Minutes of a meeting of the Hearings Committee held on Friday 26 August 2016, commencing at 10.30am in the Manawatu District Council Chambers, 135 Manchester Street, Feilding.

PRESENT: Cr Howard Voss (Chairperson)
Cr Shane Casey
Cr Tony Jensen

IN ATTENDANCE: Shayne Harris (General Manager - Corporate and Regulatory)
Wendy Thompson (Principal Planning Adviser)
Lynette Baish (Senior Consents Planner)
Glenn Young (Utility Projects Manager)
Brent Holmes (Asset Engineer)
Allie Dunn (Business Support Team Leader)
Allen and Gael Gamble (Applicants)
Bill Riordan (Truebridge Associates)
Ron and Joanne Armstrong (Submitters)
Murray and Patricia Birchler

HC 16/027 HEARING OPENING

The Chairperson welcomed attendees to the hearing of an application lodged by Allen and Gael Gamble for resource consent 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. He introduced members of the Hearing Panel and Council Officers assisting the committee. The other parties at the hearing were introduced, being:

- Allen and Gael Gamble (Applicants), and their consultant Bill Riordan of Truebridge Associates.

- Ron and Joanne Armstrong (Submitters). Mr Armstrong tabled additional information posing questions relating to the proposed subdivision. A copy of this information was circulated to all parties present.

- Mr Murray Birchler, who had submitted on the application but had subsequently withdrawn his objection, was also in attendance along with Mrs Patricia Birchler.

HC 16/028 MANAWATU DISTRICT COUNCIL – SENIOR CONSENTS PLANNER

The statement of evidence from the Senior Consents Planner, Mrs Lynette Baish, was taken as read. She drew the Hearing Committee's attention to:

- Section 9 of her report which set out the matters that were in contention; and

- Section 10 of her report which set out other matters considered, such as the Regional Policy Statement.
Questions asked by the Hearing Panel related to:

- The basis upon which the conclusion there would be a marginal increase in stormwater was made;

- Whether after taking into consideration the topography, soil type and historical flooding events, the proposed retention pond would mitigate sufficient flood water; and

- Clarification of the qualifications and experience of the Council’s Utility Projects Manager which had not been set out in the Planner’s report.

In response the Senior Consent Planner advised:

- The basis for her conclusion there would be a marginal increase in stormwater was made was on a general assumption, given awareness that stormwater was an issue for some of the submitters. Although she did not feel the adverse effects were more than minor she wanted submitters to have the opportunity to bring this to the table so options for mitigating stormwater could be considered.

- She noted the design of the retention pond had been assessed by Peter Blackwood, Horizons Regional Council’s Manager of Investigations and Design;

Manawatu District Council’s Utility Projects Manager outlined his experience and engineering qualifications to the Hearings Committee.

HC 16/029  APPLICANT – ALLEN AND GAEL GAMBLE

Bill Riordan of Truebridge Associates spoke on behalf of the applicants. He advised that he was the surveyor consultant for Mr and Mrs Gamble, and made the resource consent application on their behalf.

He outlined the process he followed for designing the retention pond for the proposed subdivision:

- Undertook extensive analysis of the catchment of the property noting this was approximately 50 hectares;

- Liaised with Peter Blackwood of Horizons Regional Council;

- Noted that the culvert under the road near the gateway does not cope with a full event, the drain had always been there and the road acts as a dam;

- Retention pond has been designed to cope with increased run off from six properties that could potentially be developed in the future rather than just the three lots proposed;

- The total increase in run off from this site would result in about 35 litres per second which is approximately 1 to 2% flow in the drain that flows into the Armstrong property; and
• Consent notices and easements were proposed to be included on the plans to protect the retention pond and ensure it was maintained properly in the future.

Questions asked by the Hearing Panel related to:

• Whether the retention pond design would just mitigate for a possible six sites, or would it more than mitigate for that number of sites;

• On the plans provided the proposed retention pond was shown as sitting on a boundary between Lots 1 and 2, could the whole retention pond be located within Lot 2.

In response Bill Riordan advised:

• The retention pond would also capture water flows from the driveway and surface water therefore improving upon the current situation;

• The retention pond was designed after undertaking a topographical survey to fit in with existing ground levels. Easements would be created to cover any potential issues.

HC 16/030 SUBMITTERS – RON AND JOANNE ARMSTRONG

The submitters, Ron and Joanne Armstrong, raised the following issues:

• Although they had no issue with the proposed development they were concerned about the amount of water that flows through Joanne and her sister’s property;

• The high water table means that not a lot of additional rainfall was required to change the condition of the land;

• Sought clarification whether the design was for a pond or a swale;

• Concerned about effect of future developments in addition to this development and the combined effect of additional stormwater;

• Concerned about future maintenance of retention pond to prevent silt build up;

• Would like Council to provide purpose built drains to take the stormwater from this development and accommodate increased flows from future developments.

In response Bill Riordan clarified that the retention pond would not hold water unless there was a substantial amount of rain.

In response to questions raised by the Hearings Committee, the submitters clarified the following matters:

• Livestock had previously been stranded on their property when the water in the existing drain had flowed over the driveway;
- Flooding occurred approximately once a year or once every second year to get over the driveway; and

- During peak water flow vegetation has been caught up in the fences adding to the problem with the water flow being backed up.

The Hearings Committee clarified that as RMA Commissioners this hearing could only consider the application that was before them. Potential future development could not be taken into account as part of this hearing. The Hearings Committee noted that the submitters had not proposed in evidence any engineering advice as to the capability of the pond.

A submission could be made to the Council’s Annual Plan for inclusion of funding for improved stormwater systems.

The Chairperson invited Mr Birchler to address the committee with his concerns.

Mr Birchler raised the following points:

- safety of Sandon Road – he would like the speed limit reduced to 80 kph;

- concerned about the water flow that comes into his property – he would like the drain straightened; and

- an area should be provided on the road for people to pull into so that people turning into the driveways do not have to cross the centreline.

In response to a question from the Chairperson, Council’s Asset Engineer Brent Holmes advised that he had commissioned GHD Consultants to carry out a safety assessment of the road. The findings were that the speed limit should be decreased to 80kph. A legal gazetting process could be undertaken to reduce the speed limit.

HC 16/031  APPLICANT – RIGHT OF REPLY

In right of reply, Bill Riordan reiterated that the pond was designed as a retention area. As such it would not hold water unless a large event occurred. Silting up issues would be less than if it was a full time pond, and therefore he did not think silting up would be an issue. Maintenance would be required to keep the inlet clean.

HC 16/032  PUBLIC EXCLUDED RESOLUTION

RESOLVED

That the public be excluded from the following parts of the proceedings of this meeting, namely:

a) Application for a subdivision consent SB8731 to create three allotments from parent Lot 21 Deposited Plan 999 and Defined on Deposited Plan 5501 at 67 Sandon Road, Feilding

That the general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the
specific grounds under Section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General subject of each matter to be considered

Reason for passing this resolution in relation to each matter

Grounds under Section 48(1) for the passing of this resolution

Application for a subdivision consent SB8731 to create three allotments from parent Lot 21 Deposited Plan 999 and Defined on Deposited Plan 5501 at 67 Sandon Road, Feilding

To enable the Council to deliberate in private on its decision or recommendation in any proceedings to which section 48(1)(d) applies.

The public conduct of the relevant part of the proceedings would be likely to result in a disclosure of information for which good reason for withholding that information would exist, under Section 7 of the Local Government Official Information and Meetings Act 1987.

This resolution is made in reliance on Section 48(1) of the Local Government Official Information and Meetings Act 1987 and the particular interests protected by Section 6 or Section 7 of the Act which would be prejudiced by the holding of the whole or the relevant part of the proceedings of the meeting in public as specified above.

Moved by: Councillor Tony Jensen

Seconded by: Councillor Shane Casey

CARRIED

The hearing went into public excluded session at 11.17am and resumed open session at 1.45pm on 20 October 2016. For item HC 16/033 refer public excluded minutes.

HC 16/034 DECISION - APPLICATION FOR A SUBDIVISION CONSENT SB8731 TO CREATE THREE ALLOTMENTS FROM PARENT LOT 1 DP 5501 AT 67 SANDON ROAD, FEILDING

RESOLVED

1 Appointments

The Manawatu District Council (MDC), acting under section 34A of the Resource Management Act 1991 (RMA), appointed the following hearing committee members to conduct a hearing into Allen and Gael Gamble's (Applicant) resource consent application to Manawatu District Council (LC8731):

- Councillor Howard Voss (Chairperson)
- Councillor Tony Jensen
- Councillor Shane Casey
Having heard and considered the evidence, we the hearing panel agree to GRANT the application for resource consent SB8731 to create three allotments from parent Lot 1 DP 55001 at 67 Sandon Road, Feilding, as set out in the decision below.

2 Description of Application

The proposed activity was well described in the application document and the Section 42A Report prepared by Mrs Lynette Baish. We do not repeat that level of detail here, but by way of overview we note that the applicant proposed to create three allotments from parent Lot 1 DP 5501, pursuant to the nodal rules under the Manawatu District Plan, which allows rural subdivision in the Rural Zone under the minimum allotment size of 8000m2.

3 Notification, Submissions and Written Approvals

The application was limited notified to seven parties on 21 January 2016 with submissions closing on 23 February 2016. Four submissions were received, all opposing the application. Pre-hearing meetings were held following which Council received requests from three submitters withdrawing their opposition to the proposal.

4 Process Issues

4.1 Section 113 of the RMA

Section 113(3) of the RMA states:

A decision prepared under subsection (1) may,-

(a) instead of repeating material, cross-refer to all or a part of -

(i) the assessment of environmental effects provided by the applicant concerned;

(ii) any report prepared under section 41 C, 42A, or 92; or

(b) adopt all or a part of the assessment or report, and cross-refer to the material accordingly.

In this case the application document and the Applicant's submissions and evidence were comprehensive. The same can be said of the Section 42A Report. Accordingly, in the interests of brevity and economy, we intend to make extensive use of s113 of the RMA and will not dwell on matters that were not in contention.

5 Statutory Matters

5.1 Manawatu District Plan

The relevant planning instrument is the Manawatu District Plan. The property is zoned Rural 2 with a section of the property falling within the Flood Channel 2 zone. It is noted that the property lies within the Feilding Nodal Area.

We also note the subject site and surrounding area falls within Precinct 2, deferred for future Residential zoned growth.
There are no national policy statements or national environmental standards relevant to the proposed activity. We have considered the provisions of the regional policy statement insofar as they are relevant.

5.2 Consent status

As we have noted, the subject site is zoned Rural 2 and is within the Feilding Nodal Area. We note that although the proposed crossing for Lot 1 does not comply with the 50m separation for vehicle crossings, or the required sight distance of 250m, 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. As Sandon Road is not an arterial route, we therefore agree with the Council’s planner, Mrs Baish that the proposal be considered as a discretionary activity.

6 Matters of Contention

It was generally agreed by the parties that the only significant matter of contention was the effects that stormwater runoff may have on the submitter’s property, while the access, traffic effects and roading were agreed to be less than minor.

6.1 Effects of stormwater runoff

As we have noted all three Lots of the proposed subdivision 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. The outlet flow from the pond would be controlled by a limited size pipe of 132 mm, which would function to slow the release of water from the pond in a controlled manner. 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. We note that the design had been reviewed by both Council engineers and Horizons Regional Council’s 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.

Mr and Mrs Armstrong spoke to their submission. They reiterated their concern about the amount of stormwater that flows through their property and the future maintenance of the retention pond to prevent silt build up.

This was discussed during the applicant’s right of reply and it was confirmed that the pond was designed as a retention area that would not hold water unless a large event occurred and therefore silting up would not be an issue. We note that consent notices are proposed to ensure owners are responsible for maintaining the drain and pond areas that are located within their individual lots.

We asked Mr and Mrs Armstrong a number of questions to clarify the extent of past flooding events and noted that the submitters had not proposed in evidence any engineering advice as to the capability of the proposed pond.
7 Determination

Pursuant to the powers delegated to us by the Manawatu District Council under s34A of the Resource Management Act 1991, we record that having read the application documents, the officer’s report, the evidence presented at the hearing, and having considered the various requirements of the RMA and the District Plan, we are satisfied that:

In response to the Minute of the Hearing Committee of 14 October 2016 by Council’s Roading Asset Engineer and Senior Consents Planner we believe that the additional demand from the proposed subdivision on Sandon Road will only have a marginal impact on the existing characterisitc and pre-existing hazards identified as forming Sandon Road traffic environment.

We are satisfied that the effects of the subdivision will be less than minor. However we are of the opinion that Council must endorse the recommendation from the GHD report to reduce the speed limit from 100km/h to 80km/h as soon as practical.

The potential adverse effects of the proposed subdivision are either less than minor or can be adequately avoided, remedied or mitigated by the imposition of conditions under s108 of the RMA.

The effects of the proposed development, when managed in accordance with those conditions, will not be inconsistent with the relevant objectives of the District Plan; and

Allowing the proposed development to proceed will be consistent with the Purpose and Principles of the RMA.

The intensity of rural residential development is contemplated by the District Plan. The proposed subdivision will be in keeping with the surrounding environment being the peri-urban fringe of Feilding.

We therefore GRANT the resource consent application made by Allen and Gael Gamble.

8 Conditions

Mrs Baish recommended conditions which we are happy to be used except we have deleted Condition 11 as it relies on a third party to undertake the implementation of the condition.

We have also included a further sentence to advice note three by adding that the culvert capacity must be addressed.

We have added an advice note that strongly recommends that Council endorses the recommendation from the GHD report to reduce the speed limit from 100km/h to 80km/h along Sandon Road from the existing 50/100 km/h speed limit signs to a position 50 metres west of Ranfurly Road and for the road traffic speed reduction to be gazetted as soon as practical. Below are the conditions that we find appropriate.
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 Notice

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 notice 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

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.

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 culvert capacity must be addressed in the consent application.

- The Manawatu District Council must consider reducing the speed limit along Sandon Road from the existing 50/100 km/h speed limit signs to a position 50 metres west of Ranfurly Road to 80 km/h as soon as practical.

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 with Stage 1 being $3,593.00 and Stage 2 being $3,593.00.

Moved by: Commissioner Howard Voss
Seconded by: Commissioner Tony Jensen

CARRIED

HC 16/035 HEARING CLOSURE

The Chairperson declared the hearing closed at 1.48pm.

Approved and adopted as a true and correct record:

[Signature]

CHAIRPERSON

3-11-16

DATE