

**RESOURCE MANAGEMENT ACT 1991****Decision of Marlborough District Council**

**RESOURCE CONSENT:** U180188

**APPLICANT:** Nelson Marlborough District Health Board

**LOCATION:** Hospital Road, Blenheim

**THIS IS THE DECISION ON THE APPLICATION FOR RESOURCE CONSENT:**

To subdivide Lots 1 and 2 DP 451179 into eleven allotments.

**DECISION:** **Granted**

**RESOURCE CONSENT ISSUED:**

Subdivision

## Certificate of Resource Consent

**Consent Holder:** Nelson Marlborough District Health Board

**Consent Type:** Subdivision

**Consent Number:** U180188

**Lapse Date:** This consent will lapse on 30 April 2023 unless given effect to prior to that date (i.e. the completed survey plan must be lodged for approval under section 223 Resource Management Act 1991 no later than this date).

Pursuant to sections 34A(1) and 104A and after having regard to Part 2 matters and sections 104 and 106 of the Resource Management Act 1991, the Marlborough District Council **grants** consent to subdivide Lots 1 and 2 DP 451179 into eleven allotments, subject to the following conditions imposed under section 108 of the Resource Management Act 1991.

### Section 223 Conditions

The following conditions of consent must be complied with to Council's satisfaction before a certificate is issued under section 223 of the Resource Management Act 1991.

1. The cadastral survey data set submitted for approval must conform with the scheme plan prepared by Ayson & Partners Limited (Job Reference 12648, dated 29 March 2016) attached to this consent, except where amended by the conditions that follow.
2. The right of way easements shown on the scheme plan must be set out in a Memorandum of Easements and attached as a supporting document to the cadastral survey data set. The necessary documents to create the easement(s) will be prepared by the consent holder. The costs of preparation and registration must be met by the consent holder.
3. Right to convey electricity and telecommunication easements in gross must be created where a cable is laid over a private property to service a different private property. This includes the electrical connection that services the hospital operation on Lot 11 which was installed in 2003 (transformer SUB3700CF) to supply the Hospice. The easements must be granted or reserved to the appropriate Authorised Utility Distributors (e.g. Marlborough Lines and Chorus) and must be set out in a Memorandum of Easements in Gross and attached as a supporting document to the cadastral survey data set. The costs of preparation and registration must be met by the consent holder.
4. All other necessary services easements must be set out in a Memorandum of Easements and attached as a supporting document to the cadastral survey data set. The necessary documents to create the easements will be prepared by the consent holder. The costs of preparation and registration must be met by the consent holder.

## Section 224 Conditions

The following conditions of consent must be complied with to the satisfaction of Council before a certificate is issued under section 224 of the Resource Management Act 1991.

### *Electricity*

5. The consent holder must provide Council with written confirmation from an Authorised Electricity Distributor that totally underground electrical reticulation has been provided to Lot 3 (beyond the right of way). If a site must be provided for a transformer it must be located within legal road.

### *Telecommunications*

6. The consent holder must provide Council with written confirmation from an authorised supplier that totally underground telecommunication reticulation (beyond the right of way) has been provided to Lot 3.

### *Stormwater*

7. The existing soak pits serving the existing dwellings must be located. Any soak pit that is not entirely within the lot associated with the dwelling must be decommissioned and replaced. A building consent will be required for any new soak pits. A plan showing all soak pit locations on each lot must be provided to satisfy this condition.

### *Access*

8. A minimum 3.5 metre wide concrete vehicle crossing must be provided from the kerb to the boundary of each allotment and must be in general accordance with Council's Code of Practice for Subdivision and Land Development, dated 26 June 2008. The consent holder must check the location, size and construction details with Council's Roding Authority prior to commencement of any upgrade or construction works. The consent holder must obtain confirmation from Council's Roding Authority following construction that they meet these standards, and provide a copy of that confirmation to Council.
9. Redundant vehicle entranceway(s) must be removed and kerb and channel, grass berm and footpath reinstated. The consent holder must obtain confirmation from Council's Roding Authority that any such works have been completed and meet the necessary standards, and provide a copy of that confirmation to Council.
10. The rights of way serving Lots 3, 4 and 5 and Lots 7 and 8 must be formed and two-coat sealed (or some other surface approved by Council) to a minimum drivable width of 2.5 metres. The services required within the rights of way to service lots beyond must be installed prior to right of way construction. All stormwater must be collected in a channel formed the full length of the rights of way and discharged to the stormwater soak pits designed to serve the rights of way. The rights of way and associated stormwater controls must be designed and certified by an appropriately experienced chartered professional engineer (or registered professional surveyor). On completion of the right of way, Schedule 1A, Schedule 1B and Schedule 1C from NZS 4404:2004 must be completed by the engineer or surveyor and provided to Council.

### *Water*

11. A water connection fee for Lot 3 must be paid. The amount payable is shown on the Connection Fee Assessment appended to this consent. The consent holder must make application, together with payment of the connection fee, to Council for the connection. The application must clearly show the proposed service position.

12. A 25 millimetre (internal diameter) water pipe must be laid within the right of way from the Council connection at the boundary and extended into Lot 3. A plan must be provided to Council showing the location and depth of the new water pipes.
13. A 25 millimetre (internal diameter) water pipe must be laid within the right of way from the existing Council connection at the boundary and extended into Lot 4 within the proposed right of way and connected to the existing dwelling. A plan must be provided to Council showing the location and depth of the new water pipes.
14. A 25 millimetre (internal diameter) water pipe must be laid within the right of way from the existing Council connection at the boundary and extended into Lot 8 within the proposed right of way and connected to the existing dwelling. A plan must be provided to Council showing the location and depth of the new water pipes.
15. A water connection fee for Lot 8 must be paid. The amount payable is shown on the Connection Fee Assessment appended to this consent. The consent holder must make application, together with payment of the connection fee, to Council for the connection. The application must clearly show the proposed service position.
16. A water capping fee for existing connection to Lot 8 must be paid. The amount payable is shown on the Connection Fee Assessment appended to this consent. The consent holder must make application, together with payment of the connection fee, to Council for the connection. The application must clearly show the proposed service position.
17. The existing water pipe work connected to the existing connection to serve each individual lot (i.e. Lots 1, 2, 4, 5, 6, 7, 8, 9 and 11) must be disconnected at the boundary of the adjacent lots so that the water passing through the existing connection to serve each individual only serves that lot. Written confirmation that the existing water pipe work has been so modified must be provided to Council.

***Other***

18. The consent holder must remove any structures that straddle the new lot boundaries. Any concrete that straddles any new boundaries (except where concrete is used on reciprocal right of ways) must be cut entirely through along the boundary line. The consent holder must provide written confirmation to Council that this work has been undertaken.
19. The consent holder must ensure that the legal road (including carriageway, kerb and channel, grass berm and footpath) has been repaired or reinstated to an acceptable standard following the installation of services and the entranceway as required by the conditions imposed hereon. The consent holder must obtain confirmation from Council's Roading Authority that all repairs and reinstatement of the road had been completed satisfactorily, and provide a copy of that confirmation to Council.

**Advice Notes**

1. A development contribution is payable for this subdivision. Development contributions are required by the Local Government Act 2002 and Council's Department Contributions Policy. An interim development contribution notice is appended to this consent, DC180062. The development contribution must be paid to Council before the issue of a certificate under section 224 of the Resource Management Act 1991. The Development Contributions Policy contains a review provision in section 8. Any request for a review must be in writing and must detail fully the reasons for the review. The request must be made to Council within fifteen (15) working days of receipt of a development contributions assessment notice.

2. The connection fee assessment is issued as DC180062.
3. A Carriageway Access Request (CAR) must be lodged with Marlborough Roads prior to any works within the road reserve, including the installation of services and vehicle entranceways.
4. Connections to water, wastewater, electricity and telecommunications have not been required for Lot 10 at this stage, but will need to be installed if further development is to occur.
5. Fire rating may be required on the existing building on Lot 6. Alternatively, appropriate modification will be required in order to bring this wall back to a complying clearance from the boundary so as to meet Council standards.
6. A building consent will be required for fire rating carried out and such will also be required for the potential drainage work associated with the proposed subdivision.
7. Marlborough Lines advise that it will require an electrical design to be undertaken and submitted for approval to ensure that a suitable power supply is maintained to all sections within regulation requirements.
8. Lots have been allocated street addresses as shown on the attached plan.

## Reasons

### Proposal

1. The applicant proposes to subdivide the existing seven residential units and one bare section of Lot 1 DP 451179, and to further subdivide a residential unit of Lot 2 DP 451179. This will lead to the creation of eight residential units, one bare section and the balance of two existing titles.
2. The eight existing residential units are connected to services and have access from Hospital Road.

### Description of Existing and Surrounding Environment

#### *Legal Description*

3. The subject land is contained in the Computer Freehold Registers 574890 and 574889 and are described as Lots 1 and 2 DP 451179. They are registered in the applicant's name, Nelson Marlborough District Health Board.
4. The titles are subject to a 99 year lease and a Section 77 Building Act certificate.

#### *Physical*

5. Council concurs with the site description provided with the application.

### Planning Provisions

6. The site is zoned Urban Residential 2 in the Wairau/Awatare Resource Management Plan (the Plan).
7. The application identifies that the activity complies with the controlled activity standards in the Plan. Council concurs.

8. The following rules are considered to be most relevant:
- Rule 28.2.2 of the Subdivision Chapter - Controlled Activity Allotment Standards - can be met.
  - Rule 29.2.17 of the Standard Requirements for Subdivision and Development Chapter - Site Development - Controlled Activity - can be met.
  - Rules 29.2.12, 29.2.13, 29.2.15 and 29.2.16 relating to servicing of the lots are also referred to in the application.
9. The subdivision is therefore a Controlled Activity.

### **Notification and Affected Parties**

10. As recorded in the notification decision prepared in accordance with sections 95 to 95G of the Resource Management Act 1991 (the Act), Council determined that the effects of the proposal on the surrounding environment will be no more than minor and that no iwi or other persons were considered affected.
11. Accordingly, Council has processed this application on a non-notified basis in terms of sections 95A, 95D and 95E of the Act.

### **Assessment of Effects**

12. As required under section 104(1)(a) of the Act, having had regard to the actual and potential effects on the environment of allowing the subdivision, Council is satisfied that the effects of the subdivision are acceptable for the following reasons:
- a) The proposed new allotments and rights of way meet the minimum controlled activity subdivision standards contained in the Plan.
  - b) The servicing of the proposed new lots will not impact on nor involve any other adjacent person.
  - c) Most of the proposed lots already have an existing building on them.
  - d) Subject to appropriate conditions, the lots will be suitably serviced.
  - e) The subdivision of Lot 1 from the main hospital title (Lot 11) will have no effect on hospital carparking as it has been fully developed with a house on it since pre-1938 (from the earliest aerial photograph Council has).
  - f) Reports have been provided by suitably qualified and experienced practitioners to satisfy Council that the risk to human health from contamination on the lots is highly unlikely.

### **Relevant Statutory and Plan Provisions**

#### ***Resource Management Act 1991***

13. Section 11 of the Act states that no person may subdivide land unless the subdivision is expressly allowed by a rule in a district plan or a resource consent. This resource consent is therefore required for the subdivision to proceed.
14. Section 104A of the Act states a consent authority must grant consent for a controlled activity, but may impose conditions if necessary. Council is satisfied that sufficient information has been provided to enable consent to be granted, with appropriate conditions.

15. Section 106 of the Act enables Council to refuse consent, or impose conditions if consent is granted, if it considers that the land or any structures on the land are likely to be subject to material damage. There are no known natural hazards that are likely to result in material damage to the new lots. Physical and legal access can also be provided to Council standards.

***Wairau/Awatere Resource Management Plan - Volume One  
Objectives and Policies***

16. The relevant objective and policies are found in Section 11.2 of the Urban Environments Chapter (Chapter 11) and in Section 23.5 of the Subdivision and Development Chapter (Chapter 23) of the Plan.
17. The Residential Environment (Chapter 11.2) provisions highlight Council's role in enabling people and communities to provide for their residential needs in the context of sustainable management of resources. The proposal contributes to the objective of providing for residential growth (Objective 1) and creates residential allotments within an area free from natural and physical constraints (Objective 2). The sizes and configurations of the proposed allotments are capable of providing for standard residential development with the associated level of amenities (Objective 4). All of the proposed allotments will be connected to Council services. The capacity of the existing network is, or will be shortly, capable of accommodating the additional demand without compromising community health standards (Objective 5).
18. In broad terms the objectives and policies of the Subdivision and Development Chapter (Chapter 23) seek to manage the effects of subdivisions in a comprehensive manner taking into consideration the natural and physical constraints (Objectives 23.2.1 and 23.3.1); the size, layout and servicing of allotments in minimising the adverse effects of future developments (Objective 23.4.1); and to ensure that the burden of mitigating the on-site and off-site effects of subdivisions, including demand on services, are borne by the developer.
19. In terms of the considerations required by section 104(1)(b) of the Act, it is concluded that the proposed subdivision is consistent with the provisions of the Plan, thus Council concurs with the application.

***Marlborough Regional Policy Statement***

20. The provisions of the Plan have been developed in conjunction with the Marlborough Regional Policy Statement and, as such, the Plan seeks similar environmental outcomes. It is not considered necessary to repeat the provisions of the Marlborough Regional Policy Statement here.

**Part 2 Resource Management Act 1991**

21. Council has taken into account the relevant principles outlined in sections 6, 7 and 8 of the Act and, in concurring with the application, it is considered that granting this resource consent best achieves the purpose of the Act as presented in section 5 of the Act.

**Consent Duration and Lapse Date**

22. The consent shall lapse on the date specified herein.

**Recommended for approval:**



.....  
**Ian Sutherland**  
**Resource Management Officer**

**Approved:**



.....  
**Anna Eatherley**  
**Marlborough District Council Manager Resource Consents**

*1<sup>st</sup> May 2018*  
.....  
**Date**



# Additional Important Information for Resource Consent Holders

The following information provided in this information sheet is a guide to the legal rights of applicants and submitters.

If you want to discuss matters raised in this information sheet you are welcome to contact Council. However, if you require specific advice you should contact an independent professional and refer to the relevant sections of the Resource Management Act 1991.

## Commencement of a Resource Consent

Refer to section 116 of the Resource Management Act 1991

- Where no submissions were lodged or any submissions were withdrawn, a resource consent commences, (and may be actioned) on the date of the receipt of the decision.
- Where submissions were lodged to the application, and not withdrawn, the resource consent commences once the time for lodging an appeal has passed, provided no appeals have been received, or when all appeals have been resolved or withdrawn.
- If the resource consent was for activities controlled by the district plan on reclaimed land or land in the coastal marine area, or a restricted activity; then there are specific provisions regarding the commencement of resource consent. These provisions are outlined in section 116 of the Resource Management Act 1991.

## Lapsing

Refer to section 125 of the Resource Management Act 1991

- If no lapse date is specified in the conditions of this consent, the consent will lapse 5 years after the decision date, unless the consent has been actioned (given effect to).

## Conditions of Resource Consent

Refer to section 108 of the Resource Management Act 1991

- If conditions are imposed these will be set out in the decision document.
- Please read your consent and ensure that you fully understand any conditions.
- If you have concerns with any condition(s), in the first instance you should discuss your concerns with Council, although an option may be to lodge an appeal or objection.
- It is a legal requirement that there be **compliance with** all conditions.
- If any conditions are contravened it may be that the Council or members of the public will initiate enforcement action (outlined in Part XII of the Resource Management Act 1991).

## Change or Cancellation of Conditions of Resource Consent

Refer to section 127 of the Resource Management Act 1991

- The consent holder may apply to the Council to change or cancel conditions of the consent, except a condition specifying duration.

## Monitoring Fees

Refer to section 36 of the Resource Management Act 1991 and the Council's Schedule of Fees

- The consent holder will be charged for actual and reasonable costs associated with the monitoring of this consent.

## Objections

Refer to section 357 of the Resource Management Act 1991

- In certain circumstances the applicant has the right to object to the Council's decision.
- Any objection shall be made in **writing** and will need to outline the reasons for the objection.
- An objection needs to be lodged with the Council within **15 working days** of the Council's decision being received by you or your agent.

## Appeals

Refer to Form 16 and sections 120 and 121 of the Resource Management Act 1991

- The applicant and any submitters have the right to appeal the whole or any part of the Council's decision, however there is no right of appeal against the whole or any part of the decision to the extent that the decision relates to one or more of the following, but no other, activities:
  - a) a boundary activity, unless the boundary activity is a non-complying activity;
  - b) a subdivision, unless the subdivision is a non-complying activity;
  - c) a residential activity as defined in section 95A(6), unless the residential activity is a non-complying activity.

A submitter can only appeal to the Environment Court if their appeal is related to a matter raised in their submission and their submission, or the part of their submission to which the appeal relates, has not been struck out under section 41D of the Resource Management Act 1991.

- A notice of appeal must be lodged with the Environment Court and the Council, within **15 working days** of the Council's decision being received (or received by your agent on your behalf). A copy also needs to be served on the applicant and submitters to the application within 5 working days of the notice being lodged with the Environment Court.

**Before lodging an objection or an appeal it is recommended that you seek professional advice.**

## Subdivision Consents

Refer to sections 223 and 224 of the Resource Management Act 1991

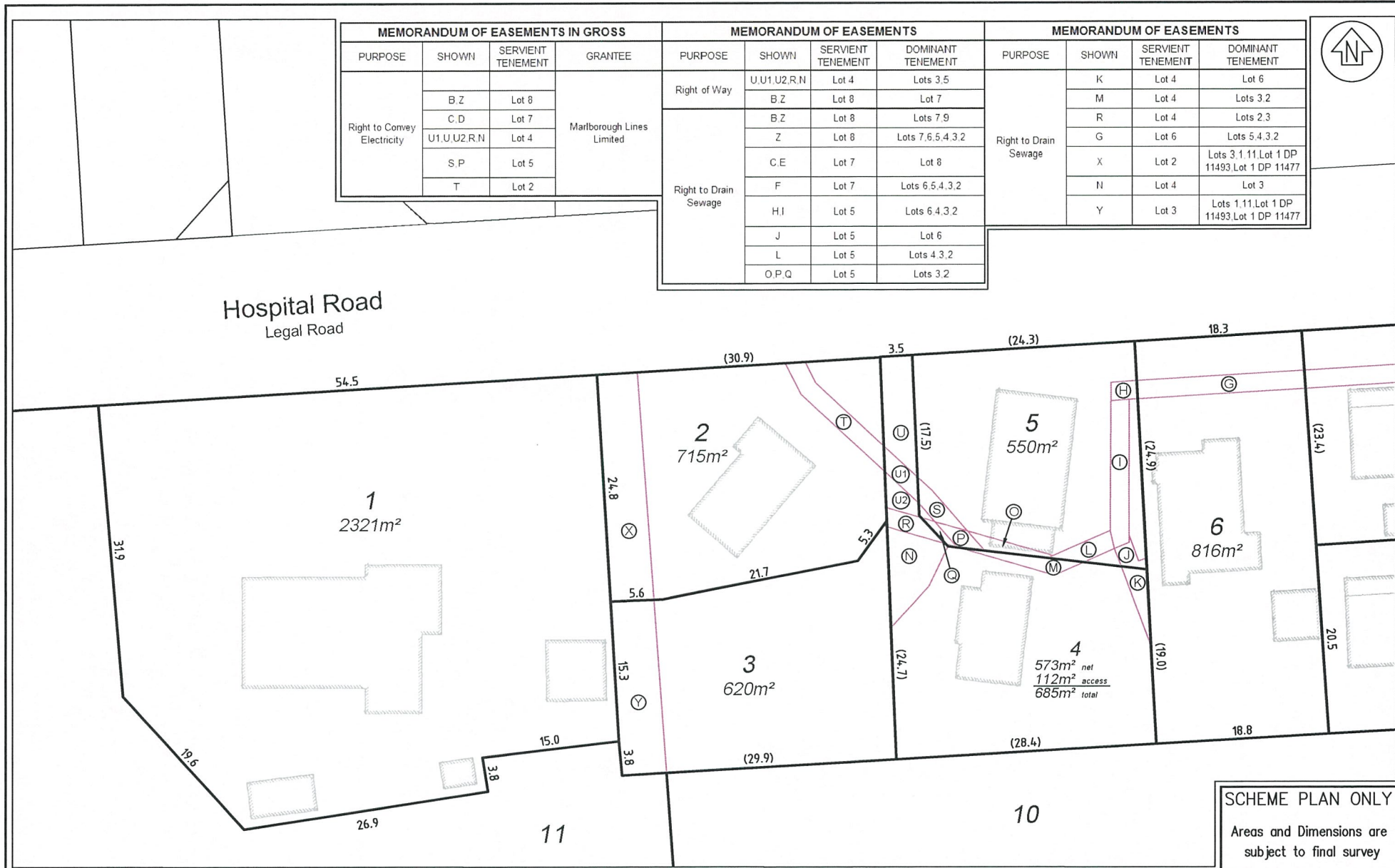
- If no lapse date is specified in the conditions of this consent, the consent will lapse 5 years after the decision date, unless the consent has been actioned (given effect to). The lapse date is subject to the provisions of section 125 of the Resource Management Act 1991.
- The consent holder has a further 3 years following the issue of the section 223 approval to obtain a section 224 certificate from Council and lodge the survey plan for deposit with Land Information New Zealand prior to the resource consent lapsing.
- Payment of any compensation due as a result of road vesting or esplanade acquisition will be made upon receipt of your invoice and evidence that the new certificates of title have issued with the esplanade strip agreement registered on them, or vesting completed.



MEMORANDUM OF EASEMENTS IN GROSS			
PURPOSE	SHOWN	SERVIENT TENEMENT	GRANTEE
Right to Convey Electricity	B.Z	Lot 8	Marlborough Lines Limited
	C.D	Lot 7	
	U1,U2,R,N	Lot 4	
	S.P	Lot 5	
	T	Lot 2	

MEMORANDUM OF EASEMENTS			
PURPOSE	SHOWN	SERVIENT TENEMENT	DOMINANT TENEMENT
Right of Way	U,U1,U2,R,N	Lot 4	Lots 3,5
	B.Z	Lot 8	Lot 7
	B.Z	Lot 8	Lots 7,9
Right to Drain Sewage	Z	Lot 8	Lots 7,6,5,4,3,2
	C.E	Lot 7	Lot 8
	F	Lot 7	Lots 6,5,4,3,2
	H.I	Lot 5	Lots 6,4,3,2
	J	Lot 5	Lot 6
	L	Lot 5	Lots 4,3,2
	O,P,Q	Lot 5	Lots 3,2

MEMORANDUM OF EASEMENTS			
PURPOSE	SHOWN	SERVIENT TENEMENT	DOMINANT TENEMENT
Right to Drain Sewage	K	Lot 4	Lot 6
	M	Lot 4	Lots 3,2
	R	Lot 4	Lots 2,3
	G	Lot 6	Lots 5,4,3,2
	X	Lot 2	Lots 3,1,11, Lot 1 DP 11493, Lot 1 DP 11477
	N	Lot 4	Lot 3
	Y	Lot 3	Lots 1,11, Lot 1 DP 11493, Lot 1 DP 11477

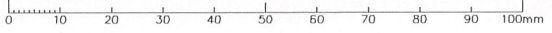


**SCHEME PLAN ONLY**  
Areas and Dimensions are subject to final survey

**Ayson and Partners Ltd**  
REGISTERED PROFESSIONAL SURVEYORS  
89 Middle Renwick Road  
P.O. Box 704  
Blenheim, New Zealand  
Ph 03 579 2906  
Email: office@ayson.co.nz  
www.aysonandpartners.co.nz  
Consultants in Surveying, Resource Management, Subdivision and Land Development

**LOTS 1 TO 11 BEING PROPOSED SUBDIVISION OF LOT 2 DP 451179 & LOT 1 DP 451179**  
COMPRISED IN : CT'S 574890 & 574889  
APPLICANTS : Nelson Marlborough District Health Board

SCALE (A3)		JOB NUMBER	
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DATE	SHEET	ISSUE	
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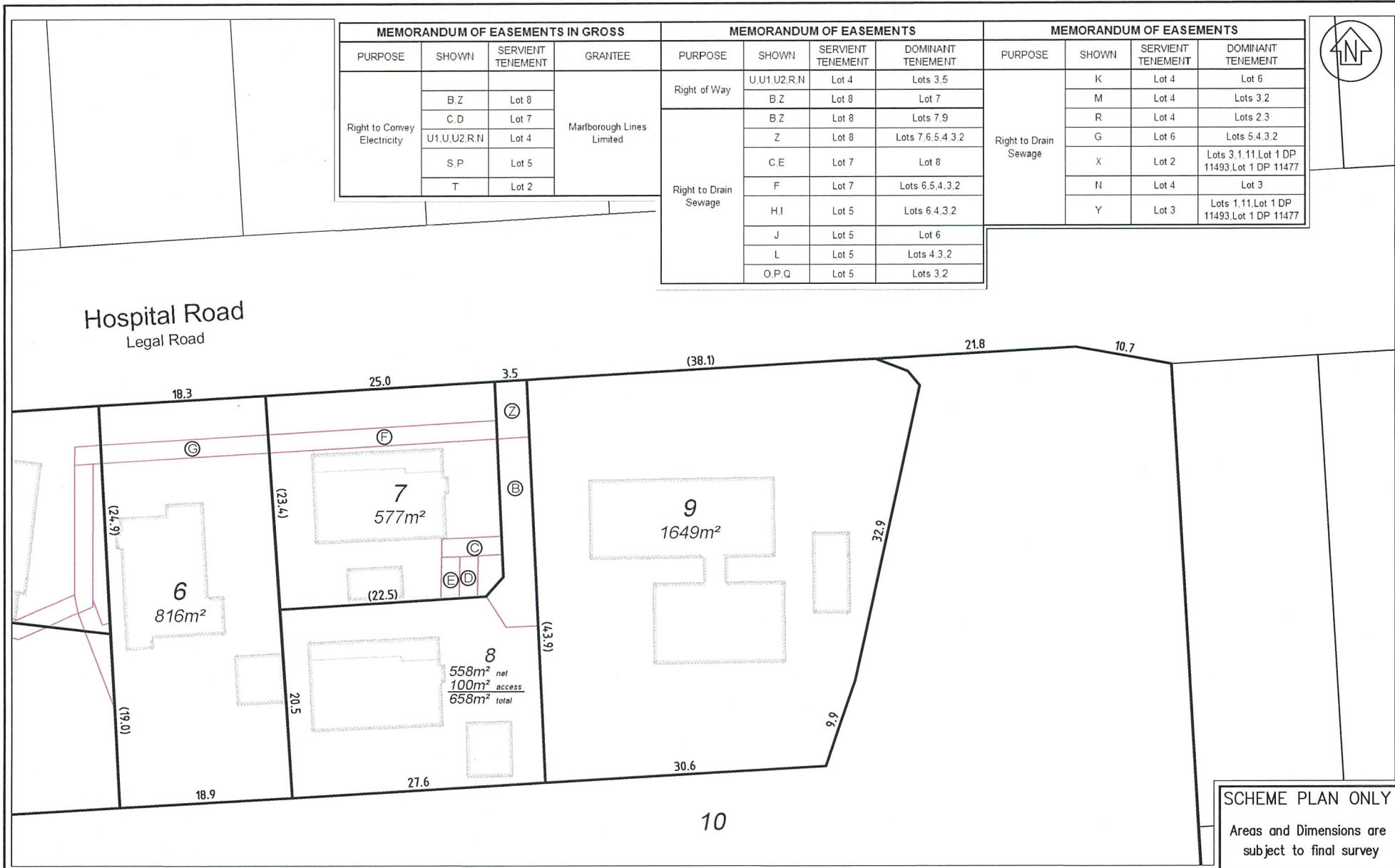


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MEMORANDUM OF EASEMENTS IN GROSS			
PURPOSE	SHOWN	SERVIENT TENEMENT	GRANTEE
Right to Convey Electricity	B.Z	Lot 8	Marlborough Lines Limited
	C.D	Lot 7	
	U1.U.U2.R.N	Lot 4	
	S.P	Lot 5	
	T	Lot 2	

MEMORANDUM OF EASEMENTS			
PURPOSE	SHOWN	SERVIENT TENEMENT	DOMINANT TENEMENT
Right of Way	U.U1.U2.R.N	Lot 4	Lots 3,5
	B.Z	Lot 8	Lot 7
Right to Drain Sewage	B.Z	Lot 8	Lots 7,9
	Z	Lot 8	Lots 7,6,5,4,3,2
	C.E	Lot 7	Lot 8
	F	Lot 7	Lots 6,5,4,3,2
	H.I	Lot 5	Lots 6,4,3,2
	J	Lot 5	Lot 6
	L	Lot 5	Lots 4,3,2
	O.P.Q	Lot 5	Lots 3,2

MEMORANDUM OF EASEMENTS			
PURPOSE	SHOWN	SERVIENT TENEMENT	DOMINANT TENEMENT
Right to Drain Sewage	K	Lot 4	Lot 6
	M	Lot 4	Lots 3,2
	R	Lot 4	Lots 2,3
	G	Lot 6	Lots 5,4,3,2
	X	Lot 2	Lots 3,1,11, Lot 1 DP 11493, Lot 1 DP 11477
	N	Lot 4	Lot 3
	Y	Lot 3	Lots 1,11, Lot 1 DP 11493, Lot 1 DP 11477



SCHEME PLAN ONLY  
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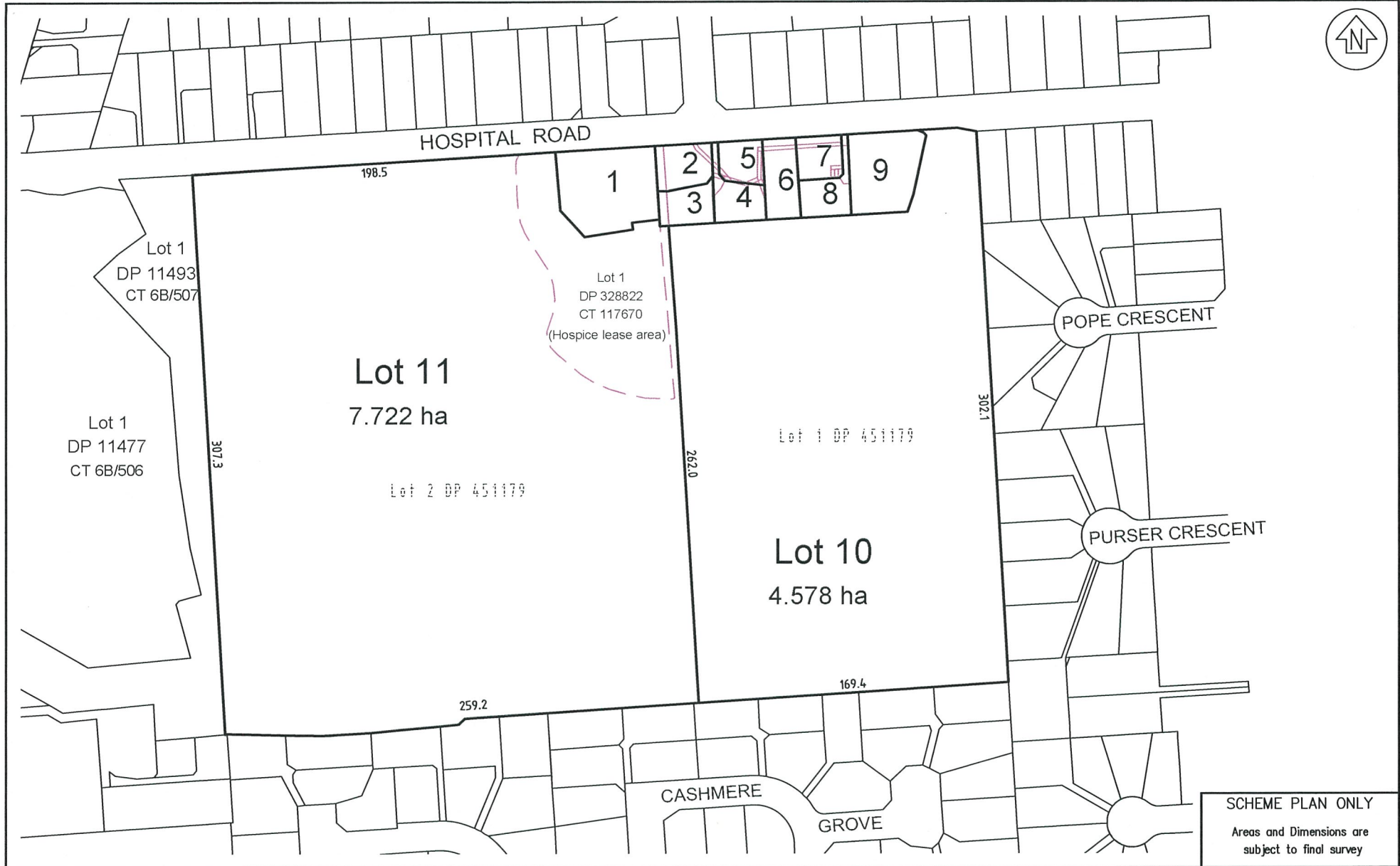
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**LOTS 1 TO 11 BEING PROPOSED SUBDIVISION OF LOT 2 DP 451179 & LOT 1 DP 451179**  
COMPRISED IN : CT'S 574890 & 574889  
APPLICANTS : Nelson Marlborough District Health Board

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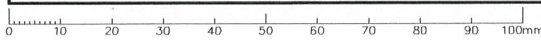




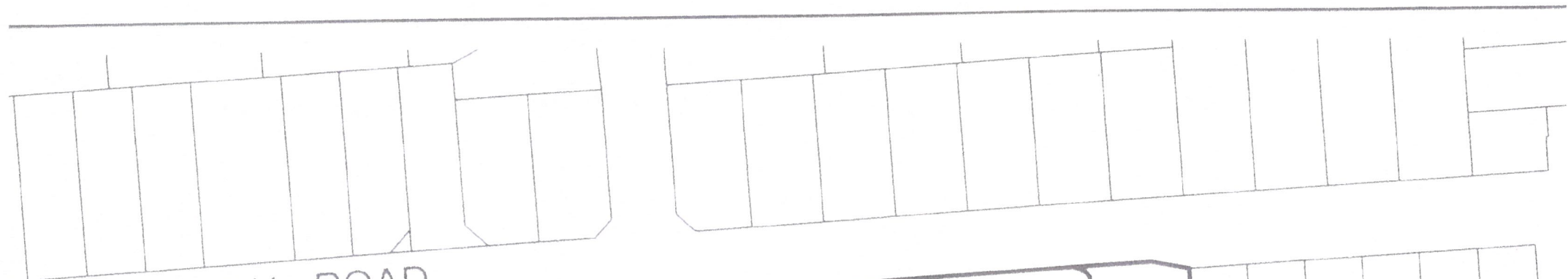
  
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 P.O. Box 704  
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 Email: office@ayson.co.nz  
 www.aysonandpartners.co.nz

**LOTS 1 TO 11 BEING PROPOSED SUBDIVISION OF LOT 2 DP 451179  
 & LOT 1 DP 451179**  
 COMPRISED IN : CT'S 574890 & 574889  
 APPLICANTS : Nelson Marlborough District Health Board

SCHEME PLAN ONLY			
Areas and Dimensions are subject to final survey			
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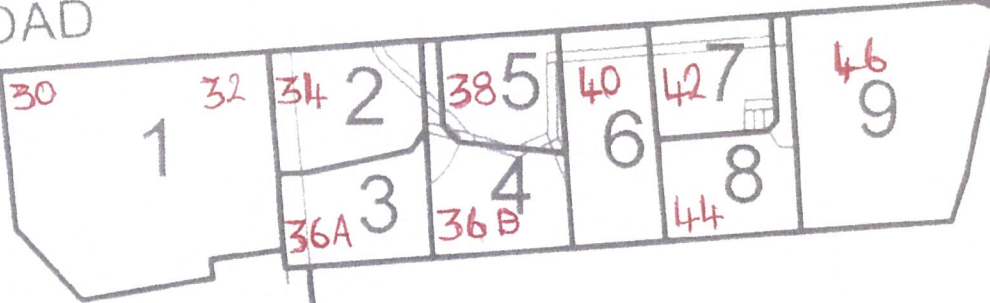


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HOSPITAL ROAD

0.5



Lot 1  
DP 328822  
CT 117670  
(Hospice lease area)

U180188  
Hospital Road Subdivision Addressing

12/4/2018

POPE CRES

ot 11  
722 ha

Lot 1 DP 451179

262.0

302.1

Lot 2 DP 451179