

MEMBERSHIP: Councillors Alan Davidson (Chair), Craig Bauld, Roger Haisman, Hemi Hikawai, Atareta Poananga, Pat Seymour, Kathy Sheldrake

---

## **MINUTES of the HEARINGS COMMITTEE**

held in the Committee Room, Administrative Centre, 15 Fitzherbert Street on 16 September 2009 at 11am.

### **PRESENT:**

Councillors Alan Davidson (Chair), Craig Bauld, Roger Haisman, Pat Seymour and Kathy Sheldrake

### **IN ATTENDANCE:**

Kurt Ridling (Development Control Planner), Jo Callis (Development Control Planner) and Committee Secretary Eileen Marshall.

#### **1. APPLICATION FOR A SPECIAL LICENCE – OFF SALES**

**Report No 09/412**

##### **APPLICANT**

**V D V Ventures Limited**

Application was withdrawn by applicants.

#### **2. PROPOSED SUBDIVISION OF PT LOT 2 DP 9529 AND LOTS 1, 2 AND 3 AND PART LOT 6 DP 1997 INTO TWO NEW ALLOTMENTS**

**Report No 09/455**

##### **APPLICANTS**

T A and L J Charteris

At the commencement of the meeting at 11.00am the committee carried out a site visit.

The meeting reconvened at 11.35am.

##### **SUMMARY**

The applicants propose to subdivide Pt Lot 2 DP9529 and Lots 1, 2 and 3 and Part Lot 6 DP1997 (10.3213 ha) located at 17 Haisman Road into two allotments. The subject site is zoned Rural Production, where the minimum allotment size is eight hectares. One of the two proposed allotments is below the minimum site area requirement. The application was subject to full notification and there were five submissions received in total with a mixture of supporting and opposing viewpoints.

The existing character of the area reflects a mix of land uses, as the site is located at the interface of the Rural Production and Rural Residential zones.

## **APPEARANCES**

### **Supporting the Application**

Mr Richard Pearce (Survey Gisborne Limited) on behalf of the applicant appeared and spoke

### **Opposing the Application**

Mr David Bullivant – appeared and spoke

Anita Davis – appeared and spoke

The meeting went into public excluded at 12.40pm

## **DECISION**

MOVED by Cr Bauld, seconded Cr Davidson

### **That the Committee**

1. receives the report
2. grants consent to the application by T A and L J Charteris, to undertake a two lot subdivision in the Rural Production zone at the property known as 17 Haisman Road and legally described as Pt Lot 2 DP9529 and Lots 1, 2 and 3 and Part Lot 6 DP1997 pursuant to Sections 104 (1) and 104B of the Resource Management Act 1991.

## **DIVISION**

### **For the motion**

Cr Davidson

Cr Bauld

Cr Seymour

### **Against the Motion**

Cr Sheldrake

Cr Haisman

**CARRIED**

## **CONDITIONS**

1. The development shall be carried out in general accordance with the details submitted with the application (SG-2009-103940-00).
2. That Lot 2 hereon be transferred to the owners of Lot 1 DP9582 (CTGS6C/1026) and that one certificate of title be issued to include both parcels.
3. Any future vehicle crossing and accessway to serve Lot 2 shall be constructed in accordance with the requirements of Chapter 15 of the District Plan. The vehicle crossing and accessway shall be located outside the F4 Flood Zone if the ground level will be altered in a way that does not meet the requirements of Rule 5.20 of the District Plan (Regional Rules for Flood Hazard Overlay 4).
4. Any application(s) for building consent to erect any new building(s) and/or structure(s) on Lots 1 and 2 shall include a 'Geotechnical Investigation Report' prepared by a suitably qualified professional which:
  - i. Certifies to the satisfaction of the Consent Authority that the design of the foundations of the proposed building are suitable with respect to the bearing strength of the supporting ground (in accordance with New Zealand Standard);

- ii. Specifies as appropriate, any remedial works or mitigation measures to be undertaken to protect the development from natural hazards.
- iii. Addresses any liquefaction and differential settlement.

#### Advice Notes

- a) Council has specific testing and reporting requirements associated with bearing strength and geotechnical investigations. These requirements are available at the Customer Reception of Council.
  - b) In the event that a satisfactory site specific foundation report (condition 4) is not provided, Council may decline applications for building consents pursuant to section 71 of the Building Act 2004 on the subject site or issue any building consent subject to sections 72 to 74 of the Building Act.
  - c) The structure specific foundation report may be subject to independent peer review at the applicants cost. A single storey light weight residential structure is expected to have an engineering foundation design solution.
5. Any application(s) for building consent to erect any new building(s) and/or structure(s) on Lots 2 shall provide for domestic water supply and fire fighting storage which complies with PAS 4509:2008. A minimum of 20,000 litres shall be maintained at all times as a static fire fighting reserve within a 30,000 litre tank. Alternatively, an 11,000 litre fire fighting reserve is to be made available for any dwelling in association with a domestic sprinkler system installed to an approved standard.

#### Advice Note

Fire fighting water supply may be provided by other means other than the above if the written approval of the New Zealand Fire Service is obtained for the proposed method. The fire fighting supply tank and/or the sprinkler system shall be installed prior to the occupation of the new building.

6. All new buildings and structures on Lots 1 and 2 shall be setback by a horizontal distance of at least 12 metres from the centre line of Gisborne to Tuai A transmission line.
7. Buildings or any part of a building on Lots 1 and 2 must not be located within 12 metres of the closest visible edge of any high voltage transmission line support structure foundation.
8. All land use activities, including the construction of new buildings/structures, earthworks, the operation of mobile plant and/or the construction of fences on Lots 1 and 2 must comply with the New Zealand Code of Practice for Electrical Safe Distances (NZECP 34:2001).
9. All newly planted trees or vegetation (exceeding a height of two metres at full maturity) on Lots 1 and 2 when fully-grown must not have the potential to fall within 5 metres of the transmission lines.

#### Advice Notes

- a) It is Transpower's preference that all mobile plant operated on site maintain a horizontal distance of at least 12 metres from the centre of the transmission lines and support structures.

- b) All new tree/vegetation planted in the vicinity of any transmission line are limited to those which at a mature height will not encroach upon the relevant growth limit zone [or notice zone] for the line, as defined in the Electricity (Hazards from Trees) Regulations 2003.
  - c) Transpower New Zealand has a right of access to its existing assets situated on Lots 1 and 2 under s23 Electricity Act 1992. Any development must not preclude or obstruct this right of access. It is an offence under s163(f) Electricity Act to intentionally obstruct any person in the performance of any duty or in doing any work that the person has the lawful authority to do under s23 of the Electricity Act.
10. A consent notice drawing attention to conditions 3-9 shall be issued on any new Certificate of Title issued for the subdivision, pursuant to section 221 of the Resource Management Act 1991. The consent notice shall be lodged for registration under the Land Transfer Act 1952.

### **REASONS FOR THE DECISION**

The potential adverse effects as raised by the submitters are largely related to permitted future activities and as such have been disregarded in accordance with Section 104(2) of the Resource Management Act.

The proposed amalgamation condition, close proximity to the Rural Residential Zone and other smaller land holdings were considered to be mitigating factors to the creation of the sub-standard Lot 1.

The Committee is satisfied that any actual or potential effects arising as a result of the proposed subdivision will be no more than minor and the application is consistent with the objectives and policies for the Rural Production Zone.

The application meets the purpose of the Resource Management Act 1991 and is consistent with the principles of sustainable management.

There being no further business the meeting concluded at 1.20pm.

Alan Davidson  
**Chairperson**