

08 March 2022

Ref: 220005

Ecohomes Rangitikei Limited
72 High Street
Bulls 4818

Dear Ecohomes Rangitikei Limited

Resource Consent 220005 Decision Notification
2-lot subdivision
22 Potaka Street, Marton

I am pleased to inform you that your application for resource consent for the above was granted on 8 March 2022. This decision has been made under the authority delegated from Council. Further details, including the reasons for the decision, are provided in the enclosed officer's report.

Costs associated with the processing of this application were \$ 1569.50. Invoice attached.

It is very important that you understand and comply with all the conditions of your consent. If you have any questions or concerns about any aspect of your consent or its conditions, Council's planners would be happy to discuss them with you.

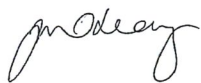
Please note that under section 125 of the Resource Management Act 1991 your consent will lapse in five years unless you give effect to it before then.

You may commence your activity immediately, unless you lodge an objection to this decision with the Rangitikei District Council.

If you are dissatisfied with any aspect of the decision on your consent application, you have the right to lodge an objection with the Council under section 357 of the Resource Management Act 1991. You have 15 working days from the date you receive this letter of notification within which to lodge your objection. Your objection should contain a statement as to what part of the consent you object to and why.

Please feel free to contact Council's planners if you have any concerns.

Yours faithfully



Janette O'Leary
Regulatory Officer - Consents

Rangitikei District Council



RANGITIKEI
DISTRICT COUNCIL

Tax Invoice

Ecohomes Rangitikei Limited
72 High Street
Bulls 4818

Tax Invoice GST Reg. No 51-668-596

Issue Date: 8/03/22

Customer Number **RM220005**
Tax Invoice **67148**

220005 : 22 Potaka Street, Marton
Subdivision - Restricted Discretionary
2-lot subdivision

Qty	Description	Rate	Amount
	Asset Engineers Input		432.00 *
	Management Review		124.50 *
	Regulatory Officers Input		119.00 *
	Planners Fees		894.00 *
(* Incl GST \$204.72)		Total	\$1,569.50
		Cash Received	1,063.00CR
		NET DUE	506.50 =====

RDCInvoice 27DEC02

TOTAL NOW DUE

Rangitikei District Council

Debtor Number: **RM220005**
Name: **Ecohomes Rangitikei Limited**

TOTAL NOW DUE

\$506.50

Amount Paid if Different
from Total Due \$ _____

Payment Method 03-0683-0195600-00 (Please use customer number as reference)

Please tick appropriate box ☐ Cash ☐ EftPos ☐ Internet Banking

RESOURCE MANAGEMENT ACT 1991
RESOURCE CONSENT 220005

In terms of the Resource Management Act 1991 and in accordance with Delegated Authority from the Rangitikei District Council, the application from:

Ecohomes Rangitikei Limited

FOR

Two lot residential subdivision and land use consent for DP boundary breaches.
AT

22 Potaka Street, Marton
LOT 14 BLK XXVIII DP 2150

BE

In accordance with sections 104, 104B and 220 of the Resource Management Act 1991, this application has been granted under delegated authority by Council Officers, subject to the following conditions:

General Accordance

- (A) That, except for the purpose of compliance with the conditions that follow, the subdivision shall be in general accordance with the application received by Council on 21 January 2022 and the plans and all other information submitted in support of the application, held on Council file RM220005 stamped approved '8 March 2022. 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.
- (B) Prior to the approval under section 223 of the Resource Management Act 1991 and before the commencement of any works on the site the consent holder shall appoint a suitably qualified Technical Representative, being either a Licenced Cadastral Surveyor or a Chartered Professional Engineer to carry out the design and supervision of all construction works, and certification upon completion, as provided by Council's Subdivision and Development Code of Practice.

Technical Representative

- (C) Prior to the approval under section 223 of the Resource Management Act 1991 and before the commencement of any works on the site the consent holder shall appoint a suitably qualified Technical Representative, being either a Licenced Cadastral Surveyor or a Chartered Professional Engineer to carry out the design and supervision of all construction works, and certification upon completion, as provided by Council's Subdivision and Development Code of Practice.

Easements

- (D) Prior to the approval under section 223 of the Resource Management Act 1991, the Licensed Cadastral Surveyor must submit a written statement confirming that all services, proposed and existing (water, stormwater, wastewater, power, gas & telecommunications) are located within their respective lots and/or that suitable easements are provided. The surveyor must supply a copy of the Cadastral Survey Dataset showing all easements.
- (E) Easements over public 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.

Water Connection

- (F) Prior to the approval under section 224 of the Resource Management Act 1991, Lot 2 must be provided with an individual water supply connection and Council approved manifold. An application to make this connection must be made to Council. Council's Approved Services contractors will carry out the work. The consent holder must meet all costs associated with the connection.

Note: the individual water supply to each lot must be designed to provide a minimum of 40 litre/min at 30 metres head, at the point of supply.

Sewer Connection

- (G) Prior to the approval under section 224 of the Resource Management Act 1991, the existing sewer connection for Lot 1 must be re-laid in the location as indicated on the approved scheme plan, around the perimeter of the Lot 2
- (H) Prior to the approval under section 224 of the Resource Management Act 1991, Lot 2 must be provided with an individual, 100 mm diameter, sanitary sewer connection within the lot. An application to Council must be made to make this connection. Council's Approved Services contractors will carry out the work. The consent holder must meet all costs associated with the connection.

Stormwater Connection

- (I) Prior to approval under section 224 of the Resource Management Act 1991 Lot 2 must be provided with an individual, 100mm diameter, stormwater connection within the lot. Connection must be either to the kerb and channel or to the council main. An application to Council must be made to make this connection. Council's Approved Services contractors will carry out the work. The consent holder must meet all costs associated with the connection.

Vehicle Crossing

- (J) Prior to approval under section 224 of the Resource Management Act a new vehicle crossing place serving Lot 2 must be constructed in accordance with Council's residential standard and be located in the position identified on plan 221314 Rev P2 dated 28/02/2022.

Note: A vehicle crossing application must be filled out and submitted with the appropriate fee to Council prior to the commencement of construction. Martin Skinner ph 027 294 4208 will need to have a site visit to verify the construction and to determine the size of the vehicle crossing.

Electricity Connection

- (K) Prior to approval under section 224 confirmation must be received that Lot 2 can be supplied with an adequate supply of energy.

Consent Notices

- (L) Pursuant to Section 221 of the Resource Management Act, a consent notice shall be registered against Lot 2 as follows:

"Any residential development occurring at the site must ensure building work does not take place over the sewer main and associated easement. If any building work is proposed within the sewer's angle of influence on Lot 2 an engineer designed building plan will required. Please note: the sewer main/ easement centrally bisects the site."

Advice Notes:

1. Any new developments on the site are required to comply with the Rangitikei District Plan 2013.
2. Certificates pursuant to Section 223 and 224 of the Resource Management Act 1991 will need to be obtained before separate certificates of title can be issued.
3. Pursuant to section 125 of the Resource Management Act 1991 this consent will lapse on the expiry of 5 years after the date of commencement of the consent, unless:
 - a. The consent is given effect to, or;
 - b. An application for an extension of time is made before the consent lapses.
4. In accordance with section 127 of the Resource Management Act 1991, the consent holder at any time prior to the issue of a section 224 certificate may apply for the change or cancellation of any conditions of this consent.

The reasons for granting this application are that: the proposal is not contrary to the objectives and policies of the District Plan and the granting of the application is in accordance with the Purpose and Principles of the Resource Management Act 1991. Further details are provided in the officer's report.



.....
Johan Cullis
Regulatory Manager

Dated at Marton this 8th day of March 2022

Section 88 of the Resource Management Act 1991
Report on resource consent application

IN THE MATTER of an application for
resource consent pursuant
to Section 88 of the
Resource Management Act
1991.

BETWEEN Ecohomes Rangitikei
Limited
Applicant

Resonant
Agent

AND Rangitikei District Council

Consent Authority

CONSENT NO RM 220005

RESOURCE MANAGEMENT ACT 1991

SUBDIVISION CONSENT RM 220005

- | | | |
|-----|-----------------------------|--|
| 1.1 | For: | Johan Cullis – Manager Regulatory |
| 1.2 | Report: | Liz Whitton, Planner |
| 1.3 | File: | RM220005 |
| 1.4 | Proposal: | Two lot residential subdivision and land use consent for DP boundary breaches. |
| 1.5 | Location: | 22 Potaka Street, Marton |
| 1.6 | Legal Description: | Lot 14 Block XXVIII DP 2150 (RoT WNC3/305)) |
| 1.7 | Valuation Reference: | 1362049701 |

2 Planning Framework

- | | | |
|-----|--------------------------|---|
| 2.1 | District Plan | This application was assessed against the Operative Rangitikei District Plan (as at 14 November 2016) |
| 2.2 | Zone | Residential Zone (Planning Map 21) |
| 2.3 | Special Notations | None |

3 Introduction

- 3.1 An application has been received from Resonant, on behalf of Ecohomes Rangitikei Limited for a two-lot fee simple subdivision of residentially zoned land at 22 Potaka Street, Marton.
- 3.2 The application was received by the Council on 21 January 2022 and was formally accepted for processing on 26 January 2021. The consent was due on 21 February 2022. A site visit was undertaken on 31 January 2022.
- 3.3 The application was placed on s92 requesting further information on 9 February 2022. This s92 was satisfied on 17 February 2022. A further request for information was sent on 24 February and a response was received on 28 February 2022. The consent was due on 03 March 2022.

4 Site Description and Surrounding Environment

- 4.1 The application site is in the township of Marton in the Residential Zone of the Rangitikei District Plan. The site is situated on the corner of Otores and Potaka Street. The site is flat and rectangular in shape with an area of 1012m².
- 4.2 The site contains an existing dwelling and attached accessory building which is situated centrally on the site. The site has established fencing to the southern and eastern boundary, and partial fencing along the Otores Street Road boundary. There are established trees and shrubs throughout the site.
- 4.3 The site is located to the southeast of the Marton town centre, towards the eastern outskirts of Marton. There are residential activities occurring in all directions, around the application site.



Figure 1. The application site

4.4 The site is accessed via a single vehicle crossing to Potaka Street.

4.5 There are no relevant interests noted on the Record of Title.

5 Proposal

5.1 The application proposes a two-lot fee simple subdivision of the property, to create one additional title.

5.2 The proposed lots are:

- Lot 1: 597m²: Lot 1 is regular in shape and will have dual road frontage onto Potaka and Otores Streets. The site will gain access via the existing vehicle crossing to Potaka Street. Lot 1 contains the existing dwelling and attached carport/accessory building.
- Lot 2: 415m²: Lot 2 will be a vacant site with road frontage to Otores Street. A new vehicle crossing is proposed along the southern boundary of the lot. An existing sewer main bisects the site, however the applicant has provided evidence a practical building platform can be provided.
- Land use consent is also required for breaches of the boundary, a consequence of the subdivision.

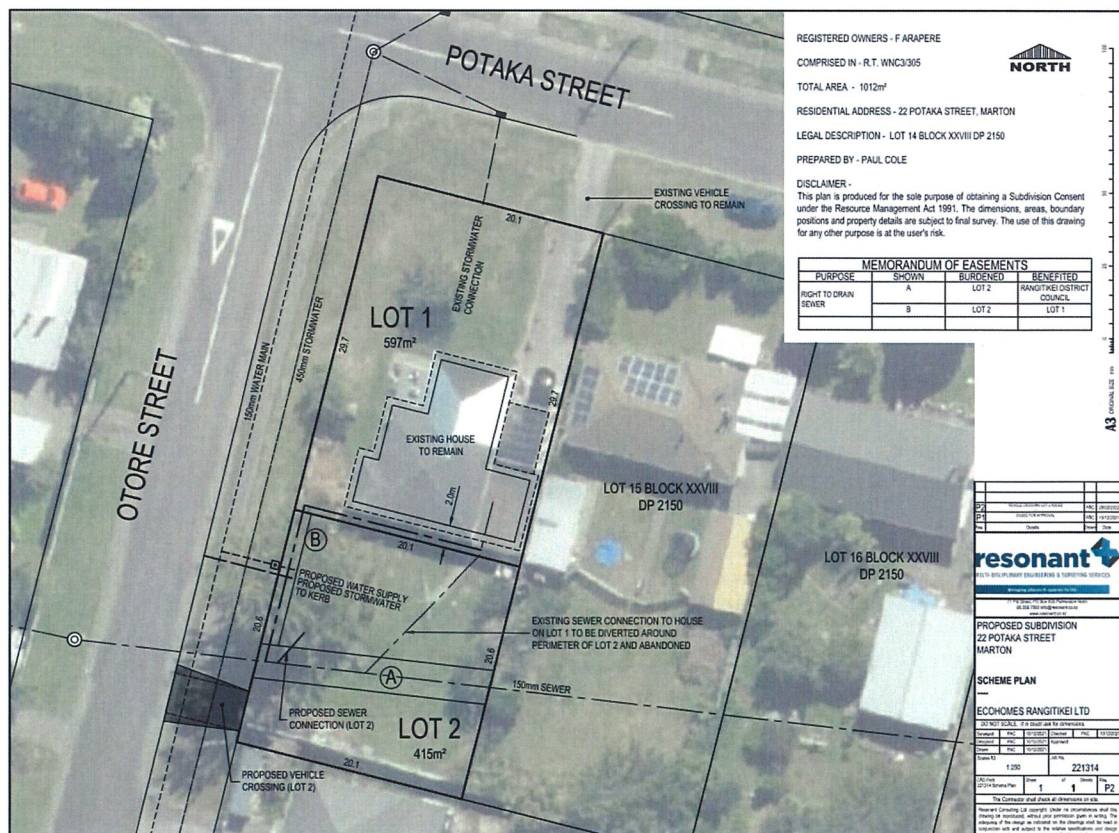


Figure 2. Proposed subdivision

6 District Plan.

- 6.1 Under Section B11 of the Operative District Plan (Subdivision and Development), all subdivision of land is considered to be a Restricted Discretionary Activity as long as it complies with the Restricted Discretionary Activity Standards. An assessment of the application against these standards and the Residential Zone standards is given in the table below.

B 11.2 Earthworks	Earthworks associated with subdivision and development must be in accordance with the requirements of the Council's Subdivision and Development Code of Practice.	Complies No earthworks are proposed other than for service connections and any access formation.
B11.3 Essential Services	<p>B11.3-1 The development must provide the following connections for each allotment:</p> <ul style="list-style-type: none"> a) a potable water supply, including connection to a reticulated supply of potable water where this is available within 50 metres of the allotment; b) a system for the collection, treatment and disposal of all sewage wastes, including connection to a public sanitary drainage system where this is available within 50 metres of the allotment; c) a system for the collection and disposal of surface water from all activities, buildings, allotments, roads, accessways, private ways, private roads and upstream catchments. Such provisions must not create any ponding or inundation, or exacerbate any existing ponding or inundation effects. 	<p>Complies</p> <p>Lot 1 has an existing connection. A new connection will be installed to Lot 2.</p> <p>Lot 1 has an existing connection which is proposed to be redirected around the perimeter of Lot 2. A new connection will be installed to Lot 2.</p> <p>Stormwater is existing for the current dwelling. A new connection to curb and channel for Lot 2 will be installed.</p>
B11.6 Minimum Lot Size	<p>The following minimum lot sizes apply:</p> <p>B11.6-1 Residential Zone</p> <ul style="list-style-type: none"> a) 400 square metres (excluding access), where the allotment shape must be able to accommodate a circle with a minimum diameter of 15 metres. 	<p>Complies</p> <p>Lot 1 meets the minimum lot size and is shaped to accommodate a 15m diameter circle.</p> <p>Lot 2 is compliant in size.</p>
B11.7 Energy	It must be demonstrated that any new allotment that is intended to contain a dwelling can be serviced by an adequate supply of energy. Where reliance is via connection to an existing network, confirmation will be required from the relevant supplier.	<p>Does not comply</p> <p>Lot 1 has an existing connection.</p> <p>Confirmation has not been provided to confirm there is</p>

		capacity in the network to service the new lot.
B11.8 Outdoor space	Each dwelling site must be provided with a private and exclusive outdoor area formed in the shape of a rectangle with a minimum area of 55 square metres and a minimum width of 4.5 metres.	Complies Both allotments can meet outdoor space requirements.

6.1 The proposed subdivision does not comply with the Restricted Discretionary Activity Standards in relation to the provision of energy and is therefore a Discretionary activity pursuant to Rule B11.10-2 of the District Plan.

6.2 Under Schedule B2 Residential Zone, residential activities are permitted, provided they comply with the relevant permitted activity standards. An assessment against these standards is provided in the table below.

B1.3 Water Supply and Waste Disposal	B1.3-1 Every habitable building must have a potable water supply and wastewater treatment system unless the building is on an allotment where there is a reticulated water and sewage system within 50 metres of the boundary, in which case the habitable building must be connected to a reticulated water and sewage system.	Complies Proposed Lot 1 has an existing connection for sewer which is to be diverted around the perimeter of Lot 2. Water and storm water connects directly to the road. Lot 2 will be connecting into reticulated services for potable water, sewer and storm water services in Oture Street.
B1.4 Surface Water Disposal	B1.4-1 There must be no increase in the volume, velocity, or redirection, of surface water run-off to adjoining land.	Complies

		Storm water will be reticulated to the kerb in Otores Street.
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B1.5 Building Height		Complies The existing dwelling is a single storey structure.
B2.1 Daylight Setback	B2.1-1 Buildings, parts of buildings and structures (excluding chimneys, antennae and support structures of less than 8 metres height above ground level) must be contained within a recession plane starting 2 metres above the existing ground level at each site boundary and then projecting inwards at a 45 degree angle.	Does not comply The daylight setback will be breached as a result of the existing dwelling on Lot 1 in relation to the common boundary between Lot 1 & Lot 2. Lot 2 can comply.
B2.2 Building Setback	B2.2-1 Any building (excluding masts and poles of less than 8 metres height) must not be located closer than: a) 5 metres from any road boundary b) 1 metre from any other site boundary, or 3m where the site adjoins any Commercial Zone or Industrial Zone boundary. Note accessory buildings are excluded from this rule; c) 3 metres from any boundary for that part of the façade of a dwelling containing a window to a habitable room;	Does not comply a) Complies b) Complies c) The existing dwelling on Lot 1 will have a habitable room window closer than 3 metres to the lots southern boundary. Lot 2 will be a vacant lot but can comply.
B2.3 Maximum Building Coverage	B2.3-1 The proportion of any site covered by buildings must not exceed 40%.	Complies
B2.6 Outdoor Space	B2.6-1 Each dwelling site must be provided with a private and exclusive outdoor area formed in the shape of a rectangle, with a	Complies Both lots have adequate exclusive outdoor space.

	minimum area of 55 square metres and a minimum width of 4.5 metres.	
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- 6.1 Chapter 9 of the District Plan relates to Traffic and Transport. It requires that one car park per dwelling be provided. There is sufficient space for parking on both lots. Lot 1 will utilise the existing vehicle crossing to Potaka Street. A new vehicle crossing to Oture Street will be installed along the southern boundary to Lot 2.
- 6.2 Overall, the proposed subdivision does not comply with the Restricted Discretionary Activity Standards for subdivision and therefore must be treated as a Discretionary Activity pursuant to Rule B11-1-1 of the District Plan.
- 6.3 Land use consent as a result of the boundary breach on Lot 1 requires consent pursuant to Chapter 2 of the District Plan as a Restricted Discretionary Activity.
- 6.4 Overall, the application in its entirety (for subdivision and land use) is considered to be a **Discretionary Activity**.

7 Further Information Requested

- 7.1 Clarification was sought to establish if the existing dwelling on Lot 1 had habitable room windows in relation to the common boundary with Lot 2. As a consequence, the applicant applied for land use consent for a breach of Rule B2.2-1 (c) of the District Plan which states:

Any building must not be located closer than 3 metres from any boundary for that part of the façade of a dwelling containing a window to a habitable room.

Further clarification was sought as to whether reduced setbacks were also sought for Lot 2. The applicant responded that land use consent was sought in relation to a future dwelling on Lot 2, however, no assessment criteria was provided and a later email from the agent stated that dispensation for any future non compliances was not being sought. As such, the land use component of the consent has only been assessed in relation to the habitable room window breach on Lot 1.

- 7.2 The applicant was also asked to provide their rationale for requesting to defer the vehicle crossing to proposed Lot 2 until building consent stage. The applicant responded this was to provide greater scope for the position of the vehicle entry to the site. Due to the position of the sewer main bisecting the site, Council did not consider this was a reasonable solution as there is limited scope for the position of the vehicle crossing. A new scheme plan providing the position of the vehicle crossing was provided on 28 February 2022.

- 7.3 Additionally, the applicant was also asked to provide confirmation from PowerCo there was adequate power supply available for proposed Lot 2. The applicant responded:

"We have not received anything from Powerco. It will be necessary to do work to the power network to provide a new supply to the property. Powerco and their contractors will not provide confirmation of the extent of the work or the cost until they have a firm order to proceed with the work. Council should set a consent condition requiring that the new section be provided with a power connection prior to the issuing of the Section 224 certificate."

As confirmation of power supply has not been confirmed, a Discretionary consent was triggered.

- 7.4 The applicant was additionally asked to provide evidence that a compliant/appropriate building platform could be provided in relation to Lot 2, due to the position of the existing sewer main which bisects the lot. This information was provided 1 March 2022.

8 Consultation

- 8.1 The Land Development team were contacted and have provided comments and conditions (Appendix 4) without further comment. Their conditions have been incorporated into the recommendation.
- 8.2 Consultation with Horizons Regional Council was not undertaken as the site is not displayed as being within Natural Hazard area 1 or 2 (Flooding).

9 Notification

- 9.1 Sections 95 to 95G of the Resource Management Act 1991 (as amended under the Resource Legislation Amendment Act 2017) identify the considerations which the local authority must undertake when deciding the level of notification of a consent application. These sections set out a series of steps that must be considered in making a decision.
- 9.2 In relation to a decision on Public Notification this application;
- Does not meet the requirement for mandatory public notification
 - Is not required to be publicly notified under a rule or national environmental standard.
 - Will not have effects on the environment that are, or are likely to be, more than minor
 - Does not constitute special circumstances for which public notification is required.
- 9.3 In terms of limited notification;

- There are no protected customary rights groups affected.
- There are no rules or national environmental standards that preclude limited notification.
- There are no persons considered to be affected.
- There are no special circumstances that exist.

9.4 In relation to Section 95E it is not considered that there are any other affected persons.

9.5 It is recommended this application be treated as **non-notified**.

10 Consideration of Application (Section 104)

10.1 This application is considered under section 104 and 104B of the Resource Management Act 1991. The latter provides that a consent authority may grant or decline an application and if it grants the application, it may impose conditions on that decision.

10.2 As the application is for a Discretionary Activity, discretion is not limited. However, the only matter that does not comply with Restricted Discretionary standards for subdivision is in relation to Energy. Consideration to this breach is addressed in the assessment given below:

Energy

As stated above, the applicant has not consulted with Powerco regarding Lot 2. I have set a condition of consent to require this.

The size, shape and arrangements of lots

Both lots meet the minimum lot size with respect to both their size and shape. Lot 1 contains an existing dwelling. Although available space on Lot 2 will be constrained due to the position of the sewer main, a building platform (able to support the construction of a compliant modest dwelling) is available. The applicant has demonstrated that a modest 2/3 bedroom dwelling could be constructed to the north of the sewer mains and a garage to the south of the main. As such, despite the sewer main, I still consider that Lot 2 is appropriate to contain a residential development. The lots will blend in with the surrounding residential neighbourhood.

To provide transparency regarding site constraints due to the location of the sewer easement bisecting Lot 2, it is proposed to register a consent notice on the Record of Title of Lot 2.

The imposition of conditions in Section 108 and 220 of the RMA

Conditions are recommended in this report.

Minimum road frontage along Arterial roads

Not applicable as Otore Street is not an arterial road.

Suitability of lots for the construction of buildings and permitted activities within the zone

Both lots are of suitable size and shape to contain a dwelling, a permitted activity in the residential zone. As mentioned above, a modest building platform is available on Lot 2 despite the position of the sewer main. The applicant has provided evidence that a smaller dwelling could be built in the available space on the lot, with a garage or sheds constructed on the other side of the sewer easement and accessed via the new vehicle crossing along the southern boundary of the site.

A s221 consent notice is proposed which outlines the constraints of the site with regards to the position of the sewer easement within the site and the necessity for an engineered building design if any future dwelling or building was proposed to be built within the sewer angle of influence.

The provision of road access

Lot 1 has an existing vehicle crossing to Potaka Street. A new vehicle crossing to Lot 2 from Otore Street will be installed. Land Development have recommended conditions in this respect.

The extent there is capacity to connect to existing reticulated essential services

The application states the existing sewer connection through Lot 2 to the main bisecting the lot servicing the dwelling on Lot 1 will be diverted around the perimeter of Lot 2 and protected by easement. The scheme plan states:

“Existing sewer connection to house on Lot 1 to be diverted around perimeter of Lot 2 and abandoned.”

Conditions of consent will ensure this occurs.

For clarity, the existing sewer lateral which currently extends into the body of Lot 2 is intended to be abandoned, as opposed to the sewer connection itself as stated on the scheme plan.

There are existing water and storm water connections for Lot 1. New connections to Councils reticulated network will be established for Lot 2. Conditions of consent will require the new connections.

The extent to which the subdivision achieves good design

The subdivision follows the logical design that would be expected for the subdivision of the land. The application represents typical infill development and is proposing a style and pattern of development anticipated by the District Plan within the Residential Zone. It is noted that the location of the sewer through the site will constrain the location of the dwelling within the boundaries of Lot 2. However, the applicant has demonstrated a building platform is available for a smaller dwelling (in the range of 60m² to 80m²). Additionally, there is space for a garage or other ancillary building along the site's southern boundary. While the proposed lots will be smaller in scale than adjacent lots, the lots will be of a sufficient size and scale to support residential activities. Additionally, it is an objective of the Residential Zone to provide for a range of section sizes to cater for a range of living options.

Reverse sensitivity Effects

No such effects have been identified. The site is within the Residential Zone and residential activities are anticipated. The lots are wholly surrounded by existing residential properties.

Avoidance or mitigation of natural hazards

The site is not displayed on Councils planning maps as being within Natural Hazard area 1 or 2 (Flooding).

Other Effects.

No other potential adverse environmental effects have been identified.

Land use consent – Habitable room window breach

Due to the position of the existing dwelling on Lot 1, setback rules in relation to the habitable room windows along the lots southern boundary are breached (Rule B2.2-1(c)). The applicant has applied for land use consent to address this breach. The breach is in relation to internal boundaries. The only affected party is the applicant themselves and their consent is implied. I consider any effects to be less than minor.

Conclusion

Overall, it is considered that the potential adverse environmental effects of the proposed subdivision will be less than minor.

11 National Environmental Standard

- 11.1 The National Environmental Standard (NES) for Assessing and Managing Contaminants in Soil came into effect 1 January 2012. The activity involves subdivision, which is covered by the NES when it occurs on a piece of land described under Regulation 5(7):

- (7) *The piece of land is a piece of land that is described by one of the following:*
- (a) *An activity or industry described in the HAIL is being undertaken on it.*
 - (b) *An activity or industry described in the HAIL has been undertaken on it.*
 - (c) *It is more likely than not an activity or industry described in the HAIL is being or has been undertaken on it.*

11.2 There is no change of use for the site proposed and there is no indication of a HAIL activity having previously occurred on the site, therefore, the NES does not apply to this subdivision.

11.3 There are no other regulations, National Policy Statements or Regional Policy Statements that must be considered.

12 Rangitikei District Plan - Objectives and Policies

12.1 The Rangitikei District Plan contains a number of objectives and policies which are relevant in the consideration of this application. Those of particular relevance are given discussed below.

<u>A1 BUILT ENVIRONMENT</u>	
<u>Urban Amenity</u>	<u>Comment</u>
Objective 1 Promote urban areas with highly regarded amenity values that reflect the character of each township and provide nice places to live.	The development will have a positive impact on urban amenity values, as it is an appropriate use of residentially zoned land which will be consistent with the surrounding environment that has a mixture of densities.
Policy A1-1.1 Enable a wide range of activities, appropriate to the character and amenity of each settlement and neighbourhood.	The proposed subdivision provides for range of lot sizes.
Policy A2-1.3 Require provision of on-site car parking and loading spaces to meet the predicted demand for each activity.	There is sufficient room on the sites to provide for car parking.
<u>Residential Zone</u>	
Objective 2	

Enable a variety of housing that reflects the aspirations and identity of people and communities while achieving good urban amenity and design. This includes the efficient use of existing infrastructure, and integration of pedestrian, cycling and vehicle transportation networks.	The subdivision is an appropriate use for residential land with the allotments contributing to good urban amenity.
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13 **Part 2 of the Resource Management Act 1991**

13.1 Part 2 of the Resource Management Act 1991 (Appendix 3) outlines the purpose and principles of the Act. Following the decision *RJ Davidson Family Trust v Marlborough District Council* [2018] Court of Appeal Decision, there is the ability to recourse to Part 2 when it is appropriate to do so. In this case, recourse to Part 2 is not required as it is not considered there is any illegality, uncertainty or incompleteness in the relevant part of the District Plan. Recourse to Part 2 would not provide any further guidance to the decision maker for this consent. Furthermore, no such issues have been identified and as such no further assessment against Part 2 of the Resource Management Act, 1991 is considered necessary.

14 **Summary**

- 14.1 It is considered the subdivision is appropriate use of residentially zoned land, which will contribute positively to amenity values in the surrounding environment.
- 14.2 The discussion above shows that the proposed subdivision is consistent with the objectives and policies of the Rangitikei District Plan and Part 2 of the Act.
- 14.3 Conditions imposed on the granting of the consent will ensure that the activity will not give rise to significant adverse effects.

15 **Recommendation**

- 15.1 Section 104B of the Act provides that in considering an application for a discretionary activity the Council may grant or decline an application and, if it grants the application, it may impose conditions.
- 15.2 It is recommended that the application, as set out within application reference RM220005 at 22 Potaka Street, Marton for the subdivision of land legally described as Lot 14 Block XXVIII DP 2150 **be granted** pursuant to Sections 104,

104B and 220 of the Resource Management Act 1991 and in accordance with Section 108 be subject to the following conditions:

General Accordance

- (A) That, except for the purpose of compliance with the conditions that follow, the subdivision shall be in general accordance with the application received by Council on 21 January 2022 and the plans and all other information submitted in support of the application, held on Council file RM220005 stamped approved '8 March 2022. 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.
- (B) Prior to the approval under section 223 of the Resource Management Act 1991 and before the commencement of any works on the site the consent holder shall appoint a suitably qualified Technical Representative, being either a Licenced Cadastral Surveyor or a Chartered Professional Engineer to carry out the design and supervision of all construction works, and certification upon completion, as provided by Council's Subdivision and Development Code of Practice.

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- (C) Prior to the approval under section 223 of the Resource Management Act 1991 and before the commencement of any works on the site the consent holder shall appoint a suitably qualified Technical Representative, being either a Licenced Cadastral Surveyor or a Chartered Professional Engineer to carry out the design and supervision of all construction works, and certification upon completion, as provided by Council's Subdivision and Development Code of Practice.

Easements

- (D) Prior to the approval under section 223 of the Resource Management Act 1991, the Licensed Cadastral Surveyor must submit a written statement confirming that all services, proposed and existing (water, stormwater, wastewater, power, gas & telecommunications) are located within their respective lots and/or that suitable easements are provided. The surveyor must supply a copy of the Cadastral Survey Dataset showing all easements.
- (E) Easements over public 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.

Water Connection

- (F) Prior to the approval under section 224 of the Resource Management Act 1991, Lot 2 must be provided with an individual water supply connection and Council approved manifold. An application to make this connection must be made to Council. Council's Approved Services contractors will carry out the work. The consent holder must meet all costs associated with the connection.

Note: the individual water supply to each lot must be designed to provide a minimum of 40 litre/min at 30 metres head, at the point of supply.

Sewer Connection

- (G) Prior to the approval under section 224 of the Resource Management Act 1991, the existing sewer connection for Lot 1 must be re-laid in the location as indicated on the approved scheme plan, around the perimeter of the Lot 2
- (H) Prior to the approval under section 224 of the Resource Management Act 1991, Lot 2 must be provided with an individual, 100 mm diameter, sanitary sewer connection within the lot. An application to Council must be made to make this connection. Council's Approved Services contractors will carry out the work. The consent holder must meet all costs associated with the connection.

Stormwater Connection

- (I) Prior to approval under section 224 of the Resource Management Act 1991 Lot 2 must be provided with an individual, 100mm diameter, stormwater connection within the lot. Connection must be either to the kerb and channel or to the council main. An application to Council must be made to make this connection. Council's Approved Services contractors will carry out the work. The consent holder must meet all costs associated with the connection.

Vehicle Crossing

- (J) Prior to approval under section 224 of the Resource Management Act a new vehicle crossing place serving Lot 2 must be constructed in accordance with Council's residential standard and be located in the position identified on plan 221314 Rev P2 dated 28/02/2022.

Note: A vehicle crossing application must be filled out and submitted with the appropriate fee to Council prior to the commencement of construction. Martin

Skinner ph 027 294 4208 will need to have a site visit to verify the construction and to determine the size of the vehicle crossing.

Electricity Connection

- (K) Prior to approval under section 224 confirmation must be received that Lot 2 can be supplied with an adequate supply of energy.

Consent Notices

- (L) Pursuant to Section 221 of the Resource Management Act, a consent notice shall be registered against Lot 2 as follows:

“Any residential development occurring at the site must ensure building work does not take place over the sewer main and associated easement. If any building work is proposed within the sewer’s angle of influence on Lot 2 an engineer designed building plan will required. Please note: the sewer main/ easement centrally bisects the site.”

Advice Notes:

1. Any new developments on the site are required to comply with the Rangitikei District Plan 2013.
2. Certificates pursuant to Section 223 and 224 of the Resource Management Act 1991 will need to be obtained before separate certificates of title can be issued.
3. Pursuant to section 125 of the Resource Management Act 1991 this consent will lapse on the expiry of 5 years after the date of commencement of the consent, unless:
 - a. The consent is given effect to, or;
 - b. An application for an extension of time is made before the consent lapses.
4. In accordance with section 127 of the Resource Management Act 1991, the consent holder at any time prior to the issue of a section 224 certificate may apply for the change or cancellation of any conditions of this consent.

16 Reasons for the Recommendation

- 16.1 It is considered that, on balance, after considering the potential adverse effects, the objectives and policies of the Rangitikei District Plan 2013 and Part 2 of the RMA, that the proposed subdivision will have less than minor environmental effects, and represents sustainable management of the environment.

- 16.2 Conditions imposed on the granting of consent will ensure that the activity is consistent with the application and does not give rise to significant adverse effects.
- 16.3 The activity will enable people to provide for their social and economic well-being, while providing for those matters specified in Section 5(2)(a), (b) and (c) of the Resource Management Act 1991.



Liz Whitton

Planner

7 March 2022

Decision:

Approved under delegated authority



Johan Cullis

Manager – Regulatory

8 March 2022

Appendix 1

Notification requirements under the Resource Management Act 1991

95A Public notification of consent applications

(1) A consent authority must follow the steps set out in this section, in the order given, to determine whether to publicly notify an application for a resource consent.

Step 1: mandatory public notification in certain circumstances

(2) Determine whether the application meets any of the criteria set out in subsection (3) and,—

- i. if the answer is yes, publicly notify the application; and
- ii. if the answer is no, go to step 2.

(3) The criteria for step 1 are as follows:

- (a) the applicant has requested that the application be publicly notified;
- (b) public notification is required under [section 95C](#);
- (c) the application is made jointly with an application to exchange recreation reserve land under [section 15AA](#) of the Reserves Act 1977.

Step 2: if not required by step 1, public notification precluded in certain circumstances

(4) Determine whether the application meets either of the criteria set out in subsection (5) and,—

- (a) if the answer is yes, go to step 4 (step 3 does not apply); and
- (b) if the answer is no, go to step 3.

(5) The criteria for step 2 are as follows:

- (a) the application is for a resource consent for 1 or more activities, and each activity is subject to a rule or national environmental standard that precludes public notification;
- (b) the application is for a resource consent for 1 or more of the following, but no other, activities:
 - (i) a controlled activity;
 - (ii) a restricted discretionary or discretionary activity, but only if the activity is a subdivision of land or a residential activity;
 - (iii) a restricted discretionary, discretionary, or non-complying activity, but only if the activity is a boundary activity;
 - (iv) a prescribed activity (see [section 360H\(1\)\(a\)\(i\)](#)).

(6) In subsection (5), residential activity means an activity that requires resource consent under a regional or district plan and that is associated with the construction, alteration, or use of 1 or more dwellinghouses on land that, under a district plan, is intended to be used solely or principally for residential purposes.

Step 3: if not precluded by step 2, public notification required in certain circumstances

(7) Determine whether the application meets either of the criteria set out in subsection (8) and,—

- (a) if the answer is yes, publicly notify the application; and
- (b) if the answer is no, go to step 4.

(8) The criteria for step 3 are as follows:

- (a) the application is for a resource consent for 1 or more activities, and any of those activities is subject to a rule or national environmental standard that requires public notification;

(b) the consent authority decides, in accordance with [section 95D](#), that the activity will have or is likely to have adverse effects on the environment that are more than minor.

Step 4: public notification in special circumstances

(9) Determine whether special circumstances exist in relation to the application that warrant the application being publicly notified and,—

(a) if the answer is no, do not publicly notify the application, but determine whether to give limited notification of the application under [section 95B](#).

 if the answer is yes, publicly notify the application; and

(b) if the answer is no, do not publicly notify the application, but determine whether to give limited notification of the application under [section 95B](#).

95B Limited notification of consent applications

(1) A consent authority must follow the steps set out in this section, in the order given, to determine whether to give limited notification of an application for a resource consent, if the application is not publicly notified under [section 95A](#).

Step 1: certain affected groups and affected persons must be notified

(2) Determine whether there are any—

 (a) affected protected customary rights groups; or

 (b) affected customary marine title groups (in the case of an application for a resource consent for an accommodated activity).

(3) Determine—

 (a) whether the proposed activity is on or adjacent to, or may affect, land that is the subject of a statutory acknowledgement made in accordance with an Act specified in [Schedule 11](#); and

 (b) whether the person to whom the statutory acknowledgement is made is an affected person under [section 95E](#).

(4) Notify the application to each affected group identified under subsection (2) and each affected person identified under subsection (3).

Step 2: if not required by step 1, limited notification precluded in certain circumstances

(5) Determine whether the application meets either of the criteria set out in subsection (6) and,—

 (a) if the answer is yes, go to step 4 (step 3 does not apply); and

 (b) if the answer is no, go to step 3.

(6) The criteria for step 2 are as follows:

 (a) the application is for a resource consent for 1 or more activities, and each activity is subject to a rule or national environmental standard that precludes limited notification:

 (b) the application is for a resource consent for either or both of the following, but no other, activities:

 (i) a controlled activity that requires consent under a district plan (other than a subdivision of land):

 (ii) a prescribed activity (see [section 360H\(1\)\(a\)\(ii\)](#)).

Step 3: if not precluded by step 2, certain other affected persons must be notified

(7) Determine whether, in accordance with [section 95E](#), the following persons are affected persons:

(a) in the case of a boundary activity, an owner of an allotment with an infringed boundary; and

(b) in the case of any activity prescribed under [section 360H\(1\)\(b\)](#), a prescribed person in respect of the proposed activity.

(8) In the case of any other activity, determine whether a person is an affected person in accordance with [section 95E](#).

(9) Notify each affected person identified under subsections (7) and (8) of the application.

Step 4: further notification in special circumstances

(10) Determine whether special circumstances exist in relation to the application that warrant notification of the application to any other persons not already determined to be eligible for limited notification under this section (excluding persons assessed under [section 95E](#) as not being affected persons), and,—

(a) if the answer is yes, notify those persons; and

(b) if the answer is no, do not notify anyone else.

95D Consent authority decides if adverse effects likely to be more than minor

A consent authority that is deciding, for the purpose of [section 95A\(2\)\(a\)](#), whether an activity will have or is likely to have adverse effects on the environment that are more than minor—

(a) must disregard any effects on persons who own or occupy—

(i) the land in, on, or over which the activity will occur; or

(ii) any land adjacent to that land; and

(b) may disregard an adverse effect of the activity if a rule or national environmental standard permits an activity with that effect; and

(c) in the case of a controlled or restricted discretionary activity, must disregard an adverse effect of the activity that does not relate to a matter for which a rule or national environmental standard reserves control or restricts discretion; and

(d) must disregard trade competition and the effects of trade competition; and

(e) must disregard any effect on a person who has given written approval to the relevant application

95E Consent authority decides if person is affected person

(1) A consent authority must decide that a person is an affected person, in relation to an activity, if the activity's adverse effects on the person are minor or more than minor (but are not less than minor).

(2) The consent authority, in making its decision,—

(a) may disregard an adverse effect of the activity on the person if a rule or national environmental standard permits an activity with that effect; and

(b) in the case of a controlled or restricted discretionary activity, must disregard an adverse effect of the activity on the person that does not relate to a matter for which a rule or national environmental standard reserves control or restricts discretion; and

(c) must have regard to every relevant statutory acknowledgement made in accordance with an Act specified in [Schedule 11](#).

(3) Despite anything else in this section, the consent authority must decide that a person is not an affected person if—

(a) the person has given written approval to the activity and has not withdrawn the approval in a written notice received by the authority before the authority has decided whether there are any affected persons; or

(b) it is unreasonable in the circumstances to seek the person's written approval

Appendix 2

Consideration of Application – Section 104 of the Resource Management Act 1991

104 Consideration of applications

(1) When considering an application for a resource consent and any submissions received, the consent authority must, subject to [Part 2](#), have regard to—

- (a) any actual and potential effects on the environment of allowing the activity; and
- (b) any relevant provisions of—
 - (i) a national environmental standard:
 - (ii) other regulations:
 - (iii) a national policy statement:
 - (iv) a New Zealand coastal policy statement:
 - (v) a regional policy statement or proposed regional policy statement:
 - (vi) a plan or proposed plan; and
- (c) any other matter the consent authority considers relevant and reasonably necessary to determine the application.

(2) When forming an opinion for the purposes of subsection (1)(a), a consent authority may disregard an adverse effect of the activity on the environment if a national environmental standard or the plan permits an activity with that effect.

(2A) When considering an application affected by [section 124](#) or [165ZH\(1\)\(c\)](#), the consent authority must have regard to the value of the investment of the existing consent holder.

(2B) When considering a resource consent application for an activity in an area within the scope of a planning document prepared by a customary marine title group under [section 85](#) of the Marine and Coastal Area (Takutai Moana) Act 2011, a consent authority must have regard to any resource management matters set out in that planning document.

(2C) Subsection (2B) applies until such time as the regional council, in the case of a consent authority that is a regional council, has completed its obligations in relation to its regional planning documents under [section 93](#) of the Marine and Coastal Area (Takutai Moana) Act 2011.

(3) A consent authority must not,—

- (a) when considering an application, have regard to—
 - (i) trade competition or the effects of trade competition; or
 - (ii) any effect on a person who has given written approval to the application:
- (b) *[Repealed]*
- (c) grant a resource consent contrary to—
 - (i) [section 107](#), [107A](#), or [217](#):
 - (ii) an Order in Council in force under [section 152](#):
 - (iii) any regulations:
 - (iv) wāhi tapu conditions included in a customary marine title order or agreement:
 - (v) [section 55\(2\)](#) of the Marine and Coastal Area (Takutai Moana) Act 2011:

(d) grant a resource consent if the application should have been notified and was not.

(4) A consent authority considering an application must ignore subsection (3)(a)(ii) if the person withdraws the approval in a written notice received by the consent authority before the date of the hearing, if there is one, or, if there is not, before the application is determined.

(5) A consent authority may grant a resource consent on the basis that the activity is a controlled activity, a restricted discretionary activity, a discretionary activity, or a non-complying activity, regardless of what type of activity the application was expressed to be for.

(6) A consent authority may decline an application for a resource consent on the grounds that it has inadequate information to determine the application.

(7) In making an assessment on the adequacy of the information, the consent authority must have regard to whether any request made of the applicant for further information or reports resulted in further information or any report being available.

Appendix 3

Sections from Part 2 relevant to this subdivision consent application

5(2)(a) “sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations”

5(2)(c) “avoiding, remedying or mitigating any adverse effects of activities on the environment”

7(b) “The efficient use and development of natural and physical resources”

7(c) “the maintenance and enhancement of amenity values”

7(f) “the maintenance and enhancement of the quality of the environment”

Appendix 4.

Infrastructure Comments

TO:	Johanna Verhoek – RDC Planning
FROM:	Olesia Apostolova – Land Development Technician
SIGN OFF:	Wendy Thompson – Strategic Infrastructure Planner
Date:	2 February 2022
Subject	22 Potaka Street, Marton
Ref:	RM 220005
Time:	Total 2 hours Review Application and Reporting



Figure 1 – View of the existing vehicle crossing for Lot 1 from Potaka Street



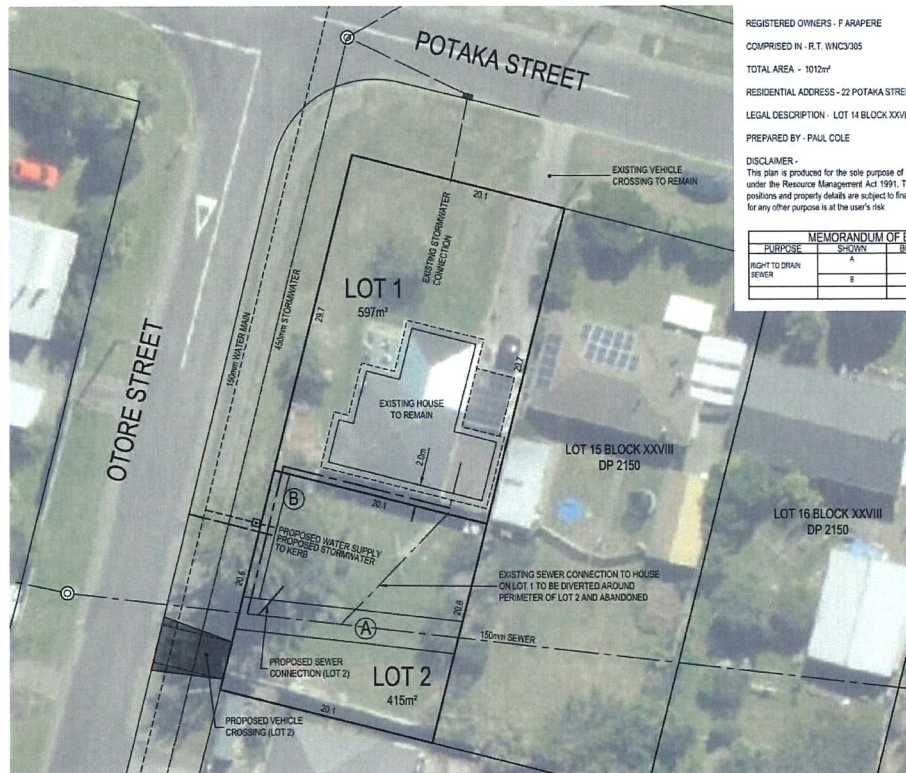
Figure 2 – View of the location for proposed vehicle crossing for Lot 2.

Introduction

Subdivision consent has been sought to subdivide Lot 14 Block XXVIII DP 2150 into two allotments.

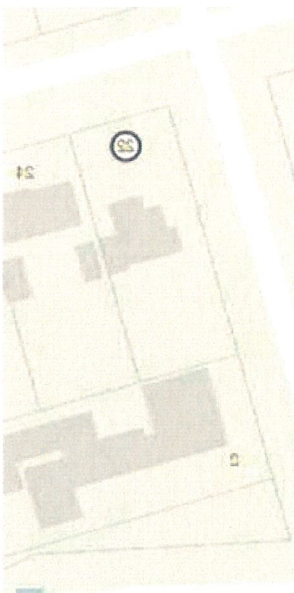
Proposed Lot 1 will be 597m² in area. Lot 1 has an existing dwelling and vehicle crossing from Potaka Street.

Proposed Lot 2 will be 415m² and will be a vacant lot for future development.



Flood Hazard

The property is located outside Horizons Regional Council 200 year modelled wet extents.



Infrastructure Comments

Vehicle crossings

Potaka Street is in the urban environment with a speed limit of 50 kph. The road is straight and flat with good sight lines in each direction.

The existing crossing to Lot 1 is approximately 27m east of the intersection with Otores Street and this exceeds the 20m separation performance standard of the Plan.

Lot 1 has an existing vehicle crossing. This vehicle crossing is in a good condition, no future upgrade is required.

The proposed crossing to Lot 1 has sightlines in excess of 85m as required by the District Plan for a 50kph zone (Table B9.1).

The proposed crossing to Lot 2 is approximately 52.3m south of the intersection with Mill Street and approximately 62.2m north from the intersection with Matai Street. This exceeds the 20m separation performance standard of the Plan.

Otores Street is in the urban environment with a speed limit of 50 kph. The road is straight and flat with good sight lines in each direction.

Lot 2 will require a new vehicle crossing from Otores Street . The applicant has shown on the scheme plan that proposed vehicle crossing for Lot 2 will be located in the southern corner of the new section.

Servicing

Water	Lot 1 has an existing water connection, which is to be retained with the existing dwelling. Lot 2 will require a new water connection.
Wastewater	Lot 1 has an existing sewer connection. This sewer connection currently crosses Lot 2 . The lateral connecting the existing house on Lot 1 will be re-laid in the location as indicated on the scheme plan (Amended Scheme Plan Number 221314) around the perimeter of the proposed Lot 2. Lot 2 will require a new sewer connection. The existing sewer connection to house on Lot 1 to be diverted around perimeter of Lot 2 and will be abandoned.
Stormwater	Lot 1 has an existing storm water connection. Lot 2 will require a new stormwater connection.

Recommended Conditions

General Accordance

- 1 That the development be in general accordance with the application received by Council on 26 January 2022 and the plans and all other information submitted in support of the application and held on Council file RM220005 except where changes are required by conditions below. 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.

Technical Representative

- 2 Prior to the approval under section 223 of the Resource Management Act 1991 and before the commencement of any works on the site the consent holder shall appoint a suitably qualified Technical Representative, being either a Licenced Cadastral Surveyor or a Chartered Professional Engineer to carry out the design and supervision of all construction works, and certification upon completion, as provided by Council's Subdivision and Development Code of Practice.

Easements

- 3 Prior to the approval under section 223 of the Resource Management Act 1991, the Licensed Cadastral Surveyor must submit a written statement confirming that all services, proposed and existing (water, stormwater, wastewater, power, gas & telecommunications) are located within their respective lots and/or that suitable easements are provided. The surveyor must supply a copy of the Cadastral Survey Dataset showing all easements.
4. Easements over public 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.

Water Connection

5. Prior to the approval under section 224 of the Resource Management Act 1991, Lot 2 must be provided with an individual water supply connection and Council approved manifold. An application to make this connection must be made to Council. Work will be carried out by an Approved Council contractor. The consent holder must meet all costs associated with the connection.

Note: The individual water supply to each lot must be designed to provide a minimum of 40 litre/min at 30 metres head, at the point of supply.

Sewer Connection Lot -1

6. Prior to the approval under section 224 of the Resource Management Act 1991, Lot 1 must be provided with an individual, 100 mm diameter, sanitary sewer connection within the lot. An application to Council must be made to make this connection.

Council's Approved Services contractors will carry out the work. The consent holder must meet all costs associated with the connection.

7. Prior to the approval under section 224 of the Resource Management Act 1991 , the existing sewer connection for Lot 1 must be re-laid in the location as indicated on the amended scheme plan number 221314 , around the perimeter of the Lot 2.
8. Prior to the approval under section 224 of the Resource Management Act 1991, Lot 2 must be provided with an individual, 100 mm diameter, sanitary sewer connection within the lot. An application to Council must be made to make this connection. Council's Approved Services contractors will carry out the work. The consent holder must meet all costs associated with the connection.

Stormwater Connection

9. Prior to approval under section 224 of the Resource Management Act 1991 Lot 2 must be provided with an individual, 100mm diameter, stormwater connection within the lot. Connection must be either to the kerb and channel or to the council main. An application to Council must be made to make this connection. Work will be carried out by an Approved Council contractor. The consent holder must meet all costs associated with the connection.

Residential Vehicle crossing Lot 2

10. Prior to approval under section 224 of the Resource Management Act a new vehicle crossing place serving Lot 2 must be constructed in accordance with Council's residential standard and be located in the position identified on plan 221314 Rev P2 dated 28/02/2022 .
11. Prior to approval under section 224 of the Resource Management Act a new vehicle crossing for Lot 2 must be located in the southern corner of the Lot 2 as shown on the amended scheme plan number 221314.

Note: A vehicle crossing application must be filled out and submitted with the appropriate fee to Council prior to the commencement of construction.

Olesia Apostolova

Land Development Technician

Peer Reviewed:

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

Wendy Thompson

Strategic Infrastructure Planner