



STAFF REPORT

TO: Environment and Planning Committee

FROM: Mark Morris, Consent Planner, Subdivision

REFERENCE: RM041260

SUBJECT: **LUND AND BALCK – REPORT EP05/04/03** Report prepared for 15 April hearing

1. APPLICATION BRIEF

1.1 Proposal

The application is for a subdivision and land use consent.

The proposal is to subdivide Lot 8 DP 316070 of 3704 square metres into two allotments with a balance area being Lot 7 DP 316070 of 2376 square metres. Proposed Lot 1 has an area of 2150 square metres. Proposed Lot 2 will be 1554 square metres.

An earthworks land use consent is required for the construction of the site access and to create building platforms on each allotment.

A land use consent is also required to erect a dwelling on Lot 1 as it is within the Coastal Environment Area.

1.2 Location and Legal Description

The property is located on Nyhane Drive in Ligar Bay .

The legal description of the land is Lots 7 and 8 DP 316070 Certificate of Title NL 62901.

The existing title consists of two separate lots, Lot 7 DP 316070 which is further up Nyhane Drive and on more gently sloping ground and Lot 8 DP 316070 which is a steeper block to the west of Nyhane Drive. Even though these blocks are physically separated, they held together in one certificate of title.

The proposed subdivision will result in Lot 7 DP 316070 becoming a separate certificate of title and Lot 8 DP 316070 being split into two lots, Lot 1 of 1554 square metres and Lot 2 of 2150 square metres.

The main focus of this report is on the subdivision of Lot 8 into the Proposed Lots 1 and 2.

The site of the subdivision is relatively steep bluff that overlooks Ligar Bay.

The bluff and escarpment provide a clear demarcation between the more closely settled residential land on the coastal edge and the vegetated terrace which is zoned Rural Residential. In spite of its rural-residential (serviced) zoning, there has been little built development on this terrace with only about four dwellings over 10 hectares. Most of the building development is set well back from the coast, with virtually all buildings set back at least 300 metres from the coast.

The remaining area of the rural residential (Serviced) zone fronts on to the upper portion of Nyhane Drive. This is more gently sloping and has been largely subdivided to its potential under the zone rules, with most lots between 2500 and 3000 square metres

1.3 Zoning and Consent Requirements

The land is zoned Rural Residential (Serviced) (Ligar Bay) under the proposed Tasman Resource Management Plan. Under the operative Transitional Plan (Golden Bay Section) the land is zoned Rural Residential (RR/2).

Under the Transitional Plan the application would be considered to be a Non-complying activity in that the minimum lot size is less than 2 hectares and the average is less than 3 hectares.

The subdivision is considered to be a Discretionary Activity under the relevant rules of the Proposed Tasman Resource Management Plan in that the minimum lot size is less than 0.25 hectares required under the controlled activity rule 16.3.10 for the Rural Residential zoned land.

The subdivision is also a discretionary activity under 18.15.4, subject to the provision of a geotechnical engineering report confirming that each lot has a stable building site. The applicant has provided this.

The erection of a dwelling in the Slope Instability Hazard Area is a controlled activity subject to the provision of geotechnical report confirming suitability for building. However this does not apply if a report has been provided as part of the subdivision consent.

The proposed earthworks are a controlled activity under rule 18.6.9 of the Proposed Tasman Resource Management Plan.

The erection of a dwelling on Lots 1 and 2 is a controlled activity in the Coastal Environment Area under Rule 18.14.3 of the Proposed Tasman Resource Management Plan.

2. INTRODUCTION

2.1 The Proposal

The applicant wishes to subdivide the existing title into three allotments Lot 1 being 0.215 hectares, Lot 2 of 0.1554 hectares and a balance title being Lot 7 DP 316070 of 2376 square metres.

Until recently the site was covered in eucalypt trees. These have recently been removed and access logging tracks were put as part of the tree removal.

Because the site is within the Land Disturbance Area 2, these works would have required a land disturbance consent, but Council records do not show any consent was obtained or applied for.

During recent rain events some of the debris from the site works has spilled out on to Nyhane Drive itself.

The applicant is seeking to use some of this existing tracking to provide access to the proposed to the building site for Lot 1 and has provided an engineering report from Page and Associates showing how the building sites will be developed and accessed.

3. NOTIFICATION AND SUBMISSIONS

The application was publicly notified on 29 January 2005.

Nine submissions were received.

P Hutchinson

Opposed to the application, stating that:

- a) To allow less than the minimum land area for the rural residential zone sets a precedent for future development in Nyhane Drive and the rural aspect of the area will be lost.
- b) The proposed building sites will look down on to our property, which will mean a loss of privacy and loss of the spacious rural aspect of Nyhane Drive.
- c) The applicant has already destroyed much of the native vegetation on the property and has left the land in a "distressed state". It is an eyesore and there appears to be little intention of landscaping or revegetating the property.
- d) There have been a number of near misses at the intersection and the existing right-of-way. Any increase in traffic will add to that risk.

R C Price

Opposed to the application stating that:

- a) The application sets a precedent to other rural-residential land owners to subdivide their land.
- b) Bought into the rural-residential zone on the basis that rural-residential allotments could not be subdivided less than 2500 square metres.
- c) There should only be one dwelling on the site with the condition set down in 7.2 of the application.

H R Hart

Opposed to the application, stating that the subdivision is against the Council's District Plan and it leaves it wide open to other land owners to subdivide their rural-residential land. Only one dwelling should be allowed on the site.

P and T Tregoning

Opposed to the application for the following reasons:

- 1) The lot size is below the minimum size of 2500 square metres specified in the District Plan.
- 2) The proposal will have a visual impact on Nyhane Drive and it will be difficult to alleviate the visual effects by plantings.
- 3) Concerned about land disturbance on very steep slopes.
- 4) The proposal will set a precedent for further requests to subdivide rural-residential land in Nyhane Drive and the surrounding area.
- 5) Was attracted to the area on the basis of the semi rural atmosphere and the fact that the rural residential allotments were not going to be further subdivided into smaller blocks.
- 6) There is plenty of rural residential sections already available.
- 7) Do not agree that that the visual impact on the surrounding residences will be minor. Very sceptical about the proposals to revegetate the property, considering the existing state of the property. There already has been considerable erosion and sedimentation on the site which has brought debris down on to Nyhane Drive.
- 8) Only one dwelling should be allowed on the site and no dwelling should be in the area shown as Lot 1.

B D Parker

Opposed to the application, stating that the subdivision will set a precedent for the existing Nyhane Drive sections causing a significant increase in traffic on Nyhane Drive. The proposed entrance is on a blind bend that is an accident hazard.

The blind bend should be removed and the subdividing of Rural Land should be stopped.

Manawhenua Ki Mohua

Opposed to the application, in particular the lack of assessment of the effects on archaeological and cultural values and sites.

D and J McGettigan

Opposed to the application stating that the subdivision will create a precedent for similar developments in the area.

A second allotment would impact on our visual outlook and invade our privacy.

S and M Clark

Opposed to the application for the following reasons:

- 1) Bought our section in Nyhane Drive on the basis of the aesthetic values that come with the larger sections and fewer houses in the Rural-residential zone. If this application is approved then it would bring into question the whole of the integrity of the rural-residential zoning in the area. To allow smaller sections detracts from the aesthetic and landscape values of the rural residential zoning.
- 2) There are already many residential sections available in the existing residential zone in Ligar Bay. These are much easier to develop and require much less engineering than this site.
- 3) Disagree with the statement that the land is "comprehensively developed". The rural-residential zoning is specifically in place to limit further dividing of sections, in order to retain the rural character of the area.
- 4) Concerned about the poor state of the kerbing at the foot of Lot 8 since the section was cleared and the amount of debris left on the section and the road.

P A Spiers (Late)

Opposed to the application for the following reasons:

- 1) The area is zoned Rural Residential with a minimum lot size of 2500 square metres. The two proposed lots contravene this zoning.
- 2) Concerned about stability of the land. Erosion or subsidence of the lots should cut off the access to our property.
- 3) If there is any development on the site there should be no more than one dwelling on the site and no provision for further subdivision.

4. STATUTORY CONSIDERATIONS

4.1 Resource Management Act

Part II Matters

In considering an application for resource consent, Council must ensure that if granted, the proposal is consistent with the purpose and principles set out in Part II of the Act.

If consent is granted, the proposed subdivision must be deemed to represent the sustainable use and development of the land resource. The critical issue of this consent is the potential effect of that subdivision and development on the amenity values and the coastal environment.

These principles underpin all relevant Plans and Policy Statements, which provide more specific guidance for assessing this application.

Section 104

Subject to Part II matters, Council is required to have regard to those matters set out in Section 104. Of relevance to the assessment of this application, Council must have regard to:

- Any actual and potential effects of the subdivision and land use. (Section 104 (1) (a));
- Any relevant objectives and policies in the Tasman Regional Policy Statement, the Golden Bay Section of the Transitional Plan and the Proposed Tasman Resource Management Plan (Section 104 (1) (b));
- Any other relevant and reasonably necessary matter(s) to determine the consent (Section (1) (c)).

In respect of Section 104 (1) (b), the Proposed Tasman Resource Management Plan is now considered to be the dominant planning document, given its progress through the public submission and decision-making process.

Section 104B sets out the framework for granting or declining consent based on the status of an activity as set out in the relevant Plan.

4.2 Tasman Regional Policy Statement

The Regional Policy Statement seeks to achieve the sustainable management of land and coastal environment resources. Objectives and policies of the Policy Statement clearly articulate the importance of protecting land resources from inappropriate landuse and development.

Because the Proposed Tasman Resource Management Plan was developed to be consistent with the Regional Policy Statement, it is considered that an assessment under the Proposed Plan will satisfy an assessment against Policy Statement principles.

4.3 Golden Bay Transitional District Plan

The Transitional Plan now has little relevance to this application as the resource management based instruments have now effectively replaced this. The Transitional Plan contains objectives and policies that relate to the rural environment and the preservation of natural values in much the same way the current resource management documents do.

For that reason an assessment of the Transitional Plan Objectives and Policies has not been included.

4.4 Tasman Resource Management Plan

While the activity is being considered as a Non-complying activity under Transitional rules, the Plan that is most relevant in the assessment of this application is the Proposed Tasman Resource Management Plan. This is due to the progress of the proposed Plan through the planning process.

The most relevant Objectives and Policies are contained in: Chapter 5 'Site Amenity Effects' and Chapter 7 'Rural Environment Effects'. These chapters articulate Council's key objectives: To protect rural land from inappropriate subdivision and development and to ensure character and amenity values are maintained or enhanced.

The most relevant Rules which follow from these imperatives are contained in Chapter 16.3 'Subdivision' and Chapter 17.6 'Rural Residential Zone'. The assessment criteria set out in 16.3A, which are provided to guide Council in evaluating the proposed subdivision.

The rules for development in the Coastal Environment Area are covered in Section 18.14.3.

Detail of the assessment of the proposed subdivision and landuse consents in terms of these matters is set out in the chapters following.

5. ASSESSMENT

In accordance with Section 104 of the Resource Management Act, Council must consider the actual and potential effects on the environment of allowing the activity, have regard for any relevant objectives, policies, rules, and consider any other matters relevant and reasonably necessary to determine the application.

5.1 Assessment of Environmental Effects

Pursuant to Section 104 (1) (a) of the Resource Management Act, the following effects assessment has been set out. For the sake of brevity, both subdivision and landuse matters will be considered within the following assessment.

Rural Land Productivity

As the land is zoned rural-residential there is no intention under the Council's planning documents of protecting productive values. Therefore it is considered that the proposed subdivision will not affect productive values.

Traffic Effects

The property fronts on to Nyhane Drive which has been constructed to provide access to this area. There has been concern by submitters about the existing right-of-way access on to Nyhane Drive. This comes on to Nyhane Drive and at a very shallow angle, so traffic entering or existing the access, does not slow down, leading to potential for accidents. The way to alleviate this problem would be to realign the kerb and channelling so that the entrance enters the Nyhane Drive at right angles. This would force the traffic entering and exiting the access to stop and give way to the Nyhane Drive through traffic.

Servicing Effects

It is considered there are no major servicing issues with this subdivision in that the two lots can be serviced for sewer reticulation. The two lots could also be serviced for stormwater into the stream on the eastern side of Nyhane drive, though this would require specific engineering design to mitigate the adverse effects of runoff and sedimentation on the steep erosion prone site.

Rural Character and Amenity Values

The Council's policies and objectives on the Rural Environment seek to protect the rural environment from the adverse effects of activities including of subdivision and urbanisation and thereby maintaining and enhancing the rural character and amenity values of the area.

Amenity values, as defined in Section 2 of the Resource Management Act 1991, means:

"Amenity values" means those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes."

The creation of smaller residential lots, has the potential to detract from the amenity values of the property and the rural character of the surrounding environment.

There is significant concern amongst submitters that if the proposed subdivision is approved, it will adversely affect the rural residential character of this area and will create a precedent for further subdivision undermining the integrity of the rural residential zone.

I would agree with their concerns. Lot size is a key determinant of character and amenity and with this particular zoning (2500 m² minimum lot size), once you go well below that threshold lot size, you are essentially allowing residential development.

The minimum lot size is the critical part is retaining the rural residential character of the zone. As far as I am aware there have not been any other subdivisions in this particular zone that have gone below the minimum lot size. The zone has potential for further complying subdivision without having to go below the minimum lot size.

I accept that that even with complying subdivisions there will be a change in amenity to this area, but if the zoning is consistently applied, the area will still retain a lower density of development that makes it distinct from the residential zoned areas.

This proposed development will be more residential in character, in a highly visible position. The proposal involves extensive siteworks, that together with the narrowness and steepness of the site, make it virtually impossible to mitigate the visual effects of the built development.

The area of the subdivision, in spite of its rural-residential (serviced) zoning, has a high degree of natural and rural amenity, with a relatively low level of built development.

The Rural Residential zone minimum lot sizes for subdivisions act as a “density control mechanism” that, if consistently applied, should maintain the desired rural residential amenity that the Council planning documents are seeking.

If the subdivision was approved, then the integrity of the planning documents to maintain that rural amenity would be clearly undermined in that inevitably many other similar subdivision applications would seek similar treatment and lead to a cumulative effect on the existing rural character and amenity of the area.

5.2 Relevant Plans and Policy Statements.

The subdivision and resulting landuse activities must be deemed to be consistent with relevant objectives and policies pursuant to Section 104 (1) (c) and (d) of the Act. The most relevant Plan is considered to be the proposed Tasman Resource Management Plan and will be used in this assessment. Because this was developed to be consistent with the Regional Policy Statement, the assessment would also be considered satisfy an assessment under the Policy Statement.

The following summarises the most relevant plan matters and provides brief assessment commentary:

Chapter 5 - Site Amenity Effects Council must ensure that the rural residential character and amenity values of the site and surrounding environment are protected, and any actual or potential effects of the proposed subdivision must be avoided remedied or mitigated.

Objectives: 5.1, 5.2, and 5.3 As detailed in the assessment of effects (Chapter 5.1), there will be an effect of the proposed activity on character and amenity values. An additional allotment would be created in

Policies: 5.1.1, 5.1.3A, 5.1.9, 5.2.1, 5.2.7, 5.2.8, 5.3.2, 5.3.3, 5.3.5 a rural landscape, contributing to ‘ residential’ (as opposed to ‘rural-residential ’) character and amenity in the area.

Chapter 7 – Rural Environment Effects Rural character and amenity values must be maintained or enhanced.

Objectives: 7.1, 7.2, 7.3 The proposed subdivision is not considered to have an adverse effect on productive values.

Policies: 7.1.1, 7.1.2, 7.1.2A, 7.1.3, 7.2.1, 7.2.2, 7.2.4, 7.3.1, 7.3.3, 7.3.7, 7.3.8. Rural amenity values may be affected by the additional residential activity in the area. These matters are discussed in more detail in the assessment of effects (Chapter 5.1).

Chapter 10 – Significant Natural Values and Cultural Heritage – Archaeological sites of significance must be protected, including any sites of significance to Maori.

Objectives 10.1

Policies 10.1.3, 10.1.5.

Chapter 11 - Land Transport Effects The potential effects of the proposed subdivision on traffic safety must be avoided, remedied or mitigated.

Objectives 11.1, 11.2 The proposed subdivision and additional dwellings will result in additional traffic on to Nyhane Drive and the supporting roading network.
Policies 11.1.2B, 11.1.3, 11.1.4A. This matter is discussed in more detail in the assessment of effects (Chapter 5.1).

Chapter 16.2 Transport – Permitted activity performance conditions that manage vehicle access, parking and road standards are contained in this rule.

The standards can be met by the applicant, though further works may be required to meet sight distance requirements in 16.2.2.

Chapter 16.3 Subdivision – Requires Discretionary Activity resource consent for Rural Residential subdivision, namely the creation of allotments that will be less than 0.25 hectares.

Assessment Criteria: Rule 16.3A Assessment criteria set out in Rule 16.3A provide guidance in the assessment of the application. Matters most relevant to this application have been covered in the assessment of effects of this report (Chapter 5.1).

Chapter 17.6 Rural Residential Zone Rules – Any activity on the proposed lots is subject to permitted activity performance standards and conditions set out in Rule 17.6, Rural Residential Zone rules.

Chapter 7 *Rural Environment Effects* is concerned with the effects of land fragmentation on all productive land and the effects of subdivision and development on rural character and amenity.

Objective 7.2.0 sets out Council's intention to provide opportunities for rural-residential activities.

While it is accepted that the rural residential zones provide opportunities for rural residential living, it is the lot sizes that determine the character and density of development within these zones.

In 7.2.30 in the explanation of the rural residential zoning, it states that:

"The different Rural Residential Zone areas have different threshold subdivision sizes which take into account the character and attributes of the land (including servicing capability)."

In this case with this area, the availability of sewer servicing has allowed the smaller 0.25 hectare minimum lot size, but the rural residential character needs to be retained by ensuring each lot provides a rural residential amenity, envisaged by the zoning. It is considered that the proposed subdivision will not be able to achieve this.

Chapter 8 "Margins of Rivers, Lakes, Wetlands and the Coast." also has relevant objectives and policies that address subdivision and development in the coastal environment.

Objective 8.2.0 states:

"Maintenance and enhancement of the natural character of the margins of rivers lakes and wetlands and the maintenance of that character from adverse effects of the subdivision, use, development or maintenance of land or other resources, including effects on landform, vegetation, habitats, ecosystems and natural processes."

Relevant policies are:

8.2.6 To ensure that the subdivision, use and development of land is managed in a way that avoids where practicable, and otherwise remedies or mitigates any adverse effects, including cumulative effects, on the natural character, landscape character and amenity values of the coastal environment and the margins of lakes, rivers and wetlands.

8.2.7 To preserve the natural character of the coastal environment by avoiding sprawling or sporadic subdivision use or development.

It is considered that the proposed subdivision and development is contrary to these policies and objectives in relation to coastal subdivision and development.

In conclusion, it is considered that the proposed subdivision is contrary to the policies and objectives in Proposed Plan in that it seeks to further subdivide an existing rural residential block into residential sized allotments that is not envisaged in the Rural-residential zones.

5.3 Part II Matters

The proposed subdivision and associated landuse activities are considered to be inconsistent with the purpose and principles contained in Part II of the Resource Management Act.

Section 6(a) states as a “Matter of national Importance”:

“The preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and the protection of them from inappropriate subdivision, use and development.”

Clearly the site is within the coastal environment and it considered that the proposed development is inappropriate use and development , in that the coastal amenity values will not be retained or enhanced.

Section 6(b) states as “Matter of National Importance”:

“The protection of outstanding natural features and landscapes from inappropriate subdivision, use and development.”

It is considered that the Ligar Bay coastal area has outstanding landscape values and that the it is important that any subdivision seeks to retain those unique landscape values. It is considered that this subdivision is considered inappropriate in this regard.

Part II of the Act is concerned about “maintaining and enhancing amenity values” under Section 7 (c). As I have discussed earlier the proposal will adversely affect the open rural amenity of this area by introducing a higher density of residential development, that is incompatible with its Rural Residential zoning.

It is considered that the application is not consistent with the Act’s purpose of achieving the sustainable management of natural and physical resources.

5.4 Other Matters

Precedence and Cumulative Effects

Precedence in itself is not an “effect” but the subsequent approval of this subdivision is likely to lead to lead to other similar applications from Rural Residential properties each wanting like treatment. This can lead to a cumulative effect that is very much a relevant adverse effect under Section 3 (d) of the Act.

In resource management terms, the cumulative effect of establishing a pattern of consent decisions based on other applicants wanting similar outcomes, can have adverse effects on significant resource management issues.

In the case of this application to subdivide, the key issue is the potential for a cumulative loss of rural character and amenity values associated with more dense residential development in the rural landscape.

The issue of "precedence" must be acknowledged in practical terms as giving rise to cumulative adverse effects.

- Applications for consent are lodged on the basis that consent to previous applications have been granted under like conditions.
- Council can expect pressure to act consistently in its application of Plan objectives, policies, rules and assessment criterion. That is, Council is expected to be consistent in its decision-making.

In the *Corsan v Taupo District Council*(RMA 058/01) case the Court found that the integrity of the plans and the consistent administration of the planning documents was an important issue. In his conclusion Judge Whiting states:

"We find that the integrity of the plans and confidence in their consistent administration is the major determinant in this case."

This was in a case where the application only involved one additional allotment of around 2 hectares in an area where the minimum lot size is 4 hectares as a discretionary activity under the Proposed Plan.

In this case we an application to create allotments that are effectively residential allotments. Clearly the integrity of the Rural Residential Zone rules in achieving a rural residential environment and retaining the rural character will be undermined by the approval of this application.

While this application is for one additional allotment, if this application was approved, it would be difficult for Council to refuse further subdivision of other rural-residential allotments in the area.

Permitted Baseline Test

Recent Environment Court and Court of Appeal cases have established the principle of the "permitted baseline test" as a way of assessing whether the effects are more than minor.

Under this principle the proposal is compared with what could be done as permitted activity under the relevant Plan.

In this case one dwelling would be permitted on the property, though as a permitted activity, the only buildings would be at the far southern end of Lot 2, because of the controlled activity status on all new buildings in the Coastal Environment Area.

In terms of earthworks, very little earthworks could be carried out on site, without the need for a controlled activity consent.

The resulting subdivision creating two allotments and the resulting built development will clearly have a much greater effect on the environment.

In terms of the subdivision there is no permitted activity, but its equivalent is the controlled activity rule which Council is obligated to approve under Section 104A of the Act.

It is considered that in terms of the permitted baseline test, that the adverse effects are more than minor.

6. CONCLUSIONS

- 6.1 The proposal is a Discretionary Activity under the Proposed Plan.
- 6.2 The property is zoned Rural Residential (Serviced) under the Proposed Plan.
- 6.3 It is an area, (that is the terrace that the site is on) that has a high degree of natural amenity with very little built development. To approve this subdivision would adversely affect this rural amenity, in a way that is not envisaged by the Rural residential zone rules and the related policies and objectives under the Proposed Plan.
- 6.4 The property does not have any unique characteristics that would enable Council to approve the subdivision without expecting further applications from similar sized Rural residential properties all of which would expect similar favourable treatment.
- 6.5 There has been widespread concern from submitters on the adverse effects of the proposal on the rural character of the area and the precedent that it may set for other subdivisions. There have been no submissions in support of the proposal.
- 6.6 It is considered that the adverse effects on rural residential amenity will be more than minor. The minimum lot size in the rural residential zone is a critical factor in ensuring that a minimum level of rural amenity will be retained in the zone. This will not be achieved by this subdivision, and if approved, would lead to other similar applications that cumulatively would undermine the whole integrity of the rural residential zoning.
- 6.7 There are no unique aspects of this site and mitigating factors that justify the smaller lot size. In fact, it is considered that the steepness of the site and the prominent visual location, mean that site should only be developed with one dwelling on the site in accordance with the District Plan threshold rules.
- 6.8 The application is against the general thrust of the council's planning documents which seek to retain open space values in rural areas. Instead this proposal seeks to create what is effectively residential development in a rural-residential zone, which is contrary to the principles of sustainable development of resources required under Part II of the Resource Management Act 1991.
- 6.9 It is considered that the proposal is contrary to the policies and objectives of both the Regional Policy Statement and the Proposed Tasman resource Management Plan and the adverse effects on the environment are more than minor. Therefore the application should be declined under Section 104B of the Resource Management Act 1991.

7. RECOMMENDATION

That pursuant to Section 104B of the Resource Management Act 1991 the Tasman District Council **declines** its consent to the application by D Lund and Balck to subdivide Lot 8 DP 316070, CT NL 62901 into two allotments (RM041260) and to decline the land use consents to carry out construction earthworks and to erect a dwelling on each allotment.

8. CONDITIONS

In the light my recommendation to decline consent as set out above, I consider that conditions cannot be imposed that would effectively mitigate the adverse effects of the proposal. Therefore I have not included any recommended conditions.

Mark Morris
Consent Planner
(Subdivisions)