



STAFF REPORT

TO: Environment % Planning Committee

FROM: Paul Gibson – Consent Planner

REFERENCE: RM041292

SUBJECT: **M L and J M BAIRD - REPORT EP05/06/19** - Report prepared for hearing of 22 June 2005

1. INTRODUCTION

1.1 Proposals

Subdivision Application

ML and JM Baird have applied for a subdivision consent to subdivide Lot 1 DP 5704 in Certificate of Title NL146/21 (4047 m² in area) and Part Section 152 District of Takaka in Certificate of Title NL146/22Ltd (3.6422 hectares in area) into three allotments as shown on the application plan prepared by Gowland Surveyors dated September 2004.

The proposed allotments are as follows:

- Lot 1 is part of the land in CT NL146/21 and has an area of 2000 m². It contains the dwelling in which the applicants reside and a car garage.
- Lot 2 is part of the land in CT NL146/22Ltd and has an area of 1000 m². It is flat, grassed, and contains no buildings.
- Lot 3 is the balance of the land in CT NL/146/21 and CT NL146/22Ltd and has an area of approximately 3.75 hectares. It contains a dwelling, shearing shed, other ancillary buildings and the land is currently in pasture. The dwelling is approximately 100 years old and is currently occupied by the applicants' daughter and grandchildren.

There are two existing titles on the subject site and the application contemplates a total of three new titles, resulting on the creation of one additional title.

Services

Power

Lots 1 and 3 – both allotments are currently served with power from the existing overhead lines that pass overhead from Clifton Road.

Lot 2 – power is proposed to this allotment from the existing overhead lines along Carlyle Street.

Telephone

Lot 1 – has an existing underground connection off Clifton Road.

Lot 2 – proposed to connect to an existing underground cable along Carlyle Street.

Lot 3 – has an existing underground cable connection off Carlyle Street which is laid along the metalled driveway.

Water Supply

Lots 1 and 3 - both allotments are supplied with domestic water from an existing well situated on Lot 3, about 20 metres north of the northern corner of Lot 1. The application proposes to reserve an appropriate easement in favour of Lot 1 to protect the supply.

Lot 2 – originally a well was proposed to be installed on Lot 2 however the small size of the allotment meant that it was likely to not meet the required separation between the well and the effluent disposal field under Rule 36.4.1 d) of the Proposed Plan. Consequently instead of a well on Lot 2 an existing well on Lot 3 is proposed to be used and an easement created from the well to the boundary of Lot 2 (see further information in letter from Mr Dave Gowland received by Council on 14 February 2005).

Wastewater

Lots 1 and 3 – have a septic tank and disposal field contained within the boundaries of each allotment.

Lot 2 – effluent is proposed to be disposed on on-site by means of a suitably designed septic tank and field disposal system.

Access

Lot 1 – has an existing access off Clifton Road that leads into the garage at the south western corner of the allotment. The access is about 6 metres long, with the first 2 metres sealed and the remainder has a metalled surface which is proposed to be upgraded to Council standards. Clifton Road is classified as an “access road” under the Proposed Tasman Resource Management Plan (PTRMP).

Lot 2 – a vehicle crossing is proposed to be formed and sealed to the road boundary of this allotment from the existing sealed carriageway in Carlyle Street.

Lot 3 – access is via the metalled driveway onto Carlyle Street (an “access place” under the Proposed Plan). It is proposed to upgrade the vehicle crossing from the sealed carriageway of Carlyle Street to the boundary of Lot 3.

Land Use Application

ML and JM Baird have also applied for a land use consent to construct a single dwelling on Lot 2 of the subdivision. No plans of the proposed dwelling are provided with the application.

Concurrent Applications

These two applications for resource consent are inter-related, have been notified jointly and they will be considered concurrently in this report.

1.2 Site Description and Neighbourhood

The property is located at the south eastern corner of Clifton Road and Carlyle Street, Clifton. An aerial photograph is attached as **Appendix 1** of this report.

The site has frontage to Clifton Road which is classed as an “access road” in the Tasman District Roading Hierarchy and Carlyle Street which is an “access place”.

The site is held in two certificates of title. The land in CT NL146/21 has an area of 4047 m² and is flat land with a dwelling and garage situated near the southern corner. It is accessed off Clifton Road, and contains overhead power lines that supply electricity to buildings on the land in CTNL146/22Ltd.

The land in CT NL146/22Ltd has an area of 3.6422 hectares and is gently undulating land which is currently grazed by sheep and yearling cattle. There is an open drain that discharges to the north into a culvert in Carlyle Street. A dwelling is situated towards the southern boundary with a shearing shed along from it. Other accessory buildings are sited near the south eastern corner.

Two large English Oak trees are located on the north western corner of the site. One of these trees is listed as a Protected Tree, Category A in Rule 18.1 of the Proposed Plan.

Andrew Burton, Council’s Resource Scientist (Land), states that the site has an “A” rating under the Agriculture New Zealand Classification System for Productive Land in the Tasman District.

Land uses in the vicinity of the site include various types of farming and land based activities, and scattered dwellings.

2. NOTIFICATION AND SUBMISSIONS

Under Section 93 (1) of the Resource Management Act, it was necessary to publicly notify the applications as the environmental effects were considered to be more than minor. Submissions were received from two parties, both in support of the proposal.

The submissions are summarised as follows:

2.1 Arnold Bartlett – Carlyle Street, Clifton

Supports the proposal as the area is already a rural/residential area and the land in question is not an economic unit.

If the applications are approved, he requests that the dwelling be limited to a single storey.

2.2 David Win and Louise Amitrano - Carlyle Street, Clifton

Supports the proposal as the owners of Rural 1 zoned land should be able to subdivide unproductive land if such land is less than 15 hectares.

The points raised by the submitters are discussed in section 4 of this report.

3. STATUTORY CONSIDERATIONS

3.1 Resource Management Act 1991

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 allowing the subdivision and land use to proceed (Section 104 (1) (a));
- Any relevant objectives and policies in the Tasman Regional Policy Statement, 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 that it was formulated under the current Resource Management Act statutory framework and it is well progressed through the public submission and decision-making process.

Sections 104B and 104C sets out the framework for granting or declining consents based on the status of an activity as set out in the relevant Plan. The assessment contained in this report address the matters in Section 104.

Part II RMA

Part II contains the purposes and principles of the Act.

Section 5 describes the purpose of the Act as being to promote the sustainable management of natural and physical resources.

Section 6 contains matters of national importance.

Section 7 contains 'Other Matters' for the Council to have particular regard to.

Section 8 requires that the principles of the Treaty of Waitangi be taken into account.

3.2 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 land use and subdivision.

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.

3.3 Transitional District Plan – Golden Bay Section

Status of the Applications

Under the operative Transitional Plan (Golden Bay Section) the land is zoned Rural A.

Subdivision Application

Subdivision of allotments below 10 hectares are a non-complying activity.

Land use Application

The land use application constitutes a conditional use (a discretionary Activity) under Rule 3.1.1 d) (v) as the dwelling is a residential use which does not meet Rule 3.1.1 (b) (ii) as each of the proposed allotments will be less than 10 hectares in area.

The Transitional Plan now has little relevance to this application as the Proposed Plan which was developed under the current Resource Management Act effectively replaced this. In any case, the Transitional Plan contains objectives and policies that relate to the rural environment and the maintenance of amenity values in much the same way the current resource management documents do.

For these reasons, the provisions of the Transitional Plan are not discussed further.

3.4 Proposed Tasman Resource Management Plan

Status of the Applications

The subject site is zoned Rural 1. Protected Tree ID 7 (English Oak) is located on the site.

Subdivision Application

The subdivision application constitutes a Discretionary Activity under Rule 16.3.7A as it meets all relevant standards with the exception of the following:

- Rule 16.3.7 (b) which prescribes a minimum area of 12 hectares for allotments within the Rural 1 zone

- Rule 16.3.7 (ba) which prescribes a minimum frontage of 100 metres for front allotments within the Rural 1 zone
- Rule 16.3.7 (a) as it proposes to not comply with Rule 16.2.2 (x) which requires the vehicle crossing to be sealed 10 metres into the subject site

Land use Application

The land use application constitutes a Restricted Discretionary Activity under Rule 17.4.6 as the proposal does not meet Rule 17.4.5 (b) which requires that the site has a minimum area of 12 hectares. The application does not meet Rule 16.2.2 (x) which requires the vehicle crossing to be sealed 10 metres into the subject site.

4. 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 to any relevant objectives, policies, rules, and assessment criteria of applicable Plans, and consider any other matters relevant and reasonably necessary to determine the application. Each of these matters are discussed below.

4.1 Part II of the RMA Matters

Section 5

This section describes the purpose of the RMA as being to promote the sustainable management of natural and physical resources.

Section 6 contains matters of national importance.

Section 7 contains 'Other Matters' for the Council to have particular regard to.

The matters of most relevance to this application are as follows:

- (b) *The efficient use and development of resources*
- (c) *The maintenance and enhancement of amenity values*
- (f) *Maintenance and enhancement of the quality of the environment*

Comments

If consent is granted, the proposed subdivision and land use must be deemed to represent the sustainable use and development of the land resource. The critical issues in this assessment are considered to be the potential effect of the subdivision and development on rural land productive values and the effect on the amenity values of the rural area.

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

The intent of Section 7 of relevance to this proposal include achieving “the efficient use of and development of natural and physical resources”, “maintaining and enhancing amenity values”, and “the quality of the environment”, and “any finite characteristics of natural and physical resources”. The proposal will adversely affect the open rural amenity values of this area by introducing a higher density of rural residential development that is incompatible with its Rural 1 zoning. The subdivision of a block of productive land into small allotments is considered to be an inefficient use of a natural resource which is scarce within this area (only about 2.3 percent of Tasman District soil is classed “A” as in this property is).

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

4.2 Relevant Provisions of the Plans and Assessment of Relevant Effects

It is considered that the relevant Plan provisions (objectives, policies, rules, assessment criteria, and reasons for the rules) and the environmental effects of this proposal (both the subdivision and land use) are best dealt with on an issues basis.

The key planning issues relating to this proposal are considered to be:

1. Productive land values and fragmentation
2. Amenity values, rural character, and cross-boundary effects
3. Traffic matters
4. Servicing matters
5. Cultural heritage matters
6. Contamination matters
7. Financial contributions

For each of the above matters the relevant Plan provisions are quoted (objectives, policies, rules, assessment criteria, and reasons for the rules, as applicable). The degree to which these provisions are met, taking into account the points raised in the submissions and the anticipated environmental effects of the proposal are then discussed. The intention of this ‘issues based’ format is to avoid duplication and to focus this assessment on the key resource management issues.

Pursuant to Section 104 (3) (b) of the Act, when considering these applications, no regard has been had to any effect on a person who has given written approval to the applications. A map showing the parties who have given their written approval, and the location of the submitters is attached as **Appendix 2** of this report.

PRODUCTIVE LAND VALUES AND FRAGMENTATION

The provisions for the Plan relevant to productive land values are as follows:

Relevant Objectives and Policies

- Objective 7.1.0 *Avoid the loss of potential for all land of existing and potential productive value to meet the needs of future generations, particularly land of high productive value.*

Policy 7.1.2	<i>To avoid, remedy, or mitigate the effects of activities which reduce the area of land available for soil-based production purposes in rural areas.</i>
Policy 7.1.2A	<i>To avoid, remedy, or mitigate adverse actual, potential, and cumulative effects on the soil resource and the productive value of the land.</i>
Policy 7.1.3	<i>To require land parcels upon subdivision to be of a size and shape that retains the land's productive potential, having regard to the actual and potential productive values, the versatility of the land, ecosystem values, access, and the availability of servicing.</i>
Objective 7.2.0	<i>Provision of opportunities to use rural land for activities other than soil-based production, including papakainga, tourist services, rural residential and rural industrial activities in restricted locations, while avoiding the loss of land of high productive value.</i>
Policy 7.2.1	<i>To enable activities which are not dependent on soil productivity to be located on land which is not of high productive or versatile value.</i>
Policy 7.2.4	<i>To ensure that activities which are not involved or associated with soil based production do not locate where they may adversely affect or be adversely affected by such activities.</i>

Relevant Rules

The following rules which relate to the maintenance of productive land values are not met:

- Rule 17.4.5 (b) which requires that the site has a minimum area of 12 hectares
- Rule 16.3.7 (b) which prescribes a minimum area of 12 hectares for subdivision of allotments within the Rural 1 zone
- Rule 16.3.7 (ba) which prescribes a minimum frontage of 100 metres for front allotments within the Rural 1 zone

Principal Reasons for the rules

Lot area and frontage	<i>In order to maintain the productive values of land, controls are required on subdivision which allow for a range of soil-based production opportunities retained, despite shifts over time in the economic prospect for particular production activities.</i>
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The Rural 1 Zone contains the small area of the District's land which has high productive value and which is suited to a wide range of uses, including both soil based production and other uses such as residential. The rules protect this land's productive potential value for a range of soil based productive uses. The soils in the Rural 1 Zone are suited to intensive production and the subdivision limited reflect this land's potential for such use.

Relevant Assessment Criteria

- Subdivision Criteria (1) *The productive value of the land in Rural 1, Rural 2, Rural 3 and 3A zones, and the extent to which the proposed subdivision will adversely affect it and its potential availability.*
- Rural 1 Criteria (1) *The location of the building on the site and the effects of the building on the potential availability of productive land, including any effects relating to the extent of the building and capitalisation of the site.*
- Subdivision Criteria (13) *Taking into account local land form, whether allotments are of a regular shape that will maximise the range and efficiency of potential activities that may take place on the land in the future.*

Comments

These objectives and policies regarding productive land values are given effect to by way of the 'Methods of Implementation' listed in 7.2.20, page 7/5 of the PTRMP. These include regulatory methods as follows:

1. Zones, which have been established to manage the effects of specific types of activities or built development within the rural area,
2. Rules that govern allotment size, frontage, establish on-site amenity standards and other matters,
3. Assessment matters to take account of when considering resource consent applications.

Lot 1 is 1000 m², Lot 2 is 2000 m² and Lot 3 is 3.75 hectares, all are below the minimum allotment size of 12 hectares for the Rural 1 Zone.

In addition, both Lots 1 and 2 will not meet the minimum frontage of 100 metres, with Lot 1 having a combined frontage of 90.1 metres and Lot 2 having only 25 metres.

It should be noted that the existing situation with two titles each less than 12 hectares is an historical situation and enjoys existing use rights. However, this application will further erode the productive versatility of the land by adding an additional undersized title to the existing two undersized titles. In order to avoid additional adverse effects it is important that the existing situation is not used to attempt to justify further reduce the productivity of this site.

Andrew Burton, Council's Resource Scientist (Natural Resources), confirms the soils on the property are classified as Puramahoi silt loam soils which are recognised as being some of the best in the district for food production. He concludes that both the climate and the topography of the subject site area are favourable for a wide range of crops to be grown (refer to his report, attached as **Appendix 3** of this report).

Chapter 7 of the Tasman Resource Management Plan provides a strong policy framework regarding the management of productive rural land in the Tasman District. The three objectives strive to protect the higher quality rural land for future generations and to avoid potentially adverse activities that can be carried out on land of lesser quality. The objectives set out Chapter 7 are also supported by a range of supported by policies related to rural land use.

In general, the policy thrust of the Plan is that the less productive the land, the larger the minimum allotment size, apart from the specific rural-residential zones where opportunities are provided for rural residential allotments. In 7.1.30 it states that the Rural Residential zones are *"intended to relieve ongoing pressure for fragmentation of the rural land resource."*

The Council could have decided to not have specific rural residential zones and instead made the entire Rural 1 and 2 zone open to rural residential subdivision by setting a minimum allotment size of say 1000 m² (this is the size proposed for Lot 2). This would be a clear policy change. However the Council has deliberately chosen a different course which involves provided specific areas for rural residential development over 39 individual zoned areas and seeks to prevent further fragmentation of the Rural 1 zoned land.

The Council has provided ample opportunity for rural-residential development by zoning large areas of the district rural-residential. In 7.1.30 under the *"Principal reasons and Explanation"* it states that these rural residential zones: *"are intended to relieve the on going pressure for fragmentation of the rural land resource."*

Increased subdivision of Rural 1 zoned land into small rural - residential allotments can lead to a distortion of land values, whereby land becomes more valued for its lifestyle non-productive use rather its soil based productive value, thereby further marginalising the economic and productive use of the existing rural properties, leading to calls for further subdivision.

This site and proposal is not considered to exhibit any distinctive features which would suggest that these objectives and policies should be set aside in order for this proposal to proceed. It is considered that the environmental effects of the proposed subdivision and additional dwelling in terms of productive land values are significant. In my view, this proposal is contrary to the outcomes anticipated by the Proposed Plan to such a degree that the proposal cannot be approved without an extreme departure from the policy framework of the Proposed Plan.

Objective 7.1.0 is the principle objective to: *“Avoid the loss of potential for all land of existing and potential productive value”*. Policy 7.1.2 seeks to: *“avoid, remedy or mitigate the effects of activities which reduce the area of land available for soil-based production purposes in rural areas.”* Policy 7.1.2A seeks to avoid, remedy or mitigate the *“cumulative effects on the soil resource and productive value of the land.”* In this case, while the area lost to soil based production may be small, if the effects are repeated through the cumulative effect of further subdivisions in the area, it could result in severe adverse effects in relation to the availability of productive land in the area.

Explanation 7.1.30 sets out the explanation for the above policies and objectives:

The rural zoning pattern is the basis for administration of the objective and policies. The Rural 1 Zone comprises the most inherently productive and versatile land in the District and includes about five percent of the total land area. Threshold subdivision standards in this area provide flexibility for a range of productive uses to be made of the soil and land resource, while sustaining its long-term availability. Subdivision below the threshold will be limited to that which supports the objective.

Objective 7.2.0 sets out Council’s intention to provide opportunities for rural-residential activities in certain areas: *Provision of opportunities to use rural land for activities other than soil-based production, including papakainga, tourist services, rural residential and rural industrial activities in restricted locations, while avoiding the loss of land of high productive value.*

While objective 7.2.0 does allow for the use of sites for rural residential activities in restricted locations, it is clear from Policy 7.2.20 that the zone framework to achieve this objective is the Rural Residential and Rural 3 and 3A zones and does not include the Rural 1 and 2 zones.

The additions to Policy 7.2.20 were included as part of Variation 32 (December 2003) to avoid confusion over the interpretation of Objective 7.2.0 which some people had assumed meant that any land of low productive value was available for rural residential subdivision and use. This Variation made it clear that these objective and policies were to be achieved by the provision of specific zoned areas for rural-residential development.

Of all the land in Golden Bay, the land in the Rural 1 Zone that can achieve the “A” classification, as this site does, is the land that should be preserved for the future. The fact that it may not be a viable or economic proposition to use the land for that use today is not a reason to see it lost permanently to a non-productive rural residential use. It is my conclusion that Council’s planning documents and the policies that I have set out above, seek to avoid the adverse effects of fragmentation of all productive land in the Rural 1 zone.

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 fragment for rural residential purposes what is already a small rural block. The outcome sought by this application is not envisaged or supported in the Rural 1 zone. The adverse effects of this proposal regarding the fragmentation of productive land values will be more than minor.

AMENITY VALUES, RURAL CHARACTER, and CROSS BOUNDARY EFFECTS

The provisions of the Plan relevant to amenity values, rural character, and cross boundary effects are as follows:

Objectives and Policies relevant to rural character and amenity

- Objective 5.1 *Avoidance, remedying or mitigation of adverse effects from the use of land on the use and enjoyment of other land and on the qualities of natural and physical resources.*
- Policy 5.1.1 *To ensure that any adverse effects of... development on site amenity, natural and built heritage and landscape values, and... are avoided, remedied, or mitigated.*
- Objective 7.3 *Avoidance, remedying or mitigation of the adverse effects of a wide range of existing and potential future activities, including effects on rural character and amenity values.*
- Policy 7.3.1 *To provide for the maintenance and enhancement of local rural character, including such attributes as openness, greenness, productive activity, absence of signs, and separation, style and scale of structures.*

Objectives and Policies relevant to cross boundary effects

- Policy 5.1.4 *To avoid, remedy, or mitigate effects of:*
(a) Noise and vibration
(b) Dust and other particulate emissions
(e) Glare
(h) Buildings and structures
- beyond the boundaries of the site generating the effect.*
- Policy *To exclude from rural areas, uses or activities (including rural-residential) which would have adverse effects on rural activities, health or amenity values, where those effects cannot be avoided, remedied or mitigated.*

Assessment criteria relevant to amenity values and rural character

- Subdivision Criteria 2 *The potential effects of the subdivision on the amenity values and natural and physical character of the area.*
- Subdivision Criteria 20 *The ability of any existing or proposed building to comply with this Plan, including avoiding adverse effects on ridgelines shown on the planning maps.*

- Rural 1 Criteria (5) *The adverse environmental effects of a higher building, including visibility on a ridgeline.*
- Rural 1 Criteria (13) *the extent to which the proposed building would detract from the openness and rural character of the locality.*
- Rural 1 Criteria (14) *The extent to which the building would be compatible with existing development in the vicinity.*
- Rural 1 Criteria (17) *The visual impact and appropriateness of colour and materials for buildings and structures.*

Assessment criteria relevant to cross boundary effects

- Subdivision Criteria (9) *The relationship of the proposed allotments with the pattern on adjoining subdivision, land use activities and access arrangements, in terms of future potential cross-boundary effects.*

Comments about Amenity and Rural Character

The objectives, policies and assessment criteria relevant to the above relate to the maintenance and enhancement of local rural character, including such attributes as openness, greenness, productive activity, absence of signs, and separation, style and scale of structures.

The existing development at Clifton ranges from small residential/rural residential sized sections in the vicinity of Abel Tasman Drive through to a reasonable size dairy farm. Between these two extremes, there are properties zoned Rural 1 that enjoy an open rural atmosphere. Consequently, the rural character of the area is predominantly characterised by farm allotments of varying sizes with an associated low density of built form.

The proposed small allotments would be out of character with this pattern of settlement, introducing a rural residential style and scale block in the middle of a productive rural landscape.

The proposal is a form of development that is not specifically provided for in the Rural 1 zone. The PTRMP provides for a low-density of development (i.e. one dwelling per 12 hectares).

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 are defined in Section 2 of the Resource Management Act 1991, as follows:

“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 Rural 1 minimum allotment sizes for subdivisions and single dwellings act as a “density control mechanism” that, if consistently applied, should maintain the desired rural amenity that the Council planning documents are seeking.

If the subdivision of a small 1000 m² allotment and an additional dwelling was approved, then the integrity of the planning documents to maintain that rural amenity would be 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.

The choice to live in a rural environment has both positive and negative effects and Council has made a conscious decision to zone other areas in Golden Bay as “Rural Residential”. The typical size of the allotments that can be created vary from 2500 m² in serviced areas to 4 hectares in unserviced areas.

In the case of the Clifton area, it is probable that people have purchased properties knowing that it is unlikely there will be more intensive development and the area is likely to retain an open character. If additional titles that fail to meet the minimum area for Rural 1 allotments are approved, the distance between houses decreases, allowing the issue of rural amenity to surface. This becomes an actual and potential effect of allowing the subdivision and the additional dwelling.

Although no opposing submissions have been received, the public have the right to expect the consistent administration of the Proposed Plan in order to achieve the desired outcomes of the community as a whole, as contained within the Proposed Plan. Although the written approvals of a number of the neighbouring property owners have been obtained by the applicant, the adverse amenity effects of this proposal will go beyond the immediate neighbours. It is reasonable to conclude that the impact of the building proposed will adversely affect the rural character of the general area by more than a minor amount.

Two large English Oak trees are located on the north western corner of the site. One of these trees is listed as a Protected Tree, Category A in Rule 18.1 of the Proposed Plan. The applications will not affect the trees so this matter is not of consequence to this assessment. However, if the proposal is approved an advice note is recommended that the protected tree be retained.

Cross Boundary Effects Comments

While I understand that the applicant obviously has no problem with farming neighbours, the consent cannot be personal to them and instead runs with the land so the applicant could sell the property the day they get consent and someone with unrealistic expectations regarding the level of agricultural cross boundary effects could buy the property and seek to curtail the adjacent farming operations because of agricultural noise, sprays and odour discharges.

This is one reason why the Plan seeks to have rural residential development in specified rural-residential zones, so that there is less chance of long term cross-boundary problems caused by “rural lifestylers” complaining about legitimate productive rural activities.

TRAFFIC MATTERS

The provisions of the Plan relevant to the traffic matters of this proposal are as follows:

Relevant Objectives and Policies

Objective 11.1.0 *A safe and efficient transportation system, where any adverse effects of the subdivision, use or development of land on the transport system are avoided, remedied or mitigated.*

Relevant Rules

All PTRMP rules relating to traffic matters are met, with the exception of:

Rule 16.2.2 (x) *Vehicle crossings are finished and maintained to a weather-proof standard that is not less than the standard of the road carriageway which they join; and that weather-proofing must extend onto the on-site access for a distance of ... 10 metres for properties in (Rural 1) zones...*

Principal Reasons for Rule regarding the surface of Vehicle Crossings

Surface of crossing *To reduce adverse effects, such as dust, noise, and traffic hazard, the rules ensure that surfaces of all vehicle crossings are provided with a permanent waterproof surface in the Residential, Central Business, Commercial, Tourist Services, Light Industrial, and Heavy Industrial Zones.*

Note: while this reason specifies particular zones it is considered that this reason applies to the Rural 1 zone also, as the relevant rule applies to the rural zones.

Relevant Assessment criteria

Subdivision Criteria (26A) *The proximity, safety and ease of access between any site and the nearest collector, distributor or arterial road...*

Subdivision Criteria (26C) *The extent to which an existing road needs to be up-graded to manage effects of traffic generated by the subdivision, taking into account the existing state and use of the road and the construction standards of Chapter 18.10 rules for that particular class of road.*

Subdivision Criteria (28) *The ability to comply with the site access and vehicle crossing requirements of Rule 16.2.2.*

Traffic Criteria (1) *The location and design of crossings, including width, and visibility between crossings and traffic on the road.*

Comments

Clifton Road has a legal width 15 metres, and is formed with a metalled carriageway approximately 9 metres wide containing a sealed strip 7 metres wide. Carlyle Street has a legal width of 20 metres, and a carriageway containing a sealed strip 4 metres wide and with grassed shoulders. Neither road has formed footpaths.

Visibility for vehicles entering and leaving the site will be satisfactory. Lot 2 fronts Carlyle Street about 200 metres from the intersection with Clifton Road, and a further 300 metres from Abel Tasman Drive, a “distributor road”.

Dugald Ley, Council’s Development Engineer has provided a report which is attached as **Appendix 4** of this report. Regarding the effects of the proposal on the roading network he states that the application concerns Council’s Engineering Department in that it could set a precedent where further 1000 m² or similar sized sections are created in the area. If this was the case, Council could well be pressurised to upgrade the road into an area inappropriate for this style of more intense development. The Engineering Department does not support the proposal. However, if Council sees fit to grant the proposal Dugald Ley has provided some recommended traffic conditions regarding a 10 metre by 10 metre corner snipe to vest in Council and the provision of practical access.

The application states that Lot 1 has an existing access off Clifton Road and this access is proposed to be upgraded to Council standards. Consequently it will meet the relevant rules of the Plan. However, on page 2 the application states that for Lot 2 a vehicle crossing is proposed to be formed and sealed to the road boundary of this allotment from the existing sealed carriageway in Carlyle Street. This will not meet Rule 16.2.2 (x) which requires that weather-proofing of the vehicle crossing must extend from the carriageway of the road to the boundary, and then 10 metres into the on-site access of the Rural 1 zone. As the sealing is proposed to stop at the boundary this will not meet the rule. Similarly, the vehicle crossing for Lot 3 is proposed to be upgraded but only to the property boundary.

The rule regarding the design of vehicle crossings aims to reduce adverse effects such as dust, noise, and traffic hazard. There does not appear to be any valid resource management reason to relax the sealing of the vehicle crossing standard in this instance. Consequently, if consent is granted it is recommended that the vehicle crossing to each allotment be sealed to a minimum of 10 metres into the site, or to the garage or carport, where the garage or carport is located within 10 metres from the road boundary.

SERVICING MATTERS

The provisions of the Plan relevant to the servicing matters of this proposal are as follows:

Relevant Objectives and Policies

Policy 5.1.3 *To limit the intensity of development where wastewater reticulation and treatment are not available.*

Relevant Rules

Rule 36.4.2 Discharge of Stormwater to Land and/or Water
This rule permits the discharge of stormwater to land or water in the Rural 1 zone provided compliance with a number of conditions seeking to minimise potential adverse effects.

Rule 36.1.4 Discharge of Domestic Wastewater
This rule permits the discharge of domestic wastewater to land provided compliance with a number of conditions seeking to minimise potential adverse effects.

Relevant Assessment Criteria

Subdivision Criteria (7) *The adequacy of design, capacity, standard and staging of existing or proposed public utilities servicing the subdivision, including any impact on utilities servicing the wider area and outlets to, or connections with, public systems, and the ability to accommodate future developments on adjoining land, and their ability to avoid, remedy or mitigate effects on a temporary or permanent basis.*

Subdivision Criteria (8) *The cumulative effects of the subdivision on the District's infrastructure and its efficient use and development, including the capacity and capabilities of the road network and utility services to meet demands arising from the subdivision.*

Subdivision Criteria (9A) *Where wastewater disposal will occur within the net area of the allotment, the extent of compliance with NZS 4610 "Household Septic Tank Systems" or any subsequent approved replacement of this Standard. For package wastewater systems, whether an equivalent or better level of service can be achieved.*

Subdivision Criteria (11) *Whether the treatment and disposal of wastewater and stormwater from the proposed allotments is likely to adversely affect water quality, public health or environmental health, or safety, taking into account the provisions of Schedule 16.3C and the powers under Section 220(d) of the Act.*

Subdivision criteria (14) *Whether engineering design is appropriate for the circumstances.*

Subdivision Criteria (15A) *The granting or reservation of an easement over any private land for the purpose of locating stormwater systems to convey stormwater to any reticulated network utility under the control of the Council.*

Comments about Water Supply

The application states that Lots 1 and 3 are supplied with domestic water from an existing well situated on Lot 3, about 20 metres north of the northern corner of Lot 1. The application proposes to reserve an appropriate easement in favour of Lot 1 to protect the supply.

Initially the application proposed that a well be installed on Lot 2 however the small size of the allotment meant that it was likely to not meet the required separation between the well and the effluent disposal field under Rule 36.4.1 d) of the Proposed Plan. Consequently instead of a well on Lot 2 an existing well on Lot 3 is proposed to be used and an easement created from the well to the boundary of Lot 2 (see further information in letter from Mr Dave Gowland received by Council on 14 February 2005).

If Council sees fit to approve the land use consent an advice note is recommended requiring compliance with the permitted standard regarding domestic water storage. An easement condition as proposed in the application would be necessary to protect Lot 2's right to obtain water from the well on Lot 3.

Comments About Power and Telephone Connections

The application states that Lots 1 and 3 are currently served with power from the existing overhead lines that pass over them from Clifton Road. Power for Lot 2 is proposed from the existing overhead lines along Carlyle Street.

The application states that Lot 1 has an existing underground telephone connection off Clifton Road while Lot 3 has an existing underground cable connection off Carlyle Street which is laid along the metalled driveway. Lot 2 is proposed to connect to an existing underground cable along Carlyle Street.

A condition requiring the provision of underground supply to Lot 1, 2 and 3 should be imposed on the subdivision consent if granted.

Comments About Stormwater

Consent was not sought for the discharge of stormwater at the site so compliance with Rule 36.4.2 of the PTRMP is required. Rule 36.4.2 permits the discharge of stormwater on Rural 1 sites provided compliance with a number of conditions. Nothing in the application has been provided to confirm whether the discharge of stormwater from existing dwellings on Lots 1 and 3, and the proposed dwelling on Lot 2 will meet permitted activity requirements for such discharges.

Natasha Lewis, Council's Consent Planner, Discharges recommends the following advice note be attached to the land use and subdivision consents, if granted, *"Any discharge of stormwater at the site should meet the relevant permitted activity requirements of the proposed Tasman Resource Management Plan or resource consent should be obtained if these standards cannot be met."*

Comments about wastewater

The proposal states that Lots 1 and 3 each have a septic tank and disposal field contained within the boundaries of each allotment. Effluent from the proposed dwelling on Lot 2 is to be disposed on-site by means of a suitably designed septic tank and field disposal system.

The discharge of domestic wastewater at this site is a permitted activity provided compliance with Rule 36.1.4. Nothing in the application has been provided to confirm whether the discharge of domestic wastewater from existing dwellings on Lots 1 and 3, and the proposed dwelling on Lot 2 will meet permitted activity requirements for such discharges. This is of particular concern, given the reduction in area of Lot 1 (from 4047 m² to 2000 m² in area).

If the consents are granted Council's Consent Planner – Discharges recommends an advice note be imposed on the land use and subdivision consents, as follows, *"The Consent Holder is advised that any discharge of domestic wastewater from Lots 1 and 3 should meet the relevant permitted activity requirements of the proposed Tasman Resource Management Plan or resource consent shall be obtained if these criteria cannot be met"*.

Council's Development Engineer is concerned that approval of this proposal would set a serious precedent for future applications with its potential contamination effects of failed on-site sewerage systems. Consequently he does not support the proposal. However, if Council approved it, he recommends a condition on the subdivision consent that Lot 2 connect to the Council's reticulated sewer system in lower Clifton Road.

Comments About Engineering Design

Again, if the proposal is approved, a condition of subdivision consent is recommended requiring all works to be to Tasman District Council Engineering Standards and suitable Engineering Plans are required to be provided by the consent holder and approved by Council's Engineering Manager prior to approval pursuant to Section 223 of the Act. This will ensure engineering design is appropriate.

Comments About Easements for Council Network Utilities

Council's Development Engineer confirms that the only Council service in the area is wastewater.

CULTURAL HERITAGE MATTERS

The provisions of the Plan relevant to these matters of this proposal are as follows:

Objective 10.1.0 *Protection and enhancement of cultural heritage items that contribute to the character, identity and visual amenity of the District.*

Policy 10.1.3 *To recognise and protect those archaeological sites or sites of significance to Maori that are included in the New Zealand Historic Places trust register of historic places.*

Comments

Archaeological sites of significance must be protected, including any sites of significance to Maori. There are no known sites of heritage value on the property. However, an advice note included on both consents if granted would be appropriate to alert the consent holder of their obligations in terms of the Historic Places Trust.

CONTAMINATION MATTERS

The provisions of the Plan relevant to the servicing matters of this proposal are as follows:

Relevant Assessment Criteria

Subdivision Criteria (12) *Whether the subdivided land has been, or is, subject to contaminants that may be hazardous to the future occupiers of the land and whether sufficient works or other solutions have been undertaken to avoid, remedy or mitigate the hazardous effects.*

Comments

The site is not included in the relevant Council database.

FINANCIAL CONTRIBUTIONS

The provisions of the Plan relevant to the financial contributions of this proposal are as follows:

Relevant Rules

Rule 16.5.2 *...The Council may require, as a condition on subdivision consents, that a financial contribution of the amounts stated in Figure 16.5A (i.e. financial contribution – reserves and community services 5.5% of value of allotment) is payable to the Council with respect to each allotment created by the subdivision, less:*

- a) *the number of any existing separate certificates of title pertaining to the land being subdivided which have resulted from a previous subdivision consent or equivalent approval;*
- b) *any allotment which, by agreement, is to be vested in the Council or the Crown for a public purpose;*
- c) *any allotment required by a condition of consent to be amalgamated with another allotment.*

Comments

As the approval of the subdivision consent would result in the creation of one additional title, a financial contribution – reserves would be payable on the subdivision consent. This should be included as a condition if approval is given.

4.3 Other Relevant Matters

Precedent

Case law has established that the granting of consent for one application may well have an influence on how another application should be dealt with. The extent of influence will depend upon the extent of similarities.

Precedence in itself is not an “effect” but if this proposal was to be approved it is likely to lead to other similar applications from Rural 1 property owners each wanting like treatment. This can lead to a cumulative effect that is very much a relevant adverse effect under defined in 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. It can also bring into question the consistent administration of the Plan.

In the case of this application to subdivide and construct a dwelling on one of the new allotments, the key issues are the availability of productive land and 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 this case we have a 12 hectare minimum allotment size under the Proposed Plan. Clearly the integrity of the Rural Zone rules in achieving a low density productive rural environment will be undermined by the approval of this application seeking two allotments of only 1.5 hectares and 2.6 hectares. This proposal and the subject site does not display any distinguishing features which would warrant such a significant departure from the prescribed density standards of the Plan.

The Permitted Baseline

The permitted baseline concept has little relevance to this proposal as neither subdivision or the construction of dwellings are permitted activities on this site within the Rural 1 zone.

5. CONCLUSIONS

Subdivision Activity Classification

- 5.1 The property is zoned Rural A under the Transitional District Plan and Rural 1 under the Proposed Plan. The subdivision application is a Non-complying activity under the Transitional Plan. It is a Discretionary Activity under the Proposed Plan due to not meeting the minimum allotment size of 12 hectares nor the minimum road frontage of 100 metres. Therefore the subdivision application needs to be assessed overall as a non-complying activity. However greater weight was given to the Proposed Plan due to its advanced state and its development under the sustainable management principles of the Resource Management Act.

Land Use Activity Classification

- 5.2 The land use application is a Discretionary activity under the Proposed Plan due to the dwelling being proposed on an allotment of only 1000 m², significantly smaller than the 12 hectares prescribed in the Rural 1 zone, and proposing to weatherproof the vehicle crossings from the carriageway to the boundary only, rather than 10 metres into the site.

Public Notification

- 5.3 The applications were notified pursuant to Section 93 of the Act as the adverse environmental effects generated by the applications are considered to be more than minor. The proposal attracted two submissions, both in support of the applications.

Assessment

- 5.4 As prescribed in Section 104 of the Act, in assessing the applications the actual and potential effects on the environment of allowing the subdivision and dwelling were had regard to. As were the relevant objectives, policies, assessment criteria, rules and reasons for the rules of the Plan. In addition, the issues of precedent and the permitted baseline were addressed.

Purpose of the Resource Management Act

5.5 The proposal is contrary to the purpose of the Act which is concerned about the sustainable management of resources and “maintaining and enhancing amenity values” under Section 7 (c). The proposal will fragment a site which is classed as having some of the most productive and versatile land in the District. Once subdivided and built upon, this valuable land resource will be virtually irreversibly lost for future generations. Of all the land in Golden Bay, the land in the Rural 1 Zone that can achieve the “A” classification, as this site does, is the land that should be preserved for the future. The fact that it may not be a viable or economic proposition to use the land for that use today is not a reason to see it lost permanently to a non-productive rural residential/residential use. In addition, the proposal will adversely affect the open rural amenity of this rural area by introducing a higher density of rural residential development that is incompatible with its Rural 1 zoning.

Objectives and Policies

5.6 The property is in an area of mainly pastoral and dairy farming. Although Abel Tasman Drive has been developed further, the immediate area is clearly of a rural character rather than rural residential or residential as this proposal anticipates. The vicinity is in an area that has a high degree of natural amenity with little built development. To approve this subdivision and dwelling would adversely affect this rural amenity, in a way that is not envisaged by the Rural 1 zone policies and objectives under the Proposed Plan.

5.7 The policies and objectives of the Proposed Plan seek to avoid the adverse effects of fragmentation on productive values of rural land (Objective 7.1.0). The application is clearly contrary to this objective and its supporting policies.

5.8 The rural zoning pattern is the basis for administration of the rural objective and policies under the Proposed Plan. The Rural 1 Zone comprises the most inherently productive and versatile land in the District and includes only five percent of the total land area in the District. Moreover, sites containing Class A soil comprise only 2.3 percent of the District. In this instance the proposed subdivision and dwelling is contrary to the relevant objectives and policies due to the small allotment sizes proposed and will limit the range of productive uses to be made of the soil and land resource, thus reducing the long-term availability of productive land.

Assessment Criteria

5.9 The proposal was weighed up against the relevant assessment criteria of the Proposed Plan and found to be inconsistent with the criteria relating to the provision of productive land, the maintenance of amenity values and natural and physical character of the area, and the future potential for cross boundary effects.

Environmental Effects

5.10 A significant anticipated adverse effect of the proposal will be the loss of potential of the land of existing and potential productive value to meet the needs of future generations.

- 5.11 The Plan acknowledges that there will be a demand for rural-residential subdivision in rural areas and has provided for this in “restricted areas”, these being the 39 Rural Residential zoned areas. The Rural Residential zones are specifically intended to complement the Rural 1 and 2 in order to “*relieve the ongoing pressure for fragmentation of the land resource*” (Policy 7.1.30). For these above policies and objectives to be successful in the long term, Council needs to be consistent in retaining the availability of Rural 1 and 2 land for land based production purposes while allowing rural residential subdivision in the specific Rural Residential zones. With this particular site the best way to achieve this is to retain the property in its present form.
- 5.12 The application is contrary to the general thrust of Council’s planning documents which seek to direct development to specified rural residential zones where the development can be consolidated. Instead this proposal seeks to create an ad hoc rural residential development in a productive rural area.

Precedent

- 5.13 The property and the proposal do not display any distinguishing or unusual characteristics that would warrant such a significant departure from the prescribed density standards of the Plan. Consequently if this proposal was to be approved, further applications from similar small sized Rural 1 properties should be expected, all of which would expect similar favourable treatment. The consistent administration of the Plan is necessary in order to achieve the anticipated outcomes of the Plan and to be fair to the community.

The Permitted Baseline

- 5.14 The permitted baseline concept has little relevance to this proposal as neither subdivision or the construction of dwellings are permitted activities on this site within the Rural 1 zone.

Conclusion

- 5.15 It is considered that the proposal is contrary to the purpose and principles of the Act, and the objectives, policies, rules and assessment criteria of both the Transitional Plan and the Proposed Plan. Further, the adverse effects on the environment as a result of the proposal will be more than minor. Therefore the applications should be declined under Section 104B and 104C of the Resource Management Act 1991.

6. RECOMMENDATION

That pursuant to Section 104B and 104C of the Resource Management Act 1991 the Tasman District Council **declines** both the subdivision application RM041292 by M L and J M Baird to subdivide Lot 1 DP 5704 and Part Section 152 District of Takaka into three allotments and the related land use application (also RM041292) to construct a dwelling on proposed Lot 2.

However, if Council is of a mind to grant consent to the applications then the conditions contained in **Appendix 5** of this report should be imposed.

Paul Gibson
Consent Planner (Subdivision and Land Use)

If Council is of a mind to grant consent to the applications then the following conditions should be imposed:

SUBDIVISION APPLICATION CONDITIONS

General Accordance

1. The development shall be undertaken in general accordance with the information submitted with the application and the approved plan prepared by Gowland Surveyors dated September 2004. Notwithstanding the above, if there is any conflict between the information submitted with the application and any conditions of this consent, the conditions shall prevail.

Financial Contribution - Reserves

2. The consent holder shall, prior to the issue of Section 224 (c) Certificate, pay a financial contribution (for Council reserves and community services) to the Council. The amount of the financial contribution payable shall be 5.5% of the value of Lot 2. The consent holder shall engage the services of a registered valuer to undertake the abovementioned valuation.

Roading

3. A 10 metre by 10 metres corner snipe shall be provided at the western corner of Lot 3 at the corner of Clifton Road and Carlyle Street as road to vest in Council

Vehicle Crossing

4. The vehicle crossing to Lot 1 and 2 shall be waterproofed (sealed or concreted) to a minimum of 10 metres into the site.

Advice Note:

The rule regarding the design of vehicle crossings aims to reduce adverse effects such as dust, noise, and traffic hazard. There does not appear to be any valid resource management reason in this instance to relax the sealing of the vehicle crossing standard as sought in the application.

Sewer

5. Full sewer reticulation discharging to Council's reticulated sewer system in lower Clifton Road shall be installed complete with any necessary manholes and a connection to Lot 2. This may include work outside the subdivision site to connect to or upgrade existing systems.

Stormwater

6. Stormwater shall be retained on site for reuse and the discharge off site shall be no more than that of the rural predeveloped state.

Electricity and Telephone

7. Live telephone and electric power connections shall be provided to Lots 1, 2 and 3 and all wiring and such connections shall be located underground and be to the standard required by the supply authority. Confirmation of the above from the supply authority and a copy of the supplier's certificate of compliance shall be provided to Council.

Engineering Certification

8. The consent holder shall engage a suitably experienced and qualified registered engineer or surveyor to supervise the works. At the completion of works, the consent holder shall provide to the Council written certification from the suitably experienced registered engineer or surveyor. The certification shall contain sufficient information to enable the Council to determine compliance with the engineering conditions of this consent.
9. Certification that a site has been identified on Lot 2 suitable for a dwelling shall be submitted by a registered engineer or geotechnical engineer experienced in the field of soils engineering. The certificate shall define the area suitable for the erection of a dwelling on Lot 2 and shall be in accordance with Schedule 2A of New Zealand Standard 4404:2004 Land Development and Subdivision Engineering.

Easements

10. Easements shall be created over any services located outside the boundaries of the allotments that they serve as easements-in-gross to the Tasman District Council for Council reticulated services, or appurtenant to the appropriate allotment.

They shall include, but not be limited to, an easement to convey water from Lot 3 in favour of Lot 2, and from Lot 3 in favour of Lot 1.

Reference to easements shall be included in the Council resolution on the title plan.

Engineering Plans

11. Prior to undertaking any engineering works associated with the subdivision engineering plans showing all engineering works shall be approved by Council as set out in the Tasman District Council Engineering Standards and Policies 2004. All works shall be undertaken in accordance with these plans.

Advice Note:

A certificate, pursuant to Section 223 of the Resource Management Act 1991, cannot be issued until the engineering plans have been received and approved by Council.

12. "As-built" plans of services shall be submitted to the Council's Engineering Manager for approval at the completion of the works and the approval shall be obtained prior to the issue of the certificate issued pursuant to Section 224(c) of the Resource Management Act 1991.

SUBDIVISION ADVICE NOTES

Tasman Resource Management Plan

1. Any matters not referred to in this application for resource consent or are otherwise covered in the consent conditions must comply with the relevant provisions of the Tasman Resource Management Plan and the Resource Management Act 1991.

Other Council Requirements

2. The consent holder shall meet the requirements of Council with regard to all Building and Health Bylaws, Regulations and Acts.

Concurrent Resource Consents

3. This subdivision consent application was made in conjunction with land use consent application RM041292.

Archaeological

4. If in the course of any earthworks for the development, any artifacts, taonga, or koiwi are unearthed, then all earthworks in the immediate vicinity of the find shall be suspended and contact made immediately with local iwi and the New Zealand Historic Places Trust for the establishment of a protocol for removal of the findings.

Wastewater

5. Any discharge of domestic wastewater at the site should meet the relevant permitted activity requirements of the proposed Tasman Resource Management Plan or resource consent shall be obtained if these standards cannot be met.

Stormwater

6. Any discharge of stormwater at the site should meet the relevant permitted activity requirements of the proposed Tasman Resource Management Plan or resource consent should be obtained if these standards cannot be met.

Development Contributions

7. The consent holder shall pay the required Development Contribution in respect of the following services prior to uplifting the section 224(c) certificate.

Council will not issue the section 224(c) certificate in relation to this subdivision until all development contributions have been paid in accordance with Council's Development Contribution Policy under the Local Government Act 2002. The power to withhold a section 224(c) certificate is provided under section 208 of the Local Government Act 2002.

The Development Contributions Policy is found in the Long Term Council Community Plan (LTCCP) and the amount to be paid will be in accordance with the requirements which are current at the time the relevant development contribution is paid in full. This consent will attract a development contribution in respect of:

- Roding
- Sewer

Protected Tree

8. Protected Tree 7, Category A (English Oak) is located on the site. Compliance with Rule 18.1 of the Proposed Plan is required.

LAND USE APPLICATION CONDITIONS

Land Use Activity

1. That the activity shall be carried out in general accordance with the details included in the application and associated further information, as amended by the following conditions.

Commencement of Consent

2. This land use consent shall not be given effect to until the certificate of title is issued for proposed Lots 1, 2 and 3.

Advice Note:

This will ensure that the new allotments are created prior to construction beginning on the new dwelling.

Compliance with Rural 1 zone rules

3. This resource consent authorises one dwelling to be constructed on Lot 2. All other relevant standards in Rule 17.24 Rural 1 Zone Rules, including compliance with Rule 17.4.4 Building Construction and Alteration is required, unless authorised by another resource consent.

LAND USE ADVICE NOTES

Tasman Resource Management Plan

1. Any matters not referred to in this application for resource consent or are otherwise covered in the consent conditions must comply with the relevant provisions of the Tasman Resource Management Plan and the Resource Management Act 1991.

Other Council Requirements

2. The consent holder shall meet the requirements of Council with regard to all Building and Health Bylaws, Regulations and Acts.

Concurrent Resource Consents

3. This land use consent application was made in conjunction with subdivision consent application RM041292.

Archaeological

4. If in the course of any earthworks for the development, any artifacts, taonga, or koiwi are unearthed, then all earthworks in the immediate vicinity of the find shall be suspended and contact made immediately with local iwi and the New Zealand Historic Places Trust for the establishment of a protocol for removal of the findings.

Water Supply

5. That the dwelling on Lot 2 should be provided with water storage of not less than 23,000 litres and whether the storage is provided by an above ground or an underground tank, the tank shall be fitted with an accessible 50 mm diameter Camlock coupling enable connection with firefighting equipment.

Stormwater

6. Any discharge of stormwater at the site should meet the relevant permitted activity requirements of the proposed Tasman Resource Management Plan or resource consent should be obtained if these standards cannot be met.

Financial Contributions

7. Financial Contributions – Reserves is payable for the land use proposal at the time of Building Consent for the development.

Monitoring

8. That all actual and reasonable costs incurred by this Council in monitoring, enforcement and administration of this consent shall be met by the consent holder.

Development Contributions

9. Council will not issue a building consent in relation to this development until all development contributions have been paid in accordance with Council's Development Contribution Policy under the Local Government Act 2002.

The Development Contributions Policy is found in the Long Term Council Community Plan (LTCCP) and the amount to be paid will be in accordance with the requirements which are current at the time the relevant development contribution is paid in full.

Protected Tree

10. Protected Tree ID 7, Category A (English Oak) is located on the site. Compliance with Rule 18.1 of the Proposed Plan is required.