



WESTLAND
DISTRICT COUNCIL

A G E N D A

**Planning and Development
Committee**

Council Chambers

**Thursday
5 August 2010
commencing at 9.30 am**



**AGENDA FOR A MEETING OF THE PLANNING AND DEVELOPMENT
COMMITTEE, TO BE HELD IN THE COUNCIL CHAMBERS, 36 WELD
STREET, HOKITIKA ON THURSDAY 5 AUGUST 2010 COMMENCING
AT 9.30 AM.**

Note: It is anticipated that David Caldwell, Solicitor from Lane Neave, will be in attendance "mid-morning" to meet informally with Members. It is anticipated that the meeting will adjourn for this period.

1. MEMBERS PRESENT AND APOLOGIES
2. CONFIRMATION OF MINUTES – 3 June 2010. (Pages 1 - 4)
3. MATTERS ARISING FROM MINUTES.
4. GENERAL BUSINESS

4.1 Mount Aspiring National Park Management Plan:

Memo from Manager: Planning and Regulatory

The Committee, with the assistance of Councillor Eggeling, was requested by the Council to make a submission to the Department of Conservation concerning the draft Mount Aspiring National Park Management Plan. The submission was approved in June 2009.

The submissions have been analysed and the results of the submission process are attached for the Committee's information. (Pages 5 - 9)

4.2 Annual Report on Dog Control Policy and Procedure:

Memo from Manager: Planning and Regulatory

Council is required to report annually on its dog control policy and dog control practices.

The attached report has been prepared to meet the statutory obligations imposed by Section 10A of the Dog Control Act 1996. The report is provided for the Committee to adopt. After adoption, the report's availability is publicly notified and a copy is required to be forwarded to the Secretary for Local Government.

(Page 10 - 12)

4.3 Proposed Bylaw

Memo from Manager: Planning and Regulatory

A draft proposed waste water bylaw and a draft Statement of Intent are attached for the consideration of Members. If the documents are suitable it would be appropriate for the bylaw making process to start the Special Public Consultative process.

(Page 13 - 31)

4.4 District Plan Review

4.4.1 A Commentary on the Rural Zone in Westland:

Memo from Manager: Planning and Regulatory

A report prepared by the District Planner is attached. The need to identify the nature and extent of rural subdivision has become clear as the review process has gained momentum. The report has been prepared for the information of Members and it is anticipated that some sectors of the community may find the information of some value.

(Page 32 - 36)

4.4.2 The Review of the District Plan: Progress report:

Memo from Manager: Planning and Regulatory

A report prepared by the District Planner is attached.

(Page 37 - 38)

4.4.3 Resource Consents granted for set back reductions:

Memo from Manager: Planning and Regulatory

A report prepared by the District Planner is attached.

(Page 39 - 43)

4.4.4 Township review

Memo from Manager: Planning and Regulatory

A report prepared by the District Planner is attached as a separate document, as are copies of the responses to the questionnaire to the various communities. Members are also in possession of resources and information previously made available relating to this matter. It is expected that members will undertake this session as a workshop session.

5. NEXT MEETING

Next Meeting –

**MINUTES OF A MEETING OF THE PLANNING AND DEVELOPMENT
COMMITTEE HELD IN THE COUNCIL CHAMBERS, 36 WELD STREET,
HOKITIKA ON THURSDAY 3 JUNE 2010, COMMENCING AT 9.30 AM**

1. **PRESENT**

Her Worship the Mayor M.H. Pugh (in the Chair).
Councillors J.G. Birchfield, J.H. Butzbach A.M. Hurley, I.W. Hustwick.

APOLOGY

Deputy Mayor Councillor B.O. Thomson.

ALSO IN ATTENDANCE

Robin Reeves (Chief Executive Officer), Richard Simpson (Manager Planning and Regulatory), Rebecca Strang (District Planner).

CHAIRPERSON

The meeting convened at 9.30 am and by consensus, Her Worship the Mayor was appointed Chairperson for the meeting.

2. **CONFIRMATION OF MINUTES – 8 APRIL 2010**

Moved Councillor Hurley, seconded Councillor Butzbach and **Resolved** that the Minutes of the Planning and Development Committee Meeting held on the 8 April 2010 be confirmed as a true and correct record of the meeting.

3. **MATTERS ARISING FROM MINUTES**

3.1 **Beach Street Carpark Development**

In response to a query from members, the Manager Planning and Regulatory advised that the anticipated application for the reduction in on-site carparking would be lodged with the Council for processing by the 11 June 2010.

4. GENERAL BUSINESS

4.1 Review of Liquor Ban Bylaw

Sergeant Russell Glue and Constable Bruce Pearson attended the meeting and referred to a survey of businesses undertaken earlier in the year that indicated 22 out of 23 businesses surveyed would favour a 24 hour liquor ban in the town centre. The Police supported such a move. The Police had several reasons for supporting an extension of the liquor ban to a 24 hour period, the most important of which, was that at the skateboard park at Cass Square in particular, there were, from time to time, a number of 18+ year olds drinking liquor in front of much younger people. The Police noted that a 24 hour ban would ensure that younger people were not intimidated by the behavior of older people in public places. The Police also advised that they would use discretion in bringing about any enforcement proceedings.

The Police asked that additional signage also be displayed as they were increasingly finding the excuse of ignorance about the liquor ban and the extent of the liquor ban an embarrassment to deal with.

Police recognised that a 24 hour ban was an ideal arrangement and encouraged the Council to consider a 24 hour ban at Cass Square. The Police agreed that the bylaw was effective and would be more so with the enhancement of a 24 hour liquor ban at Cass Square.

The Committee asked the Manager Planning and Regulatory to prepare a report for the Council outlining the results of the review.

4.2 Bachs on Legal Road

Members considered the possibility of the current review of the District Plan incorporating changes providing for the disposal of allotments of less than 5000m² in area to facilitate the sale of bachs on legal road. Members noted that the District Plan does not currently preclude an application being made for an allotment of less than 5000m² (non-complying activity) and any application can be assessed on its merits. The Committee noted that the Westland Property Ltd may wish to advance the issue with the Council.

4.3 Setback Reductions

Members enquired of the staff as to how setback reductions were handled through the resource consent process. The District Planner advised that there were three categories of setbacks being permitted, discretionary and non-complying. The District Planner outlined the rules in the Hokitika residential zone and appraised the members of the District Plan provisions relating to the assessment of activities

for setback reductions. The question arose as to why some applications were made where there were no site specific constraints. Members considered that it would be appropriate for the Council to uphold the integrity of the District Plan by ensuring that setback reductions were approved only where there were particular constraints peculiar to a site rather than setback reductions being granted for the sole purpose of "convenience". Members particularly noted that where setback reductions were allowed, then it was necessary that the affected parties (who were invariably the direct neighbours) became an essential component of the consent process and members were of the view that neighbours could become the "consent authority" by default.

As part of the District Plan review process, members expressed the view that where setback reductions were requested, then there would be a tangible site specific reason as to why an application should proceed.

4.4 B F and S J Godfrey vs. Westland District Council - Judicial Review

Members considered the delegations that were in place and the guidelines that had been established in relation to the identification of affected parties for non-notified resource consent applications. In addition, members reviewed the existing legislation (Section 95 of the Resource Management Act) and the associated sections.

Members also considered the Section 95 report that was used to make decisions relating to notification. Members noted the complexity of the legislation and noted that the *Godfrey decision* had not clarified as to whether the Council's procedures for identifying and dealing with affected parties on non-notified decisions were deficient or otherwise.

The Committee requested that:

- i) The Chief Executive Officer be asked to review procedures for non-notified resource consent applications.
- ii) The Manager Planning and Regulatory write to the West Coast Regional Council and request that the Council consider how odour from homekill and butcheries may impact on adjoining farming operations.
- iii) The Manager Planning and Regulatory request information from Queenstown-Lakes District Council, Hurunui District Council and Selwyn District Council as to how those Councils deal with Section 95 matters relating to the identification of affected parties for non-notified resource consents.

Next Meeting – Thursday 5 August 2010 at 9.30am.

MEETING CONCLUDED AT 11.17 AM

A workshop was then held in consideration of the review and the extent of townships as part of the District Plan Review process.

Confirmed:

Mayor Maureen Pugh
Chairperson

____/____/____
Date



File ref: draft MA
5th July 2010
Submission no. 222

10 JUL 2010

Westland District Council
Rebecca Strang
Private Bag 704
Hokitika 7842

CEO	HWM	MPR	MO	MAC	MF	MPA	CSO	ENG	DP
		A							✓

Tena Koe,
Dear Submitter

Draft Mt Aspiring Plan

Thank you for your submission on the above plan. Please find attached a response to your submission.

A total of 436 submissions were received, a large number of which were detailed and informative. These were considered firstly by the Department and then by the Otago Conservation Board. Amendments have now been made to the draft plan.

The amended plan will now be considered by the New Zealand Conservation Authority, which in accordance with Section 47 of the National Parks Act approves the plan, having regard to the views of the Minister of Conservation.

Thank you again for your submission. The expertise and assistance of the public has contributed greatly to the development of the plan.

Yours faithfully

Bronwyn Hunt
Department of Conservation
PO Box 176,
Alexandra 9340

Ph: 03 440 2288
Email: bhunt@doc.govt.nz

section 6.2.3.1

subsection Biosecurity and management of threats to indigenous species, habitats and ecosystems - Page 39.

concern Westland supports Policy 7 which seeks to encourage commercial possum skin/fur recovery. Westland advocates for the use of methods other than 1080 wherever possible. The continual review of the priorities for pest control should also refer to the continual review of the methods used in pest control.

request Retain policy 7, Amend policy wording to read :
Priorities and methods will be continually reviewed.

DOC response Accept in part

Thank you for your comments. The department works on an ongoing basis with other relevant authorities on possum control methods for all the lands it manages. While this request is not added to policy 7 (as it is more of a national policy consideration) the plan indicates that the department will work with other agencies like yourself on relevant animal control matters and operations.

section 6.2.4

subsection Freshwater species, habitats and ecosystems. Policy 9 - Page 45

concern Policy 9 contains the misspelling of the word runanga

request Amend the spelling of Te Runanga o Ngai Tahu

DOC response

Thank you, mistake is corrected.

section 6.5

subsection Te Wahipounamu - South West New Zealand World Heritage - Page 55

concern Westland District Council supports the promotion of the Te Wahipounamu- South West New Zealand World Heritage Area and the liaison with the Council to provide high quality information, signage and promotion of this area. Tourism is of significant importance to the Westland residents. We note that signage is not included specifically in Policy 6.5.1 that seeks to maintain a coordinated approach to the management and servicing of visitors. Signage forms an important part of the provision of information to tourists and can be adequately designed and located to ensure effects on the Park are restricted.

request Retain section 6.5

DOC response Accept

Thank you for your comments. Liaison between the department and West Coast councils is very important with regard to management and protection of Te Wahipounamu-South West NZ World Heritage Area.

section 6.6.4

subsection Roads, vehicles and other transport options - Page 69

concern Westland supports Objective 6.6.4.1 which seeks to provide for visitor access and enjoyment, and recognises the role that the existing roads play in the provision of this access. Policy 6.6.4.2 outlines that any new roading will be required to be assessed under a number of matters and that this process will require full public consultation. This process would be unwieldy for emergency works. This policy conflicts with Policy 6.6.4.4 which acknowledges the importance of emergency works and the need to liaise with NZTA on matters relating to improvement, maintenance and emergency works. Works already planned for the State Highway should be acknowledged in the Plan rather than required to go through further approvals at a later date. There is existing planned works relating to realignment at The Gates of Haast which will be caught by these provisions.

request Resolve the conflicts between these policies and reflect the importance of the State Highway network by allowing urgent works to be undertaken without full public consultation.
Provide for the planned alignment of the road at the Gates of Haast in the Plan.

DOC response Accept in part

Please note that 6.6.4, objectives 1 and 2 relate to roads within the park. The Haast Highway policies in this section and in section 13, relate primarily to access to the park, although the road's relationship with the surrounding park is discussed. The department works closely with NZTA on matters including emergency works and these matters are covered in the MOU between the 2 agencies. The planned road realignments are indicated in the plan. As they are not yet finalised and the plan needs to be relevant for the next 10 years, details are not included.

222 Westland District Council

section 13.4

subsection Haast Pass Highway Policies 13.4 - Page 125

concern Policy 13.4.3 states that "essential improvements, possible realignments and maintenance of Haast Pass Highway may be considered outside the surveyed legal road in the park if". This policy is inconsistent with Objective 13.3.4 which seeks to 'recognise that Haast Pass Highway is an essential transport link'. The wording of this possible should be altered to read that work should be considered outside the legal road for at least essential improvements in order to be consistent with Objective 13.3.4. Policy 13.4.4 allows suitable descriptions of the instances where the work will certainly be declined, therefore there is no risk caused by the amendment of the wording from may to will.
There is no provision within this policy to provide for emergency works.
The Haast Pass provides the sole transport link between the West Coast and Otago region. This importance must be recognised and essential work able to be undertaken, whilst providing for the protection of the values of the Park.
This section should be consistent with 6.6.4 Roads, vehicles and other transport options which states an intent to provide for emergency works.

request Amend the wording of Policy 3 to read:
"Essential improvements, possible realignments and maintenance of Haast Pass Highway should be considered outside the surveyed legal road in the park if"

Or alternatively, remove reference to 'essential improvements' within Policy 3 and create an additional policy to state that "Essential works undertaken on the Haast Pass Highway should be considered outside the surveyed legal road if:"

Council's preference of wording for the above policies is 'will', however we note the statements in 6.1 relating to the usage of 'should' and 'may'.

DOC response Accept in part

The plan recognises that the road is an essential transport link. It also outlines its importance as a World heritage Highway and the role the surrounding park land plays in this important tourist route. Policy 3 is retained. "Will" could not be used in this instance for the reasons you have alluded to.

section Appendices

subsection Appendix 1 Legislation, Section 6 - page 4

concern The West Coast Regional Council is the regional council for the West Coast

request Amend Westland Regional Council to be West Coast Regional Council

DOC response

Thank you. Plan is amended to fix this error.

222 Westland District Council

section General

subsection

concern Westland District Council generally supports the Mount Aspiring National Park Management Plan.

request

DOC response

Thank you for your helpful comments. The department is fully aware of the importance of the Haast Highway as an essential tourism route and transport link between South Westland and Otago.

AML 4.3

Richard Simpson

20 July 2010

REPORT ON DOG CONTROL POLICY AND PRACTICES

This report is prepared pursuant to the provisions of Section 10A of the Dog Control Act 1996 for the year ended 30 June 2010. This is the sixth annual report prepared pursuant to the Act.

Statistics:

	2004-05	2005-06	2006-07	2007-08	2008-09	2009-10
The number of registered dogs in the District.	1472	1455	1449	1441	1489	1484
The number of probationary owners and disqualified owners in the District.	0	0	0	0	0	0
The number of dogs classified as dangerous or menacing in the District.	0	0	0	0	0	0
The number of infringement notices issued by the Council.	56	26	10	11	18	26
The number of dog related complaints received by the Council and (since August 2007) the Contractor.	34	47	51	130	109	86
The number of prosecutions taken by the Council under the Act.	10	6	3	11	18	13

Staff

The Council continued to employ a contractor to undertake dog control duties throughout the District. The current contract will expire in August 2010. The contractor's performance is monitored on a monthly basis.

Policy on Dogs

Council's existing Policy on Dogs was adopted in December 2004. As a result of feedback from the public during the 2009-2010 LTCCP submission process, the Council undertook a comprehensive review of the existing Policy on Dogs during the year.

The thrust of the several submissions to the LTCCP was directed at the cost of dog registration and the levels of service provided by Council and the proposed review will address these issues.

The Council commenced its review in August when it met with interested parties. Councilors gave consideration to the existing policy document at the December meeting and adopted a proposed policy at the February meeting. The policy went through the Special Consultative Procedure and submissions were received. The Council considered the submissions and adopted the proposed Policy on Dogs without amendment.

A feature of the new Policy on Dogs is that there is a determined movement towards a more effective relationship with the Hokitika Branch of the Royal Society for the Prevention of Cruelty to Animals (SPCA) with a strategic alliance focusing on animal welfare. The Council has always regarded "dog control" as the statutory minimum and the new policy seeks an overall improvement in animal welfare knowledge and practice leading to an improvement in dog control.

Dog Control

Dog Control continues to be concentrated on Hokitika and Kaniere. Periodic control functions are undertaken at Ross and Kumara with other areas of the District being covered on an as-required basis.

The number of complaints received about dogs has dropped for the second year in a row.

Dog Registration

Dog control fees for the year were \$72.00 for dogs registered within the Hokitika and Kaniere Townships and \$57.00 for dogs registered in other areas. Dog registration fees also included a 50% penalty additional to the registration fee for late payment. Council continues to recognise that there was a wider public good relating to effective dog control and a contribution of \$5,000 of funding of dog control activities was made through general rates. In addition and with recognition that the SPCA plays a pivotal role in the re-homing

of unclaimed impounded dogs, the sum of \$1200.00 is made available to the Society to assist with their finances.

Future Activities

It is too early to tell if the reviewed Policy on Dogs will bring about changes to the way in which dog control is undertaken. Any changes should become clearer when the new contract for dog control services becomes operational.

It is worthy of note that the relationship between the SPCA and the Council has continued to grow during the year. In light of the new direction within the Policy on Dogs, the Council sees a growing relationship with the SPCA being of benefit to both parties.

Adopted Xth August 2010

Explanatory Note

The Council is empowered by the Local Government Act 2002 and the Health Act 1956 to:

- Protect public health and the security of the public wastewater drainage system.
- Detail the responsibility of both the Council and the customers with respect to the public wastewater drainage system.
- Detail acceptable types of connection.
- Encourage waste minimisation.
- Detail breaches and remedies.
- Conduct sanitary assessments.

This bylaw aims to achieve these purposes and should be read in conjunction with the Acts, Regulations, Codes and Standards listed in this bylaw.

Pursuant to the powers vested in it by the Local Government Act 2002, The Health Act 1956, the Bylaws Act 1910 and any other authority enabling the Council in this behalf the Westland District Council makes this Bylaw.

1. SHORT TITLE AND COMMENCEMENT

- 1.1 This bylaw shall be known as the Westland District Waste Water Bylaw 2010.
- 1.2 This bylaw shall come into effect on the twenty-first day after the confirmation thereof.

2. INTERPRETATION

In this bylaw, unless the context otherwise requires:

- *Act* means the Local Government Act 2002
- *Buried services* means all public sewers, rising mains, trunk sewers and other underground utilities under the responsibility of the Council.
- *Unacceptable Discharge Characteristic* means any of the physical or chemical characteristics of waste referred to in the first schedule to this bylaw
- *Customer* means any person who is connected or makes application to connect to a council public sewerage system.
- *Domestic wastewater* means either that wastewater which is discharged from premises used solely for residential activities, or wastes of the same character discharged from other premises, provided that the characteristics of the wastewater do not have an Unacceptable Discharge Characteristic. Such activities shall include the draining of domestic swimming and spa pools subject to clause 6.1 of this part.
- *Drainage Community* means that area described within the Council's Assessment of Water and Sanitary Services as required under section 125 of the Local Government Act 2002.
- *Infiltration* means water entering a public sewer or private drain from groundwater through defects such as poor joints and cracks in pipes or manholes. It does not include inflow.

- *Inflow* means water discharged into a private drain from non-complying connections or other drain-laying faults. It includes stormwater entering through illegal downpipe connections or from low gully traps.
- *Level of service* means the measurable performance standards on which the Council undertakes to receive wastewater from its customers.
- *Reticulation* means the drains and piped sewer network forming the public sewerage system.
- *Rising main* means a sewer through which wastewater is pumped.
- *Service opening* means a manhole, or similar means for gaining access for inspection, cleaning or maintenance of a public sewer.
- *Trunk sewer* means a sewer, generally greater than 150 mm in diameter, which forms a part of the principal drainage network of the Council's wastewater drainage system.

4. ACCEPTANCE OF DISCHARGE

- 4.1 Every premise shall be entitled to have its wastewater accepted by the Council subject to:
- a) The premises lying within a drainage community;
 - b) The premises lying within an area which is served by public sewers;
 - c) Payment of the appropriate rates and charges in respect of that premises in general and wastewater services in particular; and

d) Fulfilment of the requirements of this bylaw.

5. APPROVAL TO CONNECT

- 5.1 No person other than the authorised agents of the Council may, without approval from an authorised officer, make any connection to, or otherwise interfere with, any part of the Council's wastewater drainage system.
- 5.2 Every application for a wastewater service connection shall be made in writing on the form provided by the Council and accompanied by payment of the prescribed charges. The applicant shall provide all the details required by the Council. An application shall be made irrespective of whether or not a public sewer has already been laid up to the point of discharge.
- 5.3 Where an application has been accepted by the Council which requires a new public sewer connection to be constructed from the existing public sewer to the point of discharge, the customer shall pay such actual and reasonable charges incurred by the Council for this work. The Council shall normally supply and install the public sewer up to the point of discharge except as provided for under a subdivision approval or consent.
- 5.4 Charges applicable at the time of connection may include:
- a) Payment to the Council for the cost of the physical works required to provide the connection.
 - b) A development contribution charge determined in accordance with the Local Government Act 2002.
 - c) A financial contribution charge determined in accordance with the Resource Management Act 1991.
 - d) A capital contribution in respect of the Kaniere sewerage scheme.

6. POINT OF DISCHARGE

- 6.1 The point of discharge from a customer shall be the point on the public sewer which marks the boundary of responsibility between the customer and the Council, irrespective of property boundaries.

- 6.2 Unless otherwise approved there shall be one point of discharge only for each premises, and any private drain shall not extend by pipe or any other means to serve another premises unless it is a common private drain.
- 6.3 For single dwelling units the point of discharge shall be located at the boundary or as close as possible where fences, walls or other permanent structures make it difficult to locate it at the required position. The approval of other positions may be granted by the Council and any such positions will be recorded on the drainage plan.
- 6.4 Where a private drain discharges into a public sewer on that same private property, the point of discharge shall be the upstream end of the pipe fitting which forms the junction with the public sewer.
- 6.5 The point of discharge for the different forms of multiple ownership of premises and/or land shall be as follows:
- a) For company share/block scheme (body corporate) as for single ownership.
 - b) For leasehold/tenancy in common scheme (cross lease), strata title, and unit title (body corporate) where practicable, each owner shall have an individual drain with the point of discharge determined by agreement with the Council. If not practicable there shall be a common private drain which shall be incorporated as an additional provision in the lease agreement. In specific cases other arrangements will be acceptable subject to individual approval.

Each owner's point of discharge is subject to the approval of the Council and will be recorded on the drainage plan. Other arrangements shall be considered by the Council, at its discretion.

- 6.7 Common private drains shall serve a maximum of seven single dwelling units, and shall have one point of discharge only (in common).

7. **ACCEPTANCE AND DURATION**

- 7.1 The Council will continue to accept wastewater from domestic premises once an approved connection to the public sewer has been made.
Note: Disconnection of the sewer or restriction of the water supply are not options available in the event of non-compliance with the law and/or bylaws by the customer.
- 7.2 In the event of premises changing ownership, the new owner shall automatically become the new customer of that premise.
- 7.3 The Council will endeavour to provide wastewater services in accordance with the level of service contained in the Council's Long-Term Council Community Plan. For those periods where the level of service allows non-compliance with the specified value(s), the Council will make every reasonable attempt to achieve the specified value(s).
- 7.4 The Council shall endeavour to meet the level of service but it shall not be liable for any loss, damage or inconvenience which the customer (or any person within the premises) may sustain as a result of deficiencies in the wastewater collection system.
- 7.5 Natural hazards (such as floods or earthquakes) or accidents beyond the control of the Council which result in disruptions to the ability of the Council to receive wastewater, will be deemed an emergency and exempted from the levels of service requirements above.
- 7.6 During an emergency the Council may restrict or prohibit the discharge of wastewater for any specified purpose, for any specified period, and for any or all of its customers. Such restrictions will be publicly notified. The decision to make and lift restrictions and to enact additional penalties shall be made by the authorised officer of the Council. Where immediate action is required, the authorised officer may enact emergency provisions as deemed necessary without public notification.

8. CUSTOMER OBLIGATIONS

- 8.1 The maximum instantaneous flow rate discharged from a domestic premise shall not exceed 2.0 litres/sec. The Council may also set a lesser daily flow rate discharged from a domestic premise.
- 8.2 Customers with swimming or spa pools shall be required to demonstrate that the pool drain has been fitted with a flow limiting device to ensure the discharge does not exceed the maximum instantaneous flow requirement of 2.0 litres/sec.

- 8.3 No wastewater with unacceptable discharge characteristics as provided for in the First Schedule of this bylaw shall be discharged into the Council waste system except with the written approval of the Council and subject to the payment of any additional charge.
- 8.4 The customer shall allow the Council, or its agents, access to and about the point of discharge for the purposes of monitoring, testing, and maintenance work at any time. The Council shall give notice of entry in accordance with sections 171, 172 and 173 of the Local Government Act 2002.
- 8.5 Under emergency conditions, or for the purpose of ascertaining whether the drains are being misused, the customer shall allow the Council free access to and about the point of discharge at any hour.
- 8.6 Where it is not practical to notify the customer of a maintenance interruption to the point of discharge before work commences, the Council may shutdown the point of discharge without notice, and the customer shall be advised as soon as possible.
- 8.7 The customer shall allow the Council, with any necessary equipment, access to any area of the premises for the purposes of ascertaining whether non-complying connections have been made.
- 8.8 The customer serviced by the public sewer network shall not store raw material, products or wastes containing corrosive, toxic, biocidal, radioactive, flammable, or explosive materials, or any material which, when mixed with the wastewater stream, is likely to generate toxic, flammable, explosive or corrosive materials in quantities likely to be hazardous, or any other material likely to be deleterious to the Council Wastewater system or the health and safety of the Council staff and public, without taking all reasonable steps to prevent entry into the Council sewer from leakage, spillage or other mishap.
- 8.9 The customer shall take practicable steps to prevent any stormwater or groundwater entering the wastewater drainage system. This includes roof downpipes, surface water run-off, overland flow, and sub-surface drainage.
- 8.10 The customer shall ensure that stormwater is excluded by ensuring that:
- a) There is no direct connection of any stormwater pipe or drain to the wastewater system.

- b) Gully trap surrounds are set above stormwater ponding levels (refer New Zealand Building Code G13), and secondary overland flow path flood levels.
 - c) Inspection covers are in place and are appropriately sealed.
- 8.11 For large impervious areas (e.g. stock yards or truck washing facilities), specific provision shall be made by the customer for a permanent barrier preventing water from outside the confines of the facility from entering the wastewater system.
- 8.12 Where it is impractical to cover a large impervious area, consideration shall be given to a system which detains run-off from the first foul flush for ultimate disposal to the wastewater system, with subsequent run-off disposal as stormwater.
- 8.13 Private drains shall be kept and maintained in a state which is free from cracks and other defects which may allow infiltration.

9. DISCONNECTION

- 9.1 A customer shall give seven working days notice in writing of his or her intention to demolish or remove a building connected to the sewer. The demolition or removal shall not commence until the property has been disconnected from the sewer by the Council. An application for disconnection shall be made on the standard Council application forms.
- 9.2 A customer shall give two working days notice in writing to the Council of his or her requirement for disconnection of the discharge connections if relaying of the private drain is required.

10. PUBLIC SEWERAGE SYSTEM

- 10.1 With respect to building or loading over buried services, or excavation near public sewers, the restrictions described in clauses 10.2 to 10.5 of this part shall apply. Other restrictions may be applied by the Council for the protection of the wastewater drainage system after consideration of proposed work methods, depth of excavation, soil physical properties and other site specific factors. The same provisions shall apply to sewers or drains installed by trenchless means, such that the installed location of the sewer or drain shall not contravene the

minimum separation distances specified below.

10.2 No building shall be built over a public rising main or trunk sewer, or closer than the greater of:

- a) 1.5 metres from the centre of any main or sewer; or
- b) The depth of the centre line of the sewer, plus the diameter of the sewer, plus 0.2 metres from the centre of that sewer, subject to compliance with 3.1 of NZS 3604 (or subsequent amendments).

10.3

a) No building shall be built over a public sewer, whether on public or private land;

b) No building shall be built closer than the greater of:

i) 1.5 metres from the centre of any public sewer; or

ii) The depth of the centreline of the sewer, plus the diameter of the sewer, plus 0.2 metres from the centre of that sewer, subject to compliance with 3.1 of NZS 3604 (or subsequent amendments).

c) Where (a) and (b) above are found to be impractical and the building cannot be sited elsewhere on the property or modified to conform with the above conditions, and it is essential for the proposed building to be built on that part of the property, approval may be granted by the Council subject to the building developer meeting the cost of any specific requirements and the following conditions shall apply.

10.4 No person shall:

- a) Cause the crushing load imposed on a public sewer to exceed that which would arise from the soil overburden plus a HN-HO-72 wheel or axle load (as defined by Transit New Zealand Bridge Manual); or
- b) Place any additional material over or near a public sewer without approval.

Service openings shall not be covered in any way unless approved by the Council. Removal of any covering material or adjustment of the opening shall be at the customer's expense.

10.5 No person shall without the approval of an authorised officer excavate, or carry out piling or similar work closer than:

- a) Five metres from the centre line of any rising main or trunk sewer; or
- b) Two metres from the centre line of any public sewer.
Such approval may impose conditions on the carrying out of any work near the sewer.

10.6 Any person proposing to carry out excavation work shall view the as-built information to establish whether or not the Council or other utility services are located in the vicinity. At least three (3) days notice in writing shall be given to the Council of an intention to excavate in the vicinity of its services. Where appropriate the Council may mark out to within ± 1.0 m on the ground the location of its services, and may nominate in writing any reasonable restrictions on the work it considers necessary to protect its services.

10.7 When excavating and working around buried services due care shall be taken to ensure the services are not damaged, and that bedding and backfill is reinstated in accordance with the appropriate Council specification. Excavation within roadways is also subject to the permit process of the appropriate roading authority.

10.8 Any damage which occurs to a Council service shall be reported to the Council immediately

10.9 The customer shall reimburse the Council for any repair costs incurred.

11. CUSTOMER'S DRAINAGE SYSTEM

- 11.1 The customer's drainage system is governed by the Building Act from inside the building to the point of discharge.
- 11.2 The customer's drainage system shall be designed, installed and maintained, both in its component parts and in its entirety, to ensure that it complies with the Building Act and the New Zealand Building Code.
- 11.3 A customer whose gully trap is overflowing or has other reasons to suspect a blockage, shall first call a drainlayer to clear and remove any blockage in their private drain.
- 11.4 If the drainlayer finds that the blockage is within the public sewer, then the drainlayer or customer shall contact the Council to clear and remove the blockage and clean up all affected areas. Provided that the blockage has not been forced downstream into the public sewer in the act of clearing it from the private drain, or that the customer has not been negligent in discharging a non-acceptable wastewater, then the Council shall reimburse the customer for actual and reasonable drainage costs. If otherwise, the Council shall recover the costs of the unblocking work from the customer.
- 11.5 In the event of the roots of any tree on a customer's premises causing or being likely to cause damage, interference to the flow, or blockage to a public sewer, the Council will follow the procedure set out in section 468 of the Local Government Act 1974.

Note: the law does not differentiate between a public sewer on private or public land, i.e. the occupier or owner cuts down or removes the tree at their expense with no compensation payable.

12. PUMP STATIONS

- 12.1 Private wastewater pump stations will be approved only where there are no practical alternatives for a gravity flow discharge to the public sewer.
- 12.2 A private wastewater pump station for a single dwelling unit represents an alternative solution in terms of the Building Act. As such, the customer will be required to demonstrate that the pump station complies with the provisions of the New Zealand Building Code when seeking a consent.
- 12.3 A private wastewater pump station must have a compliance schedule and an annual building warrant of fitness if that pump station:
 - a) Has one or more of the specified systems listed in Schedule 1 Specific Systems of the Building (Specified Systems, Change the Use, and Earthquake-prone

Buildings) Regulations 2005 (SR 2005/32); and

b) Serves more than one residential dwelling unit.

12.4 A Common Pump Station Agreement shall be required between the parties, including appropriate maintenance of rising mains. It shall be registered against the Certificate of Title of each party.

12.5 The combined rate of discharge to the public sewer shall not exceed the rate specified by the Council.

13. OFFENCES AND BREACHES

13.1 A person commits a breach of this bylaw who:

- a) Does, or causes anything that is contrary to this bylaw; or
- b) Omits or neglects to do anything which ought to be done by them at the time and in the manner provided in this bylaw; or
- c) Does not refrain from doing anything which under this bylaw they are required to abstain from doing; or
- d) Knowingly permits any condition or thing to exist contrary to any provision contained in this bylaw; or
- e) Refuses or neglects to comply with any notice or direction given to them under this bylaw; or
- f) Obstructs or hinders any officer of the Council in the exercise of any power conferred upon them by this bylaw; or
- g) Fails to divulge their full name, address or other information when requested to do so by an enforcement officer.

13.2 Any person commits a breach of this bylaw who:

- a) Having constructed, affixed or provided, or caused to be constructed, affixed, or provided, any building or any part of a building, or any work, appliance, or material of any description whatsoever, contrary to, or otherwise than in accordance with the provision of this bylaw; or
- b) Having omitted to construct, affix, or provide any work, appliance or materials as required thereby; and who does not within a reasonable time after notice in writing has been given to them by the Council or any enforcement officer, carry out the remedial action specified in that notice.

13.3 The notice in clause 13.2 must state the time within which the remedial action is to be carried out, and may be extended from time to time by written authority of an enforcement officer.

14. REMOVAL OF WORKS IN BREACH OF BYLAW

14.1 The Council may authorise any officer or agent to remove or alter a work or thing that is, or has been, constructed in breach of this bylaw.

14.2 The Council may recover the costs of such removal or alteration from the person who committed the breach in accordance with section 163 of the Act.

14.3 The removal or alteration of any work or thing under this clause does not relieve any person from liability for any penalty for erecting or permitting the continued existence of anything contrary to this bylaw.

15. PENALTIES

15.1 Every person who commits an offence against this bylaw is liable to the penalty set out in section 242(4) or 242(5) of the Act, in relation to the provisions of the bylaw that are made under Part 8 of the Act.

15.2 Where another enactment specifies the penalty for a breach of the bylaw, that other penalty shall apply.

15.3 The Council may, after a conviction for the continuing breach of this bylaw,

apply to a Court of competent jurisdiction for an injunction to restrain the further continuance of the breach by the person convicted.

16. DISPENSING POWER

- 16.1 Where, in the opinion of an authorised officer, full compliance with any of the provisions of this bylaw, would cause loss or inconvenience to any person or the operation of any business without any corresponding benefit to the community, the Council may, on the special application of that person, dispense with full compliance with any of the provisions of this bylaw provided that any other terms or conditions (if any) that the Council may deem fit to impose are complied with by the person concerned.

The initial resolution to make this Bylaw was passed by the Westland District Council at an ordinary meeting of the Council held on the XX day of Xxxxxx 20XX and was confirmed, following consideration of submissions received during the special consultative procedure, by a resolution at a subsequent meeting of the Council on the XX day of Xxxxxxx, 20xx.

THE COMMON SEAL of the WESTLAND DISTRICT COUNCIL

was affixed in the presence of:

Mayor

Chief Executive Officer

FIRST SCHEDULE

Unacceptable Discharge Characteristics

1 General Description

The discharge shall be characterised by a:

- a. a flow exceeding 5m³ per day
- b. instantaneous flow rate exceeding 2 L/s
- c. Biochemical Oxygen Demand (BOD) concentration exceeding 600g/m³
- d. Suspended Solids (SS) concentration exceeding 600g/m³.

2 Temperature

The temperature exceeding 50°C.

3 Solids

- a. Non-faecal gross solids exceeding 15mm.
- b. Fibrous, woven, or sheet film or any other materials that may adversely interfere with the free flow of wastewater in the wastewater system.

4 Oil & Grease

This clause applies to mineral oils, fats and grease used by industry and oils, fats and grease used in food preparation:

- a. a free or floating layer is visible
- b. mineral oil and grease exceeding a maximum concentration of 20g/m³
- c. oil and fat used for food preparation exceeding a maximum concentration of 100g/m³, maximum mass 0.5kg per day.

5 Solvents & Other Organic Liquids

A visible free layer (whether floating or settled) of, petroleum, benzene, naphtha, fuel, solvents or organic liquids.

6 Condensing Water, Cooling Water or Stormwater

The presence of condensing water, cooling water or stormwater.

7 Emulsions of Paint, Adhesive, Rubber, Plastic

The presence of emulsions of paint, adhesive, rubber or plastic in the discharge.

8 Colour

The presence of colour or colouring substance that causes the discharge to be coloured to the extent that it impairs wastewater treatment processes or compromises the final effluent discharge consent.

9 pH Value

A pH outside of the range of 6.0 and 10.0.

10 Presence of Chemicals

- a. sulphides exceeding 5g/m³
- b. sulphate exceeding 500g/m³

11 Any Other Characteristic

Any characteristic not mentioned in this schedule that is present in quantities above background domestic sewage levels.



STATEMENT OF PROPOSAL; PROPOSED WASTE WATER BYLAW 2010

1. INTRODUCTION

The Council has, for some time, been considering the need for a Trade Waste Bylaw in response to information that commercial grease traps were often the source of regular sewer blockages in communities serviced by reticulated sewerage systems. The result of investigation and study is the proposed Westland District Waste Water Bylaw 2010.

2. A REASON FOR PROPOSAL

All new buildings, and the associated services, are subject to building consents and compliance with the New Zealand Building Code. At the conclusion of any building work the Westland Building Consent Authority is required to issue a code compliance certificate which asserts that the building work has been undertaken in accordance with the Building Code. The Council's functions associated with the building conclude with the grant of a code compliance certificate.

The Council recognises that circumstances surrounding buildings and the management of those buildings do change and although buildings are compliant at the time of the grant of the code compliance certificate, management and maintenance issues can impact on the way in which a building performs, in particular, the way in which the sanitary drainage performs. The proposed Waste Water Bylaw provides for changing circumstances and the performance of building drainage in the Council's capacity as a network utility operator (reticulated sewerage system).

3. WHAT IS THE PERCEIVED PROBLEM

Over the years Council has learned that there are two major issues facing the community serviced by reticulated sewerage systems. The first relates to the infiltration of stormwater into the system which decreases the capacity of the system for the task it is designed to undertake and presents the Council with additional charges in pumping. The second problem relates to the build-up of grease and fat in certain parts of the reticulated sewerage systems and the costs of clearing such blockages warrant and intervention.

Council's role under the provisions of the Building Act does not provide for the on-going tasks of a network utility operator (reticulated sewerage system) and the proposed Bylaw is seen as an appropriate instrument to establish a standard for the Council and for the customers who use the reticulated sewerage systems and rely on those systems.

The object of the proposed Bylaw is to ensure an efficient and effective reticulation for the disposal of sanitary sewerage in the community serviced by reticulated systems. Controls and standards are prescribed clearly so that all customers (and the Council) can readily understand the limitations of the discharge of waste water to a sewerage system.

4. COMMUNITY OUTCOMES

The Long Term Council Community Plan identifies various community outcomes (health, safety, economy and environment) and the section of the Plan relating to waste water identifies high infiltration with stormwater into the Franz Josef sewerage scheme as a key issue. The proposed Bylaw supports the four community outcomes identified and assists in assisting and addressing a key issue identified within the LTCCP.

5. OPTIONS FOR ADDRESSING THE PROBLEM

A Waste Water Bylaw has been assessed as being the best way forward for addressing the problems that have been identified. Initially it was envisaged that a Trade Waste Bylaw would be necessary and such a Bylaw continues to be a possibility for the future. In the meantime the two particular issues that have been identified (stormwater infiltration and fat and grease build up) are the two particular matters that need to be addressed. Potentially an education programme among trade businesses could be of assistance but, in the longer term, a legislative approach is required because the Building Act does not provide sufficient controls once the building work has been completed.

6. ASSESSMENT OF OPTIONS

There are, essentially, two options for the Council. The first is to continue with the status quo and attempt to maintain an education programme going in the public arena which would result in an acceptable "buy in" from building owners as to the need to separate grease and fat and stormwater from waste water generated. Such an approach is recognised as being inadequate for the recalcitrant offender or for the building owner who simply does not understand the ramifications of activities and actions on the land.

The second option is the legislative approach as education and voluntary compliance is probably not able to be fully achieved.

7. IS THE BYLAW THE MOST APPROPRIATE FORM OF THE BYLAW:

Council's initial approach was to have a Trade Waste Bylaw. A Trade Waste Bylaw would generally be supported by a Waste Water Bylaw with the Waste Water Bylaw dealing with "domestic sewerage" and the Trade Waste Bylaw relating to trade wastes. The situation with the reticulated sewerage schemes operated by the Council is that there are very few "Trade Waste" issues and the problems highlighted relate to

stormwater infiltration and fat and grease build up. The most appropriate way to deal with the issues that have been identified is through a Waste Water Bylaw.

8. **HOW IS THE BYLAW GOING TO BE MONITORED AND ENFORCED;**

The proposed Bylaw will be monitored and enforced by Council officers either in the ordinary course of their duties or as part of a particular project.

9. **HOW IS THE EFFECTIVENESS OF THE BYLAW TO BE EVALUATED;**

The effectiveness of the Bylaw will be monitored by regular feedback and reporting by Council staff through Management Reports.

10. **NEW ZEALAND BILL OF RIGHTS ACT 1990**

The Council must determine whether the proposed Waste Water Bylaw 2010 gives rise to any implications under the New Zealand Bill of Rights Act 1990. Council have not identified any restriction set out of the proposed Bylaw that would impose any unreasonable limitation on any particular right set out in the Bill of Rights Act.

11. **CONSULTATION**

The Council has now reached the stage where the Special Consultative Procedures provided for within the Local Government Act can be proceeded with. The Council now proposes that the Westland District Waste Water Bylaw 2010 becomes a legislative instrument of the District. Public notice of the proposal to adopt the Bylaw will be given and the notice will invite participation and feedback on the Bylaw proposal.

The proposed Bylaw and any submissions received will be considered by the Council prior to the final consideration and adoption, amendment or discard of the proposed Bylaw at a regular Council meeting.

Submissions should be sent to the Westland District Council, Private Bag 704, Hokitika 7842, and the officer for enquiries is Richard Simpson.

A copy of the proposed Bylaw is attached.

Dated at Hokitika this 26th day of July 2010.

MEMORANDUM

DATE: 28 July, 2010
TO: Members of the Planning and Development Committee
FROM: District Planner

Rural subdivisions during the life of the current Operative District Plan 2002-2010

Introduction

As the Planning Department is moving through the stages of the review of the District Plan, it is useful to report on the activities that are occurring within the District and comments received from the community about those activities. This report constitutes part of this process and compiles information from our consents database, feedback received during recent presentations from community members to the Planning and Development Committee, on our issues and options report, during resource consent hearings, discussions with Planning staff, comments from Councillors, responses to our recent Township review as they pertain to the rural environment and comments from consent staff implementing the plan. It is intended to report on the extent of rural subdivision and provide a commentary on feedback.

Rural subdivision consent statistics

The Westland District Plan became operative in June 2002. Since this date, Council has processed 1202 consents. 439 consents were subdivisions and 293 of these consents, or 24%, have been subdivisions within the Rural zone.

It is important to note that these statistics represent the number of processed resource consents, rather than a documentation of the final number of allotments that have obtained title. A small number of consents have been granted that have not been given effect to. However, when considering the outcome of the District Plan, these unimplemented consents are relevant, as they represent granted subdivisions that, in the view of the Council, could proceed without further impediment. These consents would also have been considered by consent officers when processing other consents in the vicinity.

The subdivision numbers reflect development generally within the District, which has increased during the life of the plan. The numbers of rural subdivisions processed during each calendar year is depicted in Table 1 below. Development reflected the nationwide trend for lifestyle development, with rural areas in proximity to the coastal areas and rivers

becoming popular development areas for holiday homes and 'lifestyle blocks'. At the same time, rural land prices have increased, and it has become economic for farmers to sell off land that is unsuitable for grazing or for others to sell land for economic gain.

The majority of subdivisions involve the creation of 2 or 3 titles, however a small number of subdivisions created a larger number of allotments. These included 27 allotments at Jacksons, 21 allotments at Fox Glacier, and a 47 lot subdivision at Okuru that was partially located upon rural land. Other subdivisions have proceeded over a number of stages, such as at Kumara Junction, where 35 allotments have been created over 3 stages. Often subdivisions involve the creation of two new titles, with a very large balance allotment. In recent years, the size of the balance allotments has reduced as smaller blocks are re-subdivided.

Table 1 : Rural subdivisions processed to a decision within each financial year since the Plan became operative

Calendar year	Number of subdivisions granted
2001 (decision granted post June 2002)	9
2002	21
2003	24
2004	50
2005	50
2006	45
2007	47
2008	34
2009	19
2010	3

Of the above subdivisions, 12 were non-complying, all of which were non-complying due to reduced allotment size. Four of these subdivisions regularised existing occupations, one transferred land to neighbouring titles, three subdivisions occurred at Franz Josef, two of which were within the area now zoned as Franz Alpine Resort and one was immediately adjacent to that title. The remaining subdivisions occurred at Hannahs Clearing, Gillespies Beach, on Cook Flat Road, Fox Glacier, and at Jackson Bay.

As discussed above, subdivision pressure has occurred in the areas immediately adjoining existing settlements, such as along Cook Flat Road in Fox Glacier, and Haast Jackson Bay Road in Hannahs Clearing. Significant subdivision has occurred in the area north of Hokitika, with over 250 allotments created between Hokitika and Kumara Junction. These include 69 allotments at Awatuna and 38 allotments along Keogans Road. Rural residential development has also extended inland from Hokitika, creating approximately 50 allotments in Blue Spur, and 20 lots at Lake Kaniere. Further south, 44 allotments have been subdivided in the vicinity of Harihari, and 40 around Whataroa. In 2005 Plan Change 2 became operative, which rezoned 75 hectares of land from Rural to Tourist and Residential zonings at Stony Creek, Franz Josef.

94% of consents were processed non-notified with the remainder proceeding to limited or full notification. During the eight year period, Council declined four consent applications to subdivide. These applications related to land at Kokatahi, Tatara, Chesterfield and Mussel Point. The consents were declined for differing reasons, including rural productivity and the blurring of the edge of a settlement, rural amenity, landscape, hazard risk and precedent. Three of these consents were appealed to Environment Court, although only one proceeded to an Environment Court Hearing where the Court upheld Council's decision. The other two appeals were withdrawn after mediation. A further consent at Kokatahi was approved but appealed by affected parties.

Commentary

As shown by the small number of non-complying subdivisions relating to sub-sized allotments, the minimum allotment size of 5000m² has largely been upheld by Council, except in particular circumstances. The minimum discretionary allotment size was chosen to allow the disposal of small blocks of farmland without creating larger areas of land unmanageable as a 'lifestyle' block. This was reflected in earlier subdivisions of one or two blocks off large balance areas. However, as development pressure has increased, entire titles are being subdivided into allotments close to the 5000m² minimum. This has been criticized by some submitters as "the salami effect" where Council approves subdivisions into large allotments to retain rural amenity, but then these allotments are incrementally further subdivided and approved by Council as the land has already been subject to development. The alternative to this view is that the Plan directs Council to restrict development to areas already modified by development. The Planning and Development Committee has also received submissions relating to servicing difficulties created by "piecemeal" development.

Subdivision into allotments of around 5000m² over time can introduce a relatively dense population of new residents into an area. An example of this is the new allotments at Keogans Road and along Stafford Road at Awatuna. These residents often move to the area to enjoy a certain perception of rural living. Conflicts can then occur when residents of the rural area have differing views of what rural living is. This has been reflected in submissions from farmers adjoining proposed subdivisions who submitted concerns that the new residents would not expect standard farming practices such as tractor noise, calf weaning and fertilizer use. A particular submitter was concerned that health and safety practices of their farms would be affected through the introduction of pets, wandering children and poor fence maintenance. Similarly, communities such as the Waimea Catchment Board have identified concerns that the character of the area that they have located within to enjoy is being threatened by other activities within the rural area such as mining and land development. The introduction of additional people into the rural area can also strengthen the rural community. This is aided by the smaller allotment size, where people can experience the open space of the rural environment, without a large separation from neighbours, increasing interaction and cohesion.

The District Plan seeks to maintain and enhance the quality of the living, leisure and working environment, to protect significant landscape features, maintain the mountains to sea landscape south of the Mikonui, not detract from the natural character of the coast and maintain the character and amenities of the rural area. The discretionary status of subdivision within the rural area allows the suitability of the subject site for subdivision to be considered. The minimum allotment size of 5000m² is not always appropriate for certain sites, as shown in Council's decision to decline the Chesterfield Seaviews Ltd application which proposed allotments of between 3 and 5 hectares. Feedback received by the Planning and Development Committee from survey professionals, affected parties and other groups suggest that although the 5000m² is appropriate in many situations, the character of some areas subject to subdivision pressure was changing. In some areas, such as along the Arawhata River, the rural residential pressure is not visible from the roadway because of existing stands of vegetation. If the nature of the development altered, and land owners chose to clear all vegetation upon the land, the rural character of the area would be altered. Other respondents stated that as land development in Westland has been cyclical and is now slowing, retaining the 5000m² would be appropriate with the existing controls. Land developers have expressed a desire for more direction within the Plan as to where

subdivision is not considered appropriate, or certain mitigation measures, such as allotment size and design controls.

Dairy farming remains an important contributor to the Westland economy, and the performance of the dairy industry and consequent land prices for productive farm land is likely to have affected the subdivision of land. Consequently, subdivision has largely proceeded on land that is less suitable for farm development and Council is not aware of the subdivision of any large portion of a productive farm that has occurred during the past 8 years. This is also reflected in Council's decision to decline subdivisions on rural productivity grounds. Developers have requested that clearer identification of land classified as productive would assist directing development within the District.

Coastal subdivisions have occurred in all areas of privately owned land adjoined the coast: at Hannahs Clearing, Ross, Mananui, and north of Hokitika. This has generated comments from the community about the effects that this has on landscape values, water quality and the natural character of the coastline. Concerns have been raised about the protection of sites of historic and cultural importance being affected by earthworks involved in coastal subdivision. Similarly, members of the public have raised concerns that incremental subdivision along the coastline without a corresponding increase in formed/ identified access to and along the coastal marine area, can reduce the ability of the public to enjoy the coastline. The New Zealand Coastal Policy Statement addresses development within the Coastal Environment and is currently being reviewed by the Department of Conservation.

A number of subdivision decisions have allowed the waiving of esplanade reserves, or the alternative creation of esplanade strips of limited width. These decisions are made on a case by case basis and consideration is often given to the fact that the required esplanade reserve would be isolated. However, with incremental subdivision occurring, Council may be missing an opportunity to increase the access to and water quality of our waterways. It is unusual however, to completely waive the requirement for either a strip or reserve, unless legal road exists adjacent to the land. This ensures maintenance of the margins of waterways. Council does not currently have any funding for the enhancement of vegetation along water margins, although this can be sourced from other agencies.

Subdivision layout within the District has been largely conventional, with land being accessed either off existing roading infrastructure or from a central road access. Subdivision has generally followed landforms, although often more to achieve optimum viewpoints for dwellings, rather than to mitigate the visual effect of the subdivision. Over the last two years, two applications have been received that utilised "clustered" housing, where smaller allotments are created intended for residential use and held with larger balance allotments intended to be utilised as open space, native bush or to be farmed. One of these applications was approved in part and the other did not proceed to a hearing. There is scope for such developments to be proposed again within the rural zone or for Council to give stronger direction on the design characteristics it would like to see reflected within subdivisions as part of its assessment of visual and landscape effects.

Council has received few applications to clear significant areas of indigenous vegetation as part of subdivision applications, as if the vegetation exists, it is often retained as a feature of the subdivision. The vegetation clearance rules within the District Plan relate to a maximum clearance per certificate of title, so the subdivision of land allows for additional clearance "as of right" aside from the clearance necessary for access and building sites. Council has the ability to assess vegetation clearance at the time of subdivision.

The current commentary within the Plan on the "Land Resource (3.8) states "demand is not great for such development so undue constraint is not considered necessary given the benefit of attracting people to the District. The outer edges of settlements are however, defined to avoid unnecessary expansion onto rural land and ribbon development. Subdivision in the rural area down to 5000m² minimum lot sizes, controls residential development with regards to access and suitable lot sizes in accordance with market demand". Given the increased land development within the District, it has been questioned whether this statement remains valid.

Conclusion

During the 8 years that the District Plan has been operative, the rural environment of Westland has experienced subdivision pressure. Rural subdivision has occurred in the vicinity of existing townships and also along the coastal strips, especially to the north of Hokitika. Applications are generally for a small number of allotments and this incremental subdivision requires careful consideration of the effects during the processing of consents. Comments from the community are not unduly negative; however direct Council to continue to be mindful of the effects of subdivision within the rural area and to continue to provide clear guidance through the Plan to create consistent expectations within the communities.

Reccommendation:

That this report be received and the comments noted.

MEMORANDUM

DATE: 28 July, 2010
TO: Members of the Planning and Department
FROM: District Planner

Progress report and Priorities for District Plan Review

After discussion with Richard Simpson and Fiona Aston, it is suggested that the review of the Westland District Plan proceed in stages. The reason for this is that at the completion of the 12 year period the Council must notify any changes to the plan and also re-notify any sections of the plan that changes are not considered necessary. Given the previous timeframe directed from the Planning and Development Committee to prepare a draft of all changes by December, it is considered more efficient to review and prepare changes to the Plan in two stages. This will also allow for further research and discussion to be held on the more complex issues within the Plan Review.

The plan review has therefore been split into two groups, reviews to be undertaken by the next meeting, and reviews to commence in 2011. These are listed below:

- Review of Heritage provisions, including additional rule restricting demolition
- Review of existing noise rules
- Review of natural hazard information
- Review of Utility rules, including power generation and the new National Policy Statement and National Environment Standards.
- Review of general rules relating to amenity and reference to the Pounamu Management Plan.
- Review of hazardous substance rules including use of 1080.

Deferred reviews:

1. Review of Natural Environments and significant natural areas.

This has been deferred to allow for the release or further announcement on the Biodiversity National Policy Statement which is expected early next year, and to allow for further mapping and investigation to be undertaken.

2. Review of Landscape rules; and
3. Review of Coastal Environment Rules including revision of the coastal modification rule.

These reviews have been deferred to allow for further discussion and review to take place. Delaying the review may allow for further information to be provided at a national level, such as on sea level rise.

4. Completion of Township Reviews.

It is expected that the outcome of the other reviews may feed into the alteration of development within the Townships. We are also aware of community led structure planning taking place within Franz Josef which Council may wish to reference or incorporate into the District Plan.

Discussions have been held with Fiona Aston about utilising her as a consultant planner during the plan review process. It has been decided in light of department budgets to retain the majority of the work relating to the first review to be undertaken by the District Planner. Ms Aston has been engaged to begin the review on the Coastal Environment section of the plan.

Recommendation:

That this report be received and the process adopted.

MEMORANDUM

DATE: 27 July, 2010

TO: Members of the Planning and Development Committee

FROM: District Planner

Information on granted resource consents to reduce setbacks

At its last meeting, the Committee discussed the number of setback reductions being granted by the Planning and Regulatory department and how they were processed. For your information, I have attached a table indicating that since the Westland District Plan became operative, of the 1202 consents processed, 106 have included an application for setback reduction. There have been 63 discretionary setback encroachments, 1 controlled activity, and 42 non complying activities. The applications have been spread across all the zones, with the following consents in various zones listed in Table 1 below.

Table 1: Setback reductions by zone and consent type

Zone	Number of consents	Controlled	Discretionary	Noncomplying
Residential mixed	24	1	19	4
Small Settlement	23	-	6	17
Tourist	2	-	2	
Residential	5		5	
Rural	51		31	21
Total	106	1	63	42

Almost half of the setback encroachments were located within the rural area. The rural setbacks require 3 metre separation from rear and side boundaries, 10 metres from road boundaries and 20 from the State highway boundaries. Often consents are granted to position farm sheds adjacent to boundaries, which may be owned by the landowner but on a separate title. A large proportion of setback encroachments also occur within the Residential Mixed zone in Hokitika. Very few setbacks encroachments occur in the Tourist zone as there are no setbacks required unless the site borders the residential zone.

Recommendation: That this report be received.

GRANTED SETBACK REDUCTIONS SINCE 2002

Consent No	Applicant	Status	Type	Setback	Location	Town	Zone
60116	KA & LC Holland	Controlled	East	1m	74 Gibson Quay	Hokitika	Residential Mixed
100047	Natalie & Cyril Win	Discretionary	Front/Side	7m/2m	59 Back Creek Road	Woodstock	Rural
60097	Brent Kyle & Kelly Agnew	Discretionary	Front	3m	22 Dents Road	Kaniere	Small settlement
990034	Andris Apse & Lynette Bond	Discretionary	Front	6m	Town of Okarito	Okarito	Coastal Settlement
70127	The Church Property Trustees	Discretionary	Rear	2m	4 McFetrick Place	Franz Alpine Res	Residential
50001	Michal Winter	Discretionary	Side	1.2m	18 Alpine View	Hokitika	Residential
40117	Gary Scott and Jane Wellard	Discretionary	Front	1m	4 State Highway 6	Fox Glacier	Residential
50079	NJ & DM Lord	Discretionary	North	1.3m	51 Davie Street	Hokitika	Residential
70175	I & J Harrison Property Ltd	Discretionary	Front	7m	128 Brickfield Road	Blue Spur	Residential
80044	RPE Limited	Discretionary	Rear	1m	219 Hampden Street	Hokitika	Residential Mixed
40033	M D C & G J Dowell	Discretionary	Side/Rear	0.6m/0.1m	208-210 Revell Street	Hokitika	Residential Mixed
40014	Dave Manera	Discretionary	Rear/Side	1m/0m	76 Jollie Street	Hokitika	Residential Mixed
30101	Amanda Taylor Architect	Discretionary	Front	0m	68 Weld Street	Hokitika	Residential Mixed
20008	Hopkinson Team Architecture	Discretionary	Side/Front	.27m/3.4m	141 Bealey Street	Hokitika	Residential Mixed
10102	John Atkin	Discretionary	Front	3m	119 Park Street	Hokitika	Residential Mixed
1009	Jeffrey Mark & Rebek Geer	Discretionary	Rear	.5m	6 Dalton Street	Hokitika	Residential Mixed
1005	Mark Pfahlert	Discretionary	Front	.300m	Beach Street	Hokitika	Residential Mixed
990003	John Winsley	Discretionary	Side	Nil	16 Alpine View	Hokitika	Residential Mixed
990002	Paul Andrew Hewson	Discretionary	Rear/Side	1.5m/2.1m	188 Rolleston Street	Hokitika	Residential Mixed
980025	Glen & Heather Cooper	Discretionary	Front	1.5m	179 Jollie Street	Hokitika	Residential Mixed
980013	L C Lisle	Discretionary	Side	1.35m	214 Revell Street	Hokitika	Residential Mixed
20013	Raymond & Kyra Roberts	Discretionary	Rear/Side	1m/.3m/.3m/.2m	153 Sewell Street	Hokitika	Residential Mixed
30065	John & Diane Craig	Discretionary	Front	Nil	85 Bealey Street	Hokitika	Residential Mixed
40051	Davidson Trust	Discretionary	Front/Side	Nil	29 Revell Street	Hokitika	Residential Mixed
60117	KA & LC Holland	Discretionary	East	1m	74 Gibson Quay	Hokitika	Residential Mixed
60085	BA & JS Foster	Discretionary	Front	3.4m	45 Hoffman Street	Hokitika	Residential Mixed
70019	Hayden Simpson	Discretionary	Front	3.5m	148 Davie Street	Hokitika	Residential Mixed
70109	B Nicolle and M Laiter	Discretionary	Rear	1.4m	147 Weld Street	Hokitika	Residential Mixed

50118	I R & J P Harrison	Discretionary	Front	7m	Brickfield Road	Blue Spur	Rural
50098	P Salter and J Giddy	Discretionary	Side	2m	2113 Harihari Highway (Sh 6)	Harihari	Rural
50045	HR & JT Hamilton	Discretionary	Front	7m	5 Arthurstown Road	Hokitika	Rural
30110	Ian Robert Harrison	Discretionary	Front/Side	3m/2m	Brickfield Road	Blue Spur	Rural
20074	Jeffery Ronald Alsdorf	Discretionary	Front	17m	State Highway 6	Tatare	Rural
20059	Harvey Hutton & Patsy Nolan	Discretionary	MHWS	50m	Hannahs Clearing	Haast	Rural
10096	Hokitika Royal Society for Protection of Animals	Discretionary	Front	4.5m	Blue spur Road	Blue Spur	Rural
1053	Paul Linklater	Discretionary	Front		State Highway 6	Waitaha	Rural
1019	Alan & Marlene Chant	Discretionary	Rear	1.3m (Shed)	163 Cook Flat Road	Fox Glacier	Rural
990018	Barry Guise & Robyn Hoglund	Discretionary	Front	16m	State Highway 6	Paringa	Rural
990015	Keith Thomas Buchanan	Discretionary	Front	7m	Okuru	Okuru	Rural
980060	Rodney Freeman Giles	Discretionary	Front	13m	State Highway 6	Whataroa	Rural
980029	Alan Best	Discretionary	Front	8.3m	Blue spur Road	Blue Spur	Rural
930068	R J & B C Twidle	Discretionary	Front	8m	La Fontaine Road	Harihari	Rural
920026	G C Hutchison	Discretionary	North	1.5m	Ruatapu Road	Ruatapu	Rural
20031	Rae Janice Healey	Discretionary	MHWS	within 150m	State Highway 6	Awatuna	Rural
20091	Coastpak Holdings Limited	Discretionary	Side	2.4m	State Highway 6	Three Mile	Rural
30048	AM & SA Marshall	Discretionary	Off road	12m	Kokatahi Road	Kokatahi	Rural
40026	John Patrick Richards	Discretionary	Front/Rear/Side	2.6m/1m/0.5m	Franz Josef Highway	Franz Josef	Rural
40142	Sheree Judith Jones	Discretionary	Front	7m	Seddon Terrace Road	Rimu	Rural
50159	R G Cook	Discretionary	Side		29 One Mile Line Road	Kaihinu	Rural
60115	SB & GD Hall	Discretionary	MHWS/Front	1m	Kumara Junction Highway (Sh 6)	Awatuna	Rural
60157	D R Clendon & J L Lyall	Discretionary	Front	7m	Ruatapu Road	Rimu	Rural
70008	AD & JL Clarke	Discretionary	East	2.4m	Cook Flat Road	Fox Glacier	Rural
80021	Gerhard & Jennifer Fitzgerald	Discretionary	Front	5m	144 Greenstone Road	Kumara	Rural
80102	Stonewood Homes Westcoast	Discretionary	MHWS	100m	State Highway 6	Awatuna	Rural
90048	Matthew K & Zita E Moynihan	Discretionary	Side	2.4m	714 Kaniere-Kowhitirangi Road	Kowhitirangi	Rural
90063	Alan & Lynette Smith Family Trust & Gary Andr	Discretionary	MHWS	100m	State Highway 6	Awatuna	Rural
50158	R G Cook	Discretionary	Side	0.6m	29 One Mile Line Road	Kaihinu	Rural
20059	Harvey Hutton & Patsy Nolan	Discretionary	MHWS	50m	Hannahs Clearing	Haast	Rural/Res

20075	Kaniere Playcentre	Discretionary	Front	3.1m	16 Camp Street	Kaniere	Small settlement
20053	Ronald Joseph Schist	Discretionary	Front	3m	Old Kaniere Tram	Kaniere	Small settlement
10074	Tracey Schultz	Discretionary	Front	3m	Old Kaniere Tram	Kaniere	Small settlement
80083	Orange Homes West Coast Ltd	Discretionary	Side	0.5m	1/359 Kaniere Road	Kaniere	Small settlement
80071	Robert Beaton & Jacqueline Gray	Discretionary	Front	3.5m	91 Kaniere Road	Kaniere	Small settlement
90047	Kevin Longden	Discretionary	Front	3m	Back Creek Road	Woodstock	Small settlement
70133	Ray Mudgway	Discretionary	Front	2m	2 Donovan Drive	Franz Alpine Resc	Tourist
40027	Michael John Milner	Non-complying	Front	2m	88 Second Street	Kumara	Small settlement
100026	TYTM Developments	Non-complying	Front	Various	112 Sewell Street	Hokitika	Residential Mixed
60095	DI & VR King	Non-complying	Front	1.7m	237 Revell Street	Hokitika	Residential Mixed
80094	Silverline Properties Ltd	Non-complying	Side	1m	80 Park Street	Hokitika	Residential Mixed
90127	Jenich Properties Ltd	Non-complying	Side/Front	1m/2.34m	198 Weid Street	Hokitika	Residential Mixed
50015	M & V Gray	Non-complying	Front/Side	7m/2m	Jackson Bay	Haast	Rural
40082	Russell Cook	Non-complying	Side	1m	State Highway 6	Kaihinu	Rural
20095	Michael & Julie-anne Charles	Non-complying	Side	1m	State Highway 6	Tatare	Rural
10080	F Richard and Lorraine Molloy	Non-complying	Side	1m	State Highway 6	Waiho	Rural
10030	John Scott	Non-complying	Side	1m	Williams Drive	Fox Glacier	Rural
1045	Bushy Park Ltd	Non-complying	Front	1m	State Highway 6	Haast	Rural
1012	Kokatahi School	Non-complying	Front	2m	Kokatahi Road	Kokatahi	Rural
980049	C J Yeats & K W Greenscades	Non-complying	Front	5m	Stafford Loop Road	Awatuna	Rural
980048	Marie & Glenn Coburn	Non-complying	Front	2.5m	State Highway 6	Franz Josef	Rural
10104	Paul Davidson	Non-complying	Front	3m	Brickfield Road	Blue Spur	Rural
20015	Patrick & Anne Kennedy	Non-complying	Side	1.1m	Bird Road	Whataroa	Rural
20029	Hilary May Cave & Tony Raymond Pidgeon	Non-complying	Front	5m	Williams Drive	Fox Glacier	Rural
40029	Charles and Helen Walls	Non-complying	Front	4m	Seddon Terrace Road	Rimu	Rural
40134	Tim James Bolter	Non-complying	Front	3.2m	493 Stafford Loop Road	Stafford	Rural
40169	Alan Gregory and Mar Chant	Non-complying	Front	5m	167 Cook Flat Road	Fox Glacier	Rural
50150	S L Jolly	Non-complying	Side	1.5m	2C Takutai Road	Southside	Rural
60082	Kim Desmond Judd	Non-complying	Side	1m	476 Hau Hau Road	Kaniere	Rural
60083	PJ & KD Meates	Non-complying	Front	Less than 1m	70 Brickfield Road	Blue Spur	Rural
60168	M W & C M Hewer	Non-complying	Front	0m	South Turnbull Road	Okuru	Rural

70005	J K Carpenter & S M Kane	Non-complying	Front	Less than 1m	Woolhouse Road	Ross	Rural
70025	AV & CC Gastro-Best	Non-complying	Front	6.3m	649 Blue Spur Road	Blue Spur	Rural
80096	Simon Twigg	Non-complying	Front	2.2m	353 Kaniere Road	Kaniere	Small settlement
60043	J & K Rogers	non-complying	Front	0.95m	266 Kaniere Road	Kaniere	Small Settlement
90049	Simon Twigg	Non-complying	Front	2.2m	353 Kaniere Road	Kaniere	Small settlement
40034	Rodney Harrison	Non-complying	Front	2m	Kokatahi Road	Hokitika	Small settlement
20096	Kaniere Playcentre	Non-complying	Front	3m	16 Camp Street	Kaniere	Small settlement
10070	Peter and Carol Gray	Non-complying	Front	1.5m	24 Gow Street	Ross	Small settlement
10057	Ross School Trustees	Non-complying	Front	Nil	34 Moorhouse Street	Ross	Small settlement
1024	Rodney Edward Douglas	Non-complying	Front	2.4m	33 Moorhouse Street	Ross	Small settlement
990059	Kaniere Playcentre	Non-complying	Front	2.5m	16 Camp Street	Kaniere	Small settlement
990010	Margaret Wickett	Non-complying	Front	1.2m	Tui Street	Kumara	Small settlement
20090	IF Broughton & SH Lucas	Non-complying	Front	0.5m-1.5m	8 Stuart Street	Ross	Small settlement
50008	Orange Homes Limited	Non-complying	Front	Various	361 Kaniere Road	Kaniere	Small settlement
50114	Lorna P Clegg	Non-complying	Front	5m	110 Harihari Township Road	Harihari	Small settlement
60043	J & K Rogers	Non-complying	Front	0.950m	266 Kaniere Road	Kaniere	Small settlement
60140	Michael Komen	Non-complying	Front	2.6m	10 Whataroa Flat Road	Whataroa	Small settlement