

Grey District Council Resource Consent Application

Four-lot subdivision
88-90 Hall Street, Cobden



Reference: 4164

8/08/2024

Postal address: 92 Bibiana St, Aidanfield Christchurch 8025
Physical address: 1/16 Bernard St, Addington, Christchurch
p 03 335 0329 m 0274 987 240 access@landsurveying.co.nz

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1 Introduction

This application has been prepared in accordance with the Grey District Plan and Section 88 of the Resource Management Act 1991 (RMA). A description of the proposal and an assessment of the actual and potential effects on the environment have been included as required by the Fourth Schedule of the RMA 1991.

The applicant seeks subdivision consent for the four-lot subdivision of the land at 88 and 12 Hall Street, Cobden, Greymouth. The site has recently been developed and four new townhouses have been constructed. The fee simple subdivision will provide individual titles for the four residential sites.

The subdivision of the site has been assessed as a **discretionary** activity. Land use consent is also required due to non-compliances that have arisen due to the location of the new internal boundaries.

2 Prior Consents

Building consent was issued for each of the units that have been recently constructed on the site.

Unit 1 BC230092

Unit 2 BC230118

Unit 3 BC230119

Unit 4 BC230117

Land use consent (LU 3205/23) was issued for the construction of the four residential units (two per allotment) was issued in January 2024. The development of the site was considered a discretionary activity under Rule 16.7.iii – minimum residential area and Rule 24.2.6 – Queuing.

3 The Property

The proposed two-lot subdivision is of the land at 88 and 90 Hall Street, Cobden.

88 Hall Street

Legal Description:	Lot 25 DP 1561
Certificate of Title:	WS3C/322
Owners:	Housing New Zealand Limited
Area:	655m ²
Easements:	None

90 Hall Street

Legal Description:	Lot 26 DP 1561
Certificate of Title:	WS3C/323
Owners:	Housing New Zealand Limited
Area:	635m ²
Easements:	None

Grey District Plan

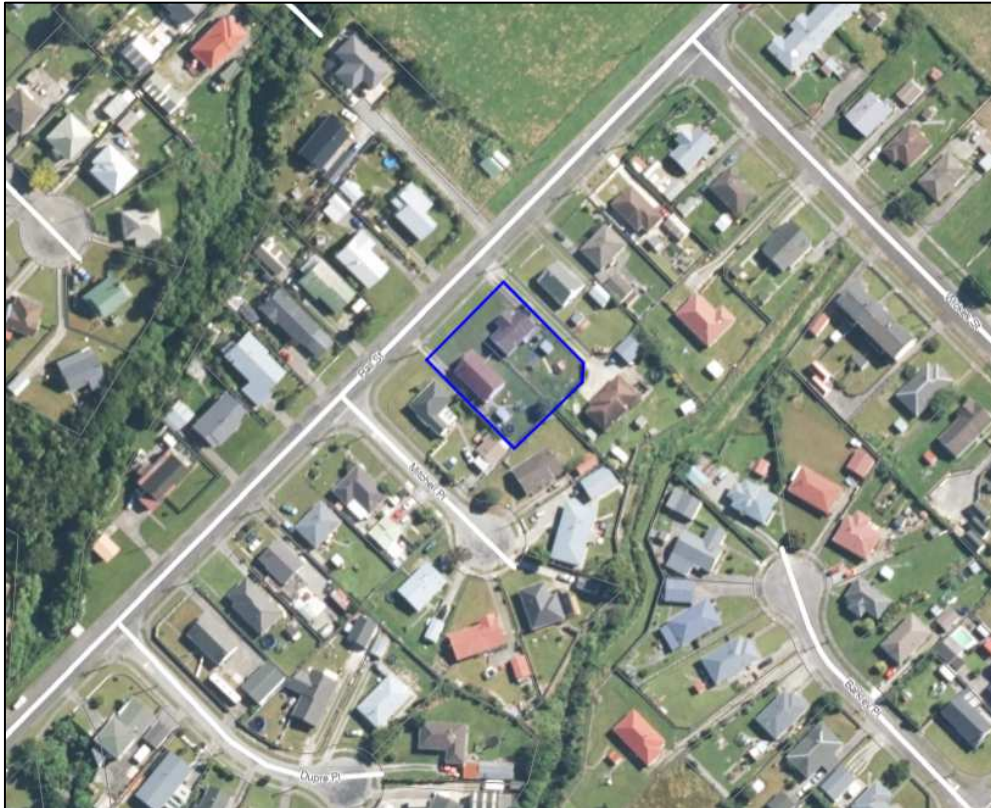
Zone: Residential Zone

Other notations: Zone 1 of the EQ Ground Shake Zones.
Orange Tsunami Evacuation Zone

Te Tai O Poutini Plan (TTPP) (Proposed District Plan).

Zone: General Residential Zone

Other notations: Coastal Environment
Pounamu Management Area



Aerial view of the property prior to it being developed

The site is located on the southern side of Hall Street. It is located within a residential area where there is a variety of different sized properties.

The site is over 600m from the coastline and there is an open watercourse/drain to the south-east of the site.

Aerial photography shows that each of the properties contained one residential dwelling. These have been removed and there are now four new townhouses that have been constructed on the site.

The Grey District Plan lists the site as being in Zone 1 of the Earthquake Ground Shake Zone and within the Orange Tsunami Evacuation Zone.

Under the Te Tai O Poutini Plan the site is located in the Coastal Environment Zone and the Pounamu Management Area.

There are no existing easements registered on the title.

3.1 Services

The site is fully developed and services have been installed as per the building consent. A new wastewater line with manholes was installed within the access lot and each of the four units connects to this line.

Stormwater is managed via soak pits within each of the four proposed allotments. The formed access drains to a double sump which discharges to a manhole within Hall Street. New water meters have been installed at the front of the properties within the road reserve. There is a meter box on either side of the new access and the water supply pipes run within the accessway.

Telecommunications and power supply is installed within the accessway and services each of the new dwellings.

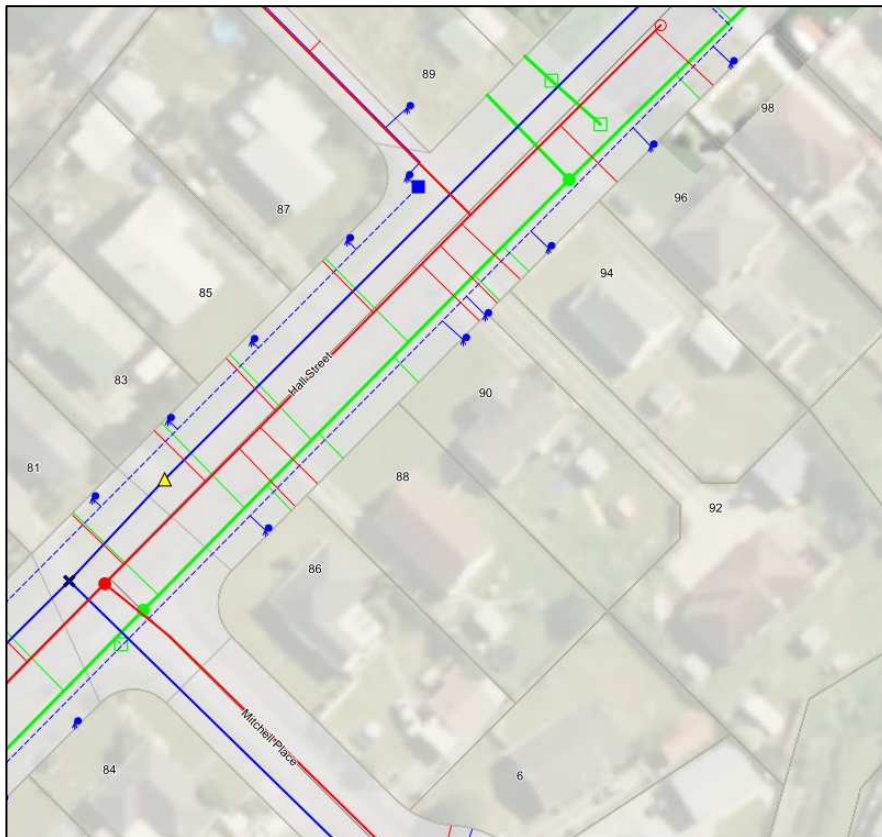


Image showing existing services, image from Grey District Council GIS Property Mapping. Aerial photo is prior to the site being developed.

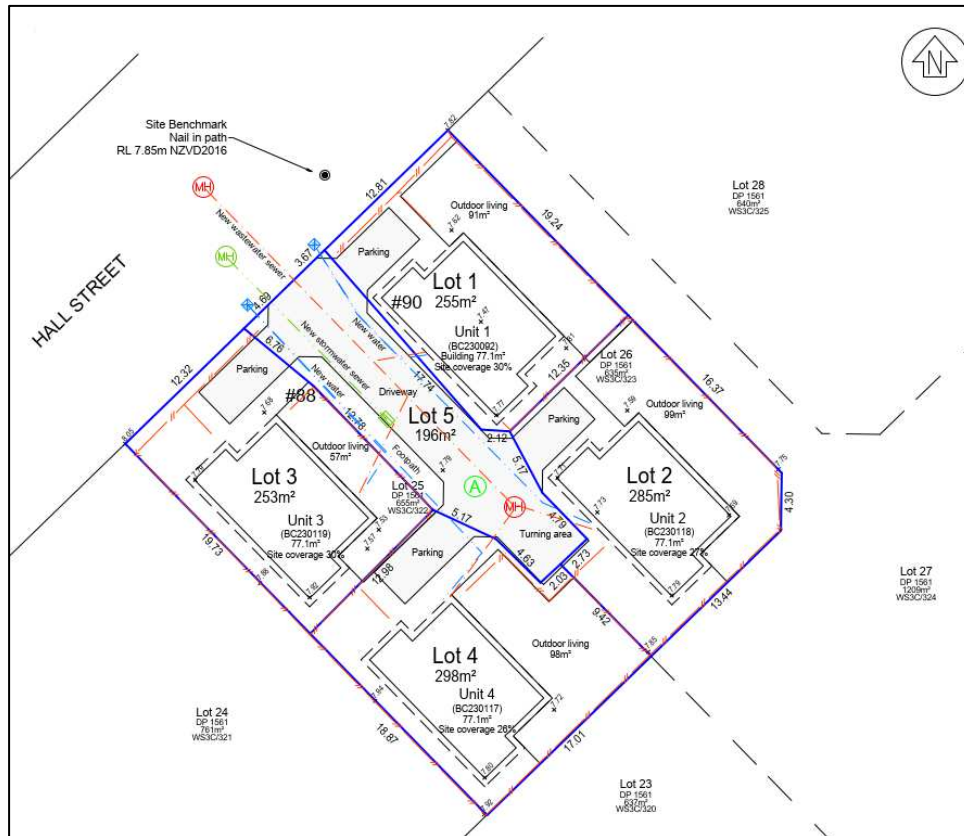
3.2 Geotech Report

No geotech report will be provided as the site is fully developed.

4 Description of Proposal

The proposal is to carry out a fee simple subdivision so that the four dwellings each have a free hold title.

An application plan has been prepared that shows the proposed allotments and the access lot that is to be held in common ownership by the four allotments.



Subdivision application diagram

4.1 Lot Sizes

It is proposed that the subject land will be subdivided as follows:

Proposed Lot	Total area (m ²)	Proposed Use
Lot 1	255	Residential
Lot 2	285	Residential
Lot 3	298	Residential
Lot 4	253	Residential
Lot 5	196	Shared access lot
Total	1,287	

The title area equates to 1,290m² and the total area of the proposed allotments is 1,287m². The difference is due to the rounding of the areas of the new allotments.

The final site dimensions and areas will be confirmed as part of the cadastral survey.

4.2 Access

A new shared accessway and concrete vehicle crossing has been constructed from Hall Street. This provides vehicle and pedestrian access to the four dwellings. A separate allotment is being created for the accessway and it will be held in shared ownership.

The access has a formed width of 4.70m, including the channel. The legal width varies but at the narrowest point it is 4.7m which is the turning area at the southern end.



Photo of the new vehicle crossing and access



Photo of the new access



Photo of the turning area at the southern end

The land use consent (LU 3205/23) for the development of the site assessed the proposal against Section 24 of the District Plan and identified that Rule 24.2.6 – Queuing was not met. Consent has been granted for this and the subdivision will not physically change what has been constructed on the ground so we believe that there will be no further non-compliances as a result of the subdivision.

4.3 Easements

There are no existing easements listed against the two properties. New easements will be created for the servicing of the site, refer to the application plan.

4.4 Parking

Each of the four allotments has an area for onsite parking. There is also parking available within Hall Street.

4.5 Development Contributions

The site is fully developed and development contributions are likely to have been dealt with as part of the previous consents.

Please assess if development contributions are required and advise if necessary.

5 Grey District Plan Assessment

The subdivision of any land is not a permitted activity so resource consent is required. We have assessed the proposal against the relevant sections of the Grey District Plan.

5.1 Subdivision Rules

Section 25 of the District Plan relates to subdivision.

25.2 CONTROLLED ACTIVITIES

Rule 25.2 lists subdivision as a controlled activity if it complies with the following standards:

25.2.1 Allotment Size

In the Residential zone, where public sewage is available the minimum net site area is 350m².

Does not comply – the proposed allotments are based around existing buildings. The proposed areas are between 253m² and 298m².

25.2.2 Water Supply

Complies – The site has been developed and the proposed allotments all have water connected to the town supply.

25.2.3 Stormwater

Complies – All of the dwellings have a soak pit that stormwater is discharged to. This was completed as part of the building phase for the development of the site.

25.2.4 Sanitary Sewage Disposal

Complies – A wastewater line has been constructed within the accessway that connects to the existing line within Hall Street. New laterals have been installed for each of the dwellings.

25.2.5 Energy Supply and Telecommunications

Complies – Electricity and Telecommunication services have been installed within the accessway to service the new dwellings.

25.2.6 Roading and Access Standards

For a private way that serves four units the legal width is required to be 4.0m and the carriageway width is required to be 3.0m. No turning area is required because the length is less than 50m.

Complies – The legal width is over 4.0m and the minimum formed width is 4.70 which includes the channel. The width of the asphalt is 4.45m.

25.2.7 Roading Agreements

Not applicable

25.2.8 Point Strips

Not applicable

25.2.9 Natural Hazards

The site has recently been developed and any natural hazards will have been assessed as part of the building phase.

25.2.10 Electricity Transmission Network

Not applicable

25.5 ASSESSMENT MATTERS FOR CONTROLLED AND DISCRETIONARY MATTERS

In considering whether or not to grant consent or impose conditions, the Council shall have regard to:

25.5.1 Allotment Size

While the allotment sizes are less than the minimum requirement, they are of sufficient area to effectively fulfil their intended purpose. Four new townhouses have been constructed on the site and the proposed boundaries follow existing fences and features to suitably define each site.

Subdivision of the developed site will allow for the issue of four fee simple titles and provides additional housing in the area.

Suitable access to each of the sites has been provided and they are all fully serviced.

5.2 Land Use Rules

Section 16 of the District Plan relates to the Residential Environmental Area.

16.7 RULES – RESIDENTIAL ENVIRONMENTAL AREAS

16.7.2 Minimum Residential Unit Area

Residential units are permitted if the minimum net site area is 300m² where adjoining sites are developed. Does not comply – The proposed sites are between 253m² and 298m². These are being developed as a Kianga Ora development and while they are less than 300m² they are suitable for the site and the kind of development.

16.7.3 Building Coverage

Buildings are permitted if the maximum site coverage is 50%.

The building plans show each unit to have an area of 77.1m². With the smallest allotment having an area of 253m² this is a site coverage of 30% which complies.

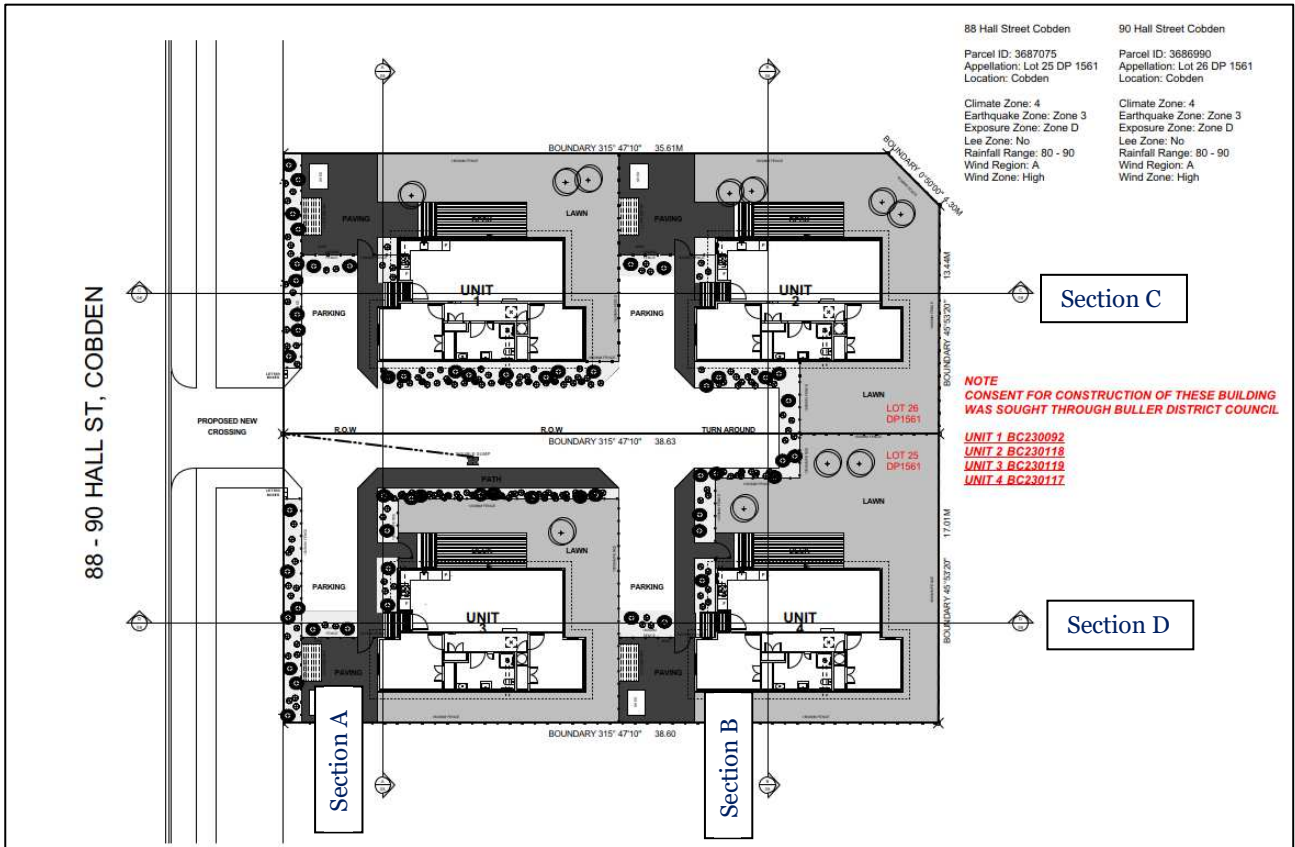
16.7.4 Set Backs

The buildings are all set back from the road boundary by more than 4.5m. There is no set back requirement for residential buildings from internal boundaries.

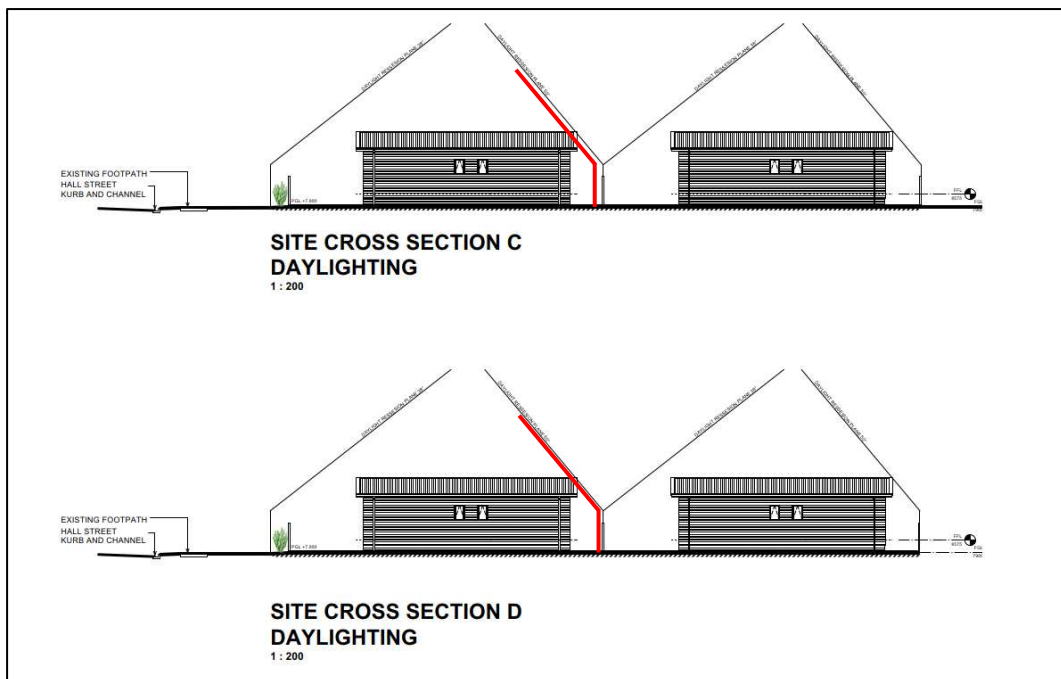
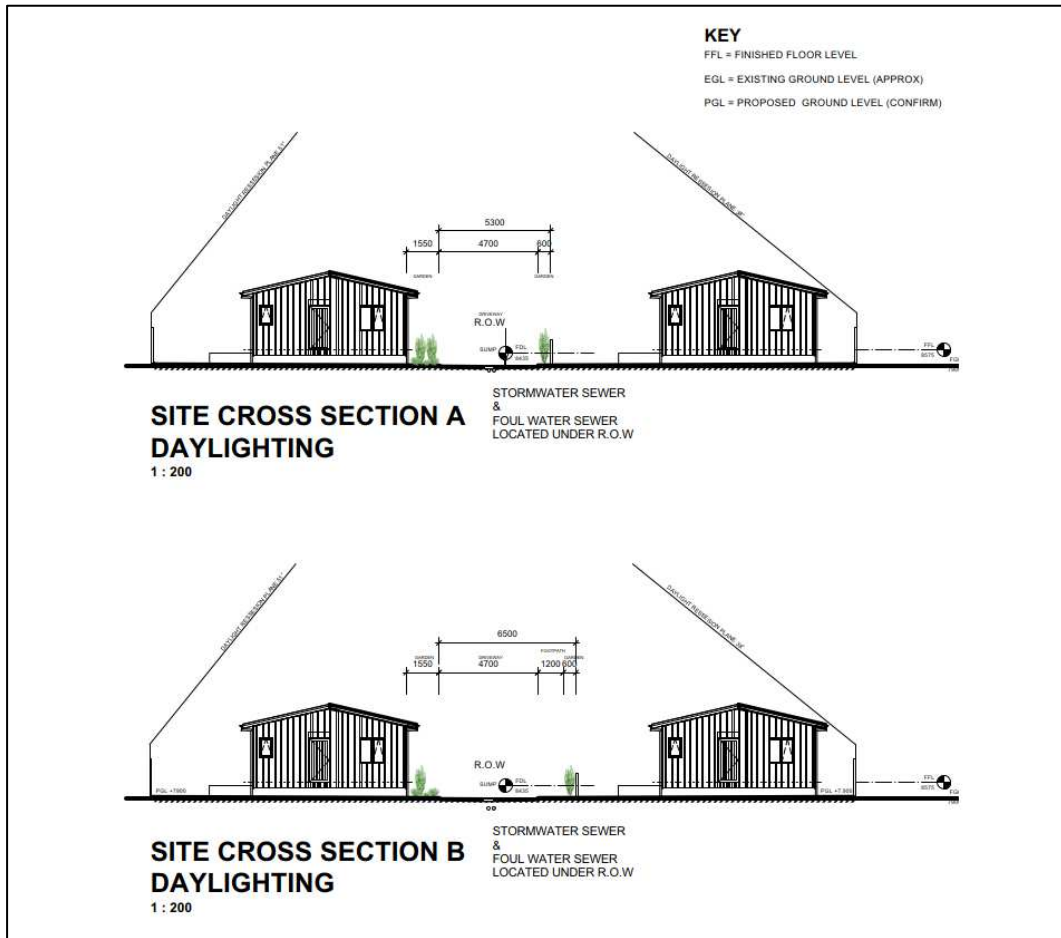
16.7.5 Height of Buildings

Buildings are permitted if they do not extend beyond a building envelope defined by recession planes. This was evaluated as part of the building phase of the development, see the following images.

The subdivision results in new internal boundaries between the buildings. Boundaries have been ground marked based on the new fencing, access, and parking spaces. This has resulted in the boundary between Lot 1 and 2 and Lot 3 and Lot 4 being closer to Lots 1 and 3 than that shown on the building plans. This will result in a breach of the daylight recession planes as indicated by the red lines on cross-sections C and D. The buildings are lawfully established and we believe that the result of this breach is less than minor.



Plan of the development from the building plans



Recession Plane diagrams from the building plans

Based on this assessment against the Grey District Plan we believe that subdivision and land use consent is required due to the non-compliance relating to the site sizes and the breach in the recession planes caused by the new internal boundaries.

6 Te Tai O Poutini Plan Assessment

The TTPP is the new proposed combined District Plan for the Buller, Grey and Westland District Councils. We have assessed the proposal against this plan also.

6.1 Subdivision Rules

SUB – R5 details the requirements for subdivision to create allotment(s) in the Residential Zones.

Subdivision is a controlled activity where:

1. This is not within a Significant Natural Area as identified in Schedule Four subject to Rule SUB - R7;

Comment – The site is not located within a Significant Natural Area.

2. This is not within one of the following locations in the coastal environment:

- i. Outstanding Natural Landscape as identified in Schedule Five;
- ii. Outstanding Natural Feature as identified in Schedule Six;
- iii. High or Outstanding Coastal Natural Character as identified in Schedules Seven and Eight; or

Comment – The site is located within the Coastal Environment Zone but is not located within any of the above.

3. This is not within an area of:

- i. Outstanding Natural Landscape as identified in Schedule Five;
- ii. Outstanding Natural Feature as identified in Schedule Six;
- iii. Sites of Historic Heritage as identified in Schedule One;
- iv. Any Flood Susceptibility, Flood Plain, Land Instability, Coastal Alert or Coastal Tsunami Hazard Overlay.

Comment – the site is not located in any of these areas.

4. This only occurs in the following sites and areas of significance to Māori identified in Schedule Three.

Comment – the site is not located in any sites of significance to Maori.

5. This is not within the Earthquake Hazard Overlay.

Comment – the site is not within any of these zones.

6. This is not within an area of Flood Severe, Coastal Severe or Westport Hazard Overlay or the Airport Noise Control Overlay.

Comment – it is no located within any of these overlays.

7. All Subdivision Standards are complied with; and

Comment – these are assessed below and they are all complied with.

8. The subdivision is in general accordance with any development plan in place for the site.

Comment – The subdivision is of a developed site.

6.2 Subdivision Standards

SUB – S1 to SUB – S11 address the standards required for subdivision. These are assessed in the table below:

Item	Requirement	Comment
SUB – S1 Minimum lot sizes	General residential is 350m ²	Does not comply
SUB – S2 Building platforms	Each allotment must provide a suitable building area	The site is already developed
SUB – S3 Water Supply	Each allotment must have a connection at the boundary	New services have been installed
SUB – S4 Stormwater	All allotments must provide for the means for stormwater disposal	New services have been installed
SUB – S5 Wastewater	All allotments must provide the means for disposal of wastewater	New services have been installed
SUB – S6 Transport and Access	All allotments must be provided with vehicular access to a road.	A new shared access has been constructed that provides access to all of the site.
SUB – S7 Energy Supply	For new allotments electricity supply must be provided to the boundary of each new lot.	New services have been installed
SUB – S8 Telecommunications	For new allotments telecommunication services must be provided to the boundary of each new lot.	New services have been installed
SUB – S9 Esplanade Reserves or Strips	N/A	
SUB – S10 Easements	Easements shall be provided where necessary	Refer to application plan
SUB – S11 Point Strips	N/A	

6.3 Land Use Rules under the TTPP

We will assess the proposed internal boundaries against the relevant standards.

GRZ – R1 lists the Residential Zone Standards.

Item	Permitted Activity	Comment
Density – Residential unit	No more than one unit per 300m ² net site area where two or more adjoining properties are being developed	Does not comply
Density – Minor unit	There is no more than one minor residential unit per site	Not applicable
Building Height	Maximum of 10m	Complies
Site Coverage	Maximum site coverage is 40%	Complies
Outdoor Living	A minimum of 30m ² of outdoor living space is provided per residential unit.	Complies
Services	Must have connection to services	New services have been installed as part of the development of the site.
Recession Planes	No building shall project beyond a building envelope defined by a recession plane	Complies – the breach as a result of the internal boundaries is consented by the developer as all the sites are in the same ownership.
Building Setback	Buildings are setback a minimum of 1.0m from all other site boundaries.	Complies – Proposed boundaries are at least 1.0m from a building.

Based on this assessment, under the TTPP we have assessed the subdivision and resulting land use non-compliance as a discretionary activity. This is due to the size of the proposed allotments.



Photo showing the outdoor living of Lot 4

7 Objectives and Policies

Regard must be had to the relevant objectives and policies in the District Plan. Below we have assessed the proposal against Section 13 of the Grey District Plan.

- **13.3 and 13.4**
Objective 13.3 is to ensure sites created by subdivision do not subsequently result in adverse effects on the environment which cannot be avoided, remedied or mitigated.
- **13.5 and 13.6**
Objective 13.5 allows for the adequate provision of services, infrastructure and access for sites created by the subdivision in a manner that avoids, remedies or mitigates adverse effects.
- **13.7 and 13.8**
Objective 13.7 is to contribute to the protection of conservation values and enable public access and recreational use of rivers, lakes and the coastal environment by the creation of esplanade reserves and strips in locations where required.

This is a subdivision of a developed site. Building consent was issued for the four new dwellings on the existing two sites. The servicing and infrastructure were all installed as part of the building phase and it is in an existing residential area.

The subdivision of the site is in keeping with the objectives and policies of the District Plan.

8 Statutory Requirements

The subdivision process needs to be in accordance with the relevant statutory requirements.

8.1 Resource Management Act 1991

8.1.1 Part 2 – Purpose and Principles

It is considered that the proposal is consistent with the RMA 1991.

The District Plan is considered to be the mechanism by which the purpose and principles of the Act are given effect to in the Grey District. The District Plan was competently prepared in a manner that appropriately reflects the provisions of sections 5-8 of the Act.

Accordingly, no further assessment against Part 2 is considered necessary.

9 Assessment of Actual or Potential Environmental Effects

The RMA 1991 requires the applicant to make an assessment of any actual or potential effects that the proposed works may have on the environment and the ways in which any adverse effects may be avoided, remedied or mitigated. The actual and potential effects on the environment from the proposal described in this application are identified below.

9.1 Servicing

The site is developed and fully serviced. The subdivision of the land will create internal boundaries around the existing dwellings.

9.2 Character and Amenity

The site is developed so there will be no effect on the character and amenity of the existing sites or the surrounding environment resulting from the creation of the internal boundaries.

9.3 Flora and Fauna

There is no known significant flora and fauna on the site.

9.4 Soil Contamination

The National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NESCS) came into effect in 2010. The standard is a nationally consistent set of planning controls and soil contaminant values. It ensures that land affected by contaminants in soil is appropriately identified and assessed before it is developed.

The NESCS applies to any piece of land on which an activity or Industry described in the current edition of the Hazardous Activities and Industries List (HAIL) is being undertaken or has been undertaken or is more likely than not to have been, undertaken on that land.

The proposal is for the subdivision of a developed site. There will be no soil disturbance or works that are likely to affect human health.

9.5 Natural Hazards

The site is not within any mapped hazard areas. Building consent was issued for the construction of each of the units and any hazards should have been assessed as part of the building consent.

The Grey District Plan maps the site as within Zone 1 of the Earthquake Ground Shake Zones which is a zone of low risk. It also maps it as being within the Orange Tsunami Evacuation Zone which is an area that could be affected by a large tsunami.

While there are low risks of natural hazards the site has recently been developed. This subdivision consent application simply seeks to separate the existing residential dwellings in order to issue individual titles.

9.6 Cultural Significance

The proposed subdivision is within a residential zone, on a developed site. There are no known cultural or archaeological sites on the land or in close proximity to the subject land.

The New Zealand Heritage List was checked for information about significant heritage places and no results were displayed for the site or in close proximity to the site.

10 Consultation

The site is fully developed and all of the residential units are under the same ownership. The results of any new non-compliances that result from the internal boundaries is consented by the owner and no further consultation is required.

11 Conclusion

The site is located within a residential area of Cobden in Greymouth. We believe that the subdivision of the site is a discretionary activity and land use consent is required due to the non-compliances relating to site size and recession planes.

The subdivision is of a fully developed site and it is considered that any effects resulting from the subdivision will be less than minor.

The dwellings have been lawfully established, and currently under the same ownership. This subdivision application is for the purpose of establishing a fee simple tenure for each of the two units.

Prepared by:



Carolyn Craik

Licensed Cadastral Surveyor

Appendix A
Record of Title



**RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD
Search Copy**




R. W. Muir
Registrar-General
of Land

Identifier **WS3C/322**
Land Registration District **Westland**
Date Issued 12 July 1973

Prior References
WS2D/357

Estate Fee Simple
Area 655 square metres more or less
Legal Description Lot 25 Deposited Plan 1561

Registered Owners
Housing New Zealand Limited

Interests
Subject to Part IV A Conservation Act 1987
Subject to Section 11 Crown Minerals Act 1991



**RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD
Search Copy**




R. W. Muir
Registrar-General
of Land

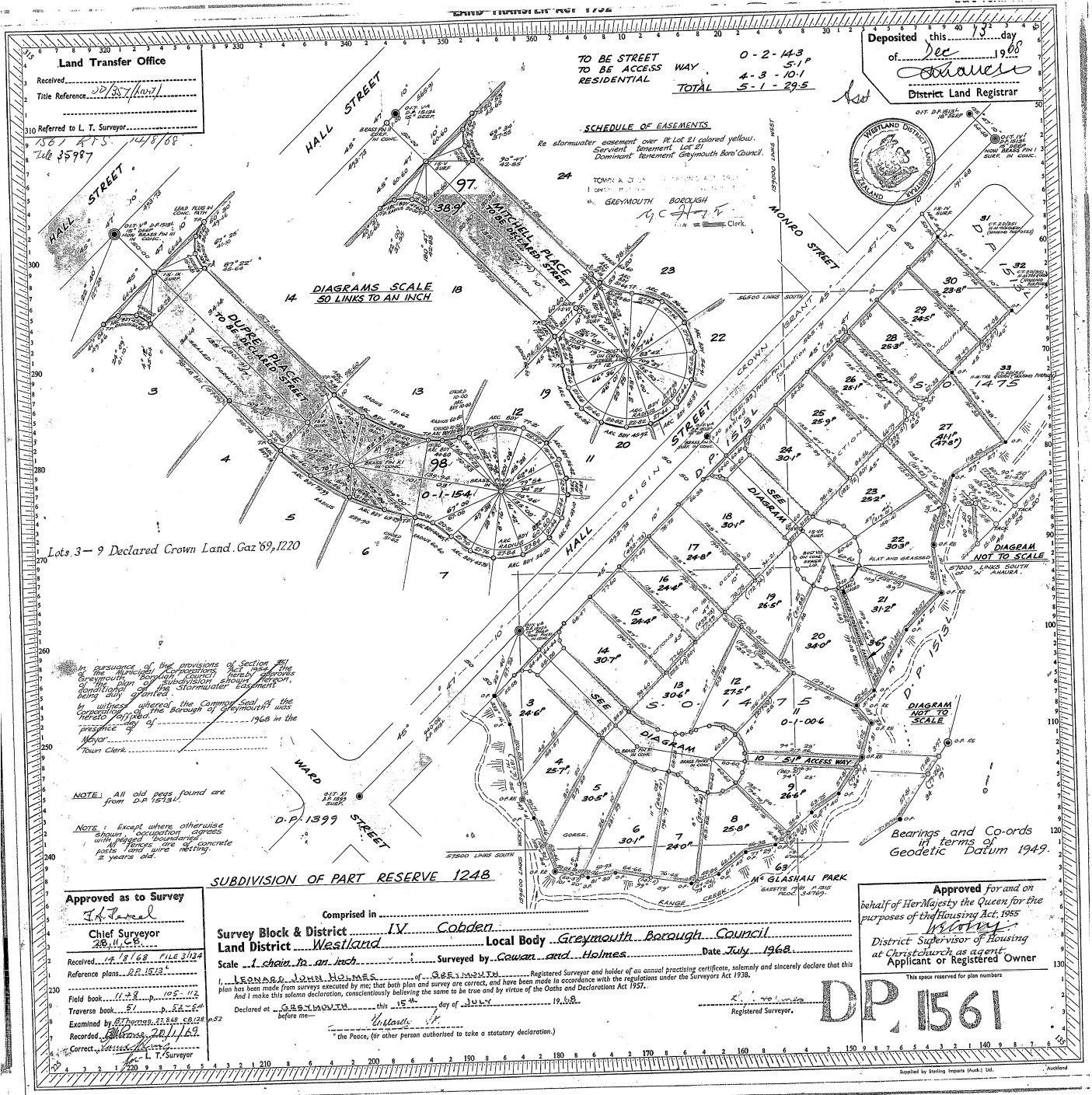
Identifier **WS3C/323**
Land Registration District **Westland**
Date Issued 12 July 1973

Prior References
WS2D/357

Estate Fee Simple
Area 634 square metres more or less
Legal Description Lot 26 Deposited Plan 1561

Registered Owners
Housing New Zealand Limited

Interests
Subject to Part IV A Conservation Act 1987
Subject to Section 11 Crown Minerals Act 1991



Deposited this 13 day
of Dec 1968
W. J. Holmes
District Land Registrar

TO BE STREET	0 - 2 - 14.3
TO BE ACCESS WAY	5.1
RESIDENTIAL	4 - 3 - 10.1
TOTAL	5 - 1 - 29.5

SCHEDULE OF EASEMENTS
Re stormwater easement over Pt Lot 21 colored yellow.
Servient Tenement: Lot 21
Dominant Tenement: Greyhound Barr Council.

Land Transfer Office
Received 20/12/1968
Title Reference DP 1561/1968
Referred to L. T. Surveyor 14/11/68
1561 R.T.S.
14/11/68
14/11/68

Lots 3-9 Declared Crown Land. Gaz 69,1220

In pursuance of the provisions of Section 111 of the Land Transfer Act 1925, the Mayor of the Borough of Greyhound Barr Council hereby declares that the plan of subdivision of part of Reserve 1248, being a plan of subdivision of land, and the conditions of the Stormwater easement being a plan of subdivision of land, in witness whereof the Common Seal of the Corporation of the Borough of Greyhound Barr Council is hereunto affixed, this 15th day of July 1968 in the presence of
Mayor
Town Clerk

NOTE: All old pegs found are from D.P. 15131.
NOTE: Except where otherwise shown, occupation crosses with pegs, boundaries with concrete posts, and concrete posts, range wire setting, 2 years old.

Approved as to Survey
W. J. Holmes
Chief Surveyor
28, 11, C.B.
Received 17.12.68 FILE 3124
Reference plans R.E. 15131
Field book 11.2.8 p. 102-112
Traverse book 11.2.8 p. 52-54
Examined by W. J. Holmes 23.12.68 SR/124 15/2
Recorded 20/11/69
Correct 20/11/69
L. T. Surveyor

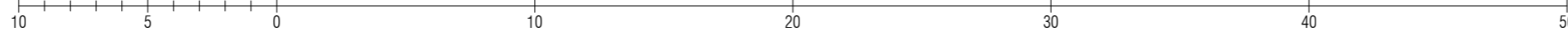
SUBDIVISION OF PART RESERVE 1248
Comprised in _____
Survey Block & District IX Cobden
Land District Westland Local Body Greyhound Barr Council
Scale 1 chain to an inch Surveyed by Cowan and Holmes Date July 1968
I, LEONARD JOHN HOLMES of GREYHOUND BARR Registered Surveyor and holder of an annual practicing certificate, solemnly and sincerely declare that this plan has been made from surveys executed by me; that both plan and survey are correct, and have been made in accordance with the regulations under the Surveyors Act 1938. And I make this solemn declaration, conscientiously believing the same to be true and by virtue of the Oaths and Declarations Act 1957.
Declared at GREYHOUND BARR this 15 day of JULY 1968.
W. J. Holmes
the Peace, (or other person authorized to take a statutory declaration.)
Registered Surveyor.

Approved for and on behalf of Her Majesty the Queen for the purposes of the Housing Act, 1955
W. J. Holmes
District Supervisor of Housing at Christchurch as agent
Applicant or Registered Owner

DP 1561

Appendix B

Application Plan



HALL STREET

Site Benchmark
Nail in path
RL 7.85m NZVD2016

(MH)

New wastewater sewer

(MH)

New stormwater sewer

New water

New water

New water

Footpath

Driveway

Parking

Parking

Parking

Parking

Parking

Parking

Parking

Parking

Parking

Parking

Parking

Parking

Parking

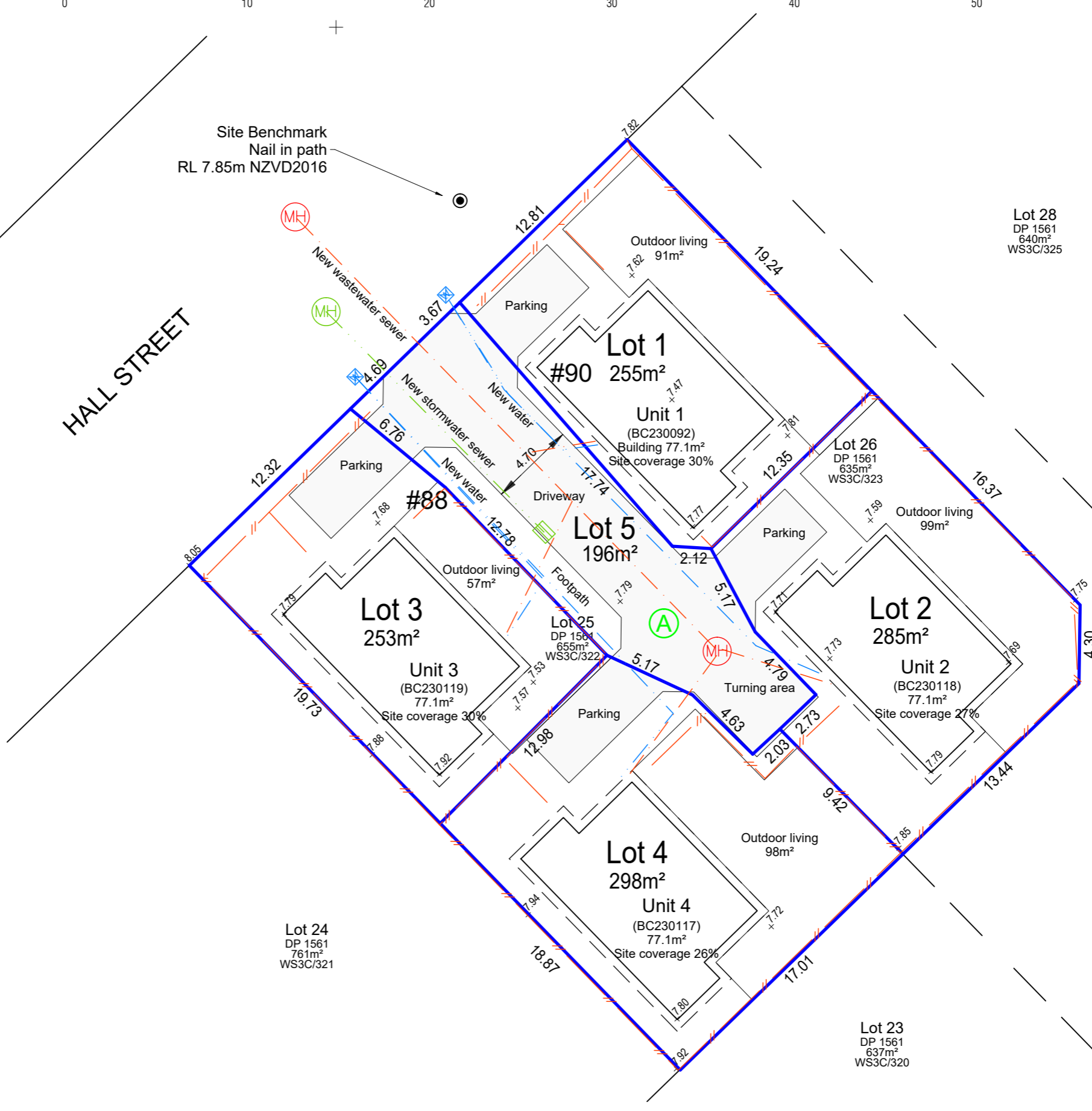
Parking

Purpose	Burdened Land		Benefited Land
	Shown	Lot	
Right to drain water & sewage	A	Lot 5	Lots 1-4
Right to convey water, electricity & telecommunications	A	Lot 5	Lots 1-4

Purpose	Burdened Land		Grantee
	Shown	Lot	
Right to convey electricity	A	Lot 5	Buller Electricity Ltd
Right to convey telecommunications	A	Lot 5	Chorus New Zealand Ltd
Right to drain sewage & water	A	Lot 5	Grey District Council

Notes:
Dimensions and areas shown are subject to cadastral survey & approval by LINZ.
The easement in gross to be granted to Grey District Council is subject to the stormwater and wastewater sewers being vested in Council ownership.

Amalgamation Condition
That Lot 5 Plan 607145 (legal access) be held as to four undivided one-fourth shares by the owners of Lots 1, 2, 3 and 4 Plan 607145 as tenants in common in the said shares and that individual Record of Titles be issued in accordance therewith. See LINZ request _____



Rev.	Description	Date
A	For information	05/07/2024
B	Add access lot	11/07/2024

Date: 05/08/2024	CT ref: see plan face	A3 Sheet
Surveyed: LH	Total area: 1290m ²	Revision B
Drawn: LS/CC	Client: Housing New Zealand	Sheet: -
Checked: RV	Scale: 1:250	Ref: 4164
Local Authority: Buller District Council		