater which will be fully contained within the new boundaries of the allotment. Proposed Lot 2 is of sufficient size to be able to accommodate on-site effluent and stormwater treatment and disposal in the event that a dwelling or principal building is established on this allotment and has permitted activity status in terms of the Regional Council's Natural Resources Regional Plan. Conditions of consent require each lot to be provided with independent connections to the Council's rural water supply scheme. Telecommunications and electrical services are available along Mays Road. Lot 1 has an existing access to Mays Road. Conditions of consent will require Lot 2 to be provided with an access to Mays Road which complies with the District Plan in terms of formation and construction standards.

Any effects on the topography and natural landforms will be limited to earthworks required to provide servicing. Given the overall flat topography of the site, these works are not considered to have any significant impact. There are no outstanding natural features or heritage features located on the site.

In terms of rural character and amenity, the allotments meet the minimum allotment area requirement and are considered to be appropriate for the topography and character of the site. Any future dwellings will be required to comply with the District Plan standards which permit one dwelling per five hectares of land.

Overall, the Council was satisfied that any actual or potential effects are acceptable in terms of the relevant matters for controlled discretion under Section A3.2 and that these effects will be mitigated by the conditions placed on the consent.

How do any relevant objectives, policies, rules or other provisions of the District Plan relate to the proposal?

The Council considered Objective 10, which seeks to provide for a healthy and safe environment within the district and the maintenance and/or enhancement of amenity values, which the community wishes to protect. Policy 10.2 seeks to encourage community-based environmental health initiatives including adequate sewer discharge and water supplies. Policy 10.5 aims to avoid, remedy or mitigate the adverse effects of activities on amenity values.

Objective 12 seeks to provide an environmentally sustainable infrastructure and pattern of development and Policy 12.2 to promote an efficient pattern of land subdivision that protects environmental values and systems. The Council considered that the proposal would be consistent with Objective 12 and its supporting policies.

Overall the Council was satisfied that the proposal achieved the objectives and policies of the District Plan.

Are there any other matters which are relevant and reasonably necessary to determine the application (including Part II matters)?

With respect to Part II of the Act, the proposal will continue to promote the sustainable management of natural and physical resources. Section 5 requires the promotion of the sustainable management of natural and physical resources. This means ensuring that the use and development of physical resources is managed in such a way as to enable people and communities to provide for their social and economic well-being while meeting the reasonable foreseeable needs of future generations and avoiding, remedying or mitigating the adverse effects of the proposal on the environment.

If the application is for a non-complying activity, does it meet at least one of the provisions of Section 104D (1)?

N/A

Are there any matters that have arisen in the assessment of this application that would indicate the application should have been publicly notified?

No

Recommendation: That for the above reasons the application **be approved** pursuant to Sections 104 / 104A of the Resource Management Act 1991, subject to the following conditions:

CONDITIONS OF CONSENT

Standards

1. *At all stages of design and construction, the standards adopted shall be those contained in the Hurunui District Plan and NZS 4404:2004 Land Development and Subdivision Engineering unless altered by or with the agreement of Hurunui District Council.*

Environment Measures

2. *The applicant shall take measures to minimise soil erosion and sediment discharge at all times during earthworks, roading development and the installation of underground services. During all earthworks the applicant shall employ dust control measures such as watering to mitigate the nuisance effects caused by dust.*

Easements

3. *All services, including open drains and accessways, serving more than one lot or traversing lots other than those being served and not situated within a public road or proposed public road, shall be protected by easements.*
4. *The easements on the plan shall be shown in a memorandum and duly granted and reserved.*

Potable Water Supply –HDC supply

5. *The applicant shall establish an independent connection to each lot on the plan of subdivision by connecting to the Ashley Rural Water Supply in accordance with NZS 4404:2004 and the "Hurunui District Council Water Supply Bylaw 2008". The applicant shall be responsible for the cost of all works to provide a new connection to the lot and the applicant shall only use materials that meet the Council's approval. The applicant shall make application to the Hurunui District Council for the connection to be undertaken.*

These works are subject to final design, but will include the following:

- *The restrictor unit with toby valve for Lot 2 shall be installed in an approved valve box at the road boundary of the lot with the lateral extending to the new water storage tank.*

As the network utility provider, the Council shall carry out all connections to a public water supply at the applicant's cost.

Water Storage Tanks

6. The applicant shall provide on-site water tanks connected via a lateral pipe to the restrictor unit for Lot 2. The storage capacity for the tank shall be at least 3 days storage with the minimum size of 5,400 litre capacity of any tank connected to the supply. Storage tanks shall be water tight with no evidence of water leaks from the tank or associated connections. Tanks shall be installed so that the nominal water volume of each tank is achieved. In addition it is recommended that all tanks used for a potable water source should have an insect proof lid and overflow vents.

Accessways – Local and Collector Roads

7. An accessway shall be provided to each lot in accordance with Rule A5.2.4 (other roads) of the Hurunui District Plan. This requires an accessway for Lot 2 to be formed and sealed off Mays Road in accordance with Figure and Perspective A5.4 local & collector roads (1-50 ECM/day) or A5.6 local and collector roads (51-100 ECM/day) and construction shall be carried out in accordance with Figure A5.9 Rural accessways construction standards.
8. Any existing accessway off Mays Road for Lot 1 shall be upgraded or reconstructed to comply with Figure and Perspective noted above as appropriate. The existing subgrade and metal depths on the existing accessway shall be checked against the standards of the Rule A5.2.4 and the requirements of Figure A5.9 of the Hurunui District Plan. If these comply with the current standards, the area shall be reshaped and compacted and metalled as necessary. Should the subgrade and metal layers not comply the accessway shall be reconstructed to the metalled standard.
9. The design and construction of the accessways shall have a minimum sight distance of 160 metres in accordance with Table A5.2 and Figure 5.2 "Access sight lines" or as approved by the Consents Engineer. A plan showing the accessway location, sight distances and any culvert positions with pipe size shall be provided to the Council prior to any construction commencing.
10. Any gate installed on an accessway must be recessed back from the road edge sufficient to allow any vehicle using the driveway to stop clear of the roadway while the gate is being opened or closed.

Conditions Auditing

11. Audit inspections will be carried out to ensure the work is completed in accordance with the approved plans and specifications and to the Council's standards. These inspections will be undertaken by the Council's engineering staff for a fee as defined in the Council's Schedule of Fees and Charges, payable by the applicant. The applicant shall notify the Council at least two working days prior to commencing various stages of the works to enable audit inspections to be carried out. Any other works directly associated with the subdivision shall also be charged at the rates defined in the Council's Schedule of Fees and Charges. The minimum level of inspection shall be as follows:

Accessway

- Following shaping accessways to subgrade prior to the placement of sub-base material. May include culvert inspections.
- Following compaction of basecourse.

Whole of works

- Prior to issue of a Section 224(c) Certificate.

Where additional inspections are required because of faulty workmanship or work not being ready contrary to the receipt of a notification, such inspections will be carried out for an additional fee, in accordance with the Council's Schedule of Fees and Charges.

As Built Plans

12. As built plans of the following are required:
- Access showing dimensions, formation area metal depths, and any culvert pipe sizes length pipe type and position.
 - Water plan showing the location of connection points and tanks and associated reticulation relative to boundaries. Finished cover levels at valves shall be shown. Pipe size, material and pipe class shall also be shown.

ADVICE NOTES**Site Inspections**

- i) Site inspections are an important component of the works, please ensure contractors are aware of the requirements outlined in the clause Conditions Auditing. It is essential that the contractors are given sufficient detail from the conditions to ensure compliance of their works, with the conditions imposed in the consent.

Traffic Management Plan

- ii) As a requirement of the Health and Safety in Employment Act 1992, the Local Government Act 1974 and 2002, and the Land Transport Management Act 2003, the applicant and or their contractors will need an approved Traffic Management Plan detailing traffic control works prior to any of the works commencing on or in Mays Road.

Development Contributions

- iii) Development Contributions are required to be paid for each new lot on the plan of subdivision or for each new unit of demand constructed. Development Contributions must be paid prior to the issue of a certificate pursuant to section 224 of the Resource Management Act 1991 for Development Contributions charged as part of a resource consent. These contributions are currently:

Reserves

\$770 for the Queen Mary Development
 \$180 for the Amberley Domain Pavilion
 \$1450 for Amberley Ward Reserves

Network Infrastructure

\$5,860 for Ashley Rural Water Supply

Note: Separate connection fee is in addition to above cost.

Community Infrastructure

\$390 for the Hurunui District Library

resulting in a total of \$8650 for each new unit of demand and a total of \$8650 for the subdivision.

Note: The development contributions payable are those shown in the current Hurunui Long Term Community Plan (The Long Term Council Community Plan developed by the Hurunui District Council in compliance with the Local Government Act 2002).

While development contributions are not required to be paid until immediately prior to the issue of a certificate pursuant to section 224 of the Resource Management Act 1991, please note the following:

- If a 224 certificate is applied for within 2 years of the subdivision approval, or the development contributions are paid within the above period, the development contributions payable are those indicated in the subdivision decision above.

- If the development contributions are not paid within the two year period, then the development contributions payable are those indicated in the Hurunui Long Term Community Plan current at the time the 224 certificate is applied for. These may vary from those indicated above.

Reported and Recommended by: Rebecca Holden
Rebecca Holden, **Consent Planner**

Date: 10 April 2012

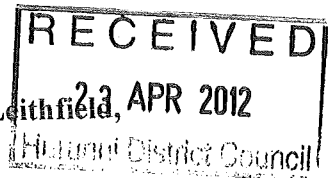
DECISION: That the above recommendation be adopted.

Helga Rigg
Helga Rigg, **Senior Planner**

Date: 10 April 2012

1323/131

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Resource Management Report- Subdivision, : N L & P Carmichael, 131 Mays Road, Leithfield,

David Rowell M.N.Z.I.S., Dip. Surv.(Otago), B.Sc.(Canterbury)

103 Kowai River Road
R D 1 Amberley

"Surveying North Canterbury"

Phone (03) 314 8277

Friday, April 20, 2012

Town Planning
Hurunui District Council
Box 13
Amberley

22nd May

Attention Rebecca Holden

RC120035 ---131 Mays Road

Dear Rebecca.

Thank you for letter 18th April 2012.

I have never disputed Rule A5.2.4(i), even 5 years ago. I do not know where you get this 5 years from I suspect it is a "story" to justify why 93 & 93A Mays Road was not sealed for RC 070095. then how do you justify RC080019, Norm Schultz, Racecourse Road. Norm sealed all that road so was not required to upgrade drives when he subdivided.

Justification that an unsealed drive would bring shingle onto the seal is such nonsense in this instance. Vehicles coming out of the lot would be travelling slowly and not dragging much shingle, when less than a few metres away a vehicle travelling east at potentially 100km/hr could drag infinitely more metal onto the seal.

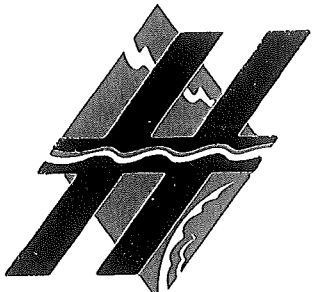
I am sure the applicant would have no problems about Rule A5.2.4(i) if the Council was going to seal all the road, or even extend the seal a little to mitigate the 100km/hr vehicle spreading gravel right at the applicants driveway, plus extend the seal eastwards to connect existing seal so a journey on only sealed roads was possible.

Rule A5.2.4(i) does not apply here as this is not a Council sealed road at present. It has been privately sealed. Locals have been told there will be no Council money spent on sealing. The applicant says it is not advisable to seal an access as there are serious flooding issues and accesses along Mays Road regularly get scoured out. 93 & 93A Mays Road is not sealed and has been scoured out on occasions. Flooding would lift any sealed access.

The applicant wants a hearing to discuss these issues and follow up the proposed sealing of Mays Road by Council.

Yours faithfully

David Rowell



HURUNUI District Council

P.O. BOX 13
AMBERLEY 7441
NEW ZEALAND.
Phone: (03) 314-8816
Fax: (03) 314-9181
Email: info@hurunui.govt.nz
Web: www.hurunui.govt.nz

18 April 2012

IF ~~Rebecca Holden~~

.....RC120035.....

1383/131

REF

N L & P Carmichael
C/- D Rowell
103 Kowai River Road
R D 1
Amberley

AUTHOR'S COPY

Dear Sir/Madam

**OBJECTION PURSUANT TO SECTION 357 RESOURCE MANAGEMENT ACT 1991
RESOURCE CONSENT RC120035**

I am writing in response to your letter dated 11 April 2012 in which you lodged an objection to Condition 7 of your decision which requires the accessway to Lot 2 off Mays Road be formed and sealed. Council officers have considered the objection and do not support the objection.

Rule A5.2.4(i) of the Hurunui District Plan requires that all accessways which adjoin a sealed carriageway shall be formed and sealed for their full length from the road to the property boundary or to 6 metres from the edge of the road seal, whichever is the greater distance. This shall be in accordance with the standards in either Figure A5.4 or A5.6 depending on traffic generation. This requirement is entirely consistent with conditions set for other similar subdivision consents issued over the last 5 years.

In addition, this portion of road is scheduled to be resealed with a conventional chip seal system as part of the Council's roading maintenance programme. As such, the Council is of the view that sealing the accessway is necessary in order to prevent damage to the seal edge of the road where stones and debris have been dragged from the accessway onto the road.

Should you wish to proceed with this objection as it stands, then the matter would need to be considered at a hearing before the Regulatory Committee. Please advise if you wish to proceed with the objection and the Council will set down a date, time and place for a hearing of the objection.

Yours faithfully

Rebecca Holden
Consent Planner

Resource Management Report- Subdivision, : N L & P Carmichael, 131 Mays Road, Leithfield,

David Rowell M.N.Z.I.S., Dip. Surv.(Otago), B.Sc.(Canterbury)

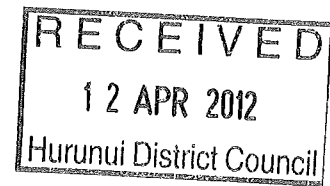
103 Kowai River Road
R D 1 Amberley

"Surveying North Canterbury"

Phone (03) 314 8277

Wednesday, April 11, 2012

Town Planning
Hurunui District Council
Box 13
Amberley



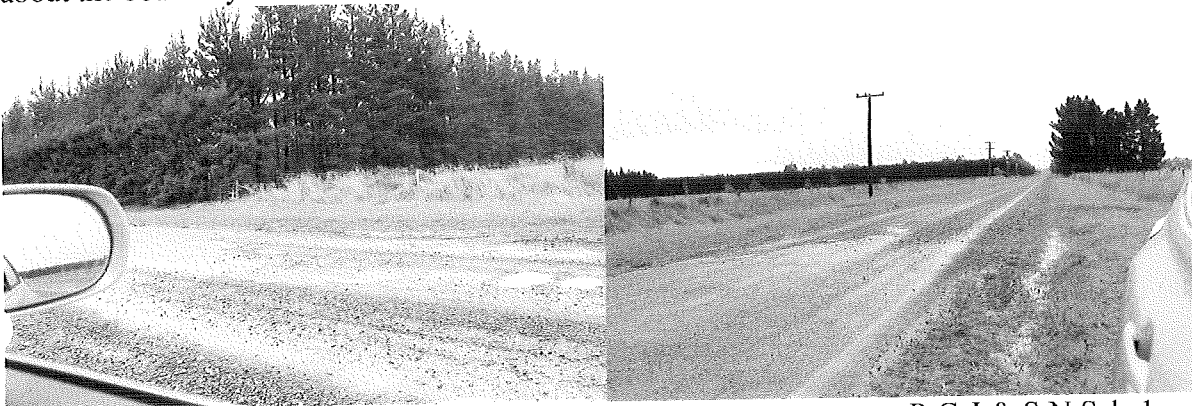
Attention Rebecca Holden

RE RC120035 ---131 Mays Road

Dear Rebecca.

Thank you for Council's consent 15/4/2012.

We must object to the access to Lot 2 being sealed. It does not front a properly sealed road. The seal stops about the boundary.



This is not a council sealed road but was done by the property owners, P G J & S N Scholes & J N Rundle, 93 Mays Road on the frontage of their road only. It was also an experiment of a lesser standard of seal since it was a private undertaking.

SCANNED

Resource Management Report- Subdivision, : N L & P Carmichael, 131 Mays Road, Leithfield,

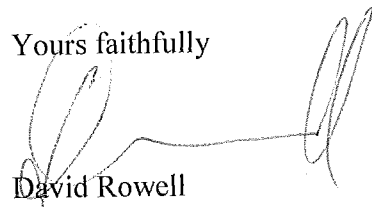
RC070095 which subdivided 93 Mays Road did not have to seal the access.



Mays Road is generally metal only.

Please advise an amended decision.

Yours faithfully



David Rowell