



STAFF REPORT

TO: Environment & Planning Committee

FROM: Mark Morris, Consent Planner, Subdivision

REFERENCE: RM050490

SUBJECT: **B and M HALSTEAD FAMILY TRUST – REPORT EP05/10/04 –**
Report prepared for 17 October 2005 hearing.

1. APPLICATION BRIEF

1.1 Proposal

The application is for a subdivision consent.

The proposal is to subdivide two existing titles CT NL 12A/1090 and NL 12A/1092 of 16.3 hectares and 26.6614 hectares into four allotments, Lot 1 being 12.9 hectares, Lot 2 being 11.9 hectares, Lot 3 being 10.7 hectares and Lot 4 being 8.3 hectares.

The bulk of Lot 3 and a small part of Lot 1 is proposed to be protected under a QE2 Trust covenant which is designed to protect the native bush areas on the property, in perpetuity.

1.2 Location and Legal Description

The property is located at Neudorf Road.

The legal description of the land is Lot 2 DP 18153 and Parts Section 8 Block XV Motueka SD and Pt Sections 116 SQ 2, Certificates of Title NL 12A/1092 and NL 12A/1090.

1.3 Zoning and Consent Requirements

The land is zoned Rural 2 under the proposed Tasman Resource Management Plan. Under the operative Transitional Plan (Waimea Section) the land is zoned Rural B.

Under the Transitional Plan the application would be considered to be a Non-complying activity in that the minimum lot size is less than 15 hectares (Rule 406.1).

The subdivision is considered to be a Discretionary Activity under the relevant rules of the Proposed Tasman Resource Management Plan in that the minimum lot size is less than 50 hectares required under the controlled activity rule 16.3.8 for the Rural 2 zoned land.

The Rural 2 zone is considered to be operative as there are no outstanding submissions or appeals. Therefore no assessment will be provided under the Transitional Plan.

2. INTRODUCTION

2.1 The Proposal and Background

The applicant wishes to subdivide his two existing titles into four allotments Lot 1 being 12.9 hectares, Lot 2 being 11.9 hectares, Lot 3 being 10.7 hectares and Lot 4 being 8.3 hectares.

The applicant runs the two titles in conjunction with a third title (CT 12A/1091 which contains the applicant's house) as a 47 hectare pastoral farm.

The property covers two small valleys with the applicant's house block and proposed Lot 4 of one side of the spur and the bulk of the farm on the southern side of the spur. There do not appear to be any buildings on either of the existing titles, with the farm buildings contained on the applicant's house lot which is not included in this application.

The southern side of the spur contains a relatively large area of native bush which the applicant intends to covenant under a QE2 trust covenant as part of the subdivision.

It is my understanding that the applicant has owned the block since 1980 when the property covered 65 hectares which was one title of 63 hectares and one "closed road" road title of 2.1 hectares running through the middle of the property.

In 1989 the applicant had a boundary adjustment (T2/10/89/19) approved to separate off a small area of land on the other side of the road, which now contains the Mudcastle (Lot 1 DP 14268).

In 1994 the applicant got consent under RM940285 to subdivide the remaining 65 hectares block into four allotments, including a "retirement block" which is now the applicant's house block (lot 3 DP 18153) and a 17 hectares block (Lot 1 DP 18153) which adjoins the block to the west.

The applicant now wishes to further subdivide two of these titles into four allotments meaning that the property that existed at 1989 will have gone from two titles to seven titles.

3. NOTIFICATION AND SUBMISSIONS

The application was publicly notified on 13 August 2005.

Two submissions were received.

Weyerhaeuser New Zealand Inc

Opposed to the application for the following reasons:

- The application is contrary to the Proposed Tasman Resource Management Plan.
- Increase the potential for complaints from future residents in respect of noise and safety issues associated with log truck and ancillary vehicle movements when tree harvesting occurs.
- Further development creates more traffic on rural roads and means that that more neighbours will be affected by vehicle movements along roads.
- Properties such as this attract purchasers who have urban expectations, who can seek to restrict activities that would normally be undertaken in the rural environment.

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Opposed to the application for the following reasons:

- Fragmentation of rural land
- Significant change to the rural nature of the area.
- Against the planning direction of the Tasman District.
- Build precedent for the continued subdivision of rural land.

4. STATUTORY CONSIDERATIONS

4.1 Resource Management Act

Part II Matters

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

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

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 subdivision 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 that the Rural 2 zoning is essentially operative.

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

4.2 Tasman Regional Policy Statement

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

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

4.3 Tasman Resource Management Plan

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

The most relevant Rules which follow from these imperatives are contained in Chapter 16.3 'Subdivision' and Chapter 17.5 'Rural 2 Zone'. The assessment criteria set out in 16.3A, which are provided to guide Council in evaluating the proposed subdivision.

Details of the assessment of the proposed subdivision 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.

Rural Land Productivity

The Council's Resource Scientist (land) Andrew Burton in his report (Attachment 1) has classified the soils on the property as Rosedale Hill Soils.

According to Mr Burton's report, this soil type has potential for pastoral and forestry uses and with improved pasture management and fertiliser, can be very good for sheep and cattle farming.

As with most Rural 2 zoned properties, the soils on the property have low natural fertility and uses limited to forestry and pastoral farming. This is in accordance with what is expected with Rural 2 zoned properties.

The plan seeks to avoid the effects of fragmentation on all productive land (Objective 7.1.0) which includes the Rural 2 land. To achieve this, Council has set down minimum lots sizes of 50 hectares for the Rural 2 zone. This is considered to be the size, where the adverse effects of fragmentation are considered to be no more than minor.

The general policy thrust of the Plan, is the less productive the land is, the larger the minimum lot 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 all the Rural 2 zone open to rural residential subdivision by setting a minimum lot size of two hectares. 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 seeking to prevent further fragmentation of the Rural 1 and 2 zoned area.

Increased subdivision of Rural 2 land into small rural- residential allotments can lead to a distortion of land values, whereby land becomes more valued for its lifestyle and 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.

The Environment Court case *Burnett.v. Tasman District RMA 320/94* involved the subdivision of a 5.5 hectares property in Awa Awa Road into three allotments, it was argued by the appellant that the property should be subdivided because it had little productive value based on its small size and low productive potential.

Judge Willy disagreed stating:

“ The point we wish to emphasise is that although there will be cases in which the question of productivity of the land in question is relevant to the outcome of an application for subdivision of rural land, an argument which carries the implication that rural land should be open for rural residential development merely because it is of low productivity, is in our view contrary to the provisions of the Act and in this case the planning instruments that we must have regard. Landowners must understand that having acquired small rural blocks which either have houses on them, or the right to build a dwelling, they cannot expect to further subdivide the property merely because there is no, or only limited productive use to which the land can be put”.
p 10 RMA 320/94

The appeal was declined and the Council's decision to decline the application was upheld.

I acknowledge that the Awa Awa Road land has now been zoned Rural-residential. However in terms of the general thrust of plan, this how the matter should be dealt with. That is by way of rezoning, rather than sporadic ad-hoc consent approvals that undermine the integrity of the plan itself.

It is considered in the effects of the proposed four lot subdivision in terms of productive values are more than minor.

Traffic Effects

These matters are covered Dugald Ley's report in Attachment 2 to this report.

Servicing Effects

The applicant advises the following in relation to servicing:

Telephone and power are available of the new allotment.

Effluent disposal will be by way of on-site effluent disposal.

Rainwater will be collected for household use. The applicant has two units of water from the Dovedale Scheme. He wishes to retain one for his own dwelling, but does not say how the other unit will be used.

Rural Character and Amenity Values

The rural character of the upper Neudorf Road area is predominantly characterised by relatively large farm and forestry allotments of varying sizes with an associated low density of built form and structures.

While it acknowledged that some of the allotments nearby are of a small size, the overall character is of a productive farm landscape of pastoral farming and commercial production forestry.

The proposed subdivision resulting in two additional small allotments will have an cumulative adverse effect on the rural landscape of the area.

The proposal is a form of development that is not specifically provided for in the Rural 1 and 2 zones. The PTRMP provides for a low-density of development (i.e. one dwelling per 50 hectares for Rural 1 and 12 hectares for Rural 1).

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 enhance the rural character and amenity values of the area.

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

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

The creation of two additional mall rural lots has the potential to detract from the amenity values of the natural and the rural character of the surrounding environment.

The Rural 1 and 2 minimum lot 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 was approved, then the integrity of the planning documents to maintain that rural amenity would be clearly undermined in that inevitably many other similar subdivision applications would seek similar treatment and lead to a cumulative effect on the existing rural character and amenity of the area.

Cross-Boundary Effects.

One of the submitters (Weyerhauser) is concerned about the adverse effects of having smaller rural allotments adjoining a larger commercial forest which is owned the Weyerhauser New Zealand. They are concerned that the subsequent owners with "urban expectations" will seek to curtail legitimate forestry operations such as harvesting of logs.

In my recommended conditions I have recommended that Lots 1 and 2 be made one allotment which will mean that the proposed house site will be well away from the Weyerhauser Forestry estate. Also I have recommended a 150m setback for any dwelling on this allotment.

On the existing title, the applicant could as a permitted activity, erect a single dwelling up to 30 metres from the Weyerhauser boundary.

5.2 Relevant Plans and Policy Statements.

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

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

Chapter 5 - Site Amenity Effects Council must ensure that the rural character and amenity values of the site and surrounding environment are protected, and any actual or potential effects of the proposed subdivision must be avoided remedied or mitigated, 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 an effect of the proposed activity on character and amenity values. An additional two rural allotments would be created in a rural landscape, contributing to 'rural residential' (as opposed to 'rural') character and amenity in the area.

Policies: 5.1.1, 5.1.3A, 5.1.9, 5.2.1, 5.2.7, 5.2.8, 5.3.2, 5.3.3, 5.3.5

Chapter 7 – Rural Environment Effects The productive potential of land resources must be protected, and used efficiently. Rural character and amenity values must be maintained or enhanced

Objectives: 7.1, 7.2, 7.3 A small area of productive rural land will be lost for use in soil-based production.

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

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

A notation as part of consent if granted may be provided to alert the applicant of her obligations in terms of the Historic Places Trust. There are no known sites of heritage value.

Objectives 10.1
Policies 10.1.3, 10.1.5.

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

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

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

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

Chapter 16.3 Subdivision – Requires Discretionary Activity resource consent for Rural 2 Zone subdivision, namely the creation of an allotment that will be less than 50 hectares.

Assessment Criteria: Rule 16.3A Assessment criteria set out in Rule 16.3A provide guidance in the assessment of the application for determining appropriate conditions. Key matters such as servicing, amenity values and the effect of the proposal on key resources must be addressed when assessing any application for subdivision consent. Matters most relevant to this application have been covered in the assessment of effects of this report (Chapter 5.1).

Chapter 17.5 Rural 2 Zone Rules – Any activity on the proposed lots is subject to permitted activity performance standards and conditions set out in Rule 17.5, Rural 2 Zone rules.
Subject to performance standards and conditions for buildings in this Zone, the proposed new dwellings and residential activity are permitted in the Rural 2 Zone.

Chapter 36.1 Discharges to Land – The discharge of wastewater to land must comply with performance standards and conditions of this rule or otherwise require separate discharge consent.

Standards for the discharge of domestic wastewater must be met. These can be ensured by way of conditions if consent to the dwellings is granted.

Chapter 7 *Rural Environment Effects* is concerned with the effects of land fragmentation on all productive land whether it be highly productive or not.

In Objective 7.1.0 it sets out its 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 are 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 particular case, the actual effects on soil productive values may not be significant in terms actual loss of productive land, but its approval is likely to lead to other similar applications in the Rural 2 zone, that if were subsequently approved would create a significant cumulative adverse effect on the rural land resource.

Policy 7.1.3 requires land parcels *"upon subdivision"* to be of a size that *"retains the land productive potential"*, having regard to the *"versatility of the land"*.

The Proposed Plan has set down 50 hectares as the size whereby adverse effects on versatility and productive potential are "no more than minor" by way of it's controlled status. There may be instances where rural 2 zoned properties have a higher degree of versatility by way of high productive soils which would warrant a smaller lot size, but this is certainly not the case with this property and the best way to retain the versatility is to retain the present lot size.

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 productive land in both the Rural 1 and 2 zones. The priority given to Rural 1 land does not some how mean that Rural 2 land should be available for rural residential subdivision.

The Council could have made all Rural 2 land rural residential and just let the market decide the land pattern but it deliberately chose not to do this, and instead set aside rural-residential zoned areas (now 39 in total) and sought to retain the rural amenity and productive values in Rural 2 areas by instituting the 50 hectare minimum lot size for controlled activity subdivisions.

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."*

Policy 7.2.2 states:

To enable subdivision of land or amalgamation of land parcels for the preservation of:

(a) *significant natural values, including natural character, features, landscape, habitats and ecosystems;*

(b) *heritage and cultural values;*
where preservation is assured through some statutory instrument and statutory manager.

In this case the applicant is volunteering as part of the subdivision, to register a QE2 Trust covenant on 9 hectares of native bush on the property. The QE2 trust has agreed to this proposal and if the subdivision is approved would become the statutory manager of the covenant.

If the native bush that is to be protected is considered to be “significant” then this part of the proposal would indeed be in accordance with the policies and objectives of the plan.

The QE2 Trust has confirmed in the application that the covenant proposal meets their criteria for protection.

It is my understanding that the Upper Moutere area has very little native bush areas left and this would add to its local significance.

I am currently seeking more information on the significance of the native bush from Council staff and this should be available at the hearing.

In conclusion it is considered that the subdivision of two existing titles into four allotments is contrary to the policies and objectives of the plan, in that is part of the “progressive fragmentation” of productive rural land that the Plan is seeking to avoid.

However it is acknowledged that the policies and objectives are also seeking to protect significant natural heritage areas and that the subdivision process can be used to achieve protection.

If the number of allotments could be reduced from four to three (one additional allotment) then on balance, the application could be seen to be more in accordance with the policies and objectives of the Plan.

5.3 Part II Matters

The proposed subdivision and landuse 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 “maintaining and enhancing amenity values” under Section 7 (c). As I have discussed earlier the proposal will potentially adversely affect the open rural amenity of this area by introducing a higher density of rural residential development that is incompatible with its Rural zoning.

The other relevant matters in Part II are Section 6 (c) which states:

“The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna.”

This is a matter of “National Importance” and so if the proposed native bush on the property is considered to be significant then this would clearly have to be taken into account as a positive “effect” of the subdivision.

While it considered that the subdivision has the potential to adversely affect Rural amenity and the productive land resource through further fragmentation into smaller allotments, it is acknowledged that the subdivision will achieve protection of indigenous bush, which if deemed "significant", would make it in accordance with Part II of the Act.

5.3 Other Matters

Precedence and Cumulative effects

Precedence in itself is not an "effect" but the subsequent approval of this subdivision is likely to lead to other similar applications from Rural 2 properties each wanting like treatment. This can lead to a cumulative effect that is very much a relevant adverse effect under Section 3 (d) of the Act.

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

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

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

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

In the High Court Decision *Jennings v Tasman District Council*(CIV 2003 485 1654)) the Court found that adverse precedent effect was a relevant matter in assessing the effects of a three lot subdivision and the cumulative effects that might arise in terms of subsequent applications if the subdivision was approved.

In this case we have a 50 hectare minimum lot size under the Proposed Plan and 15 hectares as a non-complying activity under the Transitional 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.

The difference with this application is that the subdivision involves QE2 Trust protection of a native Bush Block that the Trust has deemed worthy of statutory protection by way of a QE2 covenant.

This does make the application different from most others in the Upper Moutere area in that it is unlikely that other land owners would not have native bush areas that would meet the criteria for protection.

In this regard, the issue of “precedent” would be less with this application than with other rural residential subdivision applications.

Permitted Baseline Test

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

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

In this case the two existing titles could have dwellings established on each of them as a permitted activity. The subdivision will result in two additional dwellings to be erected on top of this. If the application was reduced to three lots instead of four lots, then the additional development potential would be much less.

It is considered that in terms of the permitted baseline test, that the adverse effects of the two additional lots are more than minor, though it could be considered minor if the proposal was reduced to three lots.

6. CONCLUSIONS

- 6.1 The proposal is a Discretionary Activity under the Proposed Plan.
- 6.2 The property is zoned Rural 2 under the Proposed Plan.
- 6.3 The property is in an area of mainly extensive productive pastoral and forestry landuses. Apart from a few small holdings, the upper Neudorf Road area is still dominated by relatively large holdings giving an open rural landscape. To approve this subdivision has the potential to adversely affect this rural amenity, in a way that is not envisaged by the Rural 2 zone rules and the related policies and objectives under the Proposed Plan.
- 6.4 The policies and objectives of the Proposed Plan seek to avoid the adverse effects of fragmentation on productive values of all rural land (objective 7.1.0) including those in the Rural 2 zone.
- 6.5 It is acknowledged that the actual adverse effects of fragmentation on Rural 2 land are less than that of Rural 1 land in terms of loss of productive potential and cross boundary effects and this is acknowledged in plan under 7.1.30. However it is still a significant issue in the plan policies and objectives which under 7.1.3 seek to: *“Avoid the loss the loss of potential of all land of existing and potential productive value to meet the needs of future generations”*.
- 6.5 The polices of the Plan, in particular 7.2.2, also seek to facilitate protection of areas of significant natural values. In this regard the applicant is seeking to protect a large area of native bush to be given permanent protection under a QE2 covenant.

- 6.6 Part II of the Act under Section 6 (c) makes the “protection of areas of significant indigenous vegetation” a matter of “national importance”. In terms of the Act these matters are given greater importance than other matters which include avoiding of adverse effects on the productive land resource.
- 6.7 While it is considered that the fragmentation effects of the proposed subdivision are more than minor, if the application was amended to three lots instead of four, the proposal could be deemed to be acceptable in terms of the positive effects of the protection of the native bush areas.

7. RECOMMENDATION

That pursuant to Section 104B of the Resource Management Act 1991 the Tasman District Council DECLINES its consent to the application by BE and MC Halstead family Trust to subdivide CT NL 12A/1092 and NL 12A/1090 into four allotments (RM050490).

However, if the application was amended to three lots instead of four (by way of lots 1 and 2 becoming one allotment (lot1) of 24.8 hectares) then in my professional opinion, the application could be approved subject to the conditions set out below.

8. CONDITIONS

If the Committee decides to grant consent, I recommend that the following conditions be imposed:

Please note that these recommended conditions are based on three lots being approved rather than four as applied for.

8.1 Amended Plan.

Within 15 working days of this approval, the applicant shall provide an amended plan that shall show Lot 1 and 2 as one allotment (lot 1) of 24.8 hectares. The proposed right-of-way access shall terminate at the start of Lot 1.

8.2 Access

- (a) The access on to Neudorf Road shall be formed and sealed in accordance with the standards in Section 16.2.2 of the Proposed Tasman Resource Management Plan and shall comply with the sight distance requirements of Section 16.2.2 (v) or be to the satisfaction of the Tasman District Engineering Manager.

Adequate culverting and water tables shall be provided at the entrance to ensure that it does not interfere with the road drainage.

Fences and trees to the west (Dovedale side) shall be relocated onto the true boundary and trees removed to give clear sight distance.

The seal formation shall extend to the back of the road seal

(b) **Right-of-Way**

The right-of-way shall be formed, and surfaced with Basecourse to a minimum 4.5 metre width with stormwater control (side drains) discharging to existing drainage path, maximum gradient of 1 in 6. The legal width shall be 6.5 and encompass all cut and fill batters. Grades between 1 in 6 and 1 in 5 shall have a two coat chip seal, Grade 6 chip over Grade 4 chip.

The right-of-way at the Neudorf Road intersection shall have a near level area for at least 5.0 m inside the boundary.

Stormwater shall be disposed of from right-of-way areas such that no adverse effects are felt outside the subdivision.

(c) The access to Lot 4 shall be resealed from the road seal to 5mtres inside the property boundary.

(d) Practical metalled access shall be constructed to the building site on each of Lots 1 and 3 at a minimum grade 1 in 6 and complying with the Tasman District Resource Management Plan.

8.3 Power and Telephone.

Live telephone and electric power connections shall be provided to each lot and all wiring shall be underground 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.

8.4 Consent Notices

The following consent notices shall be registered pursuant to Section 221 of the Resource Management Act 1991:

- (a) Any dwelling on Lots 1, 3 and 4 shall provide for a minimum on-site potable water storage of 23,000 litres, with adequate provision for fire fighting;
- (b) Any dwelling or residential building on Lot 1 shall be setback at least 150 metres from the southern boundary.

The consent notices shall be prepared by the applicant's solicitor and sent to Council for approval.

8.5 Easements

Easements/easements in gross shall be shown on the survey plan as required by Council.

8.6 Engineering Works and Plans

All works shall be constructed in strict accordance with the Tasman District Council Engineering Standards or to the Engineering Manager's satisfaction.

All engineering works as outlined above shall be shown on engineering plans and to the requirements as set out in the Tasman District Council engineering standards and amendments. A 223 Certificate cannot be issued until the engineering plans have been received and approved by Council.

"As built" plans of services will be required at the completion of the works and approved by the Engineering Manager prior to the issue of a 224C Certificate.

8.7 Engineering Certification

At the completion of works, a suitably experienced chartered professional engineer or surveyor shall provide Council with written certification that the works have been constructed to the standards required.

Certification that a site has been identified on Lots 1 and 3 suitable for the erection of a residential building shall be submitted from a chartered professional engineer or geotechnical engineer experienced in the field of soils engineering (and more particularly land slope and foundation stability). The certificate shall define on each lot the area suitable for the erection of residential buildings.

Where fill material has been placed on any part of the site, a certificate shall be provided by a suitably experienced chartered professional engineer, certifying that the filling has been placed and compacted in accordance with NZS 4431:1989.

8.8 Financial Contribution Levies

The following Financial Contribution levies are required on one allotment in accordance with Section 16.2 and 16.5.5 of the Proposed Tasman Resource Management Plan.

(a) *Reserves and Community Services*

Payment of a reserves and community services levy assessed at 5.5% of a nominal 2,500 square metre building site area contained within one allotment. Valuation shall be by way of a special valuation undertaken by a registered valuer at the applicants' request and cost. The applicants shall forward a copy of the consent plan to a registered valuer when the valuation is requested. The valuation is to be forwarded to the Tasman District Council for calculation of the levy.

ADVICE NOTE

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 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 the amount to be paid and will be in accordance with the requirements that are current at the time the relevant development contribution is paid in full.

This consent will attract a development contribution on one allotment in respect of roading.

8.9 Archaeological Findings

If in the course of any earthworks for the subdivision, any artefacts, 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.

8.10 Bush Covenant

The QE2 covenant areas shall be shown on the Section 223 title plan.

Copies of the signed QE2 covenant documents shall be provided to Council prior to the signing of the Section 224 (c) certificate, together with the applicant's solicitors written undertaking that they will be registered on the proposed Lots 1 and 3.

The QE2 covenant areas shall be fenced off with a stock proof fence prior to the signing of the Section 224(c) certificate.

Mark Morris
Senior Consent Planner
(Subdivisions)

B E and M C Halstead

RM050490

The application area consists of 44 hectares of hill country land situated on the “Moutere Formation” at Neudorf.

The soils found on the site are mapped as predominantly Rosedale Hill soils. There are small sections of alluvial gravels along the valleys associated with the block. These would be mapped as Dovedale Gravely Loams but their size and shape make them insignificant in the assessment of the productivity of the application area.

The predominant soils, Rosedale Hill Soils, are found on the majority of hill country in this vicinity. They are generally silt loams formed on weathered clay bound gravels. Their natural fertility is very low. The soils are naturally strongly acid, phosphorus is very low, calcium is low to very low, and potassium is low. Fertilizer applications associated with standard farming practise has significantly increased fertility levels in general on these soils. It is not difficult or impractical to increase the fertility status of the soil to attain desired production levels. These soils have excellent waterholding capacity which benefits plant growth, particularly tree crops during dry periods.

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.

Andrew Burton
Resource Scientist (Land)

28 September 2005

TO: Mark Morris
FROM: Dugald Ley
REFERENCE: RM050490
DATE: 5 October 2005
SUBJECT: Halstead Trust, Neudorf Road, Four Lot Subdivision

PURPOSE

Engineering report of servicing issues relating to the above four lot subdivision in the Rural 2 Zone.

BACKGROUND

The proposed Lots 1, 2 and 3 will gain access to Neudorf Road via a formed right-of-way Lot 4 will access direct to Neudorf Road. Neudorf Road is classed as a collector road on Council's hierarchy of roads. It has a 6.0 metre seal width, with grassed berms draining into side drains and streams. Curve alignment is consistent with the local topography and a 70 kilometre per hour speed value can be achieved through most of the roads length towards Upper Moutere.

Sight distance to the east (Upper Moutere) from the proposal right-of-way is approximately 140 metres and to the west (Dovedale) some 160 metres can be achieved with the relocation of boundary fencing and tree removal.

Safe stopping sight distance as outlined in "Austroads" require approximately 85-90 metres and this can be met with this application.

DISCUSSION

The access to Lot 4 and the right-of-way entrance have been previously constructed through a past subdivision and minimal upgrading works will be required on these. This may require only a reseal of the entrance.

The right-of-way serving Lots 1, 2 and 3 is proposed to be some 660 metres long with the access to Lot 3 exiting the right-of-way at the 190 metre mark.

The right-of-way standards Council has, are that of a 4.5 metre carriageway and side drains with grades of 1 in 5 to 6, to be sealed, and grades flatter than 1 in 6 to be compacted basecourse.

Due to the topography the right-of-way will be required to be sealed.

Having walked over the proposed right-of-way below the building site on Lot 3, it is clear that substantial earthworks in regard to exposing cut batters, tree removal will be required to construct the right-of-way as per Tasman District Council minimum design criteria.

The right-of-way is located beside a well vegetated and tree covered stream which has many in-stream values which needs protecting.

Any earthworks in these areas will have a detrimental effect on this in-stream environment due to sediment runoff and new exposed cut and fill batters and it is this officer's opinion that a right-of-way should not be constructed in this area.

I therefore recommend that only one dwelling or access be permitted along this part of the existing cut access track and therefore a minimum formation of 3.5 metres of compacted basecourse is required.

This has the effect of reducing the subdivision down to three lots with the amalgamation of Lots 1 and 2.

Dugald Ley
Development Engineer