



STAFF REPORT

TO: Environment & Planning Subcommittee

FROM: Deborah Hewett, Consent Planner, Subdivision

REFERENCE: RM060419

SUBJECT: **St ARNAUD TRUSTEE SERVICES LIMITED – REPORT EP07/05/13** – Report prepared for 14 May 2007 hearing

1. APPLICATION BRIEF

1.1 Proposal

The proposal is to subdivide the existing title of 4.0469 hectares (Lot 2 DP 7513 18598) into two titles with Lot 1 comprising 6,850 square metres and Lot 2 comprising 1.665 hectares.

1.2 Location

The application site is located on the northern side of State Highway 63 approximately 526 - 600 metres east of St Arnaud commercial zone and 100 metres east of Borlase Avenue. Access to the site is from State Highway 63 (Wairau Valley Highway).

The application site consists of flat low-lying land. Features of the site include the Black Valley Stream which meanders through the site to the north and west, an area of indigenous vegetation directly bordering the DoC estate to the north of Black Valley Stream and a manmade pond (Lot 1). The site is presently in pasture with stands of manuka trees located on proposed Lot 1.

The site itself is bounded by a Conservation zone to the north and west and a Rural 2 zone to the east. It is opposite a residential zone located on the south side of SH63.

1.3 Legal Description and Background

The legal description of the land is Lot 2 DP 7513 18598, comprising 4.0469 hectares.

In addition to the creation of one additional title the subdivision also involves the amalgamation of two allotments; Lots 2 and 4.

1.4 Zoning

Proposed Tasman Resource Management Plan

The application site is zoned Rural 2 in the Proposed Tasman Resource Management Plan (PTRMP). Attachment 1 shows the zoning pattern for the site surrounding land.

The land is zoned Rural C under the Transitional District Plan (Waimea Section). The proposed Lots are below 25 hectare in area which was the threshold for a predominant activity. The dwelling would be considered as a permitted activity if subdivision consent was granted. Because the Transitional District Plan does not classify the activity status, under the 2003 Amendment to the Resource Management Act Section 1991, Section 77(1)(b) requires that the application shall be treated as a discretionary activity.

The subdivision rules in the Rural 2 zone are not subject to any outstanding appeals. The only appeal outstanding relates to rules associated with the removal of indigenous vegetation.

Greater weight has been accorded to the subdivision provisions of the Tasman Resource Management Plan as this has progressed through the public process and has been prepared in the context of the Resource Management Act 1991.

1.5 Special Overlay Areas

The application site is within Land Disturbance Area 1 and the St Arnaud Landscape Priority Area (Chapter 18 of the PTRMP).

Rules in the TRMP in respect of the Landscape Priority Area relate to the construction and/or extension of buildings. A controlled activity land use consent is required to undertake these activities within the landscape priority area. A land use consent to construct a dwelling has not been applied for as part of this application.

The site is also adjacent to a significant natural area (SNA) (site 6 in the PTRMP) located on Lot 1 DP 7513 being the property immediately to the east. The PTRMP identifies the SNA comprises 1.5 hectares of riparian vegetation of silver/red beech forest/mixed broadleaf forest.

2. NOTIFICATION, SUBMISSIONS AND AFFECTED PARTIES CONSENT

2.1 Notification

The application was received by the Council on 31 May 2006 (fee paid on 16 June 2006). A further information request was made on the 27 June 2006 and on the 15 September 2006. The application was limited notified on 15 March 2007 and submissions closed on 16 October 2007.

2.2 Submissions

Four submissions were received (Table 4). Two submissions are in conditional support of the application, subject to conditions being placed on the consent, one submission supports the application and another opposes the application.

Table 4: Summary of Submitters and Issues			
Submitter	Issues	Support/Oppose	Wish to be Heard
Transit New Zealand	<ul style="list-style-type: none"> • Integrity of the District Plan - Precedent • Not consistent with Objective 11.1.0 PTRMP • Cumulative trend of ribbon development along the highway • Limited Access Road (LAR). Section 93 approval may not be made 	Oppose	Yes
John and Stephanie Coote	<p>Zoning and Landscape Priority Area to remain as such</p> <p>Do not support the creation of an esplanade reserve on the southern side of the stream; potential source of conflict between owners and public where the public could wander over private land; fence the new boundary</p> <p>Recently planted non-native gum trees on western and southern boundary and road reserve will grow above height of native trees, and significantly impact views from house on Lot 1 DP7513 and properties on the other side of the road; remove these trees</p> <p>Deer fence on boundary inconsistent and inappropriate with special nature of area; remove fence and replace with one in keeping with the area.</p> <p>Building and fence on legal road – public land; move fence and shed back to legal boundary or agreed position</p> <p>Clearly mark and define boundaries of the subdivision</p> <p>Lower speed limit to 50kph from 200 metres east of our main access onto SH63.</p>	Neutral, grant consent subject to conditions being met	Yes
Department of Conservation	Supports subdivision in that it provides for the vesting of Lot 3 in the Crown (DoC) as reserve and Lots 5 and 6 in TDC (Local purpose esplanade reserve). The creation of a reserve provides the opportunity to enhance conservation values of Black Valley Stream and to provide public access and recreational use.	Supports	Not stated
William R App (John Gendall presenting on behalf)	<p>Recently planted exotic trees on adjoining boundary to be removed because they will block sun, pose a risk of fallen branches in high winds and visually not in keeping with the native surroundings.</p> <p>No more native trees to be cut down (removed) and no more exotic trees to be planted; ensures natural boundary remains. Proposed house must not be visible from our residence; no two storey house, no unnatural colours and tree removal.</p>	Neutral, grant consent subject to conditions being met	Yes

Attachment 2 shows the location of these submitters:

2.3 Consultation

Consultation has been undertaken with the following parties:

- Department of Conservation: Letter 10 July 2006 and a site meeting with DoC staff member (John Wotherspoon) 22 June 2006 (DoC reply included)
- Transit: Letter 27 May 2006 and 2005 (Transit replies included)
- Council Staff. Site meeting with Council staff 22 June 2006. Telephone and email correspondence with the reporting officer.

3. STATUTORY CONSIDERATIONS

Proposed Plan

The subdivision is a Discretionary Activity under the PTRMP because the proposed allotments are below the 50 hectare minimum threshold for subdivision (Rule 16.3.8(b)).

Construction of buildings on Lot 1 would be a controlled activity if consent was granted. Construction of a dwelling would require resource consent in accordance with PTRMP Rule 18.3.2 because the site is located within the St. Arnaud Landscape Priority Area. The matters of control relate to the location, design and appearance of the building on the amenity and natural character of the locality including effects on natural features and indigenous vegetation and forest.

3.1 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 (RMA 1991).

Section 5 sets out the purpose of the Act which is to promote the sustainable management of natural and physical resources. "Sustainable management" means:

"Managing the use, development and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while -

- sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and
- safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and

- avoiding, remedying, or mitigating any adverse effects of activities on the environment

Sections 6, 7 and 8 set out the principles of the Act:

Section 6 of the Act refers to matters of national importance that the Council shall recognise and provide for in achieving the purpose of the Act. The matters relevant to this application are:

- The preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use and development.
- The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna
- The maintenance and enhancement of public access to and along the coastal marine area, lakes and rivers

Section 7 of the Act identifies other matters that the Council shall have particular regard to in achieving the purpose of the Act. Relevant matters to this application are:

- 7(b) the efficient use and development of natural and physical resources
- 7(c) the maintenance and enhancement of amenity values
- 7(d) intrinsic values of ecosystems
- 7(f) maintenance and enhancement of the quality of the environment, and
- 7(g) any finite characteristics of natural and physical resources

Section 8 of the Act shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi). As far as I am aware this application has not been identified by iwi as a matter of concern.

These matters are addressed in my section 104 assessment.

Section 104

When considering an application for resource consent and any submissions received, the Council must, subject to Part 2 of the Act, have regard to -

- Any actual and potential effects on the environment of allowing the activity (subdivision) (Section 104 (1)(a));
- The New Zealand Coastal Policy Statement (Section 104 (1) (b) (ii). Not relevant to this application.
- Any relevant objectives and policies in the Tasman Regional Policy Statement, and the Proposed Tasman Resource Management Plan (Section 104 (1) (b));
- Any other matter the Council considers relevant and reasonably necessary to determine the application (Section 104 (1)(c)).

When forming an opinion for the purpose of Section 104 (1)(a) above, the Council may disregard an adverse effect of the activity on the environment if the plan permits an activity with that effect. Under this provision the proposal is compared with what could be done as a permitted activity under the relevant Plan. In the case of this application there is no “permitted baseline” against which to assess the proposal. There are no permitted activity rules for subdivision so the permitted baseline test is not a relevant consideration. The Plan has set the minimum activity standard for subdivision as a controlled activity. This application is a full discretionary activity.

When considering an application the Council must not have regard to any effect on a person who has given written approval to the application unless before the date of the hearing, that person gives notice in writing that the approval is withdrawn.

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 104C sets out the framework for granting or refusing consent, and setting conditions if consent is granted, based on the status of the activity as a discretionary activity in the Proposed Tasman Resource Management Plan.

3.2 Tasman Regional Policy Statement

The Tasman Regional Policy Statement became operative on 1 July 2001 and specifies the overriding policies of the Tasman District Council when preparing other resource management plans. This statement must be taken into account when considering any application for any resource consent.

The Regional Policy Statement seeks to achieve the sustainable management of land and other resources. Objectives and policies of the Policy Statement clearly articulate the importance of protecting land resources, from inappropriate, subdivision use and development as part of a group of provisions relating to land fragmentation.

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 the Regional Policy Statement

3.3 Tasman Resource Management Plan

The Plan that is most relevant in the assessment of this application is the Proposed Tasman Resource Management Plan.

The most relevant Objectives and Policies to this application are contained in:

- Chapter 5 “Site Amenity Effects”;
- Chapter 7 “Rural Environment Effects”;
- Chapter 8 “Margins of Rivers, Lakes, Wetlands and the Coast”;
- Chapter 9 “Landscape”
- Chapter 10 “Significant Natural Values and Cultural Heritage”;
- Chapter 11 “Land Transport Effects”;

The most relevant Rules which follow from these imperatives are contained in: Chapter 16.3 'Subdivision', Chapter 17.5.4 'Rural 2 Zone', Chapter 16.2 'Transport', Chapter 16.4 'Esplanade Reserves, Strips and Access Strips' and Chapter 18.1.11 Significant Natural Area, Chapter 18.3.2 Landscape Priority Area.

4. EVALUATION UNDER SECTION 104 - Assessment of Environmental Effects

In accordance with Section 104 of the Resource Management Act, when considering this application the Council must have regard to:

- the actual and potential effects on the environment of allowing the activity (Section 104 (1)(a));
- relevant objectives and policies in the Tasman Regional Policy Statement, and the Proposed Tasman Resource Management Plan (Section 104 (1) (b));
- any other matter the Council considers relevant and reasonably necessary to determine the application (Section 104 (1)(c)).

The subdivision proposal is a full discretionary activity. Assessment matters to be considered are set out in Schedule 16.3A.

4.1 Actual and Potential Effects on the Environment (Section 104 (1)(a));

I have identified the following effects in terms of Section 104(1)(a) of the Resource Management Act as relevant to this application. This includes Schedule 16.3A Assessment Criteria for Subdivision and the St Arnaud Design Guide for Subdivisions, Buildings and Plantings.

4.1.1 Rural Land Productivity

Schedule 16.3A:

- (1) The productive value of the land inRural 2 zones, and the extent to which the proposed subdivision will adversely affect it and its potential availability.

The Council's Resource Scientist (Land), Mr Burton has undertaken a desktop assessment of the sites versatility and productive values and makes the following comments:

"The application area is on an alluvial plain covered with the Tophouse stony silt loam. In this area soil drainage will be variable but generally poor. Stones and boulders may be found throughout the soil profile. Fertility is naturally low. The main productive use of these soils is for sheep and cattle farming. Both the cold climate and the soil type limits the lands versatility. The area is mapped as class H (AgNZ classification for the Tasman region) but realistically should be E or F. The crop range being limited to pastoral or production forestry, no arable potential."

The site is not considered to be of productive value due to the size of the site, soil and climatic factors. The loss of productive land within the site as a consequence of the proposed subdivision is considered to be minor.

The site is not presently used for productive land use activities, and is in pasture, being used for rural residential purposes.

4.1.2 Fragmentation of Rural Land

The Tasman District Council's Regional Policy Statement describes land fragmentation as:

"the increase over time in the number of separately developed properties within any area. This arises through successive subdivisions of land to form new parcels, and associated land development activities such as the establishment of buildings and roads." RPS Issue 6.2, p42

The TRMP states that the effects of rural fragmentation can lead to a reduction in the opportunities available to use the productive versatility of soils, to maintain and enhance amenity values and the quality of the environment, and rural character, as well as the ability to maintain a range of rural property sizes to provide continued access to land for a range of productive land uses.

In my opinion the proposed subdivision will have a minor adverse fragmentation effect on productive land values, which have been identified by Mr Burton as being low. In respect of rural character, landscape character and amenity values the subdivision will create some effects, but it could be undertaken in a way that addresses potential effects identified as part of this report, and maintains these values with minimal fragmentation. These matters are addressed in the subsequent sections below.

The Proposed Tasman Resource Management Plan identifies one of the pressures on rural land is subdivision for residential purposes.

The potential adverse effects of fragmentation that may be relevant to the application site include:

- Visual landscape qualities such as open space, and other amenity values or rural lands.
- The character of rural areas derived from such attributes as open space, and the density, scale, pattern and form of buildings, roads and utility structures, productive activity.
- Increased likelihood and intensity of adverse cross-boundary effects such as shading, exposure to spray drift, noise and smells.
- The irreversible loss of productive values can arise through continued land fragmentation or conversion to non-productive land uses.

4.1.3 Rural Character, Landscape Character and Amenity Values

Schedule 16.3A:

- “(2) The potential effects of the subdivision on the amenity values and natural and physical character of the area*
- (4) The potential effects of the subdivision on the natural character ofrivers*
- (15) Whether any landscaping features are proposed and their effects on pedestrian and traffic safety, the functional and aesthetic quality of the area, and potential maintenance costs.*

a) Rural Character

Rural character is defined in the TRMP (Chapter 2). It means the character of the land as shown by the predominance of rural productive activities. The most relevant aspects included in the definition for the application site would be:

- (a) high ratio of open space to built features
- (d) Low population density

These matters are a consequence of the zone framework (Rural 2 zone, surrounding Conservation zone and Open Space zone). Limitations on productive activities associated with soils, aspect, climatic factors, flood hazard and the size of the site play a hand in the absence of productive activities.

In a broader context rural character can be said to exist for this site due to the absence of urban characteristics such as kerb and channel, lighting, urban style plantings and fencing. The area is predominantly rural in character in terms of the open landscape that exists, the absence of urban features and density of development, and the presence of indigenous vegetation and physical features such as the Black Valley Stream. The smaller parcels of Rural 2 land (2 hectares to 7 hectares) provides a transition zone between the two distinct character zones of residential and conservation/open space zones on the northern side of the State Highway.

The presence of the residential zone to the south and associated built development contrasts quite sharply with the Rural 2 land to the north (and the application site) and has the effect of detracting somewhat from the rural character of the locality and entry to the town. Whilst the state highway is a legitimate break in zones between north and south the presence of highly visible dwellings opposite the site means that the visual effects of a dwelling on Lot 1 are less likely to be as marked as if there were few or no dwellings present.

b) Landscape Character

The St Arnaud Guideline for Subdivisions, Buildings and Plantings identified the St Arnaud Landscape Priority Area as having “unique natural qualities and landscape values” (page 2), giving the place a distinctive identity and character which is largely based on natural and cultural patterns and values:

- Landforms
- Vegetation
- Ecological areas
- Drainage systems
- Buildings

In terms of maintaining the landscape qualities and characteristics of the area the Guide sets out matters of consideration and guidelines in respect of:

- Subdivision
- Roads Accessways and Driveways
- Siting of Buildings
- Building Form Design and Colour
- Fences, Gates and Signage
- Wildlife Corridors
- Amenity Planting
- Weed Control
-

The site lies within a sensitive location.

Proposed Lot 1 is relatively well screened from view from the State Highway and residential properties to the south of State Highway 63 as a result of existing manuka stands along the road frontage of the property and within the allotment. Similarly manuka stands within the allotment also provide visual screening from the existing residence located to the west; Lot 1 DP7513 (Mr Apps property).

In my opinion a proposed building location area can be sited in such a way to reduce the visual effects on neighbouring properties and from the State Highway whilst meeting the Rural 2 setbacks and being sensitive to the special landscape character of the St Arnaud area. However, to my mind this involves reducing the building location area to 15 x 15 metres and re-siting this to take advantage of the existing clearings that already exist, in particular the smaller clearing closer to the road boundary (avoiding a direct visual line with Mr App's residence). This would significantly reduce the amount of indigenous vegetation removal, retain existing vegetation buffers thereby reducing potential adverse visual effects of future buildings and enable buildings to sit within the existing landscape in a manner anticipated by the design guide for the area. It would also contribute to maintaining a scale and presence that retains the character of the locality. The size of Lot 1 that is effectively available for built development (including land required for on-site wastewater disposal) is relatively small and confined. Careful development is necessary to maintain the existing character of the site and the scale of buildings so they do not dominant the site.

A land use consent for the construction of a building within the proposed building location area on Lot 1 does not form part of this application. Assessment of the proposed built development would be undertaken as part of a resource consent application to construct buildings. However, a matter of assessment at this stage is the location of the building location area and

associated matters that have the potential to affect the character and amenity of the area.

The applicant has volunteered a landscape strip of 5 metres around the west and south boundary of Lot 1 to provide a buffer from the proposed development. Given the existing established manuka along the southern boundary I am proposing that the width of the landscape strip along this boundary be increased to 8 metres to cover the existing vegetation that provides an important buffer and screen to the state highway and residences opposite. This has been included as a condition of consent.

c) Amenity Values

Amenity values, as defined in Section 2 of the Resource Management Act 1991, is set out below:

“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.”

Amenity values arise from a number of qualities or elements that people value and are based on the natural and physical qualities and characteristics of an area.

Most of the matters above have been addressed under the topics in this section (e.g. rural character, landscape character) which also form a significant part of the collective amenity values of the area. Other amenity values can be more specific to individual perception or concerns.

Amenity values comprise not only tangible attributes, such as noise, density of development, odour but also perceptions and expectations of people about those rural amenity attributes.

The introduction of a rural residential allotment and associated dwelling into this rural landscape will have an effect. These effects are most likely to arise from residential activities such as night-lighting, noise, vehicle movements and visual effects associated with new dwellings, accessory buildings, plantings and access. The key matters raised by submitters relate to visual effects associated with the proposed dwelling including height and colour, removal of indigenous vegetation and planting of exotic trees inappropriate to the location with a nuisance effect created by broken limbs and blocking sun. In this respect Mr Gendall (Mr App) is most affected due to the proximity of his residence to proposed Lot 1.

The visual effects of development on Mr Gendall could be mitigated by the retention of the existing indigenous vegetation west of the proposed building location area and setting a maximum building height. These matters have been included as conditions of consent.

4.1.5 Cross Boundary and Reverse Sensitivity Effects

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

Chapter 7 of the TRMP (introduction) identifies that the occurrence of residential activities in rural locations may create pressure to limit effects of rural activities.

There are no intensive productive activities on the site or within close proximity to the site. The potential may exist for cross boundary effects if the remainder of the site was to be used for productive purposes, however this is unlikely.

4.1.6 Transport Effects

Schedule 16.3A:

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

The Council’s Subdivision Development Engineer, Mr Ley, has provided a report on traffic, roading and access matters relating to the application site (Attachment 3) and Transit New Zealand have submitted in respect of effects on the State Highway.

a) Access onto State Highway 63

State Highway 63 is identified as a Limited Access Road (LAR) in the TRMP road hierarchy planning maps.

State Highway 63 has an average daily count of 600-650 vehicles per day. Mr Ley identifies an additional movement of 6-8 vehicles per day as a result of the proposed subdivision and that this would have very minor effects on the road network.

Transit New Zealand has not identified any conditions of consent in respect of upgrades to the existing access onto the state highway, if consent were to be granted. Transit New Zealand has also not identified the access as being unsafe in respect of safe stopping distances or minimum sight distances. The applicant has stated that Transit New Zealand had provided approval to relocate the access to the site to the present location because of the improved visibility that this would enable compared to the original location of the access. This is a matter that Transit and the applicant will be in a position to confirm for the Committee.

Transit New Zealand in its submission has indicated that the effects of the additional user on the state highway are likely to be minor, but has indicated that a section 93 approval, enabling legal access to the State Highway may be withheld in the event Council were to approve the consent, although the reasons for Council approval would be considered in making a decision. This is a matter of consideration under another piece of legislation; the Transit New Zealand Act 1989 and outside the jurisdiction of the Council. However, the implication in respect of approving the application in the present form is that

technically there would be no legal access to Lot 1, if Transit were of a mind to not provide section 93 approval.

However, Transit in considering this matter would also have to take into account that legal access could be provided to Lot 1 off the unformed legal road to the east of the site. The applicant has in a letter to Transit (31 May 2006) identified in point 3 that *“the current existing sealed entranceway was relocated off the nearby legal road directly onto the State Highway with the consent of Transit because it gave better access than the existing legal road”*. As I understand it this relates to the matter of improving visibility and sight distances, which are not as good as from the position of the existing legal road. Mr Ley, the Council’s Development Engineer, has confirmed that sight distances are better from the existing access than the unformed legal road.

Because this matter is subject to third party approval no condition of consent has been included. An advice note has been included identifying the Transit New Zealand Section 93 approval requirement for access to the State Highway.

b) Right of Way Vehicle Access Crossing and On-Site Access

Conditions of consent have been included to meet the standards of the PTRMP and the TDC Engineering Policies and Standards 2004.

4.1.7 Esplanade Provision – Public Access and Links

Schedule 16.3A:

(5) Adequacy of provision for public open space, esplanade reserves and esplanade strips

The Council’s Planner Community Service, Ms Squire, has provided a report in response to esplanade reserve provision and the matters raised by submitters (Attachment 4).

Schedule 16.3A

(5) Adequacy of provision for public open space, esplanade reserves and esplanade strips

The Council’s Community Services Officer, Ms Squire, has assessed the application and Council requirements for esplanade within the locality and has advised that the location would provide links to existing or planned future walkways or reserves.

Ms Squire considers the esplanade reserves (Lots 5 and 6), providing a 10 metre esplanade reserve either side of Black Valley Stream and linking with Lot 3, as adequate for the protection and provision of the ecological values and public access.

Two submissions relating to esplanade provision were received. In response to the matters raised by Mr and Mrs Cootes’ submission it is not envisaged that the use of the esplanade reserve will be promoted in advance of its development or providing an accessible route for public use. The unformed legal road provides for part of that link to the State Highway and is available for public use (other than limitations

associated with licences to occupy or other Council permits). No plans have been made for the future development of the esplanade reserve; in time a loop route could be considered.

My understanding is that there is no obligation to fence the boundary. Any such request or proposal by the landowner would be discussed and considered by the Community Services Department. The Design Guide identifies appropriate fencing options to retain the character of the locality and this should form part of any consideration of fencing.

The Department of Conservation has submitted that the creation of an esplanade reserve (Lots 5 and 6) along the Black Valley Stream would provide the opportunity to enhance the conservation values of Black Valley Stream and to provide for public access and recreational use. This is confirmed by Ms Squires.

The Council has a long term view of providing access to and along rivers. A linked walkway network for St Arnaud is an important long term goal. A consequence may mean in the short term there are areas where links are not necessarily available. Consideration of such provision extends to future generations.

4.1.8 Significant Natural Areas

(5) Provision for and protection of areas of ecological value, landscape value, indigenous vegetation, trees and cultural heritage sites.

There are no significant areas of indigenous vegetation on the site identified in the TRMP.

A significant natural area is located on the neighbouring property east of the application site. Provided appropriate boundary plantings and weed control are undertaken it is not envisaged that this area would be adversely affected by the proposed subdivision. It is however noted that the present plantings of eucalyptus along the eastern boundary are not compatible with this site. The applicant has proposed a 5 metre landscape strip along this boundary and provided plantings are appropriate this could assist with protecting the adjacent significant vegetation site.

4.1.9 Indigenous Vegetation and Forest Removal

The PTRMP rules for Rural 2 address the removal and destruction of indigenous vegetation and indigenous forest. The definitions of these terms are set out in Chapter 2.

Mature manuka stands are located within proposed Lot 1 in the vicinity of the proposed building location area and access. A scaled aerial overlay of the building location area and wastewater area identifies that there would be a significant amount of these stands that would need to be removed to accommodate the proposed 20 x 20 metre building location area and possibly the wastewater reserve area depending on the final option utilised.

The manuka stands do not meet the definition of indigenous forest (being no taller than 6 metres high) and as indigenous vegetation the Rural 2 rules enable removal of this vegetation provided the site is not a naturally occurring wetland and does not

include indigenous dune vegetation, salt herb fields, woody indigenous vegetation in the Coastal Environment Area, which the vegetation is not.

At a site visit on 22 June 2006 the applicant showed Council and DoC staff the location of the proposed dwelling as being within the smaller cleared area closer to the state highway. There was no reference to manuka stands being removed to accommodate a building. The potential effect on vegetation of the building location area depicted on the application plan is only apparent with the benefit of a scaled aerial overlay. The size of the building location area has been increased from the original application plan which showed a 14 x14 metre area to a 20 x 20 metre area on the revised application plan. A consequence of this is the likely removal of a significantly increased area of manuka. In my opinion there are concerns with the visual effects of a significant reduction in the vegetation as viewed from the State Highway and neighbouring properties and on the rural and landscape character of the locality.

Two submitters, Mr Gendall and Mr and Ms Cootes have raised concerns about the removal of indigenous vegetation within the locality of the proposed development of Lot 1 and the associated effect on the character of the locality and visibility of the proposed dwelling.

In considering the context of the site and the design guide I have reached the opinion that the building location area needs to be reduced in size and re-sited to take advantage of existing clearings and reduce the amount of vegetation clearance required. This would go some way in giving effect to the design guide and a subdivision that could maintain the special values of the area. I have attached an aerial showing the re-sized and re-sited building area (Attachment 5).

The aerial overlay also shows that the volunteered landscape strip along the south boundary does not fully incorporate the existing indigenous vegetation. To provide an adequate buffer and retention of the vegetation fronting the state highway the location of the line could be moved accordingly to incorporate the vegetation along this boundary.

This matter is relevant to Section 4.1.3 "Rural Character, Landscape Character and Amenity Values" and the effects of removal of the manuka stands (in full or part) are considered in this section in the context of the locality and the existing environment.

4.1.10 Earthworks Effects

Earthworks will consist of the construction of a new on-site vehicle crossing and access to Lot 1, establishment of the building platform, removal of vegetation, and filling in part of the pond.

The applicant has identified the pond as manmade and has proposed filling in part of this to provide the 20 metre setback from any surface water body for wastewater disposal fields in accordance with PTRMP 36.1.4. The pond provides amenity value to the site and the feature is nestled in around existing manuka stands giving it a natural appearance. Any filling of this pond should ensure the manuka stands remain in tact.

The adverse effects on the environment from earthworks to be undertaken as part of the subdivision, based on the information provided, are considered to be minor and not likely to trigger the need for a resource consent for land disturbance.

4.1.11 Servicing Effects

b) Wastewater

The Council's Coordinator Resource Consents, Mr Lieffering has prepared a report (Attachment 6) on wastewater discharge and treatment for proposed Lot .

Mr Lieffering has identified the options considered by the applicant set out in the application; which are connection to the Council's sewer system and on-site wastewater disposal, and has identified the best practicable option as connection to the Council's reticulated wastewater system. Mr Lieffering does however identify that wastewater can successfully be treated on-site, but not in the manner proposed by the applicant. The Committee may wish to explore the option of reticulated wastewater servicing at the Hearing or alternatively on-site wastewater disposal and treatment to a secondary treatment standard.

It should be noted that the on-site wastewater disposal option was further investigated by the applicant on the basis of Mr Ley's opinion as part of the initial assessment of the application that on-site wastewater treatment and disposal was the most appropriate option to investigate further, as there may be issues with "cover over the pipeline, odours at the property boundary, issues with pumping to the network, and third party approval from Transit to place the pipeline under SH63.

Confirmation has been provided by Mr Ley that there is spare capacity to enable connection to the reticulated network. Mr Ley has noted that the invert level of the manhole and the level of a future building site would require some form of pressurised pumping line and private pump at the dwelling and has commented on potential issues associated with this (refer attached report). Transit approval would also be required for the pipe to pass across the state highway to connect with the Council's system, and this would be subject to a separate process. The Committee may wish to explore this matter with Transit at the Hearing.

Mr Ley has also confirmed that under section 599 of the Local Government Act 1974 (copy attached) Councils can require properties to connect to reticulated systems if the property boundary is within 30m of the system and the dwelling is within 60m of the system, in this instance both the requirements are met.

The proposed on-site wastewater discharge meets the permitted activity standards of the PTRMP 36.1.4. I have included a condition of consent only in respect of the on-site wastewater treatment and disposal (Option 2 of Mr Lieffering's recommendation). This would need to be amended if a connection was to be made to reticulated sewer and Mr Ley's recommendation 4. incorporated as a condition of consent.

c) Stormwater

The applicant proposes to discharge stormwater from the future dwelling and hard stand areas to the north where the land is lower. The PTRMP allows for stormwater discharge as a permitted activity directly on to land, into the existing pond or into Black Valley Stream provided TRMP Rule 36.4.2 is met. It seems likely that the criteria as part of this rule could be satisfied, although the actual design for stormwater is not proposed and in the opinion of the Council's Senior Discharges Planner, Mr Butler this would be best determined at the building consent stage.

A consent notice on the title is proposed requiring a report and associated design of a stormwater discharge system from an appropriately qualified and experienced person that confirms that TRMP Rule 36.4.2 can be complied with and that the effects on Black Valley Stream, neighbouring properties, and wastewater disposal fields are minor. The proposed consent condition has been formulated in consultation with the Council's Senior Discharge Planner, Mr Butler.

Mr Verstappen has indicated (pers. comm.) that he considers there would be no/negligible risk of exacerbating flood hazard as a result of stormwater discharge to Black Valley Stream, the pond or the floodplain beyond the wastewater disposal fields, from the proposed building and access on Lot 1.

d) Water Supply

The applicant has identified that Lot 1 will be supplied by roof water. The requirement for a 23,000 litre water tank with a 50 millimetre camlock coupling would be addressed as part of the application for land use consent to build within the Landscape Priority Area.

e) Power and Telephone

The applicant has identified that the property is currently reticulated by underground cables from the state highway and that Lot 1 will be similarly serviced from a post just west of the entrance.

4.1.12 Flooding Effects

Schedule 16.3A:

(3) *The extent to which the effects of natural hazards will be avoided or mitigated.*

The Council's Resource Scientist (Rivers and Coast), Mr Verstappen has prepared a report (Attachment 7) on the matter of flood hazard. Mr Verstappen has advised that on the basis of the applicant/agent's assessment of the limit of flooding (identified on the application plan) as a consequence of the Easter 2005 flood event (almost a 50 year return period) within the vicinity of the proposed building site that provided the minimum finished floor level of the dwelling is 900 millimetres above the maximum flood level reached in Easter 2005 then the building is likely to be free of flood hazard.

A condition of consent has been imposed to reflect this.

4.1.13 Summary of Section 104(1)(a) Effects

Overall my assessment is that the actual adverse effects on the environment are no more than minor and potential adverse effects can be adequately mitigated by conditions of consent.

Table 5: Summary of Effects		
Effects Assessed	Positive Effects	Adverse Effects
Rural Land Productivity	Nil	Minor
Fragmentation of Rural Land	Nil	Minor
Rural Character, Landscape Character and Amenity Values	Significant Gifted indigenous vegetation to DoC (6,700 m ²)	Potentially significant through loss of limited stands of Manuka on the site.
Lot 1 Building Location Area	Potentially significant depending on choice of building location area and retention of indigenous vegetation	Minor (with reduced and resited building location area)
Cross Boundary and Reverse Sensitivity Effects	Nil	Minor
Transport Effects	Location of access safer than unformed Legal Road.	Minor Access exists (no new access point required). Increased vehicle movements from residential use
Esplanade Provision – Public Access and Links	Potentially significant vesting esplanade reserve	Nil
Significant Natural Areas	Nil	Nil
Earthworks Effects	Nil	Minor
Servicing Effects	Potentially significant if sewer services reticulated	Minor (on-site wastewater disposal is possible)
Stormwater Effects	Nil	Minor (unlikely to exacerbate flooding, or nuisance effects)
Flooding Effects	Nil	Minor (minimum FFL)

4.1.14 Cumulative Effects

To establish a cumulative effect there are two parts:

- a) effects have to be certain and predictable
- b) they become certain and predictable because the pattern of consents is the same which arises from granting like applications.

Will this subdivision lead to a cumulative effect? In my opinion this is unlikely because:

- There are distinguishing characteristics of adjoining sites and potentially limiting factors
- A number of residences are nearby already or could be built on existing titles
- No other consents for subdivision in this block of Rural 2 zoned land are in front of the Committee
- The Rural 2 block is bounded by Residential, Conservation and Open Space Zones that limit the potential ribbon development along the State Highway in this location.

There are no other effects that are certain or predictable that are known to me or that are available to the Committee to consider.

I acknowledge that successive subdivision over time or of the same site (and/or in conjunction with other adverse effects) can lead to a reduction in rural and landscape character, amenity values, productive values, and use of the land for rural activities.

The Committee may wish to explore with the applicant acceptance of a “no further subdivision” consent notice to be placed on the Title of the allotments.

4.2 Relevant Plans and Policy Statements (Section 104(1)(b))

Pursuant to section 104(1)(b) the relevant provisions of the Resource Management Act and the Tasman Resource Management Plan are addressed.

Tasman Regional Policy Statement

The Tasman Regional Policy Statement has been incorporated into the objectives, policies and rules of the Tasman Resource Management Plan. An assessment of the Tasman Resource Management Plan will therefore be consistent with the Regional Policy Statement.

Tasman Resource Management Plan

The Tasman Resource Management Plan is the principal means of implementing the Regional Policy Statement, and achieving integrated and sustainable resource management. The Plan is a combined regional and district plan because it relates to both sets of functions for which the Council is responsible. The Plan has been developed to be consistent with the Regional Policy Statement and it is therefore considered that an assessment under this Plan will meet the requirements of section 104. The objectives and policies most relevant to this application have been identified below.

Chapter 7 sets out the overarching framework for rural zoned land within the district.

This part of the report addresses the application in the context of the relevant sections of the Plan’s Objectives and Policies; with the major section being Chapter 7. Other relevant objectives and policies are set out below

The relevant objectives and policies to this application are set out below:

Chapter 7 Rural Zone

The objectives and policies in Chapter 7 address the management of the rural land resource. These cover three main areas which need to be considered together in the context of the Rural Zone:

- Managing the effects of land fragmentation on the productive values of land (Objective 7.10 and Policies)
- Providing opportunities for a wide range of activities in the rural areas (Objective 7.20 and Policies)
- Managing the effects of activities in rural areas, including cross boundary and reverse sensitivity effects on rural character and amenity values (Objective 7.30 and policies)

The relevant objectives and policies to this application are set out below:

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

Policy 7.1.2 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 adverse actual, potential, and cumulative effects on the rural land resource"*

Policy 7.1.3 *"requires land parcels upon subdivision to be of a size and shape that "retains the land's productive potential, having regard to the actual and potential productive values, the versatility of the land, ecosystem values, the management of cross-boundary effects, access, and the availability of servicing"*

The land is not of high productive value and versatility; having predominantly poor soils, aspect and climate. The site is not suited to a wide range of productive uses (discussed at 5.1 in the report).

The effects of fragmentation on productive land are considered to be minor.

Cross boundary effects and reverse sensitivity issues resulting from the subdivision are also considered to be minor taking into consideration the existing adjacent land uses (residential/rural residential/conservation), allotment sizes and limitations on productive potential associated with significant indigenous vegetation sites and adjacent conservation land.

Objective 7.2.0 *"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."*

Policy 7.2.1 “to enable activities which are not dependent on soil productivity to be located on land which is not of high productive value”

Policy 7.2.1A “to enable sites in specific locations to be used primarily for rural residential purposes with any farming or other rural activity being ancillary, having regard to (a) to (k)”.

Policy 7.2.4 “to ensure that activities which are not involved or associated with soil based production do not locate where they may adversely affect or be adversely affected by such activities”

In the main the opportunities identified in the objective are to be provided within a zone framework set out in the Plan as a way of managing effects of specific types of activities or building development in the rural area.

Where those living opportunities can be achieved without compromising productive values, rural character, landscape character and amenity values, other significant values and avoid, remedy, or mitigate adverse effects on the environment it may be appropriate to grant consent.

The productive values of the site are limited and subdivision in this locality in my opinion can be undertaken in a way that would not unduly compromise rural character, landscape character, and amenity values.

For this subdivision in respect of Policy 7.2.1A the following matters could be considered to be affected by the proposal:

(h) potential for cumulative effects from further subdivision

Transit New Zealand has raised the matter of the potential of the subdivision to be part of cumulative trend of ribbon development along the state highway. As discussed in 4.1.15 I am of the opinion that this is unlikely.

Objective 7.30 “Avoidance, remedying or mitigation of the adverse effects of a wide range of existing and potential future activities, including effects on rural character and amenity values.”

Policy 7.3.1 “To ensure that there is sufficient flexibility for a wide range of productive rural activities to take place, while avoiding, remedying or mitigating adverse effects”

Policy 7.3.3 “To provide for the maintenance and enhancement of local rural character, including such attributes as openness, greenness, productive activity, absence of signs, and separation, style and scale of structures”

Policy 7.3.6 “To ensure that adequate physical or spatial buffers or other techniques are applied when allowing new allotments or buildings primarily or exclusively for residential purposes in rural areas, so that productive land opportunities are not compromised”

Policy 7.3.9 “To avoid, remedy or mitigate servicing effects or rural subdivision and development, including road access, water availability and wastewater disposal.”

The location of the proposed building location area on Lot 1 will create some effects on visual amenity, associated with a new dwelling, some vegetation clearance of manuka stands and filling of part of the pond.

Subdivision can be undertaken in a way that would maintain rural character, landscape character, and amenity values.

Chapter 5 Site Amenity

The most relevant amenity matter within this Chapter to this application is visual and aesthetic value:

Objective 5.3.2 “Maintenance and enhancement of the special visual and aesthetic character of localities.”

Policy 5.3.2 “To maintain the open space value of rural areas”

Policy 5.3.5 “To maintain and enhance features which contribute to the identity and visual and aesthetic character of localities, including:

- (b) vegetation
- (c) significant landmarks and views

The TRMP (5.3.40) refers to the issue that sprawling development along main highway routes leading into settlements may undermine the visual amenity of those settlements.

It also refers to design guidelines as a useful addition to rules in maintaining the character of localities, and in this case the St Arnaud Design Guide provides guidance on matters of subdivision and associated development. The matters relevant to subdivision in the design guide have not been carefully considered as part of the application, in particular those matters relating to the location of subdivision boundary lines, integration of landscape features such as the pond and existing vegetation, and the proposed location of the building site (pages 5 and 7). On the other hand, opportunities to enhance access and natural features have been recognised and incorporated as part of the application with esplanade reserve provision and land gifted to the Crown.

In respect of this application the matters associated with the contribution vegetation makes to the site, visual buffering and location of the building area are discussed (Section 4) in the context of reducing the effects of built development on the landscape character and amenity values of the locality and neighbouring properties. St Arnaud has high natural and scenic values which are also a consideration in the scale and intensity of development and the visual dominance of buildings, particularly when viewed from the state highway against the backdrop of the National Park.

Chapter 8 Margins of Rivers, Lakes, Wetlands and the Coast

Objective 8.1.0 seeks to encourage the:

“Maintenance and enhancement of public access to and along the margins of lakes, rivers, wetlands and the coast, which are of recreational value to the public.”

Objective 8.2.0 seeks to encourage the:

“Maintenance and enhancement of the natural character of the margins of lakes, rivers, wetland and the coast, and the protection of that character from adverse effects of subdivision and development or maintenance of land or other resources, including effects on landform, vegetation, habitats, ecosystems and natural processes.”

The relevant policies 8.1.1, 8.1.4, 8.1.5 and 8.1.7 and 8.2.1, 8.2.4 and 8.2.15 aim to provide, maintain and enhance public access and the character of rivers and to avoid, remedy or mitigate adverse effects on other resources or values and public health and safety.

The subdivision is consistent with these policies with the provision of esplanade reserve along the Black Valley Stream.

Chapter 9 Landscape

The most relevant matters within this chapter relate to rural landscapes, amenity values and environmental qualities:

Objective 9.2.0 *“Retention of the contribution rural landscapes make to the amenity values and the environmental qualities of the District, and the protection of those values from inappropriate subdivision and development.”*

Policy 9.2.1 *“To integrate consideration of rural landscape values into any evaluation of proposals for more intensive subdivision and development than the Plan permits.”*

Policy 9.2.3 *“To retain the rural characteristics of the landscape within rural areas.”*

Policy 9.2.5 *“To evaluate, and to avoid, remedy, or mitigate cumulative adverse effects of development on landscape values within rural areas.”*

The subdivision, whilst giving rise to effects on values within the site (indigenous vegetation removal associated with a building site, filling in part of the pond, location of an additional dwelling) with conditions of consent it is possible to retain the rural landscape and environmental qualities that contributes to the amenity values of the locality.

The esplanade reserve provision and gifting land with indigenous forest to the Crown and the volunteered buffer go some way to protecting important values. It is acknowledged that the land gifted to DoC could equally of remained intact in the ownership of the applicant, given its location, vegetation cover and nature of the topography which meant that there was relatively limited scope for any alternative use or activity. Notwithstanding this DoC ownership provides assurance that the indigenous forest will remain intact.

Chapter 10 Significant Natural values and Cultural Heritage

Chapter 10 is relevant as the Council has to:

“have regard to the intrinsic value of ecosystems, the recognition and protection of heritage values of sites, buildings, places or areas, and the maintenance and enhancement of amenity values. There is a duty to provide for the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna and outstanding natural features.”

Issue (d) indicates that significant natural areas can be adversely affected by activities on adjoining areas.

Objective 10.1A.2 requires safe-guarding significant natural areas from the adverse effects of subdivision, use and development of land.

The application site does not have a significant natural area located within the site but it is adjacent to one on the neighbouring site to the west. This policy is relevant to the adverse effects that could arise on the significant natural area from activities on the proposed allotment. The presence of existing exotic vegetation along the eastern boundary and potential weed species could pose a threat to the site. The applicant has volunteered a 5 metre landscape buffer along this boundary which, in addition to the purpose of screening the development, could also serve to provide additional protection to the significant natural area provided planting was appropriate. A condition of consent reflects the need for appropriate planting of the area.

Chapter 11 Land Transport

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

The proposal is considered to be consistent with this Objective and relevant Policies in particular Policy 11.1.1.

The subdivision will increase traffic generation as a result of a residential dwelling. Considering other uses that could occur on the site associated with productive activities as permitted activities and their contribution to vehicle movements, the proposed activity is not considered to generate a significant adverse effect in the context of the location and the road network. No additional access to the State Highway is proposed and the location with respect to visibility from the access is better than that from the unformed legal road.

Overall I consider that the proposed subdivision into two certificates of title, and an additional dwelling and associated effects on productive land values, rural and landscape character, amenity values, and the road environment is generally consistent with the policies and objectives of the Proposed Plan.

4.3 Other Matters (Section 104(c))

Fencing (Legal Road), Survey Marker Pegs and Pond

The submission from Mr and Ms Cootes raises several matters, some of which are not directly relevant to consideration of the application and which are addressed briefly below:

- The matter of fencing on legal road reserve is subject to a fencing permit with the Council.
- The subdivision and building location area will be fixed by survey at the section 223 stage of the process. I acknowledge the difficulty of identifying the location of boundaries and activities in the absence of ground markings and aerial photo overlays. An overlay has been included with this report to showing the location of the development in respect of existing vegetation and features.
- The proposed pond on Lot 2 does not form part of this application. Mr Elkington has advised me that he did not informally agree to the proposal as identified in the submission. I understand from the Council's Scientist, Mr Verstappen, that the proposed subdivision will not exacerbate the potential for flood risk.

Precedent Effects

In my view, should the application be approved it would not establish a precedent which has the potential to give rise to cumulative loss of productive land, sporadic development, loss of rural character, landscape and amenity values.

In this specific location the sites within the Rural 2 zone are few and are constrained by the surrounding Residential, Conservation and Open Space Zones. Most of these sites are significantly smaller sites, with the exception of the App property to the east. Some of these sites have specific matters that may upon assessment preclude subdivision such as significant natural areas (located on the App property), flood hazard risk, new access to the state highway, wastewater disposal. Should consent be granted there is the potential that applications from other sites within this specific Rural 2 zone could be made, with the most likely being the App property. In my opinion this is likely to be limited.

4.4 Part II Matters

My overall assessment in terms of Part II of the Act is set out below.

In terms of Section 6 the matters of national importance related to this application are:

- *The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna*

The site contains no section 6(c) indigenous vegetation sites.

- *The maintenance and enhancement of public access to and along the coastal marine area, lakes and rivers*

The creation of esplanade reserve will provide future public access to and along Black Valley Stream, and potentially contribute to a linked walkway network in time.

The matters in section 7 RMA (other matters) that I have identified as being relevant to the application are set out below. The adverse effects on these values are considered to be no more than minor.

1. *7(b) the efficient use and development of natural and physical resources*

The proposal does not impact significantly on the limited potential of the land given the site characteristics.

2. *7(c) the maintenance and enhancement of amenity values*

The proposal will have little effect on amenity values because:

- Other dwellings exist in the vicinity; the views from the residential area to the south will not be adversely affected
- It is possible by conditions of consent to retain or require screening of the building site from the state highway and neighbouring properties, including the residential zone to the south. The applicant has volunteered a vegetation buffer around the perimeter of the proposed allotment/development area
- The size and the location of the house site can be constrained by conditions of consent to minimise effects on rural and landscape character, and amenity values
- No new site access is being formed

3. *7(f) maintenance and enhancement of the quality of the environment,*

The quality of the environment will not significantly change with the addition of one house in a location with residential development to the south and some housing nearby within the Rural 2 zone. Given the context of the adjacent residential zone and prominence of dwellings the application site has scope to undertake the development in a way which maintains the quality of the environment.

Conditions of consent can be imposed to minimise the loss of existing indigenous vegetation through development thus maintaining the quality of the environment.

The proposal to fill in some of the pond to provide setbacks from on-site wastewater disposal fields will remove part of a feature that had the effect of enhancing the quality of the environment, given it was not obviously a manmade feature.

4. *7(g) any finite characteristics of natural and physical resources*

A positive effect is the addition to the stock of esplanade reserve in the locality and the district and the gifting of indigenous forest to the Crown.

An adverse effect, albeit minor, is the creation of a small lot that limits further any possible productive use of the land. A further adverse effect is the loss of indigenous vegetation as a result of built development. The extent can be mitigated by conditions of consent, and the vegetation is not significant in the context of the presence of that type of indigenous vegetation in the wider locality.

On balance I consider that the proposed subdivision better meets the purpose and principles contained in Part II of the Resource Management Act than refusing consent. Overall, the effects I have identified are mostly minor (and can be mitigated by conditions of consent). The applicant has volunteered important mitigation through esplanade reserve, indigenous forest gifting to the Crown, and vegetation buffers.

5. RECOMMENDATION

That pursuant to Section 104C of the Resource Management Act 1991 the Tasman District Council **APPROVES** consent to the application by St. Arnaud Trustee Services Limited to subdivide CT NL3A/1147 into two allotments subject to the following conditions:

6. RECOMMENDED CONDITIONS

1. Subdivision Plan

The subdivision shall conform with application Plan RM060419 Job No. 894, Plan #2 dated February 2007, prepared by Survey Solutions (NZ) Ltd, and attached to this consent.

2. Building Location Plan

A building location plan for Lot 1, shall be prepared by a registered professional surveyor that accurately defines the location of the 15 x15 metre building area and the building platform by survey, and shall be submitted to the Environment and Planning Manager for approval as part of the section 223 title plan.

The building location area on Lot 1 shall be setback a minimum distance of 10 metres from State Highway.

The building location area and the building platform shall be shown on the section 223 plan.

3. Building Platform

That a minimum building platform level of RL 643.0 metres and a minimum finished floor level of 644.2 metres shall be provided.

That the building platform be constructed prior to the issue of the section 224 certificate.

3. Amalgamation Conditions

That Lots 2 and 4 hereon be amalgamated and one certificate of title issue. LINZ reference 652256

The amalgamation conditions shall be shown on the survey plan prior to section 223 approvals.

Advice Note:

The District Land Registrar has advised that the condition is practicable provided all the normal requirements apply to the issuing of amalgamated titles. These include requirements that the land is in the same ownership and that any existing joint family settlements are cancelled or extended to include all the land being amalgamated.

4. Consent Notice

The following consent notice shall be registered on the certificate of title for the relevant allotments pursuant to Section 221 of the Resource Management Act

The consent notice shall be prepared by the applicant's solicitor and submitted to Council for approval and signing. All costs associated with approval and registration of the consent notices shall be paid by the consent holder.

Building Location Restrictions

That the construction of buildings on Lot 1 shall be restricted to the building location area shown on Title Plan DPand buildings shall be fully contained within the area identified.

Building Finished Floor Level

That the dwelling shall have a minimum finished floor level of 644.2 metres.

Building Height

The maximum height of the dwelling on Lot 1 shall be restricted to 6.0 metres above natural ground level.

Planting Plan - Landscape Buffer

A vegetated buffer with a minimum distance of 5 metres shall be provided along the eastern boundary of Lot 1, and 8 metres along the southern boundary of Lot 1. The owner of that lot shall submit to and have approved by the Council's Environment and Planning Manager, a planting plan prepared by a qualified Landscape Architect or person approved by the Environment and Planning Manager and shall include:

- ii) Proposed planting (location of species, type of species, height at maturity) to build on the established indigenous vegetation as part of the development and the management regime for it. The type of species shall be indigenous species

naturally occurring in the area, and shall grow to a height that does not cause shading or nuisance to neighbouring properties.

- iii) The identification of views from adjacent properties and the planting designed to preserve those views as part of the site development.
- vi) A comprehensive planting and implementation plan. The planting plan shall include the species, location and height at maturity. The implementation plan shall include establishment, maintenance and management proposal for the first five years following the construction of the dwelling. The plan shall specify regular monitoring and reporting responsibilities of the owner to Council's Environment and Planning Manager to ensure compliance.

The planting plan shall be fully implemented within two years of the building consent for the dwelling being issued. The completion of the work shall be confirmed in writing by a qualified landscape architect.

Manuka Stands

The manuka stands to the west of the building location area shall be retained to screen the development from Lot 1 DP 7513.

The manuka stand to the north east of the building location area shall be retained, with the exception of establishing a building location area, to screen the development and assist with fitting buildings into the landscape.

Wastewater Treatment and Disposal - Lot 1

- i) Wastewater treatment and disposal areas shall be in accordance with the Wastewater Drainage Plan prepared by Abacus Effluent Disposal Plan SJ867 – fig1, Amendment 03 (revised 13 February 2007), dated August 2006.

Option 2

- a) Treatment of domestic wastewater shall be by way of a treatment system that treats the wastewater to a secondary standard prior to being discharged to land. Secondary 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

The type of wastewater treatment system selected shall take into account the likely occupancy patterns of the property (e.g. holiday versus permanent occupancy). The treated wastewater shall be discharged to land either by way of pressure compensating drippers. The on-site wastewater treatment and disposal system shall be designed, supervised and certified by a chartered professional engineer.

Stormwater Treatment and Disposal - Lot 1.

Prior to the issue of a building consent for any dwelling or building on Lot 1, the owner of that lot shall submit to and have approved by the Council's Environment and Planning Manager, a report and associated design for a stormwater treatment and disposal system for that particular lot and building curtilage area designed by a person suitably qualified and experienced in designing such systems. The design of the stormwater discharge system shall ensure:

- The adverse effects of any runoff on Black Valley Stream and neighbouring properties are mitigated and the effects are no more than minor.
- The stormwater discharge system is designed in a way that discharge does not interfere with or discharge onto the wastewater disposal fields.
- The methodology for stormwater soakage investigation and design is in keeping with the New Zealand Building Code 2002 Surface Water Clause E1; E1VM1 and E1/AS1 if ground soakage is to be used.
- The conditions of Tasman Resource Management Plan Rule 36.4.2 are complied with or a resource consent (discharge permit) is obtained.

Power and Telephone

Reticulated power and telephone services to buildings on Lot 1, where provided, shall be undergrounded from the boundary of the property.

5. Easements

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

Any private services within road reserve shall be covered by a licence to occupy and an application shall be made to the Council's Engineering Department for such a licence.

Easements are required over any right-of-way and shall be shown in a Schedule of Easements on the Survey Plan. Easements shall be shown on the Land Transfer title plan and any documents shall be prepared by a Solicitor at the consent holder's expense.

Reference to easements is to be included in the Council resolution on the title plan at the section 223 stage.

Advice Note:

It is most likely that a separate agreement will also be required from Transit New Zealand for services within Transit road reserve.

6. Services

Power and Telephone

- a) Full servicing for live underground power and telephone cables shall be provided to the boundary of Lot 1. The relevant utility provider shall be required to provide written confirmation to the Tasman District Council Engineering Manager that live power and telephone connections have been made to the boundaries of the allotments.
- b) Confirmation that these requirements have been met shall be provided in a written statement from the supply authority. A copy of the supplier's certificate of compliance shall be provided to the Tasman District Council Engineering Manager prior to a completion certificate being issued pursuant to Section 224(c) of the Resource Management Act 1991.
- c) All servicing shall be accordance with Tasman District Engineering Standards and Policies 2004.

7. Esplanade Reserve to Vest in Tasman District Council

Esplanade Reserve

- a) That Lots 5 and 6 shall vest in the Tasman District Council as Local Purpose Reserve (Esplanade) in accordance with RM060419 Job No. 894, Plan #2 dated February 2007, prepared by Survey Solutions (NZ) Ltd, and attached to this consent.
- b) The survey plan submitted under Section 223 shall show the area of esplanade reserve land to be set aside.

9. Right-of-Way

- a) Rights-of-Way A shall be formed to the specifications in Table 1

Table 1 Right of Way Specifications and Formation Standards					
Right of Way	Allotments	Seal width metres	Shoulders	Side Drains	Legal Width
Right of Way A	Lots 1, Lots 2&4	4.5	2 x 500	2 x 1.0	7.50

- b) Right-of-Way A shall be formed and surfaced with a minimum requirement of a 150 millimetre depth AP40 compacted basecourse with the formation of side drains to convey stormwater runoff away from the right of way carriageway.
- b) A culvert crossing shall be installed to provide access to Lot 1 as required, at the access location shown on Plan RM060419 Job No. 894, Plan #2 dated February 2007, prepared by Survey Solutions (NZ) Ltd, attached to this consent.
- c) Right of Way A shall be sealed inside the property boundary to the existing gate with Grade 4 chip first coat, followed by a Grade 6 void fill second coat. The seal formation shall extend to the back of the edge of the existing access crossing seal.

Advice Note:

A Section 93 approval will be required from Transit for access onto a Limited Access Road; State Highway 63.

10. Vehicle Access Crossing and On- Site Access – Lot 1

A 3.5 metre turnout shall formed between the Right of Way formation and Lot 1 in the location shown on the Plan RM060419 Job No. 894, Plan #2 dated February 2007, prepared by Survey Solutions (NZ) Ltd, and attached to this consent and shall be surfaced with a minimum standard of 150 millimetre depth AP40 compacted basecourse.

An extension of the access into Lot 1 shall be formed for a distance of 5.0 metres with a minimum standard of 150 millimetre depth AP40 compacted basecourse.

13. Commencement of Works and Inspection

The Tasman District Council Engineering Department shall be contacted five working days prior to the commencement of any engineering works. In addition, five working days' notice shall be given to the Engineering Department Inspectors when soil density testing, pressure testing, beam testing or any other major testing is undertaken.

14. Engineering Works

Engineering works including the Right of Way, culvert and access to Lot 1 shall be constructed in strict accordance with the Tasman District Council Engineering Standards and Policies 2004 or to the Tasman District Council Engineering Manager's satisfaction.

15. Engineering Certification

- a) At the completion of works, a suitably experienced chartered professional engineer or registered surveyor shall provide the Tasman District Council Engineering Manager with written certification that the right of way, culvert and access to Lot 1 has been constructed in accordance with the consent condition and the Tasman District Council Engineering Policies and Standards 2004).
- b) Certification that the building platform and nominated building site on Lot 1 is 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 Lot 1 within the building location area, the area suitable for the erection of residential buildings and shall be in accordance with Appendix B Section 11 of the Tasman District Engineering Standards 2004.
- c) Where fill material has been placed on any part of Lot 1, a suitably experienced chartered professional engineer shall certify that the filling has been placed and compacted in accordance with NZS 4431:1989 Code of Practice for Earth Fill for Residential Development. The certification statement of suitability of earth

fill for residential development shall be made in accordance with Appendix A Section 11 of the Tasman District Engineering Standards and Policies 2004 and shall be provided to the Tasman District Council Engineering Manager.

17. Financial Contributions

Payment of financial contributions assessed as follows:

Reserves and Community Services

- (a) 5.5 per cent of the total market value of a notional 2,500 square metre building site within Lot 1 (at the time subdivision consent is granted).
- (b) The Consent Holder shall request in writing to the Council's Administration Officer (Subdivision) that the valuation be undertaken. Upon receipt of the written request the valuation shall be undertaken by the Council's valuation provider at the Council's cost.
- (c) If payment of the financial contribution is not made within two years of the granting of the resource consent, a new valuation shall be obtained in accordance with (ii) above, with the exception that the cost shall be paid by the Consent Holder, and the 5.5 per cent contribution shall be recalculated on the current valuation. Payment shall be made within two years of any new valuation.

Advice Note:

A copy of the valuation together with an assessment of the financial contribution shall be provided to the Consent Holder.

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 Contributions 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 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.

GENERAL ADVICE NOTES

Council Regulations

1. This is not a building consent and the Consent Holder shall meet the requirements of Council with regard to all Building and Health Bylaws, Regulations and Acts.

Other Proposed Tasman Resource Management Plan Provisions

2. Any activity not covered in this consent shall either comply with: 1) the provisions of a relevant permitted activity rule in the Proposed Tasman Resource Management Plan; or 2) the conditions of separate resource consent for such an activity.

A resource consent is required for the construction of buildings on the respective allotments.

3. Access by the Council's Officers or its Agents to the property is reserved pursuant to Section 332 of the Resource Management Act 1991.
4. Monitoring of this resource consent is required under Section 35 and 36 of the Resource Management Act 1991, and a deposit fee is payable at this time. Should monitoring costs exceed this initial fee, the Council will recover the additional amount from the resource consent holder. Monitoring costs are able to be minimised by consistently complying with the resource consent conditions.
5. Pursuant to Section 127 of the Resource Management Act 1991, the Consent Holder may apply to the Consent Authority for the change or cancellation of any condition of this consent.
6. Council draws your attention to the provisions of the Historic Places Act 1993. In the event of discovering an archaeological find during the earthworks (e.g. shell, midden, hangi or ovens, garden soils, pit depressions, occupation evidence, burials, taonga, etc) you are required under the Historic Places Act, 1993 to cease the works immediately until, or unless, authority is obtained from the New Zealand Historic Places Trust under Section 14 of the Historic Places Act 1993.

D A Hewett
Consent Planner (Subdivision)