

RESOURCE CONSENT DECISION - RC220067

Pursuant to Sections 104, 104B, 104C and 108 of the Resource Management Act 1991 (RMA), Buller District Council **GRANTS** the application by Tauranga Bay Holdings Ltd, **subject to the Conditions below.**

The approved Activity:

To subdivide Section 39 SO 13711 into two fee simple allotments, creating Lot 1 of 6891m² and Lot 2 of 7.0616ha. The installation of an electricity pole to provide electricity to the newly created lots has been included with this application as a permitted activity.

Restricted discretionary activity for subdivision of a site under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NESC). A detailed site Investigation has been supplied.

Location:

Address:	220 Wilsons Lead Road, Cape Foulwind
Legal Description:	Section 39 Survey Office 13711
Record of Title:	747162
Valuation Roll Number:	1885019505

Approved Plan:

Subdivision scheme plan titled "Lots 1 and 2 Being Proposed Subdivision of Sec 39 SO 13711", dated May 2022 and received 31 August 2022 prepared by Eliot Sinclair and Partners.

Please note that the plan which is approved is stamped Approved Plan and attached to this consent.

CONDITION(S):

Pursuant to Section 108 of the Resource Management Act 1991 this consent is granted subject to the following conditions:

1. The activity shall proceed in accordance with the submitted application received by Council on 20 July 2022 and the relevant plans as detailed above and stamped as approved, except where the following conditions take precedence.
2. All actual and reasonable costs incurred by this Council in monitoring, enforcement and administration of this consent shall be met by the consent holder.
3. A Provision of Open Space, Public Recreation, or other Reserves contribution of 7.5% + GST of the value of newly created Lot 1 shall be payable to Council.
4. The vehicle crossing to the newly created lots shall be upgraded to a double width vehicle crossing to Buller District Council (Council) standards. The Consent Holder is required to have the work involved carried out by a Council Approved Contractor. The

Approved Contractor will be required to make application to the Council's Infrastructure Services department for approval to upgrade the vehicle crossing and be given approval, including Council specification requirements, prior to the works being undertaken.

5. That the schedule of proposed easements shown on the subdivision plan be granted and reserved as a memorandum. That the proposed easements in gross be granted and reserved.
6. Pursuant to section 221 of the Resource Management Act 1991, a Consent Notice shall be imposed on the Record of Title of Lot 1 to ensure that the following conditions are met on a continuing basis. The Consent Holder is required to pay the costs of the Consent Notice.

The owner of the proposed Lot 1 shall fully comply with the engineer's Subdivision Suitability Report Rev A submitted with the subdivision resource consent application RC220067, prepared by Eliot Sinclair and Partners Ltd; including but not limited to the following:

Requirements from the Subdivision Suitability Report

- A. There is no Council sewer available to the site. Onsite wastewater treatment and disposal will be required. The report noted that even though the test pits did not encounter groundwater within 3.0m of the ground surface, the firm iron pan and sandstone underlying layers create a limiting layer with little to no infiltration capacity. New dwellings on the sites shall implement secondary wastewater treatment systems. The design of these systems will need to be undertaken once the number of bedrooms is known so the septic tank and land application field can be sized appropriately. The overlying silty topsoil with some sand has some infiltration and treatment capacity and classify the soil as category 3 sandy loam.
- B. There are no Council storm water drains in the local area, stormwater overflow from the rainwater tank will need to be discharged appropriately without causing erosion or ponding. If onsite stormwater disposal is required, the underlying iron pan and sandstone is a limiting infiltration layer and shall be considered appropriately.
- C. Based on the geotechnical investigation undertaken and reported on in the suitability report, the shallow iron pan can provide bearing capacity strength more than "Good Ground" as defined in NZS3604: 2011. The three areas where Eliot Sinclair and Partners Ltd undertook the testing are noted as appropriate building areas. The iron pan layer in these areas was encountered within the top 600mm from the existing surface. The most appropriate foundation treatment for the new residential dwellings in these areas to be foundations in accordance with NZS3604: 2011 which extend into the Good Ground iron pan layer. Areas infilled or built up will need to be done so with compacted clean sandy gravels.

RC220067

- D. If on site the iron pan layer is found to be deeper than 600mm, construct a gravel raft to found a concrete slab-on-grade in accordance with NZS3604: 2011. Excavation to the iron pan will be required and backfilled with compacted clean sandy gravels according to the Excavation and Backfill Specification in Appendix C of the suitability report which states excavation and backfill methodology, compaction standards, and required engineering inspections.
- E. For building locations different to the areas investigated, site specific geotechnical investigation shall be undertaken once building location is determined, to confirm the appropriate foundation requirements for proposed dwellings.

Alternatively, another report from a Chartered Professional Engineer may be provided to address engineering matters.

Contamination of soils

- F. If any unusual or contaminated materials are encountered during any site works, requirements of the Accidental Discovery Protocol provided in the Detailed Site Investigation report for RC220067 shall be followed.

If any of the following materials are encountered during any future earthworks, such as:

- i. Stained or odorous soil (e.g., black, green, grey; or smells of rotting organic material, petroleum hydrocarbons or solvents).
- ii. Slag, ash, charcoal.
- iii. Rubbish comprising putrescible waste, or hardfill, or treated timber, or agrichemicals, etc.
- iv. Potential asbestos containing-material (for example fragments from cement fibre sheets, or loose fibres from insulation etc.)

The following shall be undertaken:

- Excavation and earthworks cease, the site secured to stop people entering the area where potential contamination was encountered, and then:
- Contact a contaminated land specialist for further advice to determine if it is contaminated or hazardous, and then determine a practical course of action.

Firefighting provisions

- G. Upon the construction of a habitable building, a minimum of 45,000 litres of water shall be maintained at all times as a static firefighting reserve. Alternatively, a 7,000 litre firefighting reserve is to be made available in association with a sprinkler

system installed to an approved standard. Sufficient water volume, pressure and flows shall be provided in accordance with New Zealand Fire Service (NZFS) Fire Fighting Water Supplies Code of Practice SNZ PAS 4509:2008 and that this water supply be accessible by emergency vehicles for firefighting purposes; and

- H. A firefighting connection in accordance with Appendix B – SNZ PAS 4509:2008 is to be located within 90m of any proposed building on the site. In order to ensure that connections are compatible with NZFS (Fire and Emergency New Zealand) equipment, the fittings are to comply with the following standards:
- a) Either: For flooded sources – 70mm Instantaneous Couplings (Female) NZS 4505, or for suction sources – 100mm Suction Couplings (Female) NZFS 4505 is to be provided.
 - b) Flooded and suction sources must be capable of providing a flow rate of 25litres/sec at the connection point/coupling. The Fire Service connection point/coupling must be located so that it is not compromised in the event of a fire.
 - c) The connection shall have a hardstand area adjacent to it to allow for a NZFS appliance to park on it. The hardstand area shall be located in the centre of a clear working space with a minimum width of 4.5m and shall be within 5m of the coupling. Access shall be maintained at all times to the hardstand area.
 - d) Firefighting water supply may be provided by means other than the above if the written approval of Fire and Emergency New Zealand is obtained for the proposed method.
7. Pursuant to section 221 of the Resource Management Act 1991, a Consent Notice shall be imposed on the Record of Title of Lot 2 to ensure that the following conditions are met on a continuing basis. The Consent Holder is required to pay the costs of the Consent Notice.

Requirements from the Subdivision Suitability Report

The owner of the proposed Lot 2 shall fully comply with the engineer's Subdivision Suitability Report Rev A submitted with the subdivision resource consent application RC220067, prepared by Eliot Sinclair and Partners Ltd; including but not limited to the following:

- A. There is no Council sewer available to the site. Onsite wastewater treatment and disposal will be required. The report noted that even though the test pits did not encounter groundwater within 3.0m of the ground surface, the firm iron pan and sandstone underlying layers create a limiting layer with little to no infiltration capacity. New dwellings on the sites shall implement secondary wastewater

RC220067

treatment systems. The design of these systems will need to be undertaken once the number of bedrooms is known so the septic tank and land application field can be sized appropriately. The overlying silty topsoil with some sand has some infiltration and treatment capacity and classify the soil as category 3 sandy loam.

- B. There are no Council storm water drains in the local area, stormwater overflow from the rainwater tank will need to be discharged appropriately without causing erosion or ponding. If onsite stormwater disposal is required, the underlying iron pan and sandstone is a limiting infiltration layer and shall be considered appropriately.
- C. Based on the geotechnical investigation, undertaken and reported on in the suitability report the shallow iron pan can provide bearing capacity strength more than “Good Ground” as defined in NZS3604: 2011. The three areas where Eliot Sinclair and Partners Ltd undertook the testing are noted as appropriate building areas. The iron pan layer in these areas was encountered within the top 600mm from the existing surface. The most appropriate foundation treatment for the new residential dwellings in these areas to be foundations in accordance with NZS3604: 2011 which extend into the Good Ground iron pan layer. Areas infilled or built up will need to be done so with compacted clean sandy gravels.
- D. If on site the iron pan layer is found to be deeper than 600mm, construct a gravel raft to found a concrete slab-on-grade in accordance with NZS3604: 2011. Excavation to the iron pan will be required and backfilled with compacted clean sandy gravels according to the Excavation and Backfill Specification in Appendix C of the suitability report which states excavation and backfill methodology, compaction standards, and required engineering inspections.
- E. For building locations different to the areas investigated, site specific geotechnical investigation shall be undertaken once building location is determined, to confirm the appropriate foundation requirements for proposed dwellings.

Alternatively, another report from a Chartered Professional Engineer may be provided to address engineering matters.

Contamination of soils

- F. Due to the contamination of soils in and around the storage shed located on the proposed Lot 2, no earthworks or development of that part of the site (within a 10m buffer surrounding the storage shed and sample location A-04 shown in the Detailed Site Investigation report for RC220067) shall be undertaken. Any earthworks or growing of vegetables for human consumption within that exclusion zone are not permitted in the interim.
- G. The full lateral extent of the contamination in the area around the fertiliser storage shed is not evident. Testing shall be carried out at the time of earthworks or soil

disturbance to confirm the extent of impacted soils. If required, appropriate measures shall be taken for remediation.

- H. If any unusual or contaminated materials are encountered during any site works that the requirements of the Accidental Discovery Protocol provided in the Detailed Site Investigation report submitted for RC220067 shall be followed.

If any of the following materials are encountered during any future earthworks, such as:

- i. Stained or odorous soil (e.g. black, green, grey; or smells of rotting organic material, petroleum hydrocarbons or solvents).
- ii. Slag, ash, charcoal.
- iii. Rubbish comprising putrescible waste, or hardfill, or treated timber, or agrichemicals, etc.
- iv. Potential asbestos containing-material (for example fragments from cement fibre sheets, or loose fibres from insulation etc.)

The following shall be undertaken:

- Excavation and earthworks cease, the site secured to stop people entering the area where potential contamination was encountered, and then:
- Contact a contaminated land specialist for further advice to inspect the area, assess the material, determine if it is contaminated or hazardous, and then determine a practical course of action.

Firefighting provision

- I. Upon the construction of a habitable building, a minimum of 45,000 litres of water shall be maintained at all times as a static firefighting reserve. Alternatively, a 7,000 litre firefighting reserve is to be made available in association with a sprinkler system installed to an approved standard. Sufficient water volume, pressure and flows shall be provided in accordance with New Zealand Fire Service (NZFS) Fire Fighting Water Supplies Code of Practice SNZ PAS 4509:2008 and that this water supply be accessible by emergency vehicles for firefighting purposes; and
- J. A firefighting connection in accordance with Appendix B – SNZ PAS 4509:2008 is to be located within 90m of any proposed building on the site. In order to ensure that connections are compatible with NZFS (Fire and Emergency New Zealand) equipment, the fittings are to comply with the following standards:
 - i. Either: For flooded sources – 70mm Instantaneous Couplings (Female) NZS 4505, or for suction sources – 100mm Suction Couplings (Female) NZFS 4505 is to be provided.

RC220067

- ii. Flooded and suction sources must be capable of providing a flow rate of 25litres/sec at the connection point/coupling. The Fire Service connection point/coupling must be located so that it is not compromised in the event of a fire.
- iii. The connection shall have a hardstand area adjacent to it to allow for a NZFS appliance to park on it. The hardstand area shall be located in the centre of a clear working space with a minimum width of 4.5m and shall be within 5m of the coupling. Access shall be maintained at all times to the hardstand area.

Firefighting water supply may be provided by means other than the above if the written approval of Fire and Emergency New Zealand is obtained for the proposed method.

SUBDIVISION ADVICE NOTE(S):

1. A monitoring administration fee of \$100.00 has been included on your consent invoice. Please note that further fees are likely in accordance with Condition 2.
2. The Consent Holder shall contact the Council's Planning Department at least three (3) working days prior to the commencement of any physical works or activity authorised by this consent to enable monitoring to be undertaken. Contact can be made via email to planning@bdc.govt.nz, please include your resource consent reference number in the subject line.
3. If you do not understand any or all conditions of this consent, please contact Council's Planning Department for clarification before starting work.
4. Pursuant to section 127(1) of the Resource Management Act 1991, the consent holder may apply to the consent authority for a change or cancellation of any condition of this consent.
5. Pursuant to section 128(1)(a) and 128(1)(c) of the Resource Management Act 1991, the consent authority may review any condition of this consent within eight years from the date of issue for any of the following purposes: (a) To deal with any adverse effect on the environment which may arise from the exercise of the consent and which it is appropriate to deal with at a later stage; or (b) To deal with inaccuracies contained in the consent application that materially influenced the decision made on the application and are such that it is necessary to apply more appropriate conditions; or (c) To assess the appropriateness of imposed compliance standards, monitoring regimes and monitoring frequencies and to alter these accordingly.
6. This consent shall lapse five years after the decision date if not given effect to. "Given effect to" a subdivision consent means that approval of the survey plan under section 223 of Resource Management Act 1991 (the RMA) has been undertaken. It is

RC220067

advisable that you apply for the section 223 certification at least six months before the lapse date of the consent. Once the section 223 certificate is issued you have three years to ensure that you complete all remaining conditions and obtain a section 224(c) certificate.

7. Council issues a section 224(c) certificate under the RMA when all the conditions of the resource consent have been completed to the satisfaction of the Council. It is the Consent Holder's responsibility to meet all of the conditions at their own cost. Council will not sign a section 224(c) certificate until all conditions have been met and until the Consent Holder has supplied the Council's Planning Department with evidence that the conditions have been satisfied. Once the section 224(c) certificate is gained the consent holder can then arrange for the plans to be deposited (a surveyor or solicitor may help with this process) with Land Information New Zealand. Under section 224(h) of the RMA the survey plan must be deposited less than three years after it is approved under s223 of the RMA. You will need to have all conditions met, apply for and have a section 224(c) certificate issued and have your survey plan deposited within this time.

REASONS FOR DECISION

Section 113(4) of the Resource Management Act 1991, requires that every decision on a resource consent that has not been notified shall be in writing and state reasons for the decision.

1. All affected party approvals, being those of Buller Electricity, Fire and Emergency New Zealand, owners and occupiers of Sec 42 SO 13711, and owners and occupiers of Sec 38 SO 13711 have been received. In accordance with s104(3)(a)(ii) when considering an application a consent authority must not have regard to any effect on a person who has given written approval to the application.
2. Under the operative Buller District Plan, erection of an electricity pole is a permitted activity where written consent from landowners within a 22m radius of the new location has been obtained and where the maximum height standard of 20m is met for the Rural Zone. Approvals have been supplied making the insulation of the new pole a permitted activity.
3. The District Plan framework provides a balance between managing subdivision development and recognising the amenity values of the rural environment. The subdivision of this property to create two new Lots of 6891m² and 7.0616ha will have minimal impact on the productivity on the rural land resource in the area.

Please note that a copy of the Planning Officer's Report, which explains further the reasons given above, can be forwarded to you on request and is also available at the Council office to view.

RC220067



Sean Judd
Group Manager Regulatory Services
Buller District Council

Dated at Westport this 20th day of February 2023

RC220067