HEARINGS COMMITTEE

AGENDA

Meeting to be held

FRIDAY 26 AUGUST 2016

10.30am

In the Manawatu District Council Chambers,
135 Manchester Street, Feilding

Dr Richard Templer
Chief Executive
HEARING PANEL

Chairperson

Councillor Howard Voss

Members

Councillor Tony Jensen
Councillor Shane Casey
ORDER OF BUSINESS

1. MEETING OPENING

2. SB8731 - HEARING OF AN APPLICATION FOR RESOURCE CONSENT LODGED BY ALLEN AND GAEL GAMBLE IN RELATION TO A RURAL PROPERTY AT 67 SANDON ROAD


3. MEETING CLOSURE
IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of the hearing of an application for resource consent lodged by Allen and Gael Gamble in relation to a rural property at 67 Sandon Road - specifically:

Consents sought from Manawatu District Council for a subdivision consent (SB8731) to create three allotments from parent Lot 21 Deposited Plan 999 and Defined on Deposited Plan 5501

REPORT TO THE COMMISSIONERS

CR HOWARD VOSS, CR SHANE CASEY
AND CR TONY JENSEN
APPLICANT: Allen and Gael Gamble

LOCATION: 67 Sandon Road, Feilding

LEGAL DESCRIPTION: Lot 1 DP 5501

ZONING: Rural 2/Feilding Nodal/Precinct 2 (Deferred)

ACTIVITY STATUS: Discretionary

1. INTRODUCTION

1.1 My name is Lynette Baish. I am the Senior Consents Planner with the Manawatu District Council. I have a Master of Resource and Environmental Planning (Massey University) and I am a member of the New Zealand Planning Institute.

1.2 I have more than 8 years’ experience in planning and resource management. I have been employed by this Council since January 2015, and prior to that I was a Resource Management Planner at Horowhenua District Council for 7 years.

1.3 I confirm that I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note (2011). I agree to comply with the Code of Conduct. The evidence in this statement is within my area of expertise. I have not omitted to consider any material facts known to me that might alter, or detract from, the opinions that I express.

1.4 In this report I have provided:

- A brief outline of the proposal;
- An outline of the statutory matters the Council must consider when making a decision on the application;
- An assessment of the effects of the proposed activity, along with a review of the relevant District Plan objectives and policies, the Regional Policy Statement and other relevant matters; and
- A recommendation on behalf of Council.
2. **BACKGROUND**

2.1 The applicants have applied for subdivision consent to create two additional rural residential allotments at 67 Sandon Road, the application having been lodged 17th December 2015.

2.2 The proposal was limited notified to 7 parties on the 21st January 2015. Four parties who provided submissions to Council opposing the application attended a pre-hearing meeting.

2.3 One party remains in opposition to the proposal.

3. **THE PROPOSAL**

3.1 The applicants, Mr and Mrs Gamble, propose to create three allotments from parent Lot 1 DP 5501, pursuant to the nodal rules under the Manawatu District Plan which allows rural lifestyle subdivision in the Rural Zone under the minimum allotment size of 8000m2. The scheme of subdivision is attached as Appendix 2.

3.2 Proposed Lots 1-3 would respectively be 0.5140ha, 0.7790ha and 0.7100ha in area.

3.3 Reticulated water is available in Sandon Road. Wastewater would be disposed of via onsite means while stormwater would be permitted to drain to natural drainage patterns.

3.4 Each allotment would take access directly from Sandon Road.

4. **THE SITE**

4.1 The application site is located on the southern side of Sandon Road, approximately 567m from the intersection with West Street, and immediately west of the Harper Mews subdivision. A locality plan is attached as Appendix 1.

4.2 The property is a moderate to steeply sloping site elevated above road level with views across to hill country pastureland to the north. The property contains one centrally located dwelling with a garage, sleepout and art studio. Either side of the dwelling are fenced off paddocks which are mainly still in pasture.

4.3 Legally described as Part Lot 21 Deposited Plan 999 and Defined on Deposited Plan 5501, the title was issued in 1921 and bears no easements or encumbrances.

4.4 The application site is accessed via an existing culverted crossing place from Sandon Road.

4.5 An open drain runs down the southern side of Sandon Road and threads into the subject site before re-entering the road reserve.

5. **THE DISTRICT PLAN – RULES AND ACTIVITY STATUS**

5.1.1 The subject site is zoned Rural 2 and is within the Feilding Nodal Area. A zoning map is attached as Appendix 3.

5.2 The proposed crossing for Lot 1 does not comply with the 50m separation for vehicle crossings, or the required sight distance of 250m. The subdivision would be a restricted discretionary activity, however Rule C1 1.3.1 specifies that subdivisions shall be
discretionary activities on Rural zoned land within a nodal area if the allotments do not have frontage to an arterial route. Sandon Road is not an arterial route.

5.3 The proposal has therefore been assessed as a discretionary activity.

5.4 The subject site and surrounding area falls within Precinct 2, deferred for future Residential zoned growth.

5.5 The structure plan for Precinct 2 (please refer to Appendix 3) provides for a minimum allotment size of 2000m2 and requires a minimum frontage width of 40m per allotment. The proposed allotments exceed these minimum requirements and would not preclude the possibility of further subdivision in the future. It is not known at this point when the deferred status would be lifted in respect of Precinct 2.

5.6 The criteria set out in Rule A1 1.3.4 A) must be taken into account in assessing the discretionary activity:

5.7 Rule A1 1.3.4 xxiv): In relation to the rural subdivisions listed as a discretionary activity under Rule C1 1.3.1 A) ii) (Page 152):

a) The need to provide a degree of separation between future dwellings by maintaining a minimum allotment size of around 4000 m2.

b) The need for such allotments to still meet the standards in Rules C2 2.4.1 F) to K) inclusive.

c) The effect of the proposed subdivision on potential future urban growth, including the feasibility of future roading patterns.

5.8 C2 2.4.1 G) Access To Land Drainage & Water

i) All allotments shall be demonstrated to have direct or legal access to natural or practical land drainage.

ii) All allotments being created for other than purely residential purposes shall have an adequate piped supply of water for stock watering purposes. This water supply may be by means of a supply easement from another property, or by means of a piped supply from a fenced farm dam.

iii) Allotments being created for a purpose which involves large areas of parking, buildings or other impervious surfaces shall make appropriate provision for stormwater disposal.

6. NOTIFICATION AND PRE-HEARING

6.1 The notification provisions, as changed in the Resource Management Amendment Act 2009, are set out in Sections 95(A) to 95(F) of the Resource Management Act. There is no longer a presumption that a council must publicly notify a resource consent application unless the proposal meets certain tests (either the application relates to a controlled activity, or the effects are less than minor).

6.2 Section 95D provides a guide for the consenting authority in deciding whether an activity will have, or is likely to have, adverse effects on the environment that are more than minor.
6.3 Section 95B outlines when an application is to be notified on a limited basis and is supported by Section 95E, which provides a guide for the consenting authority in deciding whether a person is an affected person in relation to an activity.

6.4 A notification report was prepared, which concluded that the effects of the proposal in respect of rural character, amenity values and traffic effects were less than minor, with a marginal increase in stormwater runoff possibly giving rise to adverse effects on the local drainage network.

6.5 Consequently it was recommended that the application be limited notified in accordance with Section 95B of the Resource Management Act 1991 (RMA).

6.6 The application was limited notified to seven parties on the 21st of January 2016. The notification period concluded on the 23rd February 2016. Four submissions were received. All four submissions opposed the application.

6.7 A pre-hearing meeting was held Wednesday 23rd March, (and separate meetings for Mr Dave Mason (16.03.16) and Mr Murray Birchler (24.03.16) following which Council received requests from three submitters withdrawing their opposition to the proposal.

6.8 The submission from Mrs Armstrong, detailed in full in Appendix 4, focused on inundation from excess stormwater runoff from the additional lots proposed.

6.9 The submission called for the application to be declined or for an alternative route for the water to flow in order to avoid the inundation of adjoining farmland on the opposite side of the road, owned by Mrs Armstrong.

6.10 The meeting concluded with the applicant, represented by Bill Riordan of Truebridge Associates, agreeing to provide Mr and Mrs Armstrong, with a technical design for a pond catchment to provide 100% mitigation of stormwater outflow by the two additional lots and future associated buildings. Minutes from the pre-hearing meeting are documented in Appendix 5.

6.11 The four submissions are briefly summarised as follows:

<table>
<thead>
<tr>
<th>David Mason, 82 Sandon Road, Feilding</th>
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<tbody>
<tr>
<td>The driveways and the blind corner pose a potential road traffic hazard. Mr Mason suggests methods for resolving traffic issues in his submission, however he has since withdrawn his submission based on the recommendation for the road speed to be reduced to 80 kmph.</td>
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<table>
<thead>
<tr>
<th>Murray Birchler, 68 Sandon Road, Feilding</th>
</tr>
</thead>
<tbody>
<tr>
<td>Traffic safety from Harper Mews to the blind corner at the bend in the road – wishes MDC to remedy the safety of vehicles exiting properties along this stretch. Wishes for open drain (Horizons drain) between no’s. 54 and 75 Sandon Road to be closed in for safety reasons. States he has no objection to the subdivision. Wishes for corner to be reconstructed.</td>
</tr>
<tr>
<td>Name</td>
</tr>
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<td>-----</td>
</tr>
<tr>
<td>Joanne Armstrong, 54 Sandon Road, Feilding</td>
</tr>
<tr>
<td>Julie Wordsworth, 51 Sandon Road, Feilding</td>
</tr>
</tbody>
</table>


7.1 Section 104(1) of the Act sets out the matters to be considered when making a decision. The relevant matters are as follows:

- Any actual and potential effects on the environment of allowing the activity; and
- Any relevant provisions of a national policy statement; and
- Any relevant provisions of a regional policy statement or proposed regional policy statement; and
- Any relevant provisions of a plan or proposed plan; and
- Any other matters the consent authority considers relevant and reasonably necessary to determine the application.

7.2 Section 104(2) sets out the ‘permitted baseline’ and states that when considering the actual and potential effects of a proposal the consent authority may disregard an adverse effect on the environment if the plan permits an activity with that effect.

7.3 Section 104B of the Act provides that:

> 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.

7.4 An assessment of the adverse effects on the environment and the relevant objectives and policies of the District Plan in assessing this consent are outlined in section 8 of this report.
8. **SECTION 104 ASSESSMENT**

**Consideration of Environmental Effects**

8.1 In determining what environmental effects to consider I have contemplated the effects assessment in the application, as well as the effects anticipated by the District Plan.

8.2 The main considerations are:

- Rural character and amenity values
- Stormwater and inundation
- Access, traffic effects and roading

**Rural character and amenity values**

8.3 The Manawatu District Plan provides for small-lot subdivision (i.e. down to an area of around 4000m² in area) within the Nodal Areas identified in the Manawatu District Planning Maps, as a discretionary activity.

8.4 The 4000m² allotment size is determined to be sufficient to provide a degree of separation between future dwellings, and to preserve a degree of rural character, whilst ensuring that newly subdivided lots can accommodate onsite servicing such as water tanks and effluent application fields.

8.5 Outside of nodal areas, newly created rural lots are expected to be a minimum of 8000m².

8.6 The average lot size requirements and the 400m separation rule do not apply in nodal areas.

8.7 In providing two allotments that exceed 7000m² and one smaller allotment of 5140m² that exceeds the 4000m² threshold area, the proposal is determined to achieve an appropriate level of separation and to preserve a rural aesthetic in this locality through the generous sizing of the allotments.

8.8 The size and layout of the proposed lots would not confound or prevent the capacity for future infill subdivision once the Residential Deferral is uplifted within Precinct 2.

8.9 Effects in respect of rural character and amenity are considered to be less than minor.

**Stormwater and inundation**

8.10 Newly created rural allotments are expected to demonstrate legal or direct access to natural or practical land drainage.

8.11 Initially the application proposed that the two additional allotments would drain to the natural drainage patterns within the site or to water tables within the road.

8.12 Given the steep topography of the site which slopes down towards Sandon Road, it is considered that drainage to land could be achieved however the possibility of some runoff into the road reserve cannot be ruled out. The quantity of run-off generated from a typical sized residential lifestyle development is not considered to be significant.
8.13 The effects of stormwater runoff would be considered to be minor, however as this effect was the focus of several of the submissions, the applicant tabled a revised scheme proposing a run-off collection pond on the new proposed allotments.

8.14 This design was later superceded by a design for one collection pond proposed to be situated between proposed Lots 1 and 2, as it was considered that locating the pond on proposed Lot 3 would compromise the area available for a building site. (Please see Appendix six.

8.15 All 3 lots would drain to the singular pond. From Lot 3 this would be achieved by way of an open drain and a culvert across the access to Lot 2 and then into the pond. This culvert would also intercept the run off from the driveway of Lot 2 which currently flows directly into Sandon Road.

8.16 The outlet flow from the pond would be controlled by a limited size pipe of 132mm which would function to slow the release of water from the pond in a controlled manner.

8.17 The applicant proposes that consent notices be applied to all three lots to ensure that all concentrated run off and any future lots be directed to the pond, and necessary easements imposed where required.

8.18 This design has been reviewed by both Council engineers and Mr Peter Blackwood, Horizons Manager of Investigations and Design, who are satisfied that there would be no adverse environmental effects arising from stormwater run-off and that the additional run off generated by five allotments would be mitigated though direct access to a practical land drainage mechanism.

Access, traffic effects and roading

8.19 The proposal fails to meet the requirement for a sight distance of 250m (for a posted speed limit of 100kmph) from the western most vehicle crossing servicing proposed Lot 1, as well as the requirement for a minimum 50m spacing between vehicle crossing places.

8.20 The applicant submits that traffic effects can be offset through combining the Lot 1 access with the existing entranceway to the neighbouring property to the west as one larger crossing would enable safe and efficient access to and from Sandon Road, whilst maximising sight distances to a potential 140m to the west.

8.21 Further to this, it is proposed to reduce the speed limit of Sandon Road (from the Ranfurly Road intersection further to the west) down to 80kmph. This speed limit carries a requirement of a sight distance of 170m.

8.22 Both the Development Engineer and the Roading Officer have conducted a site visit and have determined that they have no concerns in respect of traffic safety and efficiency.

8.23 Effects in respect of access, traffic movements and roading are considered to be less than minor.
MANAWATU DISTRICT PLAN

SECTION 5 – Subdivision

Objective S2) To have rural allotments which allow satisfactory separation between dwellings and neighbouring activities.

Policies
a) To establish separation distances which are sufficient to mitigate any adverse environmental effects of rural and domestic activities and rural industries (such as noise, dust or odour nuisances) upon nearby residential activities.
b) To seek a realistic level of amenity for rural residents, given the potential for adverse environmental effects from the types of activities that are found in the zone.

Comment
8.24 The District Plan exempts nodal areas from compliance with the restriction on the number of dwellings within a 400m distance (separation rule) and instead controls the separation of dwellings through adherence to a minimum lot size requirement of 4000m2.
8.25 The proposal exceeds the minimum 4000m2 lot size and demonstrates that adequate separation would be achieved between the proposed allotments.
8.26 The subdivision is seen to accord with Objective S2).

Objective S3) To maintain a distinct difference in landscape appearance and character between urban and rural areas.

Policies
a) To ensure that any adverse effects of rural subdivision upon the existing character and amenities of the Rural zones are avoided, remedied or mitigated.
b) To enable some small-lot subdivision (ie down to around 4000 m2 in area), in identified rural and peri-urban localities which already have the character of a settlement and where such subdivision would be compatible with the amenities of the area.

Comment
8.27 The District Plan provides that Policy a) above is achieved through compliance with the average lot size rules which aim to ensure that a significant base portion of a parent title is retained in one land holding, and that lot sizes comply with a minimum area of 8000m2.
8.28 However, the District Plan identifies that elements of an “urbanised character” exist around some of the nodal settlements and at the peri-urban fringe and acknowledges that “low density rural settlement” is appropriately tolerated, as long as the certain criteria are met (i.e. compliance with performance standards for access and servicing)
8.29 In this case it is considered that the subdivision is compatible with the character of the surrounding locality given the residential character evidenced by the Harper Mews subdivision to the east and the fact that the Residential zone fringe is just 177m to the east of the subject site.

8.30 The proposal accords with Objective S3) as the minimum lot size criteria is met, the larger lots maintain a rural amenity, and the proposed lot density would not be out of character with the surrounding area.

*Objective S4)* To avoid the potential effects of unserviced subdivision upon the District’s residents by ensuring that water supply, stormwater disposal and farm drainage needs are taken into account.

Policies
a) To require available water and stormwater connections for new residential allotments to be paid for as a condition of subdivision approval.
b) To require rural subdividers to demonstrate:
   i) What provision if any has been made for farm drainage for new allotments.
   ii) That provision has been made for water supply to new allotments.
c) To preserve legal access for drainage from new allotments where appropriate, as well as practical access for drain clearance.
d) To advise subdividers in rural water supply scheme areas that access to water will be at the discretion of the supply authority...
f) To require appropriate stormwater disposal if a subdivision is for an activity which would involve areas of impervious surfaces.

Comment

8.31 Rule A1 1.3.4 xxiv) requires not only that nodal allotments meet the minimum lot size requirement of 4000m2, but that additionally the proposal comply with the performance standards for rural subdivision in Rules C2 2.4.1 F) – K), and consider the impact on future urban growth.

8.32 The applicant, through the provision of a design for a run-off collection pond, has demonstrated that that Rule C2 2.4.1 G) can be achieved. The proposal therefore accords with Objective S4), in particular with Policy f) as appropriate stormwater control has been demonstrated by the subdivision.

*Objective S5)* To ensure that domestic effluent from new allotments can be adequately disposed of without creating water quality or odour and health problems.

Policies
b) To require that all effluent in unsewered areas be satisfactorily disposed of within the allotment concerned, or via an approved communal effluent disposal system.
Comment

8.33 The proposed lots exceed the minimum 5000m² required by Horizons Regional Council in order to dispose of wastewater to land as a permitted activity.

8.34 The subdivision accords with Objectives S5).

*Objective S7*) To ensure that new driveways or roads resulting from subdivision do not unduly detract from traffic safety and efficiency.

Policies

a) To ensure that all new allotments have an available entrance point with satisfactory visibility.

c) To ensure that vehicle crossings resulting from subdivisions are combined wherever possible.

d) To require formation of joint driveways and entranceways to certain standards at the subdivision stage.

e) To require other entranceways to be formed at the building consent stage.

Comment

8.35 The traffic aspects of the proposal including the positioning of vehicle crossing places and sight distances achieved have been assessed by both the Development Engineer and the Roading Officer to be sufficient that traffic safety and efficiency can be maintained and enhanced. Additionally the road traffic speed may be lowered to 80kmph as a result of a Council investigation into the roading environment at this section of Sandon Road.

8.36 The proposal is considered to accord with Objective S7) and in particular with Policies a), c) and d).

Conclusion

8.37 The proposal is seen to accord with the Objectives and Policies of the Manawatu District Plan through adherence with the rules that give effect to the policies and in demonstrating compliance with the 4000m minimum allotment requirement for nodal areas.

8.38 The subdivision fails to meet the criteria for a minimum sight distance of 250m for a posted speed limit of 100kmph, however the applicant proposes that the crossing place for Lot 1 be combined with the entrance crossing servicing the adjoining property to the west which would ensure a sight distance of at least 140m could be achieved.

8.39 The application demonstrates a workable solution for land drainage whereby stormwater run-off generated by impervious surfaces from two additional residential developments can drain directly into a practical land drainage mechanism being the proposed run-off collection pond designed by Truebridge Associates and peer reviewed by Horizons Manager of Investigations and Design, Peter Blackwood.
9. Matters in Contention

9. The matters in contention in respect of the subdivision application SB8731 are essentially stormwater and inundation. Issues in respect of traffic safety and efficiency have been reviewed in this report, however the effects in this regard have been assessed by Council roading and engineering officers and are determined to be less than minor in effect. Traffic issues are not held in contention.

9.2 Turning back to the matter of stormwater and inundation, the Manawatu District Plan contains provisions (Rule C2 2.4.1 G) refers) which specifically require that all new allotments demonstrate direct of legal access to natural or practical land drainage.

9.3 Further, allotments created for a purpose which involves large areas of parking, building or other impervious surfaces shall make appropriate provision for stormwater disposal. Such a use might be activities requiring large turnaround areas such as for milk tankers or yards for depots.

9.4 The submission from Mrs Armstrong contends that water would be directed from the new lots into the road culvert and open drain. Mrs Armstrong claims that water has on occasion crossed from the drain on the southern side of Sandon Road and flowed on to her property.

9.5 This is a fact that both the applicant and Horizons accept as an occurrence in this locality in high rainfall events.

9.6 Moreover, Mrs Armstrong submits that the discharge of any water, even at a controlled rate, would cause excessive flooding and affect her farmland on the opposite side of the road which could potentially result in erosion, the stranding of livestock and damage to fencing.

9.7 Mrs Armstrong argues that the culvert should not be a drainage system for the subdivision and therefore, the application must be declined, or an alternative route be implemented for the run-off from the lots.

9.8 The applicants have turned their mind to a design which they propose will mitigate stormwater run-off from the existing subject site as well as for a potential four additional rural allotments.

9.9 This design, included in Appendix Six, has been designed using calculations peer reviewed by Mr Peter Blackwood, Manager of Investigations and Design at Horizons Regional Council.

9.10 The pond would drain run-off completely via subsoil drains. In the event that the outlet pipe becomes blocked however, the overflow would be directed to a low area, effectively a bund, adjacent to the pond, to allow for an emergency overflow to the roadside drain.

9.11 The proposal has been reviewed by Glenn Young, Utilities Project Manager in the Manawatu District Council Infrastructure Services Team. Mr Young is satisfied that Rule C2 2.4.1 G) is satisfied as all allotments are demonstrated to have direct or legal access to natural or practical land drainage, and make a calculated provision for stormwater disposal based on 3500m^2 of impervious services and roof areas from five potential allotments.
9.12 The two additional accesses proposed will require culverts to be installed and these will be assessed by Horizons Regional Council as part of their consenting requirements for new culverts.

10. OTHER MATTERS

HAIL

10.1 The applicant has confirmed that none of the activities listed on the HAIL list (contained in Appendix 3 of the MfE 2012 User’s Guide) have been undertaken on the site. The NES does not therefore apply in respect of this application.

S.106

10.2 The proposal is considered to be in line with section 106 of the Act as practicable access can be provided to the allotments and additionally as the subdivision is not considered to exacerbate or worsen the risk posed by any natural hazard.

REGIONAL POLICY STATEMENT

10.3 The application was referred to Horizons Regional Council for comment which was duly provided by Horizons Manager of Investigations and Design, Peter Blackwood (see Appendix Six).

10.4 Mr Blackwood advises that the quantum of mitigation for additional impacts on the catchment needs to be recognised in any culvert capacity assessments, and the current culverts are too small to cope in the more serious flood events.

10.5 Mr Blackwood has peer reviewed Mr Riordan’s calculations for net flows and has provided an estimate for the anticipated volume of detention needed for five additional houses with a net impermeable area of 3500m\(^2\), at 250m\(^3\).

10.6 Mr Riordan has used these calculations as the basis for designing the runoff collection pond to be located between proposed Lots 1 and 2 in the subdivision.

10.7 Mr Blackwood has advised me that he has reviewed Mr Riordan’s design and is satisfied that additional impact from potential new allotments would be sufficiently mitigated.

11. RMA PART II – PURPOSE AND PRINCIPALS

Section 5 – Purpose

11.1 The purpose of the Act is to promote sustainable management of natural and physical resources. I have considered whether the proposal would sustain the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations.

11.2 Overall, I find the proposal to be consistent with Section 5 as the proposal demonstrates a regard for the quality of the environment and for amenity values, whilst providing for additional residential opportunities and the sustainable use of the rural land resource.

Section 6 – Matters of national importance
11.3 Of the matters described in Section 6, I consider that there are no relevant matters in relation to this proposal.

Section 7 – Other matters

11.4 Section 7 sets out matters to which the panel must have particular regard. I have assessed what I consider to be the relevant matters as being the following sections.

(b) the efficient use and development of natural and physical resources
(c) the maintenance and enhancement of amenity values
(f) the maintenance and enhancement of the quality of the environment.

11.5 The subdivision and subsequent development of the proposed lots would maintain a rural aesthetic that would be in keeping with the changing needs of the community and the changing features of the local landscape.

11.6 The subject site sits at the peri-urban fringe of Feilding west, however the proposal maintains a rural/residential buffer which would soften the transition from rural to urban at this locality, but which would not foreclose future opportunities for urban growth. The proposal is considered to accord with the above matters.

Section 8 – Treaty of Waitangi

11.7 The proposal is not considered to be contrary to the Principles of the Treaty of Waitangi. There are no known sites of significance to tangata whenua associated with this proposal.

12. CONCLUSIONS

12.1 It is my opinion that the subject site can be subdivided as proposed, although stormwater effects would be further mitigated through the imposition of conditions of consent in respect of the drainage of stormwater run-off to the proposed run-off collection pond (including easements to this effect), and traffic effects in respect of the Lot 1 access would be mitigated through the provision of a joint crossing place with the neighbouring lot.

12.2 The intensity of rural residential development is contemplated by the Manawatu District Plan which provides for ‘small lot subdivision’ as a discretionary activity subject to criteria around lot sizes (4000m2), compliance with servicing and access requirements (i.e. the performance standards for rural subdivision), and the capacity for future growth.

12.3 The resultant development would be in keeping with the surrounding environment being the peri-urban fringe of the township of Feilding. The proposal aligns with the intent of the District Plan to protect rural character and amenity through the minimum lot size criteria which should enable an adequate separation between lots at the peri-urban fringe. In this regard, the proposal is consistent with Part II of the Act.

12.4 Additionally, the proposal is considered to accord with the Regional Policy Statement given that the subdivision demonstrates that stormwater can effectively be disposed of to a practical drainage solution. Advice notes will be imposed however in respect of further consents and compliance requirements for on-site wastewater disposal systems and culverts.

13. RECOMMENDATION
13.1 Should the Hearing Panel be of a view that this proposal should be granted, I have outlined the following conditions for consideration:

That pursuant to Part 2 and Sections 104, 104D, 108, 220 and 221 of the Resource Management Act 1991, the application by Allen and Gael Gamble for the subdivision of Lot 21 DP 55001, at 67 Sandon Road, Feilding into three allotments, be granted for the reasons outlined in this report, and subject to the following conditions:

**General Accordance**

1. That the proposed subdivision must be in general accordance with the application received by Council on the 17 December 2015 and the plan (Ref. 2786 scheme), drawn by Truebridge Associates 26 November 2015, and all other information submitted in support of the application and held on Council file SB 8731. Minor alterations may be approved upon request providing the development is not materially different, the scale and intensity of adverse effects will be no greater, and no approval from affected persons is needed.

2. That all engineering works must comply with NZS 4404:2010 (Land Development and Subdivision Engineering) and relevant Council Standards.

**Consent Notices**

3. That prior to approval under section 224 of the Resource Management Act 1991 and subject to Section 221 of the Resource Management Act 1991 the following consent notices must attach to Lots 1-3 as follows:

   “All concentrated run-off from the lot must be directed to the run-off collection pond. Each Lot owner will be responsible for maintaining the drain and pond areas that are located within their individual lots.”

**Easements Created**

4. The consent holder must submit a written statement confirming that all services are located within their respective lots or that suitable easements are provided. The surveyor must include the easements in a Memorandum on the Survey Plan.

**Easement over Pipeline**

5. Easements over pipelines must have a width that is no less than the greater of:

   - 3 metres or;
   - Twice the maximum depth to pipe invert plus the external diameter of any pipe or related structure
   - The Easement must be centred over the service.

**Engineering Plans**

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S42A Planning Evidence
Subdivision Consent Application SB8731

Prepared by Lynette Baish
08.08.16
6. Prior to any physical works being undertaken on the site the consent holder must submit to and have approved by Council engineering plans and specifications showing the layout and position of proposed services (road, right of ways, access lots, water, stormwater, sewer, power telecom and gas). All works must be carried out in accordance with the approved plans.

**Supervision**

7. Prior to approval under section 223 of the Resource Management Act 1991 the Consent Holder must appoint and have approved a Technical Representative (being a Professional Surveyor or a Chartered Engineer) to monitor the construction of all proposed works.

**Completion**

8. Prior to the approval under section 224 of the Resource Management Act 1991, the developer must provide to the Council:

a. A statement satisfactory to the Council from a Chartered Professional Engineer (CPEng) or Licensed Cadastral Surveyor (LCS) must certify that all the works required by this resource consent have been completed in accordance with the Engineering plans and details submitted to it and approved by Council.

b. The consent holder must supply certification as per Schedule 1a-1c of NZS 4404:2010 to the satisfaction of Council.

**As-builts**

9. Prior to the approval under section 224 of the Resource Management Act 1991, the consent holders Chartered Professional Engineer (CPEng) or Licensed Cadastral Surveyor (LCS) must certify, must submit “as built” drawings in accordance with Schedule 1D of NZS 4404:2010. Coordinates must be in terms of **New Zealand Transverse Mercator (NZTM)**. The electronic format must be (CAD DXF or DWG). **Levels must be in terms of Wellington Vertical Datum 1953.**

10. That vehicle entranceways must be constructed in accordance with Council formation standards. The crossing place accessing Lot 1 shall be formed as a joint crossing with the adjoining lot to the west.

Note: A vehicle crossing application needs to be submitted and approved by Council as part of the construction process.

**Covenants**

11. The developer will undertake to place a covenant on the titles requiring that any future dwellings will be limited to single story buildings only.

**Advice Notes**
• Under Section 125 of the Resource Management Act 1991, your consent will lapse in five years unless you begin your project (give effect to the consent) before then.

• Any new onsite wastewater disposal system needs to be designed in accordance with the Manual for Onsite Wastewater Systems Design and Management (Horizons Regional Council, 2010) and comply with Proposed One Plan Rule 13-11. These requirements include a 20 metre separation distance between the onsite wastewater disposal field and any surface waterway (including drains).

• The consent holder will apply to Horizons Regional Council for the necessary consents for the installation of new culverts.

• The consent holder is hereby advised that this application will be subject to a Development Contribution of $3,593.00 (GST to be added) for each additional unit of demand, being a total of $7,186.00.

• The consent holder is advise that they will be invoiced for all time spent by Council staff and services engaged from other organisations for work related to the issuing to the section 223 and 224 certificates including costs for the monitoring of consent conditions. The hourly rate for staff are outlined in Council’s Fees and Charges.
### APPENDICES

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