

SOUTH WAIRARAPA DISTRICT COUNCIL

APPLICATION FOR RESOURCE CONSENT UNDER SECTION 88 OF RESOURCE MANAGEMENT ACT 1991

DECISION

SUBJECT: Application for Subdivision Consent No 3035 (S)

APPLICANT: Victoria Helen Read

PROPOSAL: 2-lot subdivision to create lots of 1420m² and 4679m²
(including accessway) in size

LOCATION: 18 Weld Street, Martinborough

ZONE: Rural Zone - Operative South Wairarapa District Plan
Rural (Primary Production) Zone - Proposed Wairarapa
Combined District Plan

**LEGAL
DESCRIPTION:** Lot 1 DP 74911

ACTIVITY STATUS: As the application was lodged prior to the notification of the Proposed Plan, section 88A of the Resource Management Act 1991 states that the "activity status" of an activity is fixed at the time the application was lodged. Therefore, this application is considered as a "Discretionary Activity" under the Operative Plan as each of the two proposed lots are significantly less than 5 hectares in area - Rule 6.1.4

PRELIMINARY MATTERS

Emily Greenberg tabled a letter from Greater Wellington Regional Council advising that they no longer wished to be heard, and that their concerns regarding the use of potentially contaminated groundwater have been met provided that the recommended condition 9 (regarding testing and monitoring groundwater) in Ms Greenberg's Officers Report is imposed if resource consent were granted.

THE APPLICATION and SITE

It was proposed to subdivide a property of 6099 square metres that is held in one Certificate of Title into 2 lots. The proposal would create a front lot of 1420m² and a rear lot of approximately 4679m² in size including its accessway.

Supplementary information was provided for this application and received by Council on 3 October 2006. This information requested that any future dwelling on the proposed Lot 2 be allowed to comply with the permitted bulk and location standards in the Proposed Wairarapa Combined District Plan for a house in the residential zone, as opposed to the permitted bulk and location standards for a house in the Rural Zone. The applicant requested this because any dwelling on proposed Lot 2 would need land use consent if it was required to comply with the currently proposed standards for the Rural Zone in the Proposed Plan.

The standards that the applicant requested a dwelling on Lot 2 be able to comply with are as follows:

- Maximum height: 10m
- Maximum height to boundary: 3m height at the boundary with a 45-degree recession plane
- Minimum building setback: 5m from front boundary; 1.5m from all other boundaries, except that there shall be one setback of at least 3m from one side boundary

The land is located in the Rural Zone at 18 Weld Street, Martinborough on the corner of Roberts Street. Weld Street is a sealed local road and Roberts Street is an unformed paper road.

An existing dwelling and glasshouse are located on the proposed rear lot (Lot 1). The applicant operates a small organic salad growing business from this property and she notes she intends to continue residing and running this business from the proposed Lot 1.

The existing house is connected to the town water supply and urban sewer system. The site also has a second urban sewer connection in place, which the applicant proposes to connect to the proposed Lot 2. The proposal is for any future dwelling on the proposed Lot 2 to obtain its water supply from collected rainwater.

The proposal would result in an additional entranceway to Weld Street to serve the proposed Lot 2.

STATUTORY PROVISIONS

The application was considered under the provisions of the Resource Management Act 1991 (the Act).

Also considered were the Regional Policy Statement, the Operative South Wairarapa District Plan and the Proposed Wairarapa Combined District Plan.

THE PRINCIPAL ISSUES IN CONTENTION

The principal issues in contention were identified as:

- Access;
- Sewage disposal;
- Water supply and potentially contaminated groundwater;
- Loss of productive land and retention of rural amenity; and
- Site design and layout for future dwelling.

THE APPLICANT'S CASE

Present for the applicant were Victoria Reed and her father John Reed.

Victoria Reed spoke to her written evidence. Her written evidence noted that she lives on the site and operates a glasshouse operation known as "Rocket Farm". The site already has a second sewer connection and one metered water connection. There are already many houses up and down the street. She addressed the paper road and acknowledged that her application does not propose any use of this road. She also mentioned the outcome of her consultation with several of the nearby neighbours.

Q: Cllr Clark –	Are you going to keep the glasshouse?
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A: Reed –	Yes.
Q: Cllr Clark –	Can you please describe the access?
A: Reed -	We will keep the existing access to the rear lot.

SUBMITTERS

James Firestone, New Zealand Fire Service, spoke to his previous submission. He noted that he was there to put a human face to their submission. He then proceeded to use this time as an opportunity to talk about fire safety.

Q: Cllr Tenquist -	Can you clarify the requirements for hydrants and fire hoses?
A: Firestone -	After clarifying these requirements, Mr Firestone stressed that this is a reactive fire-fighting method and they end up being in a defensive position. He again stressed the better option was to install home sprinkler systems.

Mr JE Fletcher, neighbour, had no comment and stated he was present as a witness.

OFFICER'S COMMENTS

Emily Greenberg, Planning Officer, noted that the proposal is for a Discretionary Activity and her recommendation is to grant the application. She noted that the proposed second lot already has a connection to the urban sewer system and the surrounding area is essentially residential.

APPLICANT'S RIGHT OF REPLY

Ms Reed, had some clarification questions for the Fire Service, which she asked.

RESOLVED: HC 2006/28 CLARK/DAVIES that the Planning Hearings Committee move into deliberation.

DECISION

After considering the application and the submissions to it, it was:

RESOLVED: HC 2006/29 TENQUIST/CRAIG that the South Wairarapa District Council hereby GRANTS, subject to conditions, resource consent application no 3035 (S) pursuant to Section 104B of the Resource Management Act 1991. The application is granted as follows:

1. That, except as amended by the conditions below, the subdivision be carried out generally in accordance with the plan of proposed subdivision prepared by Victoria Read, Titled "Proposed Subdivision 18 Weld St" and the Assessment of Environmental Effects and other documentation submitted with the application.
2. That the applicant shall pay an administrative charge pursuant to Section 36 of the Resource Management Act 1991 and additional charges for processing and monitoring this consent.

3. That the applicant meets all legal costs incurred by the Council in respect of the approval and/or Certification of the Survey Plan for the subdivision and in the perusal, preparation, execution and registration of any related document.
4. That electricity and telephone services be installed to the boundary of each lot. The new lines are to be located underground unless the relevant supply authorities determine otherwise. Confirmation shall be provided by the telephone and power authorities that the installation of these services to the boundary of each lot has occurred and that sufficient capacity exists to service these lots.
5. That stormwater from the existing buildings on Lot 1 that is not used for water supply purposes be disposed of within the respective lot. Stormwater disposal shall be by properly designed soak pits or other methods to the satisfaction of Council's Manager Works and Services. Confirmation that stormwater from the existing buildings is being disposed of within each respective lot shall be provided by a suitably experienced professional supported by detailed investigations including the drainage system's location, size and other details.
6. That pursuant to Section 221 of the Resource Management Act 1991, the following condition shall be secured by way of a Consent Notice registered on the Title of Lot 2 at no cost to the Council:

Lot 2 is located within the Rural Zone. However, pursuant to resource consent no 3035, a house on Lot 2 must comply with the permitted standards for a dwelling in the Urban Residential Zone as contained in the Proposed Wairarapa Combined District Plan, rather than the Rural Zone standards. These permitted standards are as follows:

- *Maximum height: 10m*
- *Maximum height to boundary: 3m height at the boundary with a 45-degree recession plane*
- *Minimum building setback: 5m from front boundary; 1.5m from all other boundaries, except that there shall be one setback of at least 3m from one side boundary*

7. That pursuant to Section 221 of the Resource Management Act 1991, the following condition shall be secured by way of a Consent Notice registered on the Title of Lot 2 at no cost to the Council:

Water storage volumes and delivery systems for Lot 2 must be in accordance with the New Zealand Fire Service Code of Practice, SNZ PAS 4509:2003 to the satisfaction of Council's Manager Works and Services. Dwellings without a home sprinkler system must have at least 45,000 litres of water storage and at least 30,000 litres of this storage must be potable water. Dwellings with a home sprinkler system must have at least 30,000 litres of potable water storage.

8. That pursuant to Section 221 of the Resource Management Act 1991, the following condition shall be secured by way of a Consent Notice registered on the Titles at no cost to the Council:

Groundwater must be thoroughly tested for contaminants prior to it being used for domestic purposes, stock watering, or crop irrigation and to ensure it is in

compliance with the Drinking Water Standards of New Zealand 2005, before being used as a potable water supply. If groundwater is found to be suitable for its intended use, ongoing testing of the water at regular intervals should be undertaken to ensure that the water continues to be safe. The water quality testing shall be undertaken in consultation with, and the monitoring results forwarded to the District Council's Environmental Health Officer.

Note: Fees may be imposed by the District Council for assessing and maintaining these records.

9. That an isolation strip (200mm-wide) vested in Council **be surveyed** along the site boundary to Roberts Street prior to s223 approval. The purpose of this isolation strip is to prevent access to Roberts Street.
10. That the entranceways serving Lots 1 and 2 from the carriageway to the property be formed and sealed at the applicant's expense and in compliance with the South Wairarapa District Plan Appendix 4A – Parking and Vehicle Standards. Plans for this work, including stormwater drainage, are to be approved in writing by Council's Manager Works and Services **prior** to any work being undertaken.
11. That all allotments are fitted with a non-return valve to their sewer lateral.
12. That the following financial contributions are paid:
 - (ii) Sewerage Disposal for an additional Lot @ \$1969.45 (inclusive GST)
 - (iii) Reserve Fund Contribution – 7.5% of the market value of Lot 2 assessed by independent valuation, plus GST. The valuation fee shall be paid by the consent holder, and the valuation shall be determined based on the approved s223 survey plan. The valuation must not be any older than 3 months at time of payment of the reserve fund contribution.
13. That the applicant register easements (as appropriate) over all existing and proposed public and private services and/or service lines at their own cost and **shown on the survey plan** prior to s223.
14. That the Applicant seek written approval of engineering design, plans, and specifications of all the engineering works from Council's Manager Works and Services prior to doing any construction work.
15. That the applicant engage their surveyor or a professional engineer to supervise all the engineering works, and to provide as-built plans, **including identification of all stormwater secondary flood flow paths**, (electronic and two hard copies) in accordance with Schedule 1D of NZS 4404:2004 on completion of the work.
16. That if any archaeological deposits are identified during any development of the land, the applicant or its agent shall cease work immediately and seek advice from an archaeologist and contact the Historic Places Trust, Rangitaane O Wairarapa Iwi Authority and Ngati Kahungunu ki Wairarapa. If necessary, an authority under the Historic Places Trust to modify, damage or destroy an archaeological deposit will be required.

NOTE:

1. Please note that this resource consent will lapse if not given effect to in accordance with Sections 125, 223 and 224 of the Resource Management Act 1991.
2. All conditions must be complied with before a s224c Resource Management Act Certificate will be issued. The application for s224c Certification must list each condition of consent and advise when the condition was complied with, and where relevant, who carried out the physical works.
3. Advice on the use and maintenance of appropriate water treatment systems for rainwater collection systems should be sought from the District Council or Choice Health (Ministry of Health).
4. Lot 2 does not have the right to connect to the town water supply.
5. The New Zealand Fire Service Commission strongly recommends that all houses have a home sprinkler system.

The reasons for the decision are:

- a) *The proposal, with the conditions imposed, is considered to be in keeping with the objectives, policies and assessment criteria of the South Wairarapa District Plan.*
- b) *The proposal, with the conditions imposed and the previously installed connections to the urban sewer system, will have no more than minor adverse effects on the environment. In addition, the subdivision is in keeping with the surrounding area, which is characterised by relatively small historic allotments that appear visually to be residential.*
- c) *The consent notice imposed on Lot 2 (condition 6) will ensure that the site design and layout of the subdivision do not result in the creation of a small rural lot intended for residential use that a house is unable to be built on as of right under the Proposed Wairarapa Combined District Plan.*
- d) *The proposal, with the conditions imposed, provides for the sustainable management of the District's natural and physical resources and is in keeping with the purpose of the Resource Management Act 1991.*

DATED at Martinborough this 1st day of November 2006.

**For and on behalf of the
SOUTH WAIRARAPA DISTRICT COUNCIL**


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Adrienne Staples

CHAIR PLANNING HEARINGS COMMITTEE