



## STAFF REPORT

**TO:** Environment & Planning Committee

**FROM:** Mandy Bishop, Consent Planner

**REFERENCE:** RM041295

**SUBJECT:** **W D MANLEY – REPORT EP05/07/01** - Report prepared for 4 July 2005 Hearing.

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### 1. APPLICATION BRIEF

#### 1.1 Proposal

The application is for a land use consent to erect two dwellings on the 16.504 hectare property. The first dwelling to be built is to be used by the property owner's parents who currently maintain the property while the owner is overseas. The second dwelling to be built in two to three years time is for the owner when he returns to New Zealand. The parents' house will be used as tourist accommodation when the parents no longer require it and the applicants propose a covenant be registered on the title to restrict the use of the second dwelling to that proposed and state it will not be used as a reason to subdivide for the next ten years.

#### 1.2 Location and Legal Description

The property is located at Blackbird Valley Road, Neudorf (see Appendix 1 attached).

The legal description of the land is Lot 2 DP 19327 Certificate of Title NL 13B/719.

#### 1.3 Zoning and Consent Requirements

The land is zoned Rural 2 under the Proposed Tasman Resource Management Plan. This is considered to be an operative zoning (as there are no outstanding appeals of relevance to this proposal), so no analysis is given of the Transitional Plan provisions.

The application is considered to be a Discretionary Activity under the relevant rules of the Proposed Tasman Resource Management Plan in that:

- Two residential activities are proposed on the site; and
- Two dwellings are to be placed on a site that is less than 50 hectares.

## **2. INTRODUCTION**

### **2.1 The Setting**

The site is a gently sloping and elevated pastoral property in a small valley amongst mixed land uses ranging from grazing, tree crops and other productive uses and home businesses (see photos in Appendices 3 and 4 attached). Council's Resource Scientist – Land stated in his report attached as Appendix 2 that: "*under pastoral use a good level of productivity can be sustained under conventional management systems.*" Contrary to that stated in the application the land is not "*largely unproductive*" and adjoins an orchard, forestry and other pastoral land uses.

The application stated that there are currently no dwellings on-site. Site inspection revealed a caravan connected to a building that is used as a dwelling amongst various vehicles, shipping containers and a farm shed (see photo in Appendix 3 attached). Council's Monitoring officer wrote to the owner requesting an explanation of the building's use and from the response informed the Building Inspector of its use as a dwelling and advised the owner that inspections may be carried out to ensure the dwelling meets the requirements of the Building Act 2004 and Proposed Tasman Resource Management Plan. One dwelling on Rural 2 zoned land is potentially a permitted activity subject to bulk, location and servicing standards.

## **3. NOTIFICATION AND SUBMISSIONS**

Public Notification of the application was advertised on 13 April 2005.

Six submissions were received, four requesting to be heard.

### **C Green and K Norgate**

Oppose the application due to: the potential for subdivision and progressively smaller holdings; the owner's parents are not dependent relatives so there are no special circumstances for an exemption; the second dwelling may set a precedent for increased dwellings and subdivision; the site for the second dwelling is in full view of half the valley; and the suggested covenant is unreasonable as the parents will become more dependent in 10 years time.

They did not wish to be heard in support of their submission.

### **L and G Upson**

Supported the application for a second separate dwelling for the parents but opposed any suggestion of subdivision. They also opposed the use of the second dwelling as a homestay due to security concerns for adjoining properties and wanted the second dwelling removed once the parents no longer lived in it.

They do not wish to be heard.

### **K Dickerson and W Baggenstos**

Supported the second dwelling but opposed the intention to use it as a farmstay and strongly opposed any intention of subdivision. They believe any partitioning of the property will make more subdivisions more likely and this will undermine the unique quiet rural character, privacy, safety, low population and traffic volumes currently existing in the Blackbird Valley.

They wish to be heard in support of their submission.

### **G and C Garnett**

Opposed the application as it is unclear of the owner's intentions to live in the valley and are concerned about the impact the second dwelling will have on the rural character. The precedent effect will compromise the ambience and character of the valley.

They wish to be heard in the Hearing.

### **R and S Bensemman**

Support the application believing it will affect the present use of the land in a positive way.

They wish to be heard.

### **Weyerhaeuser New Zealand Inc.**

Opposed the application for the following reasons:

- Public road safety - Further dwellings and/subdivision increases public vehicle movements and this may conflict with logging truck and staff vehicle movements during tree harvesting activities and road construction;
- Contrary to objectives and policies of the Plan - in particular Chapter 7 that seek to exclude rural residential type activities from rural areas where residential activities create pressure to limit the effects of permitted and existing rural activities;
- Weyerhaeuser anticipates concerns will be raised by residents in terms of noise and safety issues regarding vehicle movements when harvesting occurs and allowing more residents in the area will create increasing potential for conflict;
- The cumulative effect will be more than minor - due to reverse sensitivity issues and progressive devaluation of the working rural environment provides a precedent for like applications to be granted; and
- The proposal is contrary to the Resource Management Act as it is not an efficient development of a natural resource, does not maintain the quality of the environment and does not have regard to the characteristics of the finite soil resource.

They wish to be heard in support of their submission.

Appendix 5 shows the location of submitters and written approvals gained prior to notification.

## **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 two dwellings 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 the establishment and use of the dwellings on the surrounding rural 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 allowing the activity to go ahead (Section 104 (1) (a));
- Any relevant objectives and policies in the Tasman Regional Policy Statement 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 land use 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 Tasman Resource Management Plan**

The most relevant Objectives and Policies are contained in: Chapter 5 'Site Amenity Effects', Chapter 7 'Rural Environment Effects' and Chapter 11 'Land Transport Effects'. These chapters articulate Council's key objectives: To ensure character and amenity values are maintained or enhanced.

The most relevant Rules which follow from these imperatives are contained in Chapter 16.2. "Transport (Access Parking and Traffic)" and Chapter 17.5 "Rural 2 Zone Rules".

Details of the assessment of the proposed activity 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.

#### **Permitted Baseline**

Section 104(2) gives a consent authority the ability to disregard adverse effects on the environment of activities that the Plan permits, if it so wishes. This is the "permitted baseline" and can provide a yardstick for the effects that otherwise might arise.

Two self-contained housekeeping units on a rural 2 zoned property are potentially a permitted activity subject to the units being contained under the same roof and one of the units is no more than 60 square metres in floor area (as well as meeting bulk and location and servicing requirements). The property owner's parents do not wish to live in close quarters with their son when he returns and do not want to move to the property to only have to shift off the property when the son returns in two to three years. The Plan does not restrict the building coverage for dwellings in this zone and other buildings can potentially cover up to 2,000 square metres.

The Plan specifically does not permit more than one residential activity per site, residential activity being defined as: *"the use of land and buildings by people for the purpose of living accommodation...."* This proposal of two separate dwellings and two separate residential activities will not produce same or similar effects on the environment when compared to what is permitted by the Plan.

## **Rural Character and Amenity Values**

Allowing increased residential activity on this site adversely affects the character of the site with the physical existence of two dwellings and associated domestic gardens. It is acknowledged there are already rural-residential type properties in the area but to allow an incremental change to other Rural 2 zone land will significantly affect the “openness” associated with the rural environment. The subject site is elevated land in a small valley where the sites of the dwellings are highly visible. Conflict between residential activities and permitted rural activities can reduce the potential of Rural 2 Zone land to be fully utilised for productive purposes, reducing its versatility, viability and enjoyment of use. Amenity values, as defined in Section 2 of the Resource Management Act 1991, 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 proposed intensified residential activity has the potential to detract from the amenity values of other rural properties by reducing the openness and privacy, increasing the potential for cross-boundary conflicts and will create cumulative effects of additional demand on the rural infrastructure including the roading network.

## **Traffic Effects**

The proposed two dwellings will be able to share an existing access to the house sites. The increased traffic movements may produce adverse effects such as dust on adjoining properties but these can be mitigated by appropriate consent conditions, if granted. The cumulative increased usage on the roading network will conflict with existing permitted rural vehicle movements and have significant adverse effects on the safety and efficiency of the roading network should intensification of residential activities continue unabated in the rural zones.

## **Productive Land Values**

The subject land is zoned Rural 2, based on values associated with its productive potential. This land is not considered to be *high* productive value, however it is identified as being used for a variety of lower intensity rural production activities. As the largest percentage of zoned land in the district, Rural 2 Zone land is without a doubt a valued asset which must be sustainably used. The proposed two dwellings and their use have the potential to adversely affect Rural 2 Zone land values.

As one dwelling is permitted by the Plan the area of productive land covered by the second dwelling on-site can be considered to be insignificant given the amount of building coverage permitted by the Plan. Once two dwellings are established on-site however, an application for subdivision will likely occur to realise the capital value of the two dwellings. The potential for adverse cumulative effects of allowing additional residential activity in the Rural 2 Zone and/or allowing further fragmentation of land based on the presence of two dwelling units may result in significant cumulative adverse effects on productive land values.

A covenant preventing the two dwellings being used as a reason to subdivide in ten years cannot mitigate the future land fragmentation effect or cumulative fragmentation effects so they are no more than minor. Once a rural-residential development has occurred the value of the rural character is progressively weakened with each subsequent rural-residential development based on the precedent of the previous development.

## **Future Effects**

Once an effect of two residential activities on a rural site is established there are no differences in effects on the environment with a change in boundary lines or titles. Resource consents have allowed for additional dwellings on rural properties in general if they are subsidiary to the main dwelling and are located in an existing building curtilage, used in relation to the productive land activities or used in conjunction with the main residential activity. The granting of this proposal allows for a second separate residential activity that is not needed when the owner returns from overseas. The cumulative effects of granting this type of proposal effectively opens up the whole Rural 2 zone to change in character and lot sizes to that more appropriately found in the rural residential zone.

## **5.2 Relevant Plans and Policy Statements.**

The land use activity 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 character and amenity values of the site and surrounding environment are protected, and any actual or potential effects of the proposed activities must be avoided remedied or mitigated, including cross boundary effects.

*Objectives: 5.1, 5.2, and 5.3* As detailed in the assessment of effects (Chapter 5.1), there will be adverse effects on character and amenity values.

*Policies: 5.1.1, 5.1.3, 5.1.4, 5.1.9A, 5.2.1, 5.2.3, 5.2.4, 5.2.7, 5.2.8, 5.3.2.*

*Chapter 7 – Rural Environment Effects* The rural land resource is sustained to meet the reasonably foreseeable needs of future generations. Rural land fragmentation reduces the productive potential of land and the establishment of dwellings on rural land without any productive use of the land is a significant cause of land fragmentation.

*Objectives:* 7.1, 7.2, 7.3, Increased residential activities in rural locations may create pressure to limit legitimate rural activities. Rural residential activities occur in specific locations to ensure the land resource is used efficiently, avoid reduced productive and versatility values of the land and avoid cross-boundary conflicts and land fragmentation.

*Policies:* 7.1.2, 7.1.2A, 7.1.3, 7.2.1A, 7.3.1, 7.3.2, 7.3.3, 7.3.4, 7.3.6, 7.3.9

*Chapter 11 - Land Transport Effects* The location and form of built development provides a clear and distinctive transition between urban and rural environments and it avoids, remedies or mitigates adverse effects of traffic generation.

*Objective 11.1*

*Policy 11.1.1.*

This matter is discussed in more detail in the assessment of effects (Chapter 5.1).

*Chapter 16.2.2 – Vehicle Access Considerations* – Permitted activity performance conditions that specify minimum standards for on-site access.

*Chapter 17.5 – Rural 2 Zone Rules* – The proposed activity is subject to permitted and restricted discretionary activity performance standards and conditions set out in Rules 17.5.2, 17.5.4 and 17.5.6.

Chapter 5 *Site Amenity Effects* is concerned with the effects of land uses that cross property boundaries that may add to or detract from the use and enjoyment of neighbouring properties. They may also affect local character.

Objective 5.1.0 seeks to avoid, remedy or mitigate adverse effects from land use on the use and enjoyment of other land and on the qualities of natural and physical resources. Policies specify limiting the intensity of development where wastewater reticulation and treatment are unavailable and to avoid, remedy, or mitigate adverse effects of vehicles, buildings and urban use on rural activities and other properties.

Objective 5.2.0 seeks to maintain and enhance amenity values on-site and within communities. Policies include privacy issues, outdoor living provisions, amenity through vegetation and screening, enabling a variety of housing types and traffic adverse effects are avoided, remedied or mitigated.

Objective 5.3.0 seeks to maintain and enhance the special visual and aesthetic character of localities. Policies include maintaining the open space value of rural areas.

The proposal seeks to establish two dwellings that will be highly visible in a small valley. The buildings will detract from the areas open rural character and the residential use has adverse effects on the privacy and outdoor living enjoyment for nearby properties and creates increased potential for conflict between residential and rural activities. Cumulative vehicle movements will conflict with the existing working rural environment and compromise the safety and efficiency of the roading network. While policy 5.2.7 enables a variety of housing types in rural areas the overall



objective of maintaining and enhancing amenity values cannot be achieved by this proposal.

Chapter 7 *Rural Environment Effects* is concerned with sustaining the rural land resource to meet the reasonably foreseeable needs of future generations.

Objective 7.1.0 and its related policies seek to avoid the loss of productive land and avoid, remedy or mitigate adverse potential and cumulative effects on the land resource including cross-boundary effects.

Objective 7.2.0 and related policies seeks to provide for rural residential activities in restricted locations that have regard for the productive and versatile values of the land, cross-boundary effects, cumulative adverse effects from further land fragmentation and efficient use of the rural land resource.

Objective 7.3.0 and related policies seek to avoid, remedy or mitigate the adverse effects of existing and potential future activities on rural character and amenity values. Rural activities that have seasonal noise and dust levels not typically expected in urban areas are to be provided for and rural-residential activities are to be excluded from rural areas where adverse effects on rural activities cannot be avoided, remedied or mitigated.

The proposal will compromise productive land use opportunities in the area in that the intensification of residential activities conflicts with a working rural environment, the residential activities are not associated with on-site production and will potentially lead to land fragmentation, the buildings and residential use detract from the existing rural character and amenity values and residential intensification is not an efficient use of the rural land resource.

Chapter 11 *Land Transport Effects* seeks to ensure the safe and efficient provision of the road network. Policy 11.1.1 promotes the location of development so that adverse effects of traffic generation are avoided, remedied or mitigated and provides a distinct transition between the urban and rural environments.

It is considered that this proposal represents a urban sprawl that, if granted, will have adverse cumulative effects on the rural roading network that is unsustainable in terms of conflicting with existing and potential rural activities and capacity of rural roads to cope with residential activities not associated with the productivity of the land.

In conclusion it is considered that the proposed activities are contrary to the policies and objectives of the Proposed Plan. The proposal is more suited to the rural residential zone where rural character, amenity and productive land values can be maintained and cross-boundary conflicts are not increased.

### **5.3 Part II Matters**

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

Part II of the Act is concerned about sustaining resources to meet the needs of future generations, safeguarding the life-supporting capacity of soil and avoiding, remedying or mitigating adverse effects of activities on the environment (Section 5). To achieve

this, Council shall have particular regard to the efficient use of resources, maintenance and enhancement of amenity values and quality of the environment and the finite characteristics of the soil resource (Section 7). As I have discussed earlier the proposal is not an efficient use of the land resource, will increase cross-boundary conflicts that undermine the ability of other properties to meet their needs, will adversely affect the amenity values of the area and it has the potential to lead to unsustainable land fragmentation of the finite soil resource.

It is considered that there are no conditions of consent that can make the proposal consistent with the Act's purpose of achieving the sustainable management of natural and physical resources.

#### **5.4 Matters of Discretion and Control in the Plan**

The proposal is a discretionary activity due to the site not being the minimum size of 50 hectares for two dwellings and there being two residential activities on one site in the Rural 2 zone. Had the site been at least 50 hectares and the activity deemed to be one residential activity, the application would be a restricted discretionary activity where Council has restricted its discretion to matters including:

- the availability of productive land on the site including effects relating to the capitalization of the site;
- servicing and traffic safety effects;
- effects on amenities and rural character of the area;
- the ability to mitigate any adverse effects of the extent and visual impact of buildings and privacy for neighbours including planting and landscaping;
- the potential for cross-boundary conflicts and nature of adjoining uses;
- the compatibility of the building with existing development; and
- financial contributions, bonds and covenants and administrative charges.

In consideration of these matters, the proposal adversely affects many aspects of the Rural 2 zone that cannot be mitigated so that they are no more than minor.

#### **5.5 Other Matters**

##### **Precedence and Cumulative Effects**

Precedence in itself is not an "effect" but the subsequent approval of this proposal to lead to other similar applications from rural 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. 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; and
- 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.

There are no factors that make this application different from other properties:

1. There is a lot of Rural 2 zoned land less than 50 hectares in size and many property owners wanting to house extended family members or tourists on-site but separate from their own dwelling;
2. The site has a productive value and is located in a working rural environment with a mix of existing land uses and sizes;
3. There are many nearby properties that will be able to plainly view the residential development on the site; and
4. It is considered that the proposed development is likely to result in environmental outcomes that the Plan seeks to specifically locate in the rural residential or residential zones.

## **6. CONCLUSIONS**

- 6.1 The proposal is a Discretionary Activity under the Proposed Plan.
- 6.2 Once the effects of two dwellings on a site are established the argument for subdivision and further residential activities in the area are strengthened due to the progressively decreasing productive land value and increasing capital value of the dwellings.
- 6.3 The effects of the two dwellings and two residential activities on the rural environment will be more than minor. The cumulative effects of allowing residential intensification in a rural area are significant and unsustainable.
- 6.4 The property does not have unique characteristics that would enable Council to approve the proposed activities without undermining the integrity of the Plan to achieve its environmental outcomes.
- 6.5 The policies and objectives of the Proposed Plan seek to ensure the use of the land does not adversely affect the character and amenity of the area, avoid cross-boundary conflicts and protect the rural land resource and associated permitted rural activities.

- 6.6 The Plan permits one dwelling to contain two separate units in the Rural 2 zone and allows up to six visitors as a home occupation (subject to location and servicing standards), to avoid two distinctly separate residential (or tourist) activities that will increase the capital value of the land and potentially lead to land fragmentation.
- 6.7 Rural land fragmentation reduces the productive potential of land and the establishment of dwellings on rural land without any productive use of the land is a significant cause of land fragmentation.
- 6.8 It is considered that this proposal, on this particular site, is contrary to the policies and objectives of the Proposed Plan and is inconsistent with the Act's purpose of achieving the sustainable management of natural and physical resources. The adverse effects on the environment will be 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, I recommend the application to erect two dwellings on Lot 2 DP 19327 be declined.

## **8. CONDITIONS**

If the Committee grant the application, I recommend the following conditions be imposed:

### **Covenants**

1. Prior to any building consent being issued for the second dwelling, a covenant under Section 108 of the Resource Management Act 1991 shall be entered into and registered against the certificate of title for the land on which the second dwelling is to be located. The covenant must state that:
  - a) The dwelling that is not the main dwelling on the property is for the use of dependent relatives or visitor accommodation and shall be converted to an accessory building or relocated off the property when no longer used for the stated purpose;
  - b) The two dwelling status shall not provide a future basis for subdivision of the title; and
  - c) The owners and occupants of Lot 2 DP 19327 shall not attempt directly, or through action with a third party, to prevent or restrict any permitted or consented activity associated with the normal management and operations of the adjoining forestry on Lot 1 DP19438 and Lot 1 DP19327.

The covenant shall be entered into pursuant to Section 108(2)(d) of the Act and shall be registered against the title pursuant to Section 109 of the Act. All cost incurred in preparing and registering the covenant shall be paid for by the consent holder.

## **Amenity**

2. The exterior of the dwellings shall be finished in colours that are recessive and which blend in with the immediate environment. The Consent Holder shall submit to the Council for approval prior to the issue of the building consent for each dwelling the following details of the colours proposed to be used on the walls and roof of the dwelling:
  - (i) The material to be used (e.g. paint, colour steel);
  - (ii) The name and manufacturer of the product or paint;
  - (iii) The reflectance value of the colour;
  - (iv) The proposed finish (e.g. matt, low-gloss, gloss); and
  - (v) Either the BS5252:1976 (British Standard Framework for Colour Coordination for Building Purposes) descriptor code, or if this is not available, a sample colour chip.

The dwellings shall be finished in colours that have been approved by the Council (see notation 5 below).

## **Landscaping**

3. The consent holder shall engage a landscape architect to design a landscaping plan that will have the effect of blending the proposed dwellings with the surrounding rural environment to minimise the visual impact of the development on nearby properties. The plantings shall also be designed to maintain a sense of privacy for adjoining landowners.
4. Plantings shall commence within the first growing season from the date of issue of consent with all plantings completed for each dwelling site within the first growing season following the completed construction of each dwelling.
5. The landscaping plan shall be submitted to Council's Environment and Planning Manager for approval prior to the building consent being issued for each dwelling.
6. The consent holder shall maintain the plantings in general accordance with the aforementioned landscaping plan that will form part of this consent.

## **Access**

7. The applicants shall apply to Council's Engineering Department prior to Building Consent being issued for the first dwelling to upgrade the access including the sealing of the access a minimum of 10 metres on-site.

8. The access is to be maintained and watered down if necessary to ensure adjoining properties do not experience any resulting dust problems.

### **Monitoring**

9. The resource consent holder shall, in order to allow for the monitoring of consent conditions, provide a minimum of three working days written notice to Council's Manager, Environmental Information or his agent before the completion of plantings for each dwelling site.

### **NOTATIONS**

1. Monitoring of the consent is required under Section 35 of the Resource Management Act 1991 and a deposit fee is payable at this time. Should monitoring costs exceed this initial fee, Council will recover this additional amount from the resource consent holder. Costs are able to be minimised by consistently complying with conditions and thereby reducing the frequency of Council visits.
2. This consent is issued pursuant to the Resource Management Act 1991 and the Proposed Tasman Resource Management Plan. It does not constitute building consent and the proposed dwellings shall obtain the necessary approvals pursuant to the Building Act 2004.
3. Any matters not referred to in this application for resource consent or are otherwise covered in the consent conditions must comply with the Proposed Tasman Resource Management Plan (PTRMP) or the Resource Management Act 1991 or further resource consent is required to be obtained.
4. Council will require payment of a development contribution in accordance with Council's Development Contributions Policy under the Local Government Act 2002 for the development subject of this resource consent.

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. A 5% discount is available if the payment is made prior to the uplifting of the building consent (see attached brochure).

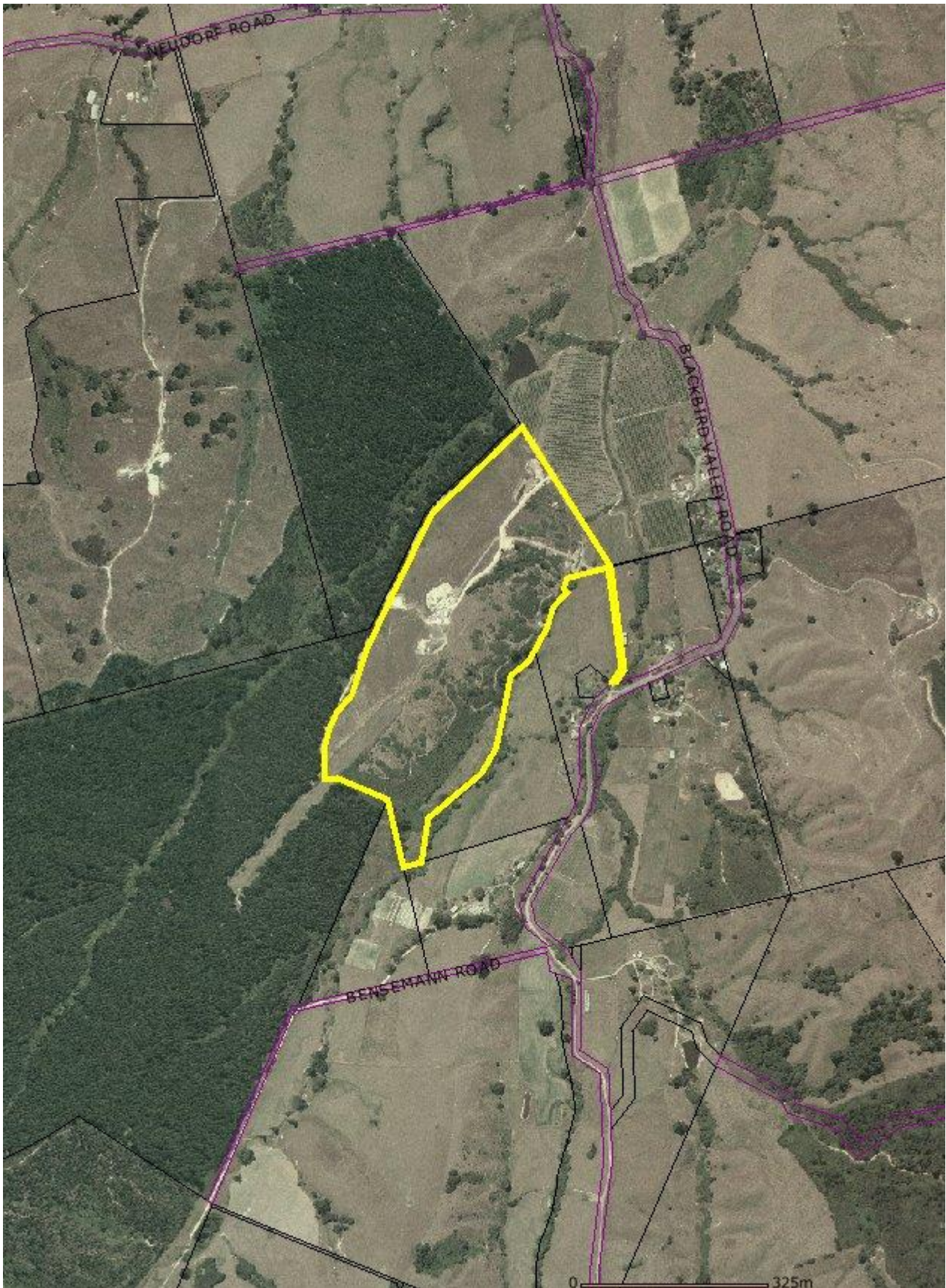
5. As a guide, the Council will generally approve colours meet the following criteria:

<b>Colour Group*</b>	<b>Walls</b>	<b>Roofs</b>
Group A	A05 to A14	A09 to A14
Group B	B19 to B29	B23 to B29
Group C	C35 to C40	C37 to C40
Group D	D43 to D45	Generally excluded
Group E	Generally excluded	Generally excluded
<b>Reflectance Value</b>	≤50%	≤25%
<b>Finish</b>	Matt or Low-gloss	Matt or Low-gloss

\* Based on BS5252:1976 (British Standard Framework for Colour Coordination for Building Purposes). Where a BS5252 descriptor code is not available, the Council will compare the sample colour chip provided with known BS5252 colours to assess appropriateness.

Mandy Bishop

**Consent Planner**





## APPENDIX 2

### Soils and Land Productivity Report

W.D. Manley, Blackbird Valley

The application area consists of 16.5 hectares of hill country land situated on the “Moutere Formation” at Blackbird Valley.

The soils found on the site are mapped as Rosedale Hill soils. These soils are found on the majority of hill country in this vicinity. They are generally silt loams formed on weathered clay bound gravels. Their fertility is very low. The soils are strongly acid, phosphorus is very low, calcium is low to very low, and potassium is low.

Topsoil depth will vary over the block with deeper soils found on the gentler sloping north and north west facing slopes. Shallower soils will be found on the smaller area of steeper south east facing slopes. On these south east facing slopes gorse cover is starting to dominate. This is indicative of land requiring a more intensive management regime than is presently been adopted to maintain pastoral productivity. Rosedale hill soils are used predominantly for sheep and cattle farming and for forestry plantations. Under pastoral use a good level of productivity can be sustained under conventional management systems. Recently, pastoral trials using nitrogenous fertilizer applications on this class of land indicate productivity and profitability can be greatly improved. Soil erosion can be a problem when these soils are cultivated and the implementation of soil conservation measures are required to minimize this.

The New Zealand Land Resource Inventory classes this land as Class IVe16 indicating that the land is non-arable but some of best hill country land in the Tasman District.

The Agriculture NZ Classification System for Productive Land in the Tasman District classes this land as “E”. This class has some limitations to intensive use. Its crop range includes intensive pastoral, extensive pastoral and production forestry. Class E land covers the majority of the most productive hill country in the region.

Contrary to that information pertaining to land productivity in the application report, the land is not “largely unproductive.” Much of the Tasman District’s pastoral farming is based on this class of land.

Andrew Burton  
Resource Scientist (land)

11-04-05





