



STAFF REPORT

TO: Environment & Planning Committee

FROM: Mark Morris, Consent Planner, Subdivision

REFERENCE: RM040559

SUBJECT: **M R and R M BENGE – REPORT EP05/12/01** Report prepared for 5 December hearing.

1. APPLICATION BRIEF

1.1 Proposal

The application is for a subdivision consent.

The proposal is to subdivide Lot 1 DP 347033, CT NL 193319 of 35.5 hectares into six rural-residential allotments of between 2 hectares and 19 hectares in area.

1.2 Location, Legal Description and Background

The property is located on McCallum Road.

The legal description of the land is Lot 1 DP 347033 Certificate of Title NL 193319

The applicant has been involved in a number of ventures in the local area over the last 15 years.

In 1991 the applicant gained consent (T2/9/91-79) to run the Bencarri Farm Park and Café which has become a popular tourist attraction in the Bay.

In 1995 consent was applied to establish a tourist accommodation complex involving 38 accommodation units and restaurant/conference facilities within Farm Park Area under RM950317. This was declined, partly over concerns over flooding from the Anatoki River.

A further consent (RM960533) was applied for a similar sized tourist complex further down McCallum Road on the other side of the road and on a higher river terrace.

This was approved on 9 June 1997. However, this consent has never been given effect to and has since lapsed.

Between 1999 and 2001 various consents were obtained to establish and run a commercial salmon farm operation just upstream from the farm park. This also runs as tourist attraction where people can fish for their salmon in the ponds.

I understand the salmon farm operation has since been sold.

In early 2004 consent was applied to subdivide the adjoining property (Lot 2 DP 20353) under RM040084) by E Rings and others. This was approved in May 2004 and consented to four allotments of between 6 and 8.3 hectares in area.

This current consent was originally applied for in May 2004 seeking seven allotments including an allotment of 9.5 hectares on the lower terrace land next to the road. The subdivision sought to share right-of-way access with the adjoining Rings subdivision.

Because the right-of-way access had well over six users, further information was sought in terms of upgrading the access to a full vested road access.

In the mean time the applicant decided to apply to separate the one lower terrace allotment of 9.5 hectares under RM041102. The reasoning for this would put the productive portion and flatter part of the property on to one title and to separate off the rest on to a balance area title which is the present site of the subdivision.

This was approved under delegated authority in November 2004 and completed in February 2005.

In May 2005 the applicant came back with the current amended plan of six allotments with a separate access on to McCallum Road.

1.3 Zoning and Consent Requirements

The land is zoned Rural 2 under the Proposed Tasman Resource Management Plan.

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.

2. INTRODUCTION

2.1 The Proposal

The applicant wishes to subdivide his existing title into six allotments with Lot 1 being 19 hectares and Lots 2 -6 being between 2 hectares and 4.5 hectares in area.

The site consists of moderate to steep hill country, with a number of spurs and gullies that drain down to the Anatoki River.

The site is covered regenerating scrub and bush with good bush regeneration in the gully areas. There is a small amount of rough pasture on the lower section of Lots 5 and 6.

A key part of the proposal is that the applicant is seeking to covenant (under a QEII trust covenant) all the regenerating bush areas on the property apart from the building sites and the site access.

3. NOTIFICATION AND SUBMISSIONS

The application was publicly notified on 24 September 2005.

Two submissions were received.

E D Kiddle

Supported the application, stating that although he was generally opposed to subdivision of productive rural land, this application seemed unique in that it promoted regeneration and is not productive farming country.

If the QEII covenants are imposed then the natural rural character should be enhanced.

J Dissel

Opposed to the application.

Owns the Anatoki Salmon Farm and is concerned about the effect of the subdivision on the water supply for the Bencarri Farm Park and Anatoki Salmon Farm which are sourced from this property.

Disagreed that the proposed access had 150 metres of a visibility at the access on to McCallum Road, instead it is only 30 metres to the east and 150 metres to the west,

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 its progress through the public submission and decision-making process.

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

4.2 Tasman Regional Policy Statement

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

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

4.3 Tasman Resource Management Plan

The Plan that is most relevant in the assessment of this application is the Proposed Tasman Resource Management Plan, due to the fact that the Rural 2 zoning that applies to this property is effectively operative.

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.

Detail 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 applicant has provided a soils productivity report written by Klaus Thoma. The report found that most of this site has very low soil productivity being Class F-H which meant that the main potential use was conservation forestry.

The conclusions of this report are accepted and it is acknowledged that the effects of the proposed subdivision on productive values will be no more than minor.

Traffic Effects

According Council's Ramm Road data base the McCallum Road has a 5.7 metres sealed formation though it likely that grass creep has reduced the actual width. The latest vehicle figures give a vehicle count of 200 vehicles per day, though it is likely that in the summer tourist season the figures are much higher.

There is short section of unsealed road between the carpark for the Farm Park and the proposed site entrance that would need to be sealed to enable sealed road access.

There is a small area of road side trees opposite the right-of-way entrance that does obstruct sightlines that will need to be removed or trimmed back to achieve complying sight distances.

Servicing Effects

The application stated that the following will be provided in regard to servicing for the subdivision:

A spring fed private water supply of up to one cubic metre per day will be provided to each allotment.

Power and telephone connections will be provided to each allotment.

Effluent disposal shall be way of composting toilets or septic tanks. Careful design of systems will be required to ensure that on-site effluent disposal does not adversely effect down stream water quality.

Stormwater should be able to be disposed safely on site.

Rural Character and Amenity Values

The rural character of this area is predominantly characterised by an open rural amenity with an associated low density of built form and structures.

The area has high degree of natural amenity, with very few buildings on the hillside areas overlooking the valley.

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 enhancing the rural character and amenity values of the area.

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

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

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

The area of the subdivision has a high degree of natural and rural amenity, with a corresponding low level of built development.

The Rural 2 Zone fifty hectare minimum lot size for subdivisions and single dwellings does 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.

It is considered that the proposed lot layout, as applied for, with lot sizes down to 2 hectares and house sites less than 100m apart in places, would create a rural residential amenity that is not envisaged by the Rural 2 zoning with its 50 hectare base line.

However if the lot layout was reduced to three lots, there would be a much greater separation between dwelling sites of over 200 metres and it more likely that the natural amenity could be retained even if additional similar applications were applied in the immediate area.

5.2 Relevant Plans and Policy Statements.

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

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

Chapter 5 - Site Amenity Effects Council must ensure that the rural 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. Additional rural residential allotments would

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 be created in a rural landscape, contributing to 'rural residential' (as opposed to 'rural') character and amenity in the area.

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 According to the applicant's soil productivity report the site has very little productive value, with much of the site being considered Class H "non-productive" land.

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 McCallum Road and the supporting roading network. The current state of the access road is sealed but relatively narrow in formation width.
Policies 11.1.2B, 11.1.3, 11.1.4A.

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

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

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

Chapter 16.3 Subdivision – Requires Discretionary Activity resource consent for Rural 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 17.4 Rural 2 Zone Rules – Any activity on the proposed lots is subject to permitted activity performance standards and conditions set out in Rule 17.5.2, Rural 2 Zone rules.

Subject to performance standards and conditions for buildings in this Zone, the proposed new dwellings and residential activity are a permitted activity 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 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.”*

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”.

It is considered that the proposed subdivision is not contrary to the above objective and policies in that the site has very little productive potential to start with, and so the effects on productive values will be minimal.

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

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. D 10/98 D 8/99

While objective 7.2.0 does allow for the use of sites for rural residential activities in restricted locations, it is clear from 7.2.20, which sets out the “Methods of Implementation.” 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 7.2.20 were put in as part of Variation 32 (Dec 2003) to avoid any confusion over interpreting Objective 7.2.0 which some people had assumed that any land of low or no productive value (i.e 95% of the district) was available to rural residential subdivision and use. The variation made it clear that these objective and policies were to be achieved by the provision of specific zoned areas for rural-residential development.

In this respect the application is considered contrary to the Objective 7.2.0 in that it is not located in a specific rural-residential zoned area.

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 land in both the Rural 1 and 2 zones.

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.”

In conclusion it is considered that the proposed subdivision into six rural residential allotments is contrary to the policies and objectives in Proposed Plan in that it seeks to fragment an existing rural block for rural residential purposes that is not envisaged in the Rural 2 zone.

Recent Environment Court Decisions.

Recent Environment Court decisions such as Jennings v Tasman District Council (RMA0350/02), Burnaby v Tasman District Council (RMA 766/03), Appleby Estates v Tasman District Council (A122/2003), Collis v Tasman District Council (RMA 876/03) all focused the Council policies and objectives in relation to creation of rural residential allotments in the Rural 1 zone. In all these cases the Court upheld Council’s decision to decline consent.

It is important that Councils decisions are in accordance with the Courts interpretation of the Plan in these cases.

The Jennings decision in particular is relevant in that it also was zoned Rural 1 and involved less productive land, similar to this site and the creation of rural residential allotments.

In the Jennings case Judge Sheppard found that “*although the site is not land of high productive value, Objective 7.1.0 is not limited to land of that quality, and the effects make the subdivision contrary to that objective, and to Policies 7.1.2 and 7.1.2A for achieving it.*” [156]

Also in terms of cumulative effects, the Court found that:

“ the development the subdivision is intended to enable would, in combination with adverse effects on the fragmentation of land, and on the rural character and rural amenities of the locality. In that regard, the adverse effects are significant.”
[127]

It is important that Council's decisions are in accordance with the Court's interpretation of the Objectives and Policies of the Plan, and it is my opinion that based on these recent cases, that it is clear that this proposal is contrary to the relevant policies and objectives of the Proposed Plan.

5.3 Part II Matters

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

Part II of the Act is concerned about “maintaining and enhancing amenity values” under Section 7 (c). As I have discussed earlier the proposal will adversely affect the open rural amenity of this area by introducing a higher density of rural residential development, that is incompatible with its Rural 2 zoning.

Section 6(c) does seek to protect significant indigenous vegetation and significant habitats of indigenous fauna. While the application does involve protection of indigenous vegetation, it is not considered to be “significant”.

It is considered that the application in its current form is not consistent with the Act's purpose of achieving the sustainable management of natural and physical resources.

5.4 Other Matters

Precedence and Cumulative Effects

Precedence in itself is not an “effect” but the subsequent approval of this subdivision is likely to lead to lead to other similar applications from Rural 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 *Jennings V Tasman District Council W046/2003* the Court found that a three lot rural-residential subdivision would have an "adverse precedent effect"[136] in that approval of the subdivision would lead other subsequent applications that together would have significant "cumulative effect" on the environment [135].

The Court also found that that the "*Council's strategy for providing efficiently for demands for rural-residential activities was by planned rural residential zones, rather than responding to ad-hoc applications.*" [132].

In this case we have a 50 hectare minimum lot 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.

Permitted Baseline Test

Under Section 104 (2) of the Resource Management Act the Council may use the "permitted baseline" test to assess the proposal.

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

In this case one dwelling would be permitted on the property under Rule 17.5.4. The resulting five additional dwellings and associated development will clearly have a much greater effect on the environment.

In terms of the subdivision there is no permitted activity rule so the permitted baseline test is not considered relevant.

It is considered that in terms of the permitted baseline test, in the case of additional dwellings on the property, the adverse effects are more than minor.

6. CONCLUSIONS

- 6.1 The proposal is a Discretionary Activity under the Proposed Tasman resource Management Plan. The Proposed Plan is the relevant Plan due to its advanced state and its development under sustainable management principles of the Resource Management Act.
- 6.2 The property is zoned Rural 2 under the Proposed Plan.
- 6.3 The property is in an area of pastoral farming and regenerating bush and scrub. It is an area that has a high degree of natural amenity with very little built development particularly in the hill side areas. To approve this subdivision in its present form would 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 It is likely that if Council approved this subdivision it would expect further applications from similar sized Rural 2 properties, all of which would expect similar favourable treatment. This could lead to a significant cumulative adverse effect on the environment.
- 6.5 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 less productive soils the Rural 2 zone.
- 6.6 However, it is acknowledged that the soil productivity on this site is extremely low with very little productive potential, except for forestry, which is likely to be uneconomic in Golden Bay.
- 6.7 The Proposed Plan does have policies in 7.3.8 that seek to enable subdivision that provides for conservation or protection of features or resources that “*particularly contribute to the rural character of the area.*” In this case the applicant is seeking to protect all the regenerating bush on the property except for the proposed building sites by way of a QEII covenant. If this was carried out as part of the subdivision, then the natural amenity of the area would be maintained and in the long term would be enhanced with the regeneration of the native bush on the site.

Policy 7.2.2 also seeks to enable subdivision of land for the preservation of “*significant natural values, including natural character, features, landscape, habitats and ecosystems.*”

While it is clear that the covenant protection will protect the natural values in the regenerating bush areas, I do believe there areas could be considered to be “significant”.

- 6.8 The Plan acknowledges that there will be a demand for rural-residential subdivision in rural areas and has provided for it 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*” (7.1.30). For these above polices and objectives to successful in the long term, the Council needs to be consistent in retaining the availability of Rural 1 and 2 land for land based productive and production purposes while allowing rural residential subdivision in the specific rural residential zones.

- 6.9 The application is against the general thrust of the 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 rural 2 zoned area, which is contrary to the principles of sustainable development of resources required under Part II of the Resource Management Act 1991.
- 6.10 The Council objectives and policies under 7.3.3 and 7.3.4 seek to maintain and enhance rural amenity which can be adversely affected by rural residential development.
- 6.11 It is considered that the proposal, in its present form, is contrary to the policies and objectives of both the Proposed Plan and regional Policy Statement the adverse effects on the environment are more than minor.
- 6.12 It is acknowledged that there are positive benefits from the subdivision in terms of the long-term protection of the indigenous vegetation cover. It is also acknowledged that due to the fact that the site has very little productive value, the adverse effect on the lands productive potential will be minimal.
- 6.13 The main issue with is subdivision is the effect on the rural amenity, in that it is introducing six dwellings into an area that until recently had very few built development, particularly in the hilly areas above the valley floor and terrace areas.
- 6.14 Council has recently approved four lots in the nearby Rings subdivision in similar country but with lots around 6 -8ha in size.
- 6.15 If the application was amended so that Lots 5 and 6 became one allotment of 7.5 hectares and Lots 2, 3 and 4 became one title of 8.9 hectares, then a much higher level of rural amenity could be achieved and the adverse cumulative effective on the Rural environment, even if it led to other similar applications, would be much less significant.

7. RECOMMENDATION

That pursuant to Section 104B of the Resource Management Act 1991 the Tasman District Council **DECLINES** its consent to the application by M and R Benge to subdivide CT NL 193319 into six allotments (RM040559).

8. RECOMMENDED CONDITIONS

As I have recommended decline of consent and believe that the adverse effects of the current proposal cannot be avoided, remedied or mitigated by conditions, I have not included a detailed list of conditions for six allotments.

However if the committee was going to grant consent, I would recommend that the subdivision consent be amended to three titles (Lots1, 2 and 5), that is Lots 5 and 6 be incorporated into one title, Lots 2, 3 and 4 be incorporated into one title and the following conditions imposed:

8.1 The Plan shall be amended so that only three titles are created instead of six.

- i) Lots 5 and 6 becomes one allotment (lot 5) of 7.5 hectares with a single building site being the proposed Lot 5 building site.
- ii) Lots 2, 3 and 4 becomes one allotment (lot 2) of 8.8 hectares with a single building site on the proposed Lot 2 building site.
- iii) Lot 1 remain unchanged at 19 hectares in area.

An accurate scaled plan shall be prepared by the applicant, showing the amended lot layout set out above and submitted to Council within 15 working days of this decision and prior to the submission of engineering plans.

8.2 The consent holder shall pay a financial contribution (for reserves and community services) to the Council. The amount of the financial contribution payable shall be 5.5% of the total market value (at the time the subdivision is granted) of a notional building site of a 2,500 square metres on each of two allotments. The consent holder shall engage the services of a registered valuer to undertake this assessment and a copy of the valuations shall be forwarded to the Council for calculation of the financial contribution. If the financial contribution payment is not made within two years of the date of granting of this consent, the consent holder shall prepare a revised valuation and the financial contribution shall be recalculated.

ADVICE NOTE:

The consent holder is advised that the Council will require the payment of a development contribution prior to the issue of a completion certificate, issued pursuant to Section 224(c) of the Resource Management Act 1991. The development contribution that is payable is as is set out in the Development Contributions Policy, prepared pursuant to the Local Government Act 2002. The Development Contributions Policy is found in the Long Term Council Community Plan (LTCCP). The consent holder is advised that 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 roading only and will be based on the creation of two additional allotments.

8.3 The right-of-way serving the three lots shall be formed and with legal width of 6 metres and a formation width of 4.5 metres for the first section up to the Lot 5 entrance and 3.5 metres thereafter. The formation shall be a metalled all-weather surface (except for the first 10 metres which shall be sealed) with watertables to deal with stormwater. The maximum gradient of the right-of-way shall 1:6.

The right-of-way entrance on to McCallum Road shall include the following :

- i) The access shall be formed and sealed in accordance with the attached entrance design (Attachment 1)
- iii) The first six metres of the access in from the road formation shall be level with the road formation.

- iii) The sight distances for the right-of-way access shall comply with the standards set out Attachment 2, in either direction. The final sight distances required shall be finalised at the engineering plan stage, prior to the commencement of works. It is likely that road side vegetation will have to be cut back to achieve an adequate sight distance.
- iv) The existing sealed formation of McCallum Road shall be extended to at least 6 metres past the right-of-way entrance. This shall be constructed in accordance with Tasman District Engineering Standards 2004.

8.4 Prior to the commencement of works, engineering plans shall be submitted for approval by the Council's Engineering Manager, detailing the access and right-of-way works, including the sight distances and the works required in condition 8.3.

8.5 Live telephone and electric power connections shall be provided to the building site of each allotment and all wiring and connections shall be located underground and be to the standard required by the supply authority. Confirmation that these requirements have been met shall be provided by way of a statement from the supply authority and a copy of the supplier's certificate of compliance shall be provided to the Council prior to a completion certificate being issued pursuant to Section 224(c) of the Resource Management Act 1991.

8.6 Certification of each building site shall be provided by a Chartered Professional Engineer in accordance with TDC Engineering standards Section 11 Appendix B and certification that all engineering works have been completed in accordance with TDC Engineering Standards or to the satisfaction of the Council's Engineering Manager.

8.7 The proposed building site as shown on Lots 1, 2 and 5 shall be shown on the survey plan.

8.8 Consent notices on the proposed Lots 1, 2 and 5 including the following:

- a) All buildings on Lot 1 and 2 and 5 shall be restricted to the Building site areas marked "X, Y and Z on the Title Plan
- b) Treatment of domestic wastewater on Lots 1, 2 and 5 shall be by way of a treatment system that incorporates disinfection, with the wastewater being treated to a tertiary standard prior to being discharged to land. Tertiary treatment is defined as meeting the following standards:
 - 5-day biochemical oxygen demand (BOD₅) shall be less than 20 milligrams per litre;
 - Total suspended solids shall be less than 30 milligrams per litre; and
 - Total faecal coliforms shall be less than 100 colony forming units (cfu) per 100 millilitres.

The treated wastewater shall be discharged to land by way of pressure compensating drippers to a specifically designed and constructed disposal area.

- c) Rainwater from the roofs of buildings built on each of Lots 1, 2 and 5 shall be collected and stored in an on-site water storage tank that has a capacity of not less than 35,000 litres. This tank shall be fitted with an accessible 50 millimetre diameter “Camlock” coupling to enable connection with fire fighting equipment.

8.9 Easements shall be provided for all services located outside the allotments that they serve.

8.10 All works and engineering plan details are to be in accordance with Tasman District Engineering Standards 2004 or to the satisfaction of the Tasman District Engineering Manager.

8.11 The applicant’s solicitor shall provide a written undertaking that the QEII covenant will be registered on the new titles.

M D Morris
Senior Consent Planner (Subdivisions)

Appendix 1

Vehicle Crossing Design for Right of Way Access.

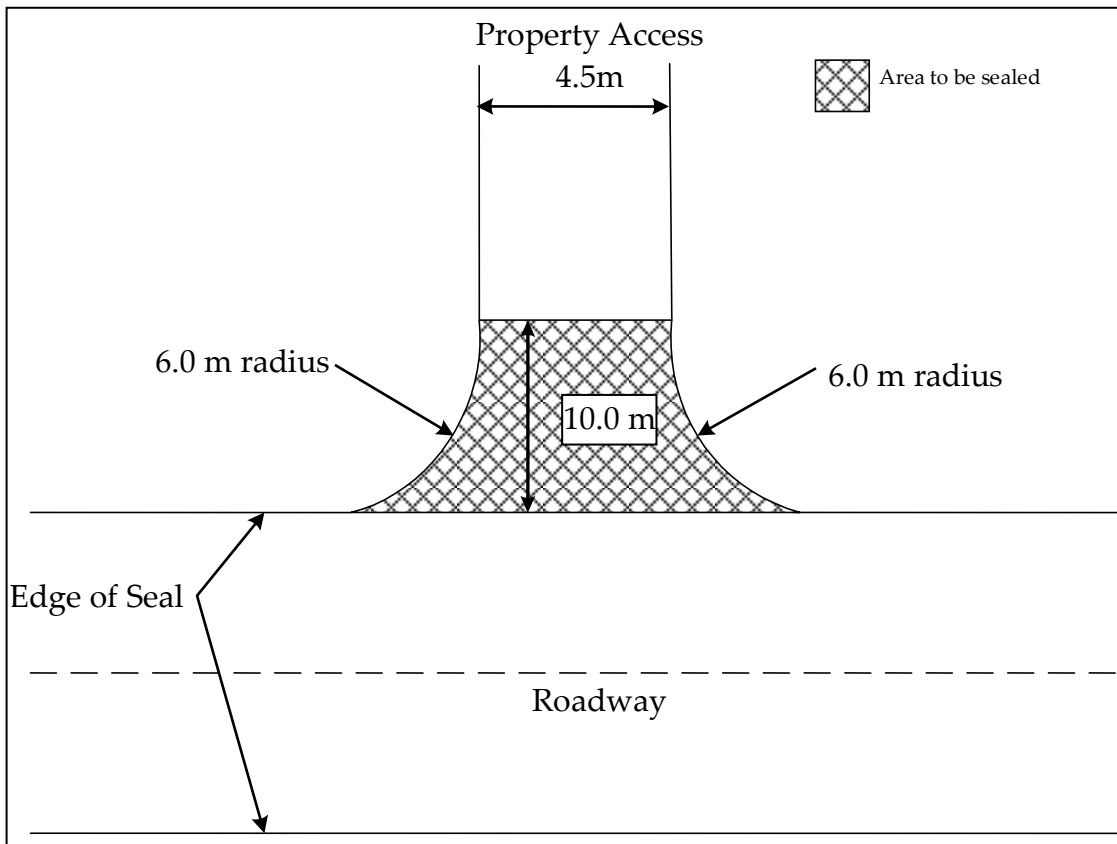


Figure 16.2C: Minimum Sight Distances

		MINIMUM SIGHT DISTANCES FROM VEHICLE CROSSING (M)	
Operating Speed ^①	Regulatory Speed Limit	Residential Access	All Other Activities
40	30	35 ^②	60 ^④
50	40	45	80
60	50	65	105
70	60	85	140 ^⑤
80	70	115 ^③	175
90	80	140	210
100	90	170	250
110	100	210	290

Footnotes:

① Operating Speed = 85th percentile vehicle speed on frontage road. This can be taken as the speed limit plus 15% if survey data is not available.

② Approach Sight Distance, Reaction Time 2.0s

③ Approach Sight Distance, Reaction Time 2.5s

④ Safe Intersection Sight Distance, Reaction Time 1.5s

⑤ Safe Intersection Sight Distance, Reaction Time 2.0s

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8/03Source: *Austrroads Guide to Traffic Engineering Practice: Intersections at Grade.*