



## STAFF REPORT

**TO:** Environment & Planning Subcommittee

**FROM:** Mark Morris (Consents Co-ordinator – Subdivisions), Mandy Bishop (Consent Planner – Land Use) and Donna Hills (Consent Planner – Land Disturbance)

**REFERENCES:** RM070416 (Subdivision), RM070417 and RM070418 (Land Use – Dwellings and Community Centre), RM070421 and RM070422 (Land Use – Land and Watercourse Disturbance)

**SUBJECT:** **RUBY BAY DEVELOPMENTS LIMITED - REPORT EP07/10/02 -**  
Report prepared for Hearing commencing 9 October 2007

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### 1. DESCRIPTION OF THE PROPOSED ACTIVITY

Ruby Bay Developments Limited has lodged a number of resource consent applications relating to a subdivision, residential development, community activity, earthworks, works in watercourses and associated wastewater and stormwater discharges in the Rural 3 zone.

The following report assesses applications **RM070416 to RM070418, and RM070421 and RM070422** relating to the subdivision and land use aspects of the development. The remainder of the consents addressing wastewater discharges and stormwater discharge and stormwater retention are assessed in two complementary reports (EP07/10/03 and EP07/10/04) authored by Mr Michael Durand, Council's Co-ordinator – Natural Resources. This report should be read in conjunction with the aforementioned staff reports.

#### 1.1 Subdivision Consent and Land Use Consent (Application RM070416)

To subdivide five titles into the following:

- One allotment of 1.8 hectares for the community activities (Lot 502);
- 104 residential allotments ranging between 0.27 and 1.6 hectares in area (Lots 1-104);
- 11 larger rural allotments ranging between 2.3 and 10.14 hectares in area (Lots 200-213). Lot 213 is to be amalgamated with Lot 211 and Lot 212 is to be amalgamated with Lot 207;
- Two recreation reserves to vest in Tasman District Council (Lots 400 and 401);
- Four stormwater mitigation allotments (Lots 500 and 501, 504 and 505); and

- One allotment of 15.1 hectares, which is proposed to be protected by a Queen Elizabeth II National Trust covenant for wetland protection, landscape amenity and stormwater mitigation (Lot 503).

The subdivision is proposed to be developed in six stages as follows:

Lot Description	Stage 1	Stage 2	Stage 3	Stage 4	Stage 5	Stage 6
<b>Residential Lots</b>	1-20	24-42	43-59	60-82	83-96	97-104
<b>Pastoral Lots</b>	200-203	-	(204 & 205)	206	207 & 212 208-210	(211 & 213)
<b>Resident's Association Lots</b>	500, 501	-	502-504	-	505	-
<b>Roads to Vest</b>	600, 601	602	603	605, 606	607	-
<b>Access Lots</b>	300-304	308, 309	310	311-313	314-316	317, 318
<b>Reserves to Vest</b>	-	400	-	401	-	-
<b>Balance Lots</b>	(Stages 2-6)	(Stages 3-6)	(Stages 4-6)	(Stages 5-6)	(Stage 6)	-

A land use consent is also sought to construct and vest roads and construct right-of-ways and vehicle accesses that do not meet all of the permitted activity criteria of the Proposed Tasman Resource Management Plan. See the concept plan in Appendix A of the application.

## 1.2 Land Use Consent (Application RM070417)

To construct a single dwelling and accessory buildings within a nominated building area on proposed Lots 1-104, Lots 200-203 and 205-211 of the subdivision application described above (Application RM070416). A total of 115 dwellings are proposed to be built.

## 1.3 Land Use Consent (Application RM070418)

To establish and operate a community activity on proposed Lot 502 of the subdivision application described above (Application RM070416). The Community Centre would be for the use of residents of the subdivision and incorporates a 200 square metre building, a car park, swimming pool, tennis court and a 5-hole "chip and putt" golf course.

## 1.4 Land Use Consent (Application RM070421)

To undertake up to 190,000 cubic metres of earthworks and vegetation removal for the construction of roads, building platforms and stormwater devices associated with the subdivision outlined above (Application RM070416).

### **1.5 Land Use Consent (Application RM070422)**

To place culverts and stormwater attenuation dam structures on the beds of watercourses associated with the subdivision outlined above (Application RM070416). This application also covers the disturbance of the beds of watercourses during the placement of the culverts and construction of the stormwater attenuation dam structures.

### **1.6 Site Location and Description**

The 147.003 hectare property is located between Dicker Road and Awa Awa Road, Tasman (see location maps in Appendix 1). The site is approximately three kilometres west of Ruby Bay and four kilometres northwest of Mapua.

The application area has a range of slopes of an undulating to rolling nature. Few areas have slopes over 15 degrees. The “easy contour” land with average slopes ranging from 5 to 9 degrees covers 49% of the area and over 63% of the proposed residential sites are situated on the “easy contour” land. Less than 37% of the proposed residential sites are on the broken contour range consisting of slopes with pockets of easier contour areas separated by steeper ridges and gullies. The subject area also includes moderate to steep areas of slopes between 10 to 20 degrees where the larger rural lots are proposed.

The application site contains three main ridgelines with a number of minor lateral ridgelines running up to the major ridgelines. A main gully runs up through the middle of the site and contains a regionally significant wetland. The vegetation for the majority of the site is currently rolling pasture and remnant pines from its past forestry use. Surrounding land uses include forestry, olive groves, pasture, apple orchards and lifestyle blocks.

### **1.7 Legal Description**

Lots 1 and 7 DP 20366, Lot 13 DP 1706 and proposed Lots 1 and 2 of subdivision consent RM010679 (Certificates of Title NL13C/309, NL65/63, NL13C/305, Pt NL67/162 and Pt NL67/163). RM010679 amalgamates land owned by Carter Holt Harvey with properties east of Dicker Road that will be severed by the construction of the Ruby Bay by-pass.

## **2. PROPOSED TASMAN RESOURCE MANAGEMENT PLAN (PTRMP) ZONING, AREAS AND RULES AFFECTED**

The application site is zoned Rural 3 and is within the Wastewater Management Area and Land Disturbance Area 1. Awa Awa Road is classified as an Access Place and Dicker Road is an Access Road.

The application is considered to be a Restricted Discretionary Activity under subdivision rule 16.3.9D in that the proposal has allotment areas less than the Controlled Activity standards of 50 hectares and not all permitted transport standards

are complied with. The dwellings are considered to be a Controlled Activity pursuant to rule 17.5A.5 and the community centre is a Restricted Discretionary Activity under rule 17.5A.17.

The earthworks are a Controlled Activity under rule 18.6.4 and the disturbance of the watercourse is pursuant to Section 13 of the Resource Management Act 1991.

### 3. CONSULTATION, APPROVALS AND SUBMISSIONS

#### 3.1 Consultation

The application stated that consultation occurred with immediately adjacent neighbours to the site and the following organisations:

Name	Reasons
Tasman District Council	Pre-application discussions with numerous staff
Transit NZ	By-pass issues
Department of Conservation	Wetland issues
QEII National Trust	Wetland issues
NZ Archaeological Association	Archaeological sites
Tangata whenua	Cultural impacts

#### 3.2 Submissions

The application was notified on Saturday 21 July 2007 and 52 submissions were received (two were received late). 31 submissions oppose the application, 9 support the application with 12 neutral or did not indicate support or opposition submissions. See Appendix 2 for the location of submitters (OP = oppose, SU = support, NE = neutral, DNI = did not indicate).

##### 3.2.1 Summary of Submissions:

Submitter	Reasons	Decision
1. P and B Groenewegen	Access – Marraiges/Awa Awa Rd not wide enough, increased noise from vehicles, safety and amenity concerns, wants a bike lane defined through subdivision Visual Impact – question that 115 properties is too many for the area, no restrictions on out buildings and future development/subdivision of larger lots, concerned building sites might change; Phone – may impact on existing internet users Water – rainwater tanks not adequate in dry area, may get over spray from orchards; Sewage – on-site not suitable for density, could be poorly operated by individual owners, community treatment plant a better idea including reuse as irrigation as well as using stormwater and grey water for irrigation; Power – should be underground and questions whether the development will lead to increased power failures and fluctuations.	<b>Decline</b>  Wish to be heard at the hearing.
2. J P Nicholson	Concerned traffic volumes will cause problems with farming activities, intersection of Marriages Rd and SH60 a problem now, Awa Awa Rd not suited to heavy traffic, believes should use Dicker Rd and the new by-pass, not Awa Awa Rd.	<b>Decline</b>  Wishes to be heard.

<b>Submitter</b>	<b>Reasons</b>	<b>Decision</b>
3. JRC Lee	Believes this application should be withdrawn pending the outcome of water permit RM070187 (TDC to take water from Motueka Aquifer for coastal communities), concerned educational, social and medical services will not cope with influx, and water tanks should be the sole source of supply.	<b>Decline</b>  Wishes to be heard.
4. R & B Keyvar	None given	<b>Grant</b>  Do not wish to be heard.
5. NZ Fire Service Commission	Would like a condition that any new dwelling complies with the NZ Fire Service Code of Practice for Fire Fighting Water Supply SNZ PAS 4509:2003	<b>Did not indicate</b>  Wishes to be heard.
6. J & L Kohen	Marriages and Awa Awa Roads barely adequate for current use, additional traffic will worsen safety and amenity issues. The community needs its own access to the state highway.	<b>Decline</b>  Wish to be heard.
7. S Padrutt	Safety concerns of pedestrians, horse riding, cyclists and other vehicles on Awa Awa Rd and potential for stormwater to overflow onto road. Is there enough water storage if there's a fire and would like to see more public roads through the subdivision and the community centre for Awa Awa and Dicker Rd residents as well as residents of subdivision.	<b>Decline</b>  Wishes to be heard.
8. D Goodman	Has concerns of potential reverse sensitivity issues of noise and spray drift problems from his orchard and clash of orchard vehicles during harvest with increase in traffic on Awa Awa and Marriages Rd. He suggests conditions of further setbacks from the orchard boundaries, plantings along the boundary, emanation easement for lots 1-20 and lot 202 and the access be gained from the Old Coach Road side.	<b>Decline</b>  Wishes to be heard
9. L M Toole	The 115 housing lots takes away the rural nature of the area and will be visually sensitive to those living nearby, the financial benefit is leaving the land in forest or farmland, increased pressure on the wetland to cope with the additional stormwater runoff and flow on effects on other properties and if granted would like only 25 larger lots to enable agricultural use.	<b>Decline</b>  Does not wish to be heard
10. G Calman	Concerned with road development around the existing dam and the existing formation of Awa Awa Rd, larger lots need covenants to prevent further subdivision, alternative route via Old Coach Rd and the By-pass or other way. If granted he would like Awa Awa Rd and its intersection with Marriages Rd upgraded	<b>Decline</b>  Wishes to be heard
11. R & C Lovell	Marriages Rd will not be able to service the new subdivision in its present condition.	<b>Decline</b>  Do not wish to be heard
12. Transit NZ	Concerns with assumption not being correct that traffic will not turn to and from the Ruby Bay By-pass via Seaton Valley Rd connection that will create substantial turning traffic if using this route. Reverse sensitivity issues with noise and vibration that may emanate from the operation of the Ruby Bay By-pass. The applicant should meet the cost of upgrading the Marriages Rd/SH60 intersection and put other measures in place to mitigate the first two concerns should the application be granted.	<b>Decline</b>  Wishes to be heard

<b>Submitter</b>	<b>Reasons</b>	<b>Decision</b>
13. T & A Crosbie	Even with proposed landscaping the subdivision will not be rural in nature, will not create rural landscape patterns and will not ensure the overall preservation of the rural landscape. 58 of the lots are less than 5000sqm (minimum lot sizes in the Rural Residential zone without reticulated water are between 5000sqm and 4ha), so will not support rural or lifestyle development and are suburban in character, not rural. There's no clear or logical relationship with the nearest settlement of Tasman or the existing road network and Awa Awa Rd/Marriages Rd and Dickers Rd/Old Coach Rd and intersections do not have the capacity to safely accommodate the proposed traffic, including water tankers. Other concerns relate to the future availability of reticulated water, the ability of the Moutere clay to absorb wastewater disposal and light pollution.	<b>Decline</b>  Wish to be heard
14. H McDonald & P Hill	Concerned with the condition of Dicker and Old Coach Rds and there being no access to Ruby Bay By-pass from Dicker Rd. The number of dwellings will impact on infrastructure and the environment and water tanks are unsightly. If granted they suggest conditions to restrict earthworks (not on Sundays), upgrade Dicker and Old Coach Rd with speed restrictions/humps, underground power (need more detail on the supply) and underground water tanks.	<b>Decline</b>  Wish to be heard
15. K Hine	The local rural roads are dangerous and if consent is granted suggested conditions include upgrading Marriages Rd and Pomona Rd (including a cycle/walkway), Pine Hill paper road is formed to give more direct access to SH60, cycleway/walkway in subdivision extended to Awa Awa Rd and the community facilities should be open to everybody with an entrance fee where necessary.	<b>Decline</b>  Does not wish to be heard
16. P Copp	Awa Awa Rd, Marriages Rd and intersections are dangerous and require major upgrading. Existing neighbouring farmers may experience reverse sensitivity problems jeopardising permitted rural activities	<b>Decline</b>  Wishes to be heard
17. Department of Conservation	Supports the protection and enhancement of aquatic, riparian and wetland habitats, proposed landscape controls, weed eradication, restoration planting and pest management, stormwater management features, recreation reserves and public walkway to and around the wetland. If granted, conditions of consent should address the above matters. The ecological value can be further enhanced by eco-sourcing planting and avoid planting of invasive species.	<b>Neutral</b>  Do not wish to be heard.
18. P A Malcolm	Better use of unproductive land.	<b>Grant</b>  Does not wish to be heard
19. P S & R M Malcolm	Land is not productive and ideal for housing.	<b>Grant</b>  Does not wish to be heard
20. L K Richards	Supports the application as long as the road access from the highway, Marriages Rd, Awa Awa Rd and intersections to the subdivision is improved including road markings on Awa Awa Rd.	<b>Grant</b>  Did not indicate

<b>Submitter</b>	<b>Reasons</b>	<b>Decision</b>
21. P D Crowskey	Supports the application as long as the road access from the highway, Marriages Rd, Awa Awa Rd and intersections to the subdivision is improved including road markings on Awa Awa Rd.	<b>Grant</b>  Did not indicate
22 & 23. R D & E Richards (2 submissions)	Are neutral regarding the application but wants the application declined unless the roading problems can be sorted between the State Highway, Marriages Rd, Awa Awa Rd and intersections.	<b>Decline</b>  Do not wish to be heard.
24. P & S Higgins	The proposal will enhance the area and costs will be prohibitive to turn this land into high production agricultural/horticultural use. This development will meet the projected high growth demand in Tasman.	<b>Grant</b>  Wish to be heard.
25. A & E Wiig	Do not oppose the development but have concerns with the Awa Awa/Pomona/Marriages Rds and intersection formation. They request consideration be given to alternative access either upgrading Dicker Rd or to Hortons Rd.	<b>Neutral</b>  Did not indicate
26. J A Raper	Concerned with the standard of the roads, if consent is granted she suggests the formation of a dedicated cycleway along Awa Awa, Marriages and Pomona Rds.	<b>Decline</b>  Does not wish to be heard
27. G R Nutall	Safety concerns on the roads (Marriages/Pomona/Awa Awa Rds) and stress it could put on existing rural activities (spray and noise issues).	<b>Decline</b>  Wishes to be heard
28. Royal Forest and Bird Protection Society – Nelson/Tasman Branch	They question the development involving commuting and pollution that could be lessened with bus services and car pooling. They understood Cluster housing to be grouped housing together with communal gardens/plantings/fields but the proposal only has dispersed housing and communal recreation facilities. They support the protection of the wetlands and request the development be dog and cat free (as these pets have a negative effect on bird populations), and environmental monitoring occurs. They would like central facilities for car/boat washing so oils/detergents/didymo can be filtered out before passing into the stormwater system.	<b>Neutral</b>  Wish to be heard
29. S Fraser & G Fox	The proposal is almost 3 times larger than the village of Tasman and will change the rural character of the area of wide green spaces and associated demands on facilities in Tasman and Mapua will be too large. The application fails to take into account the traffic impact on Dickers/Old Coach/Seaton Valley Rds/access onto the By-pass and the volume of traffic along quiet country roads will be detrimental to current life styles in the area and will contradict the RMA to protect the environment of local communities.	<b>Decline</b>  Wishes to be heard
30. D Mitchell	Concerned about the conversion of the rural landscape to rural-residential housing, ribbon urbanisation along SH60, development in Tasman basin and should be focused around the existing Tasman community with a green belt between Tasman and Mapua-Ruby Bay, noise and other effects of the By-pass, reliance on roof water is unsustainable, inadequate provision for traffic on Awa Awa and Dicker Rds with no public transport available, pollution of waterways from land disposal of wastewater that may lead to increased water pollution in the village of Tasman, stormwater problems in Tasman exacerbated, lack of public roads and walkway/cycleway links within the subdivision, the impact on services and facilities of	<b>Decline</b>  Did not indicate

Submitter	Reasons	Decision
	adjacent communities and lack of planning for the traffic increase.	
31. Mapua & Districts Business Association	Concerns include impacts and interactions with business communities of Tasman, Mapua, and possibly Upper Moutere (has any study been undertaken?), private golf course when public course not far away (should encourage integration), who is responsible for the maintenance of private amenities, how will the community association be funded, how will development impact on linking traffic flow, stormwater, sewage etc?	<b>Decline</b>  May wish to be heard.
32. Nelson Marlborough District Health Board	Oppose the potable water source being rainwater collection without treatment and individual on-site wastewater disposal. The collection of stormwater in ponds and dwellings close to the wetland has the potential for nuisance insect problems. They propose rainwater is individually collected but centrally treating and distributing it and could be used when the council reticulated supply becomes available. They also propose a centralised wastewater treatment facility and promote thoughtful stormwater design to mitigate effects of nuisance insects.	<b>Did not indicate</b>  Wish to be heard.
33. D G & E S Cunningham	Support the application but Old Coach Rd from Seaton Valley Rd through to Dicker Rd will have to be extensively upgraded to carry the increase in traffic volumes.	<b>Grant</b>  Do not wish to be heard
34. R Nutall	Does not believe access should be from Marriages/Awa Awa Rd due to narrow roads, poor intersection and Dicker Rd entry should be used. The smaller lots may have a problem in handling wastewater and cross boundary conflicts with rural agricultural activities and lifestyles prevent urban homeowners integrating in a rural community.	<b>Decline</b>  Does not wish to be heard
35. R & C Mattlin	Have concerns with roading (Old Coach Rd), wastewater, water and questions if power lines will be underground and where the off ramp is for the By-pass. They want to know why the height restriction is being ignored and by having an exclusive community it destroys an overall community sense for the area.	<b>Did not indicate</b>  Wish to be heard.
36. J Hine	The development will be suburban and rural nature of the land will be lost, major traffic problems for existing roads, a lack of water supply for so many houses, segregated community due to areas used by development residents only, lack of school places for children newly placed in the area and strain on other resources, impact of planting on existing views. If granted she suggests the number of residential sections be greatly reduced and large enough to appear rural, height restrictions to preserve existing views, colour restrictions to blend buildings in the environment, roads upgraded and By-pass to have an entrance/exit leading into newly developed area.	<b>Decline</b>  Does not wish to be heard
37. G Eggeling & S Edwards	Oppose the application due to roading and traffic issues for both routes, unsightly plastic water tanks, question where grey water will run off to, 10 year time period is too long as local residents endure construction problems for the 10 years, excessive density at the southern end and associated impacts on farming practices and livestock, assume power is underground, exclusive community centre not conducive to the whole community and local resources will be under pressure. If granted conditions should include upgrading roads and off ramp from Dicker Rd to By-pass, speed limit on Dickers/Old Coach Rds, incorporate firefighting facilities, buildings to be set into the landscape and single storey, have a reticulated water scheme or	<b>Decline</b>  Wish to be heard



Submitter	Reasons	Decision
	height restriction on water tanks, time period less than 10 years, restriction on noise during construction, communal wastewater treatment facility, no community centre, underground power supply and no impact on forest and fauna.	
38. F M Christie	Supports the application but would like conditions to upgrade Dicker/Awa Awa/Marriages Rds and impose a 60kmph speed limit, to address firefighting facilities, height restrictions for buildings, underground power and phone lines, ensure safety of underground water from effluent disposal, covenant preventing further subdivision, secure boundary between the development and the submitters farm.	<b>Grant</b>  Wishes to be heard
39. A & C Hill	They're concerned the development will create an unplanned link between SH60 and the By-pass and application underestimates the use of the Dicker/Old Coach Rd route. They suggest no access to Dicker Rd or upgrade Dicker/Old Coach Rds or connect Dicker Rd to the By-pass. Water tanks are unsightly and will need water tankers that create more traffic problems – they should have their own reticulated system. They question how the golf course is to be irrigated and if grey water is to be used, where is the run-off? The development should have its own wastewater treatment facility, provide more information on the building timeline, too many properties are proposed and are too high in concentration at the southern end, are too near ridgelines that will impact on the visual landscape, presume power will be underground, do not like exclusive facilities (there are local facilities anyway) and question the maintenance of plantings and public spaces.	<b>Decline</b>  Wish to be heard
40. R Martin	Opposes the application due to the size of the lots being too small, current roading not sufficient for additional traffic, local schools are already full, and the height of tree planting affecting existing views. If granted conditions should include larger lots, less housing, single storey housing, colour restrictions, plant height restrictions.	<b>Decline</b>  Does not wish to be heard
41. L Ravagli	Opposes the application due to concerns regarding the increased traffic on Pomona and Marriages Rds and inadequate water supply. If granted suggested conditions include upgrading Pomona and Marriages Rds and include reservoirs for the water supply.	<b>Decline</b>  Does not wish to be heard
42. M Schuetz & R Reich-Attwood	They oppose the application due to concerns of traffic on Pomona/Marriages Rds and the intersection with SH60. They question whether water tanks and overflow trenches will cope with down pours and the use of water tanks in draught times is not environmentally friendly. If granted a turning bay should be constructed on SH60 for vehicles turning into Marriages Rd.	<b>Decline</b>  Do not wish to be heard
43. Dr C Saunders	The development will cause a huge increase in traffic along Dicker/Old Coach Rds that are poorly equipped for the increase and so will impact on residents with dust, noise and safety issues. If granted access should be to Awa Awa Rd only until the By-pass is operational and Dicker/Old Coach Rds upgraded including a provision of a pedestrian/cycleway.	<b>Neutral</b>  Does not wish to be heard

Submitter	Reasons	Decision
44. C Hughes & A Munro	They oppose the density and concentration of settlement that does not preserve the rural nature of the area, the development needs an alternative access to SH60 as Awa Awa/Marriages Rds and intersections are not fit for any additional traffic, the proposal conflicts with existing horticultural practices and vehicles, more traffic increases pollution and noise particularly construction vehicles driving up the hill over a 10 year period and traffic by the dam might destabilize it. They want power and phone underground with assurances local power supply won't be further compromised, many water tanks will be unattractive, the recreational facilities also require water (how is this to be met), the wastewater should be an integrated system as problems with on-site disposal on small sites, concerns of downstream properties from stormwater run-off, built development to preserve visual amenity and ridgeline integrity, include a dam for firefighting purposes, vegetation control during development and can residents light open fires? They also want light pollution abatement measures and want the consent declined unless all concerns are satisfactorily resolved.	<b>Decline</b>  Wish to be heard
45. D & C Rainham	Oppose the application as tall amenity trees, street lighting, road signage and power lines will obscure their view of the dam and be a blight on the landscape and disturb the dark rural nights. Increased traffic will cause safety, pollution and noise problems and might destabilize the dam and restrict its bird life. They're also concerned with dust and dirt from the earthworks and oppose the subdivision using Awa Awa Rd as its main thoroughfare.	<b>Decline</b>  Wish to be heard
46. D & L Stones  P Bean (submission attached to the Stones)	Oppose the application due to the unsuitability of Awa Awa Rd and the intersection with Marriages Rd, increased traffic noise and greater danger to the public from increased traffic.  Would not like Dicker Rd north and south connected along the existing paper road due to increased traffic, road widening, increased speeds and noise and safety concerns.	<b>Decline</b> Wish to be heard
47 Ruby Bay Community Trust	They oppose the non-rural activities/residential conversion that creates infrastructure demand pressures without productive increase from the rural land. If granted conditions should deny access via Awa Awa Rd until its upgraded, the development should provide its own water and wastewater treatment plant, all service utilities underground, no buildings on ridges, landscape all building platforms 2 years pre-sale and support other conditions for capital contributions.	<b>Decline</b>  Wish to be heard
48. F Menzies	Opposes the development due to concerns with the unsuitable formation of Awa Awa & Dicker Rds, the community centre should be available to nearby residents also, the visual pollution of power and phone lines and water and sewage run-off.	<b>Decline</b>  Wishes to be heard
49. H Gordon	While supporting the application the submitter has strong concerns regarding road safety matters and the manner in which the applicant has addressed them. Conditions should be imposed to upgrade Awa Awa/Marriages Rds and intersections.	<b>Grant</b>  Wishes to be heard

<b>Submitter</b>	<b>Reasons</b>	<b>Decision</b>
50. C M McNally	Opposes the application due to visual and noise impacts during construction, increased traffic and safety/noise issues, possible effects on orcharding practices, introduction of cats and dogs close to wetlands, lack of viable land for agriculture and position of access drive from Awa Awa rd to the ridge. If granted suggested conditions include alternative access, reduced housing numbers, external lighting restrictions, pet restrictions, viably-sized agricultural lots, future subdivision covenants, engineer access up the hill and add access from Old Coach Rd.	<b>Decline</b>  Wishes to be heard
51. G Sutton (received late)	Opposes the route to the subdivision from Awa Awa Rd and suggests an alternative route be found and native gulleys should not be fenced to encourage the return of wildlife to the area.	<b>Decline</b>  Wishes to be heard
52. D Jowett (received late)	Is neutral regarding the application and has concerns regarding the significant increases in vehicle movements along Old Coach Road from the development and believes a connection to the Bypass close to the development be included in roading plans.	<b>Grant</b>  Wishes to be heard

### 3.2.2 Comments on Submissions

84% of submissions included concerns with access to the subdivision from the existing roading network and future Ruby Bay By-pass impacts. A third had concerns with the proposed water tanks for water supply, 27% opposed the density and change of the rural character, 25% had concerns of the impacts on local resources and power/phone network, 24% were concerned with the adverse effects of on-site wastewater disposal, 18% believed the development with conflict with existing or future rural production activities and 16% opposed the exclusivity of the community centre and lack of public roads within the subdivision.

## 4. PRINCIPAL ISSUES

The principal issues associated with the applications are:

- a) Is the proposed development consistent with the Rural 3 zone guidelines and is the scale of the development appropriate?
- b) Will the development be able to achieve and maintain an acceptable level of rural character and amenity that is in keeping with the surrounding area?
- c) Will the development have an adverse effect on the productive values of the site?
- d) Will the proposal result in traffic safety issues which cannot be dealt with by way of conditions? In particular, can the application be approved in regard to the unformed Dicker Road area between the subject site and the sealed portion of Old Coach Road?

## 5. STATUTORY PROVISIONS

The application is a restricted discretionary activity in the Rural 3 Zone. The Council must consider the application pursuant to Section 104 of the Resource Management Act 1991.

The matters for the Council to address in Section 104 are:

- Part II matters;
- 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)).

Section 104C of the Resource Management Act 1991 (as amended) provides:

*When considering an application for a resource consent for a restricted discretionary activity, a consent authority—*

- (a) must consider only those matters specified in the plan or proposed plan to which it has restricted the exercise of its discretion; and*
- (b) may grant or refuse the application; and*
- (c) if it grants the application, may impose conditions under section 108 only for those matters specified in the plan or proposed plan over which it has restricted the exercise of its discretion.*

## **5.1 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.

**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). I understand that the applicant has consulted with iwi. I do not anticipate that there are any relevant issues for this application in respect of Section 8.

If consent is granted, the proposed activity must be deemed to represent the sustainable use and development of a physical resource and any adverse effects of the activity on the environment are avoided, remedied or mitigated.

*The critical issue of this consent is whether the proposal represents sustainable use of the rural land resource, whereby land productivity, special land features, traffic, amenity and cumulative adverse effects are no more than minor.*

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

## **5.2 Tasman Regional Policy Statement**

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

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

### 5.3 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 10 “Significant Natural Values and Cultural Heritage”;
- Chapter 11 “Land Transport Effects”;
- Chapter 12 “Land Disturbance Effects”.

These chapters articulate Council’s key objectives: To ensure land uses do not significantly adversely affect local character, to provide opportunities for a range of activities in rural areas while respecting the productivity of the land and ensure land uses do not significantly adversely affect the safety and efficiency of the transport system.

The most relevant Rules which follow from these imperatives are contained in:

- Chapter 16.3 ‘Subdivision’,
- Chapter 17.5A ‘Rural 3 Zone’,
- Chapter 16.2 ‘Transport’,
- Chapter 16.4 ‘Esplanade Reserves, Strips and Access Strips’,
- Chapter 18.6 “Rules for Land Disturbance Area 1”
- Chapter 18.10 ‘Road Area’,
- Chapter 18.1.11 Significant Natural Area
- Chapter 36.1.13 ‘Discharge of domestic wastewater’,
- Chapter 36.4.4 ‘Discharge of Storm water’.

Matters Council has restricted its discretion are listed in Appendix 3. Details of the assessment of the proposed activity in terms of these matters are addressed through the assessment of actual and potential effects in paragraph 6.1 below and analysis and discussion on the relevant policies and objectives in paragraph 6.2 of this report.

### 5.4 County of Waimea District Planning Scheme 4

As the land is zoned Rural C within this Transitional District Plan and does not meet Ordinance 501, the subdivision and activities proposed constitute a **non-complying activity** under the Waimea Scheme.

#### Weighting

Whilst the Rural 3 provisions of the Proposed Tasman Resource Management Plan have advanced through the hearing and decision processes, Section 19 of the Act directs that the Transitional District Plan cannot however be set aside entirely. As the subdivision constitutes a **non-complying activity** under this Transitional District Plan (*County of Waimea District Planning Scheme 4*), overall the development must be assessed as a **non-complying activity**.

However, due to the advanced stage of the Proposed TRMP through the statutory process, I recommend that very little weight should be given to the Waimea District Planning Scheme in the assessment of this proposal.

## 6. ASSESSMENT

Pursuant to Section 104(1)(a) of the Resource Management Act, the following effects assessment has been set out:

### 6.1 Actual and Potential Environmental Effects

#### 6.1.1 Permitted Baseline

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 activities under the relevant Plan.

#### Subdivision

In terms of the subdivision there is no permitted activity rule in the Rural 3 zone so the permitted baseline test is not considered relevant for subdivision.

#### Building Construction

In the Rural 3 zone some buildings could potentially be constructed as permitted activities provided they meet the permitted activity criteria including being located within a building location area, a maximum height of 7.5 metres, setbacks of 10 metres from roads, 5 metres from internal boundaries, 30 metres from plantation forestry and horticultural plantings and other setbacks and building coverage provisions. In comparison with what buildings could be constructed as of right, this proposal meets the building construction permitted standards. The construction of dwellings constitutes controlled activities as the aforementioned criteria plus servicing standards are met.

#### Land Use Activity

Only a narrow range of land use activities are permitted within the Rural 3 zone, subject to compliance with other applicable permitted activity criteria. Permitted activities include rural activities and one residential activity per site. The proposal includes what is termed as a community activity that is classed as a restricted discretionary activity in the Rural 3 zone.

Under the definitions in Chapter 2 of the PTRMP a community activity is:

*the use of land and buildings for the primary purpose of health, welfare, care, safety, education, culture or spiritual well-being, but excludes recreational activities. A community activity includes schools, preschools, day-care facilities, hospitals, doctors surgeries and other health professionals, churches, halls, libraries, community centres, police stations, fire stations, ambulance stations, courthouses, and probation and detention centres.*

Activities on proposed Lot 502 could be described as recreational activities which are permitted in the Rural 3 Zone. The building is likely to be used in conjunction with these recreational activities and may also provide a venue for meetings and other uses for the residents’ “well-being”. As a precautionary measure the activities on proposed Lot 502 are assessed as a community activity.

In the Land Disturbance Area 1 re-contouring is permitted providing it is no more than 1 metre in height of depth and is no more than one hectare, within any 12 month period, and also meets conditions relating to erosion and sediment controls. The earthworks proposed for the development of this site clearly fall outside of the permitted activity classification.

There are currently no rules in the Tasman Resource Management Plan pertaining to works in rivers or streams and so Section 13 of the Resource Management Act 1991 has been applied.

### **6.1.2 Rural Land Productivity**

The Coastal Tasman Area, including the Rural 3 Zone, has been identified as an area where rural residential and residential development opportunities within the rural environment could be enabled, subject to protecting the productive values of the rural land resource, coastal and rural character, and amenity values, and avoiding, remedying and mitigating adverse effects on the environment, and encouraging low impact subdivision and development. To assist in this assessment a Design Guide covering the matters identified above and others has been developed; and a matter of discretion is the level of consistency with this Design Guide.

Where those living opportunities can be achieved without compromising productive values, natural character, rural 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 site's productive land values have been assessed by Mr Dick Bennison of Duke and Cooke Ltd (included in the application) and Council's Resource Scientist (Land), Mr Andrew Burton (attached as Appendix 4 of this report)

### **Classification System**

The "Agriculture New Zealand Classification System for Productive Land in the Tasman District" is used to determine productivity potential of the land. The classification system ranges from "A" to "H", with "A" being land with the highest versatility being described as very flexible and "H" being land with the lowest versatility being described as inflexible for primary production activities.

Both Mr Bennison and Mr Burton have utilised this classification system and have identified the land as mostly Class E land with some Class B and class H land.

### **Land Class Assessments**

Mr Burton's report states the "easy contour" land with average slopes ranging from 5 to 9 degrees covers 49% of the area. It generally has a favourable aspect being NW facing and is described in the Duke and Cooke report as being suitable for intensive horticultural production. Using this description it would be class B however the topography of this "easy contour" land is such that it would require major recontouring to provide any useable area for intensive horticultural production.



The land, although gently sloping, is dissected by numerous small ridges and gullies. Recontouring has been carried out successfully on land of a similar nature in the Moutere area to provide for horticultural production demonstrating the potential that it could be successfully carried out here. The majority of the mapped class B land in the Rural Three zone is suitable for horticultural production without the need for major recontouring. In its current state this “easy contour land” is not immediately suitable for horticultural production, it has the potential to be class B land with recontouring but its existing mapped class E status is correct.

The small area of class B land that is mapped at the northern end of the application area falls into the same category as the “easy contour” land just described. The “broken contour” areas suffer from the same limitation to use as the “easy contour” land with the limitation being more pronounced. The “moderate to steep” areas have a major limitation to use and the “wetland” area is non productive. i.e. is class H land.

### **Assessment of Soils**

Mr Burton states that the soils have been mapped as Mapua Hill soils (Soil Bureau Bulletin 30). These soils are found on the steeper slopes at the coastal end of the Moutere Formation. The application area has a range of slopes of an undulating to rolling nature. Few areas have slopes over 15 degrees. This indicates that the majority of the application area is covered by a Mapua Sandy Loam. Mapua Hill soils would be present on the two dominant south-west facing slopes on the property where slopes increase to 20 degrees.

Both these soils are naturally low in fertility. The topsoil is underlain by a clay based subsoil which has a very good water holding capacity, a feature that is a definite advantage for fruit trees and other deep rooting crops. Drainage can be a characteristic problem on these soils. Springs or seeps can exist in both gully bottoms and also on the side of hills.

The soils have been modified over significant parts of the application area through the last forestry harvesting phase. Soil has been lost off road and track areas which generally followed the ridge lines. This will influence the establishment of pastoral species on these sites but have a negligible effect of any deeper rooting crops such as tree species.

### **Land Productivity and Versatility**

The Duke and Cook report concludes that the concept plan for the subdivision of the property has largely adopted the principal of retaining the most productive areas in larger blocks. This statement is questioned by Mr Burton as it is apparent from the plan that over 63% of the residential sites are situated on the “easy contour” land which has the most productive potential. Less than 37% of the residential sites on the broken contour and none are proposed on the moderate to steep areas which have the least productive potential.

## Loss of Land of Productive Use

In the Rural 3 zone there is no A class land. Class B land, the most versatile in the zone covers 1612 hectares, (44% of the zone). The next single largest is the E class land, comprising 2036 hectares (56% of the zone). The remainder of the land is predominantly Class D and H land.

Section 1.2 of the Design Guide identifies the Coastal Tasman Area as having the potential to accommodate more residential development than at present, while still retaining its particular rural character and landscape values, and with minimal loss of the productive and versatile qualities of the land resource.

### 6.1.3 Rural Character, Landscape and Amenity Values

“*Rural character*” is defined in the PTRMP (Chapter 2) as:

*“the character of the land as shown by the predominance of rural productive activities and includes:*

- (a) a high ratio of open space to built features;*
- (b) large areas of pasture, crops, forestry, and land used for productive end;*
- (c) built features associated with productive rural land uses;*
- (d) low population density;*
- (e) predominant form of residential activity directly associated with a productive land use;*
- (f) social and economic activity associated with productive land use;*
- (g) cultural values associated with farming and living on the land.”*

### Existing Character

The current landscape of the area comprises all of the aspects of “rural character”, with a lot of open space, some farming and forestry activities present, some lifestyle blocks, low population density and an open landscape.

### Assessment of the Proposed Character

A number of submissions note concerns about the proposed change in landscape:

- The 115 housing lots takes away the rural nature of the area and will be visually sensitive to those living nearby.
- Even with proposed landscaping the subdivision will not be rural in nature, will not create rural landscape patterns and will not ensure the overall preservation of the rural landscape. 58 of the lots are less than 5000sqm (minimum lot sizes in the Rural Residential zone without reticulated water are between 5000sqm and 4ha), so will not support rural or lifestyle development and are suburban in character, not rural.
- The proposal is almost 3 times larger than the village of Tasman and will change the rural character of the area of wide green spaces.

- The smaller lots may have a problem in handling wastewater and cross boundary conflicts with rural agricultural activities and lifestyles prevent urban homeowners integrating in a rural community.
- Too many properties are proposed and are too high in concentration at the southern end, are too near ridgelines that will impact on the visual landscape.

There is no doubt that the landscape will change to a degree as a result of a development such as this. Council needs to determine whether the changes proposed are consistent with the Proposed Tasman Resource Management Plan and the Coastal Tasman Design Guide. The objectives and policies relating to landscape and rural character are general in nature for the Rural 3 zone and are further developed in the intent and provisions of the Coastal Tasman Design Guide.

### **Design Guide for Subdivision and Development in the Coastal Tasman Area (The Guide)**

The application states it has been designed to be generally consistent with the Design Guide and includes a detailed landscape assessment prepared by Tom Carter assessing the design against these provisions. The essence of the Coastal Tasman Design Guide (December 2003 as this was the relevant document at the time of application but has since been updated and re-notified), recognises the potential for more residential development while still retaining its particular rural character and landscape values with the minimal loss of the productive and versatile qualities of the land.

To be consistent with The Guide the development will provide an acceptable level of rural amenity within and outside the developed area and provide a workable relationship with the surrounding rural area. The following table assesses the development against outcomes anticipated by The Guide:

<b>The Guide</b>	<b>Ruby Bay Developments Proposal</b>
Land with highest productive values remains available for future productive uses.	The highest potentially productive land is utilised for housing as the larger lots are on the steeper sloping land. The degree of recontouring required for production activities may adversely impact on the wetland habitat.
The values of the rural landscape are maintained and enhanced.	The proposal offers planting regimes and specific land uses in the form of covenants for private property holdings but offers no land protected solely for open space.
Areas of identified ecological and cultural significance are maintained and enhanced.	The protection of the regionally significant wetland and enhancement meets this outcome.
Future development is serviced by reticulated services.	Not applicable for wastewater but water reticulation may become available and the proposal acknowledges this.
Residential development is absorbed into the existing rural landscape without adversely affecting its character or qualities.	The application has a similar density to the nearby Mapua Rural Residential zone and visually will not be seen from the wider area. The number of smaller lots will significantly increase the current number of lifestyle blocks that will be out of character with nearby properties.
Cross boundary and reverse sensitivity effects are appropriately managed.	The building sites comply with the 30 metre setback and planting will mitigate effects of spray drift. Rural emanation easements can alert new owners that rural areas can be noisy, working environments.
Potential cumulative adverse effects on rural landscape character and	The surrounding land is essentially rural in character and while rural residential character is not far away if

amenity values are avoided or mitigated.	developments at this level of intensity are approved the character becomes more rural residential than rural in character and amenity.
25% of are utilized for development and remaining 75% open or green aspect.	The application states the design has achieved 71% as an open or green aspect although most of this land will be in private ownership. Only 18.42 hectares of the 147 hectare site will be the wetland area, reserves or stormwater detention areas to be managed by the Ruby Bay Developments community.
Discrete clusters set within landscape rather than spread all over it.	The proposed clusters are generally not "discrete" in that there is little to separate four of the clusters that have large numbers of allotments making them appear to sprawl.
Protect significant land features.	No building sites are on main ridgelines, wetland is protected.
Landscape not cluttered with development.	From some of the clusters and from some adjoining properties the outlook will appear cluttered.
Utilise natural features.	Wetland and gully areas utilised for riparian planting or stormwater management.
Avoid unnecessary earthworks and recontouring	Achieved by the proposal through location of roads and building sites.
Provide larger lots to protect landscape features	Larger lots are provided in the form of private property subject to restrictive covenants but potentially these lots will appear private property rather than the overall landscape feature.
Consider future residents needs for privacy, access and pedestrian and vehicle circulation.	Good provision of pedestrian links but most internal roads are cul-de-sacs. Landscape covenants, identified building location areas and height restriction will help to provide privacy.
Retain and maximise rural outlook.	Little rural outlook within the development except for the wetland area.

Under the Landscape Areas Descriptive and Advisory Notes (March 2003), the subject site falls within Landscape Unit Five, Sub Unit Five B. Sub unit 5B is 341 hectares in size that is anticipated to accommodate up to 140 additional house sites. This document does not form part of the Design Guide but is considered to be a useful landscape assessment of the area as it was a key document in forming the Rural 3 zone (see Appendix 5).

Maintaining the landscape qualities within 5B will involve:

- Avoiding visually prominent development on the main ridgelines and internal spurs.
- Utilising internal terraces and plateaus for cluster developments.
- Be mindful of relationships between adjacent sub units in particular 6B to the north (205 hectares likely to accommodate 90 additional house sites).
- Focus development west of the ridge above Awa Awa Road.
- Generally keeping the development below the 75 metre contour.

The subject property covers 43% of the land area in 5B yet proposes 82% of the anticipated additional house sites. 43% of the total 140 house sites equates to 60 additional house sites for the application site. The contour plan shows some development on internal spurs but development on the main ridgelines has been avoided and the bulk of the development is west of the Awa Awa Road ridgeline. Some building sites are above the 75 metre contour line and in general the cluster density in the northwest relate to surrounding land use but the density of clusters to

the northeast and southwest are unlikely to relate well with existing rural and lifestyle block uses.

A number of conditions relating to landscape and rural character were volunteered by the applicant and are recommended to be imposed on this consent should it be granted:

- Those dwellings with a height restriction shall be no more than 5.5 metres above the finished building platform level;
- Restricted locations for dwellings and for accessory buildings on the larger rural lots;
- Wetland protection and extensive landscape plantings;
- Earthworks shall be kept to a minimum to ensure the least disturbance to the existing landform;
- The exterior of all buildings shall be finished in colours that are recessive and which blend in with the immediate environment.

The applicants have also obtained an overview by a second landscape professional (Rory Langbridge) after the close of submissions who confirms that the proposal will provide the qualities of open space and important natural qualities will be preserved and enhanced. He raises a concern regarding individual landowners being responsible for some riparian plantings in that there may not be certainty that proposed outcomes for the environment be attained. For rural character to be maintained or enhanced on individual allotments as opposed to having Open Space areas controlled by the Resident's Society, mechanisms need to be in place so the proposed landscaping and land uses occur while not over burdening Council's Compliance and Monitoring staff. The larger land holdings need to appear rural and open rather than being fragmented by boundaries and building sites.

### **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. In relation to the rural locality they are most likely to include qualities such as:

- a sense of spaciousness (wide open spaces)
- expansive views of natural features such as hills, water, plains
- pleasant environment
- the presence of significant areas such as natural habitats.
- an environment with rural productive activities such as farming and horticulture
- privacy, peace and quietness, and absence of traffic and bustle
- an environment relatively uncluttered by structures and artificial features
- the absence of urban features such as lighting, kerb and channel
- elements such as planting, topography, land use activities, waterways.

Most of the matters above have been addressed under the topics in this section (e.g. rural character, landscape character, natural 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. It is often these that give rise to the issues within the rural environment.

The proposal includes a central Community Activity on proposed Lot 502 that is in essence a centralised recreational area for the development, reducing the need for each residential allotment to provide swimming pools and tennis courts that would further reduce the rural character and perceived open space. Some submitters suggest the activities on Lot 502 being for members of the Residents Society only does not help the development integrate with the surrounding community. The size of the facilities and car parking limits the potential number of users appropriately to the development as being open to the public would require larger facilities (so people do not feel overcrowded when using the area), that would consequently increase the developed areas as opposed to the open rural areas.

The provision of a protected wetland and surrounding public walkway and use of a public road linking Awa Awa Road and Dickers Road is of significant benefit to current recreational attributes and natural habitats in the area. The adverse effects of increased traffic noise and bustle and reduced expansive views without building development as highlighted by submissions is mitigated by the degree of proposed landscaping including the enhanced wetland and staging so the development can be absorbed by the surrounding area. The proposal to limit some vegetation on some lots to a maximum height of 7 metres may help maintain the view shafts of some lots but monitoring and enforcing this requirement will be problematic for the Council. Trees may also appear stunted rather than establishing themselves within the landscape so it is recommended this restriction does not become a condition of consent if granted.

#### **6.1.4 Cross Boundary and Reverse Sensitivity 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. Owners of the adjoining orchards to the northeast of the subject site have opposed the application although the dwellings near their boundary comply with the 30 metre setback required by the Plan. Transit also had concerns regarding the closeness of the By-pass but there is potential for the Residents Society to maintain a strip of land between the By-pass and Dicker Road in dense vegetation and erect fencing to mitigate noise from the By-pass.

#### **6.1.5 Transport Effects**

The proposal displays consistency with the majority of permitted activity criteria. It does not meet:

- Permitted criteria 16.2.2(f) compliance with Figure 16.2A – maximum of six users on a Rural 3 zone right-of-way.

- Permitted criteria 18.10.3(b) All roads constructed and vested in Council in accordance with Figure 18.10A and 18.10AA.

### **Awa Awa and Dicker Road Upgrade**

The roads will need to be upgraded to meet the traffic generation from the development. LTCCP Development Contribution funds to upgrade Awa Awa Road will become available 2012 - 2016 as part of the Development Contributions Policy of the LTCCP. That LTCCP DC Policy requires a payment of \$7515 per lot as a roading contribution to projects around the region. Dicker Road is not programmed in the LTCCP to be upgraded. The applicant proposes to seal Dicker Road for the length of the subject site only.

Recommendations by Council's Development Engineer include not releasing section 224 certificates for stage 2 lots until Awa Awa Road has been upgraded and requiring the public road be formed to Dicker Road as part of stage 3 and incorporate the upgrading and sealing of Dicker Road through to the seal of Old Coach Road at the applicant's expense prior to 224 certificates being released for stages 4,5 and 6. Provided this upgrading is completed the adverse effects on Awa Awa and Dicker Roads are no more than minor.

### **Roads and Access Lots (Rights- of-Way)**

The development proposes to utilise access lots rather than roads for some accesses servicing more than six dwellings. The PTRMP anticipates public roads (access roads) are used in these instances.

Council's Development Engineer advises that once the numbers of users exceed 6 on a right of way, the future maintenance of the access when deterioration of the surface or potholes appear can be an issue (see Appendix 6 for his full report).

### **Assessment of Vehicle Access Crossings and On-Site Access**

The level of information provided in the application relating to on site accesses and individual vehicle crossings indicate that all relevant PTRMP permitted activity criteria can be complied with. If the proposal is approved and vehicle crossings are sought that do not meet the specified widths, design, or in locations that do not meet the permitted criteria, a separate resource consent would be required.

The applicant volunteers that where a site has a frontage to both an access road and a right-of-way (that it has access rights to), the vehicle crossing shall be located on to the right-of-way, ensuring that the crossing is in a safe position. This would be an appropriate condition of consent to control the location of crossings.

### **Parking and Loading**

The parking proposed by this development is assessed against the parking rule in the PTRMP as follows:

Parking required on Lot 502:

<b>Activity</b>	<b>Carparks Required</b>
Golf course (2 spaces per hole)	5 holes = 10
Sports ground and playing field (25 spaces per hectare)	40 sqm = 0.1
Community Centre (place of assembly rate 1 space per four person design capacity)	200 sqm/40 people = 10
<b>Total community activity car parks required on Lot 502</b>	<b>20 parking spaces</b>

A total of 16 parking spaces are proposed within Lot 502. As the centre is only available to residents' use it is likely that many will walk or cycle to the centre so the proposed parks are considered acceptable.

One loading space on Lot 502 is required for the community activity. Although no loading space is delineated on the application plans, there is sufficient space to cater for this requirement.

If consent is granted, each dwelling will require a minimum of two parking spaces. This would be addressed at building consent stage for respective dwellings.

### **6.1.6 Earthworks and wetland vegetation removal**

This application includes up to 190,000 cubic metres of cut to fill earthworks to create roading, access lots, ponds for stormwater attenuation, and building platforms. Due to the size of the development the earthworks will most likely be carried out in stages as the subdivision progresses. The cut to fill earthworks will involve cut areas on site and placement and compaction of fill material, sourced on-site. All works will be carried out and supervised in accordance with geotechnical recommendations by Tonkin and Taylor Ltd dated May 2007, and during fine weather periods.

Each stage of earthworks will include sediment controls to limit effects of erosion and sedimentation on the environment. The Erosion and Sediment Control Plan has been based on Auckland Regional Council's Technical Publication 90. These controls include silt fences, sediment control ponds, decanting bunds, and runoff diversion bunds.

The earthworks involve the removal of some wetland vegetation from around the wetland areas, but do not include any significant native species within the areas subject to protection and restoration. All disturbed areas will be re-topsoiled and re-grassed, with the steeper areas being planted with deep rooting shrubs and trees to provide a greater level of land stability.

Recommended conditions can be found below under 12.0 of this report.

### **6.1.7 Works in Watercourses**

A total of seven culverts are proposed as shown on the catchment plan for culverts located under Appendix D sheet E413. Each culvert has been designed according to the relevant catchment size and design flow (Appendix G, Diagram B1). The passage of fish has been taken into account in the report by Tom Kroos, Appendix 8. The culverts should be based just below natural streambed level and be no wider than the streambed to maintain the natural functioning of the stream. This will avoid vertical drops and high velocities that migratory fish may be unable to navigate. Rock



armouring should be placed both at the inlet and outlets to the culverts to limit scour and erosion, and some planting of suitable species will occur.

Works in the watercourses should not be carried out during migratory periods which are between October-November and late February-early March.

Recommended conditions can be found below under 8.5 of this report.

### **6.1.8 Public Open Space**

Positive aspects of the proposal relating to public open space are as follows:

- Provision of a two recreation reserves to vest in Council (proposed Lots 400 & 401). This reserve area will serve as an area for visitors to enjoy the panoramic views of the area;
- Provision of public cycle/walkways around the wetland; and
- A public link between Awa Awa Road and Dicker Road.

Rosalind Squire, Council's Reserves Planner has assessed the application in regards to public open space and links and concludes that the proposed reserve areas while being larger than would be required by the Council could be accepted subject to the applicants agreeing to undertaking and maintaining plantings in a landscape plan to be approved by the Reserves Manager for a three year period and no credits be given against the reserve fund contributions. Any children's playground equipment would be preferably located adjacent to the Community Centre but would be accepted on Lot 400 with Council taking over the maintenance as long as they were installed by the applicant in accordance with required standards.

The public access easements are recommended only to the extent outlined on Plan F attached to provide a link between the two principle roads within the subdivision and a walkway adjacent to the wetland with an ultimate goal of connecting this to Mamuku Road to the north (see Appendix 7 for her full report).

### **6.1.9 Ecological Values**

The development site contains some significant natural features (wetlands) that the applicant proposes to be protected within the subdivision design. The wetland located in the middle of the subject site is identified as being regionally significant. Tom Kroos and Associates Ltd provided an assessment of Aquatic Fauna Values (Appendix C of the application) and Michael North prepared a Botanical/Ornithological assessment (Appendix D of the application).

The applicant proposes that the existing wetland areas shown on the Concept Plan be protected by QEII covenant and enhanced by additional planting and pest/weed management. Mr Trevor James, Council's Resource Scientist, Environmental Quality, has reviewed the Ecological assessments provided by the applicant and concurs with the recommendations. Overall, this proposal will have significant positive ecological effects for the wetland areas predominantly through the removal of pest and weeds, enhancement of these areas with plantings and provision for fish passage.

### **6.1.10 Cultural Heritage Assessment**

The application states that during the early planning phase of this project contact was made with the New Zealand Archaeological Association file keeper in Nelson (Mr Bagley, Department of Conservation) for the purpose of considering the potential risks of this proposal on recorded archaeological sites.

The feedback received was that there are no recorded sites within close proximity to the subject land. Notwithstanding this, the applicant has accepted that earthworks have the potential to uncover unrecorded sites. The applicant has volunteered a condition of consent in respect of accidental discovery. The applicant has also arranged for cultural collection of flax and other taonga species subject to conditions and final approval of the QEII National Trust Board as part of the proposed protection of the wetland.

### **6.1.11 Servicing Effects**

#### **Reliability of Rainwater Supply**

Submitters suggest that the rainwater scheme would be threatened during long periods of drought, and have concerns about the long-term viability of such a supply. Permitted activity criteria 17.5A.5(b) requires that all dwellings have a water supply that is reliable and potable. The applicant considers that rainwater supply in this area is sufficiently reliable to meet the needs of domestic supply and can be supplemented by water tanker deliveries when necessary.

#### **Quality of Rainwater Supply**

Some submitters are concerned with the proposed reliance on roof rainwater for the dwellings. They consider there are health issues for families using roof water. The Nelson Marlborough District Health Board has also lodged a submission. They oppose the untreated individual use of rainwater for this subdivision and believe that the rainwater can be collected individually but the developer should provide a central treatment and distribution facility. This would put in place the distribution network for a council operated water supply when it becomes available to this location. The applicant has subsequently corresponded with the Public Health Service proposing each dwelling has a UV filter installed between the tank and the house supply that complies with the Standards for Drinking Water Standards for NZ 2005 and that a consent notice be registered on each new title requiring the owner to enter a maintenance contract with the supplier or manufacturer of the UV filter.

#### **Provision for Fire Fighting**

A minimum of 23,000 litre capacity storage tank is to be provided at each dwelling, with a connection suitable for fire fighting purposes. This satisfies the Proposed Plan permitted activity criteria for the volume of water stored on the site. The Fire Service requested in its submission that the applicant achieve compliance with the NZ Fire Service Code of Practice. If the Committee decides to approve the applications I would recommend that the following condition be imposed:

*“That the water supply system complies with SNZ PAS 4509:2003 - The NZFS Fire Fighting Water Supplies Code of Practice.”*

In addition the visual impact of at least 115 water tanks could be significant. The tanks may need to be dug into the ground or otherwise screened to mitigate this potential visual adverse effect.

### **Wastewater**

This matter is assessed in Report EP07/10/03 and is not duplicated here.

### **Stormwater**

This matter is assessed in Report EP07/10/04 and is not duplicated here.

### **Power and Telephone**

Electricity and telephone is proposed to be underground within the development.

Provided there are adequate legal instruments, such as Easements, which are recommended as conditions of consent if granted, the adverse effects of servicing are considered to be minor.

### **6.1.12 Summary of Assessment of Effects**

The summary of adverse effects is as follows:

<b>Summary of Effects</b>	
<b>Effects Assessed</b>	<b>Adverse Effects</b>
Rural Land Productivity and Versatility	Minor
Rural Character, Landscape Character, and Amenity Values	More than minor
Cross Boundary and Reverse Sensitivity Effects	Minor
Transport Effects (as proposed)	More than minor
Public Access and Links	Minor
Ecological Values and Archeological Sites	Minor
Servicing Effects	Minor

Overall my assessment is that the actual adverse effects on the environment are more than minor and the proposal is on balance inconsistent with the Design Guide for Subdivision and Development in the Coastal Tasman Area and anticipated outcomes for Landscape Sub Unit 5B.

## **6.2 Relevant Objectives and Policies of the PTRMP**

The following Policies and Objectives have been considered relevant for this proposal:

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

## 6.2.1 Chapter 5: Site Amenity Effects

### Issues:

- (a) Provision for appropriate protection, use and development of the District's resources so that activities at one site do not adversely affect the use and enjoyment of another site, or resource.
- (c) Amenity can be compromised in site development and site use.
- (d) Some localities exhibit special characteristics which people wish to retain.
- (e) Safety of people, property, and resources.

Objectives	Policies
<b>5.1.0</b> Avoidance, remedying or mitigation of adverse effects from the use of land on the use and enjoyment of other land and on the qualities of natural and physical resources.	5.1.1 5.1.3 To limit the intensity of development where wastewater reticulation and treatment are not available 5.1.4 5.1.9 5.1.9A
<b>5.2.0</b> Maintenance and enhancement of amenity values on-site and within communities, throughout the District	5.2.4 5.2.7 5.2.8 To avoid, remedy or mitigate the adverse effects of traffic on the amenity of residential, commercial and rural areas. 5.2.13
<b>5.3.0</b> Maintenance and enhancement of the special visual and aesthetic character of localities	5.3.2 To maintain the open space value of rural areas. 5.3.5

The following extracts from the introduction, principal reasons and explanations for Chapter 5 are considered relevant:

*Land use frequently has effects which cross property boundaries.....they may affect views or local character....urban expansion may result in the imposition of additional controls on established rural users...intensity of site development affect the perception of whether buildings or open space are dominant.*

### Comment

The above objectives and policies selected by the writer confirm the need to protect amenity values and whilst Chapter 5 policies and objectives cover all zones, it is clear that rural and rural/residential amenity values have to be safeguarded from adverse environmental effects.

## 6.2.2 Chapter 7: Rural Environment Effects

### Relevant Issues:

Tasman District's land resource is largely rural. Rural character, amenity values, and the productive use of rural land underpins the social, economic and cultural well-being of the people of the District.

An important aspect of managing rural environmental effects is recognising the qualities and character of rural areas, and the legitimacy of existing established activities and a range of potential future activities which involve the productive use of the land resource.

A main issue Council has to consider is how to provide for non-soil-based production uses in rural areas without diminishing the availability of the productive land resource and how to maintain an appropriate level of protection of rural character, ecosystems and amenity values.

Objectives	Policies
<p><b>7.1.0</b> 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.</p>	<p>7.1.1 7.1.2 To avoid, remedy or mitigate the effects of activities which reduce the area of land available for soil-based production purposes in rural areas. 7.1.2A 7.1.3</p>
<p><b>7.2.0</b> 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.</p>	<p>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. 7.2.1A To enable sites in specific locations to be used primarily for rural industrial or rural residential purposes (including communal living and papakainga) with any farming or other rural activity being ancillary, having regard to: (a) the productive and versatile values of the land; (c) outstanding natural features and landscapes; (d) cross-boundary effects; (e) servicing availability; (g) transport access and effects; (h) potential for cumulative adverse effects from further land fragmentation (j) efficient use of the rural land resource; 7.2.2 7.2.4</p>
<p><b>7.2A</b> Managing the pressure for residential development in the Coastal Tasman Area while protecting the productive values, rural character and amenity values.</p>	<p>7.2A.1 to 7.2A.16B inclusive 7.2A.21</p>
<p><b>7.3.0</b> 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.</p>	<p>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. 7.3.4 7.3.6 7.3.8 to 7.3.10</p>

The following extracts from the introduction, principal reasons and explanations for Chapter 7 are considered relevant:

*People and communities value rural locations for purposes other than soil-based production, and where these purposes can be achieved without compromising productive values, rural character and amenity values, provision can be made for them... Rural areas are working and living environments. They also provide much of the amenity value and character of the District as a whole...If rural character is to be protected, it is essential that productive rural activities are not overly constrained by standards and conditions based on amenity value that are set at a much higher level than biophysical necessity...Design Guide objectives and guidelines provide criteria for the evaluation of specific proposals...the character and landscapes of the Rural 3 Zone is expected to undergo a degree of transformation but no net loss of values...the amenity values are expected to be maintained, enhanced or protected to a reasonable level.*

### Comment

Council has acknowledged the pressures and diverse usages of rural land. The Council has to constantly maintain the balance between these uses and promoting

the sustainable management of natural and physical resources. The application includes protection and enhancement of a wetland and incorporates large areas of landscaping covenants. These positive effects have been overshadowed however by the number and spread of urban allotments particularly to the south and east of the wetland that will diminish the rural character and potentially constrain existing rural activities.

### 6.2.3 Chapter 8: Margins of Rivers, Lakes, Wetlands and the Coast

#### Relevant Issues

Wetlands are finite resources and are highly regarded by residents and visitors for their recreation, landscape and cultural values. Effective management of pest control, increased density of people's living environment, provision and maintenance of roads and other services is required to preserve natural character and natural values.

Objectives	Policies
<b>8.1.0</b> The maintenance and enhancement of public access to and along the margins of... wetlands... which are of recreational value to the public.	8.1.1 To enhance public access to and along the margins of water bodies... 8.1.3 8.1.5 8.1.7
<b>8.2.0</b> Maintenance and enhancement of the natural character of the margins or...wetlands...	8.2.1 to 8.2.3 8.2.5 to 8.2.7 8.2.13 to 8.2.15 8.2.19

The following extracts from the principal reasons and explanations for Chapter 8 are considered relevant:

*Protection of the natural character of wetlands and their margins from inappropriate subdivision, use and development and the enhancement of public access to and along these water bodies are matters of national importance in promoting the sustainable management of natural and physical resources...effective riparian management including the planting and fencing of riparian margins can protect natural ecosystems and habitats.*

#### Comment

The application includes public access around the wetland, significant riparian planting, the protection of the wetland and a management plan. The objectives and policies of this chapter are met by the application.

### 6.2.4 Chapter 10: Significant Natural Values and Cultural Heritage

#### Relevant Issues

Priorities for habitat protection should include all freshwater wetlands that have some indigenous vegetation. Sites of significance to Maori form part of the cultural heritage of the District however archaeological sites are particularly sensitive to damage from building development or the formation of roads.

Objectives	Policies
<b>10.1A.0</b> Protection and enhancement of indigenous biological diversity and integrity of freshwater ecosystems, communities and species.	10.1A.2 10.1A.3
<b>10.1.0</b> Protection and enhancement of cultural heritage items	10.1.8
<b>10.2.0</b> Protection of the relationship a heritage resource or significant habitat may have with adjacent land	10.2.2 10.2.3

The following extracts from the principal reasons and explanations for Chapter 11 are considered relevant:

*The subdivision process is seen as an opportunity for securing through covenanting the protection or natural features... for sites of significance to Maori it is important that there is no damage or destruction as a result of the subdivision process... some habitats are poorly represented in protected areas and assistance of landowners is required to ensure such areas are enjoyed by future generations.*

### Comment

The applicant has consulted with iwi and volunteer a condition of consent to cease works should any archaeological site be discovered. The applicants are also protecting the wetland and providing public access. The objectives and policies of this chapter are met by the application.

## 6.2.5 Chapter 11: Land Transport Effects

### Relevant Issues

The adverse effects on the safe and efficient provision and operation of the land transport system, from the location and form of development and carrying out of land use activities.

Increases in traffic volumes from adjacent land use activities that generate vehicle trips may put pressure on particular routes. Urban subdivision and development as well as rural development may increase the demand for upgrading routes, including attention to travel time and hazardous roading situations.

Policies in this section are not only about providing a safe driving environment, but also about ensuring safety for people in the environment through which vehicles are driven. Amenity in that environment is also a relevant issue.

Objectives	Policies
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.	11.1.1 To promote the location and form of built development, particularly in urban areas, that: (a) avoids, remedies or mitigates adverse effects of traffic generation; (c) avoids an increase in traffic safety risk; 11.1.2 To ensure that land uses generating significant traffic volume: (a) are located so that the traffic has access to classes of roads that are able to receive the increase in traffic volume without reducing safety or

	efficiency; (b) are designed so that traffic access and egress points avoid or mitigate adverse effects on the safety and efficiency of the road network. 11.1.2B To avoid, remedy or mitigate adverse effects of traffic on amenity values. 11.1.3 11.1.4
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The following extracts from the principal reasons and explanations for Chapter 11 are considered relevant:

*New development adds traffic to existing infrastructure. Where additional traffic exceeds the design and capacity of existing infrastructure requiring upgrading earlier than otherwise scheduled, it may be appropriate that new development contributes to these costs.*

**Comment**

The above objectives and policies identify the need to avoid conflicts with traffic having particular regard to issues of traffic safety and efficiency, including the effects on existing roading, provision of adequate parking and amenity values.

The writer’s opinion in regards to the proposed activities is that the overall activity will generate more traffic on already substandard roads. Upgrading of the roads is therefore required at appropriate stages to ensure these transport objectives and policies are met.

**6.3 Other Matters**

**6.3.1 Precedent / Cumulative Effects**

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

The current applications have arisen due to the combination of distinct features of the site and the purposes of the applicant. The site features include the location in the Rural 3 zone, the setting within the greater district, the property’s orientation and topography, the land productivity class, the presence of wetlands and natural areas and current land use of pasture. The applicant has incorporated these site factors with their proposal in the hope of realising a Rural 3 development incorporating cluster development, larger rural lots, a protected wetland with public access and a community recreation area. This combination of many site related and development related factors are unlikely to be duplicated elsewhere in the district although the number, intensity and spread of clusters could be duplicated on other sites.

The applications for land use construction of buildings and subdivision are restricted discretionary activities under the Proposed Plan and in my assessment the relevant objectives and policies and matters of discretion of the Plan are on balance compromised by the proposal.



Should the proposed land use activity and subdivision be approved there consequently may be an issue of precedent arising from the grant of consents in that the number, intensity and spread of clusters could be repeated on other sites that may not be consistent with or anticipated by the Design Guide for Subdivision and Development in the Coastal Tasman Area.

## **7. SUMMARY AND CONCLUSIONS**

- 7.1 The existing site is 147 hectares in size, mainly in pasture with scattered pine trees with large significant wetland running through the centre of the property. There are no existing buildings on the property.
- 7.2 The proposal seeks to create 115 residential building sites, predominantly in small rural residential allotment of between 0.3 and 0.8 hectares in “clusters” with small pastoral blocks of between 3 hectares and 7 hectares in size with large communal block of 15 hectares which will mainly contain the existing wetland, which is to be protected by way of QEII covenant and enhanced with a replanting and weed control programme. A 1.8 hectare community centre allotment will be established to provide recreational facilities for the residents. Two reserves of 0.8 hectares and 0.6 hectares are proposed to vest as council reserves.
- 7.3 It is acknowledged that there will be a positive benefit from the protection and enhancement of the wetland within Lot 503 and that protection of wetlands is a “Matter of National Importance” under Section 6 of the Resource Management Act, though the District Plan gives protection to wetlands in that resource consent is required to drain, dam or fill in a wetland.
- 7.4 It is acknowledged that the proposed layout of the subdivision with stormwater detention dams in each of the gully catchment, should mitigate the adverse effects of sediment runoff from the subdivision and associated dwellings.
- 7.5 The applicant has sought to keep dwellings off the highest ridges and spurs on the property, though many of the dwellings are above the 75 metre contour, that was considered to be the general development limit in the 2003 Landscape Area descriptive and advisory notes.
- 7.6 While the subdivision does allow some of areas of the site to be retained for continued productive use, through the proposed pastoral lots, over half the residential lots are on the north facing easy contour slopes that generally have the higher productive potential. It is consider that the small rural lots, which have a dwelling site within the lot, will not achieve the open space amenity that should mitigate the adverse visual effects of the residential clusters.
- 7.7 The applicant has provided an extensive and comprehensive landscape assessment and management plan, with extensive riparian and barrier plantings to help mitigate the visual effects of the dwellings.
- 7.8 The main issue with this subdivision is the overall density of allotments and whether an overall rural character can be achieved by the development.

7.9 It is considered that the combination of 104 residential allotments separated by small rural lots which also have dwelling site, will not achieve the rural character that is anticipated by the Proposed Tasman Resource Management Plan.

7.10 "Rural Character" is defined in Section 2 of the Plan as:

*"the character of the land as shown by the predominance of rural productive activities and includes:*

- (a) a high ratio of open space to built features;*
- (b) large areas of pasture, crops, forestry, and land used for productive end;*
- (c) built features associated with productive rural land uses;*
- (d) low population density;*
- (e) predominant form of residential activity directly associated with a productive land use;*
- (f) social and economic activity associated with productive land use;*
- (g) cultural values associated with farming and living on the land."*

It is considered that the features listed here that make up "rural character" will not be achieved by this proposal.

7.11 While it is acknowledged that Rural 3 clearly anticipates small residential allotments in a rural landscape, there needs to be a predominance of open space and productive land to balance or counteract the residential allotments. It considered that this balance has not been achieved by this proposal. Instead, from a rural character perspective, there appears to be a predominance of residential allotments that are separated by relatively small rural residential lots, each with their own house site. This will not achieve an overall "rural" landscape for this site.

7.12 The majority of proposed residential lots are relatively close to each other, without significant open space/productive separating them. The development will not therefore, provide "discrete clustered housing" that is stated in the conclusion (para 62) in Tom Carter's Landscape report p15. (Appendix B in the application)

7.13 There is also the issue of precedence, in that approval of this development can lead to other applications in this area which if approved, could lead to a significant cumulative adverse effect on the rural character of the surrounding area.

7.14 It is accepted that this site has great potential for a comprehensive rural 3 development that could achieve a high level of rural character. The issue is the overall density of dwellings and their relationship with open space and productive areas.

7.15 In conclusion, in order to achieve a "rural character and amenity" for this site the number of residential allotments needs to be significantly reduced and greater open space/productive land needs to be provided between the residential clusters. Council staff have approached the applicants about amending the layout to achieve this, but they have decided to remain with the existing proposal. The following recommendation is based on the current layout.

## 8. RECOMMENDATION

### 8.1 Subdivision and Land Use Consent (RM070416) be DECLINED.

## 9. CONDITIONS (RM070416)

9.1 Should consent be granted I recommend the following conditions be imposed:

**RESOURCE CONSENT NUMBER:** RM070416

### **Ruby Bay Developments**

(hereinafter referred to as “the Consent Holder”)

**ACTIVITY AUTHORISED BY THIS CONSENT:** To subdivide land, construct and vest roads and accesses that do not meet the permitted activity criteria of the Proposed Tasman Resource Management Plan.

### **LOCATION DETAILS:**

Address of property: Awa Awa Road & Dickers Road.  
Legal description: Lots 1 & 2 DP20366, Lot 13 Deeds Plan 1706 and Lots 1 & 2 RM 010679A.  
Certificate of title: (CTs NL13C/309 Ltd, NL65/53 & NL 13C/305.

Pursuant to Section 108 of the Act, this consent is issued subject to the following conditions:

## **CONDITIONS**

### **Subdivision Consent and Land Use Consent RM070416**

#### **9.1 Subdivision Plan**

- a) The subdivision and development shall be carried out generally in accordance with the application plans RM070416 prepared by Cato Bolam Consultants - Job No. 25548 Sheet S7, and attached to this consent as **Plan A – F RM070416** dated May 2007 except for the following amendments:
  - i) An amalgamation condition under Section 220(1) (b) (iii), amalgamating Lots 63, 200-213 & 500-505 and one certificate of title issuing to include all the parcels.
  - ii) The house sites shall be deleted from Lots 63 & 200-211.

#### **9.2 Staging**

- a) The subdivision shall be completed in the stages as proposed within the application as follows:

### **STAGE 1:**

Lots 1-20 ( 20 residential lots)

Lots, 200-203, 500, & 501 to be held together with the balance area and one certificate of title issue ( residents association).

Lot 600 to vest as Road.

Balance Area.

### **STAGE 2:**

Lots 21- 42 ( 22 residential lots)

Lot 400 to vest as a local purpose reserve (recreation)

Lot 602 to vest as road.

Balance Area

### **STAGE 3:**

Lots 43-59 ( 17 residential lots)

Lots 204 & 205, 502-504 to be held together with Lots 500 & 501 and the balance area. (residents association)

Lots 603 & 604 to vest as road.

Balance Area

### **STAGE 4:**

Lots 60-62 & 64-82 (21 residential lots)

Lot 401 to vest as local purpose reserve (recreation)

Lots 605 & 606 to vest as road.

Lots 206 be held together with Lots 63, lot s 200-205, 500-504 & balance area and one certificate of title issue ( residents association).

### **STAGE 5**

Lots 83-96 (12 residential allotments)

Lot 607 to vest as road.

Lots 200-207 & Lots 500-505 be held together with the Balance area and one certificate of title issue.

### **STAGE 6**

Lots 97 -104 (8 residential allotments)

Lot 211 ( Open space productive lot)

Lots 63, 200-213 to be held together with Lots 500-505 and one certificate of title issue.

The proposed stages are identified on the application plans RM070416 prepared by Cato Bolam Consultants- Job No. 25548 Sheet No S13 dated May 2007, and attached to this consent as **Plan B RM070416**, subject to amendments listed above.

### 9.3 Building Location Plan

- a) A Building Location Plan for each of the 103 residential allotments shall be prepared by a registered professional surveyor and shall be submitted to the Environment and Planning Manager for approval as part of the section 223 title plan for each stage of the subdivision.
- b) The Building Location Area's (BLA) shall be in the location shown on the application plans RM070416 prepared by Cato Bolam Consultants - Job No. 25548 S7 dated May 2007, and attached to this consent as **Plan A – RM070416** except for the deletion of the following Building Areas:  
Lots 63 & 200-211.

### 9.4 Amalgamation Conditions- Pursuant to Section 220 (1) (b) (iii) & (iv)

- a) Lots 300-318 on 25548 (S7) to be held as to the undivided shares and by the owners of the Lots as stated in the panel below as tenants in common in the said shares and that individual Certificates of Title be issued in accordance therewith.  
LINZ reference to be advised.

Lot No:	Area	Share	By Lots
300	2300m2	Fifth	1,2,3, 4 & 202
301	1200m2	Quarter	3, 6-17 & 501
302	1600m2	Eighth	7-13 & 501
303	2000m2	Third	15-17
304	2100m2	Third	18-20
305	2200m2	Quarter	21-26
306	1000m2	Quarter	21-24
307	1800m2	Third	24-26
308	800m2	Quarter	29-32
309	1800m2	Quarter	34-41
310	3000m2	Seventh	44-49, 204 & 205
311	2500m2	Fifth	60-63
312	800m2	Quarter	64-67
313	1500m2	Sixth	73-78 & 503
314	1500m2	Sixth	83-87 & 210
315	2300m2	Fifth	88-91 & 505
316	3100m2	Sixth	92-96 & 208
317	1800m2	Quarter	97-100
318	800m2	Quarter	101-104

- (b) Lots 63, 200-213 & 500-505 be held together and one certificate of title be issued to include all the parcels.

LINZ reference to be advised.

Note: It is likely the separate amalgamation consultations will be required for each stage.

## 9.5 Landscape Planting Plan

- a) A Landscape Planting Plan shall be prepared by a qualified Landscape Architect at the cost of the consent holder for the approval of the Council's Environment and Planning Manager and shall be submitted at the same time as engineering approval is sought. This Landscape Planting Plan shall be in accordance with the Tasman Carter Plan Sheet L8 dated 24 May 2007 identified as **Plan C RM070416** and attached to this consent. The Landscape Planting Plan shall detail the following information:
- i) Planting plan specifying the type, number, and size of the plants.
  - ii) Establishment works required to implement the Planting plan.
  - iii) Staging of planting in accordance with the subdivision staging (Stage1-5)
  - iv) The plantings shall be in accordance with the Tasman Carter Landscape Report dated 24 May 2007 and the species listed in that report.
  - v) Pest plant and animal controls and ongoing maintenance schedules, together with stock proof fencing to avoid stock damage.
  - vi) Replacement planting
  - vii) Ongoing maintenance of planted areas (developer and future owners)
  - viii) Landscaping areas to be subject to land covenants to ensure their ongoing existence.
- b) The planting required by the Landscape Planting Plan shall be fully completed for each stage prior to the approval of the Section 224(c) certificate. A written statement shall be provided from a suitably qualified landscaping professional that the plantings have been fully completed in accordance with the above Landscape Planting Plan.
- c) The Common Wetland Areas –Planting Implementation and Maintenance Programme by Cato Bolam Consultants dated 24 May 2007, covering the planting protection and maintenance of the wetlands in Lots 503 & 505, shall be fully completed prior to signing of the Section 224 (c) certificate for Stage 3. A written statement shall be provided from a suitably qualified landscaping professional that the plantings have been fully completed in accordance with the above Planting Implementation Plan.
- d) The consent holder shall be responsible for maintenance, pest control, replacement and management of the planting required by the Landscape Planting Plan and the Common Wetland Areas - Planting Implementation and maintenance programme within the development for a minimum of three (3) years following the completion of this planting. The responsibilities thereafter shall devolve to the Residents Association.

## 9.6 Residents Association (Management Company) and Management Plan

- a) The consent holder shall form a Residents Association to which the transferee or its successors shall be members. The purpose of the Residents Association is to:
- manage and maintain communal assets and utilities (stormwater detention areas including dams and the community centre),
  - manage plant and animal pests on land under the control of the Residents Association,
  - manage and maintain all plantings shown on the Landscape Planting Plan and the Common Wetland Areas – Planting Implementation and Maintenance Programme.
  - ensure all the relevant consent conditions and the Management Plan are complied with,
  - ensure a copy of the Management Plan is provided with every sale and purchase agreement for each of the allotments.
- b) Prior to the issue of the Section 223 certificate, a Management Plan setting out the purpose, responsibilities, accountabilities and procedural policies of the Residents Association shall be submitted for the approval of the Environment and Planning Manager.
- c) The Management Plan shall also make provision for the Consent Authority to require work to be undertaken by or on behalf of the Resident's Association in the event that the Management Company/Residents Association fails to meet its obligations to the standards identified as appropriate for such purposes, such that a breach of the conditions has occurred or seems likely to occur, and should the work not be undertaken the Consent Authority has the power to undertake the work itself and recover the full cost of the work from the Resident's Association and its members.
- d) The management plan shall include a farm management plan for the pastoral areas of the site ( ie Lots 200-213) will be managed for grazing purposes, including the following:
- i) How each of block will managed to ensure that open space is retained and any pests and weeds ( including gorse) are adequately managed.
  - ii) How each of the pastoral blocks will be adequately fenced with stock proof fences to ensure that stock do not damage the landscape covenant areas, and get into any of the residential lots, the communal lost 500-505 and road reserve areas.
  - iii) How each of the Lots 200-213 will be provided with an adequate stock water supply to allow year round grazing of the pastoral lots.

## 9.7 Consent Notices

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

The consent notices 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.

Consent notices in accordance with conditions of this consent shall be placed on the allotments as they are created, not on balance areas yet to be developed.

### A. Building Location Restrictions

That the construction of buildings on Lots 1 –62 and 64-104, inclusive shall be restricted to the Building Location Area shown on the Building Location Plan and all buildings shall be fully contained within each Building Location Area, except for accessory buildings where the changed location is approved by the Residents Society and Council's Consents Manager.

### B. No dwellings on certain Lots

No dwellings or residential buildings shall be constructed on or relocated to Lots 63, 201- 213, and 500- 505, inclusive.

#### **Advice Note:**

This is to ensure that these allotments remain used for the purpose intended, that of open space, recreation & productive use.

### C. Maximum building heights overriding the permitted activity criteria of the Proposed Tasman Resource Management Plan.

Buildings shall not exceed the following building heights:

- i) Dwellings and accessory buildings on Lots 1, 2, 4-6, 8, 9, 11,12, 16-20, 22-25, 27-32, 35-41, 43-51, 54, 59-62, 64, 66-68, 79-89, 92-94, 98-101 & 104 shall have a maximum height restriction of 5.5 metres above the finished building platform level.
- ii) All buildings on Lots 63 & 200-213 shall have a maximum height of no more than 6.5 metres above natural ground level.

#### **Advice Note:**

This is to alert potential purchasers to the building heights authorised by the resource consents for this development.

### D. Building Site Stability

**Recording the soil condition and foundation recommendations on the certificates of title.**



- i) Any recommended conditions resulting from the engineering reports required under condition 9.21(b)

#### **E. Future Subdivision**

No further subdivision of any of the allotments in the subdivision will be allowed, except that this consent notice does not apply to subdivision constituting a boundary adjustment where it does not result in the creation of additional Certificates of Title or is for the provision of a utility site. Boundary adjustments and new allotments for utilities will be assessed under the provisions of the applicable Resource Management Plan.

#### **F. Residents Association (Management Company) and Management Plan**

All owners of Lots 1 -62 & 64 -104 inclusive, shall be members of the Residents Association and shall comply with the Management Plan on an on-going basis.

This is to ensure that all landowners are responsible for complying with the provisions of the Management Plan.

#### **G. Building Colour**

The exterior of all buildings (including water tanks) in this development shall be finished in colours that are recessive and which blend in with the immediate environment.

Buildings shall be finished in colours that meet the following standards:

<b>Colour Group*</b>	<b>Walls</b>	<b>Roofs</b>
Group A	A05 to A14 and reflectance value $\leq 50\%$	That the roof colour is complementary with the rest of the building/s and is no greater a percentage than 25 per cent reflectance value.
Group B	B19 to B29 and reflectance value $\leq 50\%$	
Group C	C35 to C40, reflectance value $\leq 50\%$ , and hue range 06-16	
Group D	D43 to D45, reflectance value $\leq 50\%$ , and hue range 06-12.	
Group E	Excluded	
<b>Finish</b>	Matt or Low-gloss	Matt or Low-gloss

\* Based on BS5252:1976 (British Standard Framework for Colour Co-ordination for Building Purposes). Where a BS5252 descriptor code is not available, a sample colour chip equivalent to acceptable BS5252 colours is satisfactory.

The consent holder shall engage the services of a professional to ensure the exterior cladding and colour selection are compatible with the long term durability of the building material in the subject environment and in accordance with the requirements under the Building Act 2004.

- a) Exterior surfaces of all buildings shall be non-reflective.

- b) Water tanks are to be incorporated into the structure of the buildings or partially buried and/or screened sufficiently within each lot so as not to be visible from beyond the site.

#### **H. Wastewater**

Each residential allotment in this subdivision shall be provided with wastewater treatment and disposal in accordance with the associated wastewater consent RM070424-539.

#### **I. Stormwater**

The management of stormwater shall be carried out in accordance with the associated stormwater consent RM070419.

#### **J. Compliance with the Landscape Planting Plan**

All residential allotments in stages 1 to 5 of the subdivision shall comply on an ongoing basis with the approved Landscape Planting Plan.

#### **K. Water Storage for Fire fighting**

Each dwelling shall be provided with a water supply system that complies with SNZ PAS 4509:2003 - The NZFS Fire Fighting Water Supplies Code of Practice."

#### **L. Keeping of Cats**

The keeping of cats on all allotments shall be prohibited.

##### **Advice Note:**

This condition (M) was recommended (p13) in Michael North's Botanical & Ornithological Assessment of the site, which was included as Appendix D with the application.

### **9.8 Easements if Required by Council**

- a) 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.
- b) Easements, Covenant Area & Access Lots are to generally in accordance with the Easement, Covenant Area & Access Lot Plans on **Plans D and E** dated May 2007, and attached to this consent. 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.
- c) Reference to easements is to be included in the Council resolution on the title plan at the section 223 stage.

**Advice Note:**

A licence to occupy road reserve for any private services will be required.

**9.9. Power and Telephone**

- a) Full servicing for live power and telephone cables shall be provided underground to the boundary of Lots 1 – 62 and 64-104 inclusive. The consent holder shall provide written confirmation from the relevant utility provider(s) to the Tasman District Council Engineering Manager that live power and telephone connections have been made to the boundaries of the abovementioned 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.
- d) Electricity sub-stations, where required, shall be shown as road to vest on the land transfer survey plan if they are located adjacent to a road or road to vest. These shall be shown on the survey plan prior to section 223 approval.

**9.10 Community Centre**

- i) The community centre shall be fully completed in accordance with RM070418, prior to the signing of the Section 224 (c) certificate for Stage 3 of the subdivision.

**9.11 Stormwater**

The management of stormwater shall be carried out in accordance with the associated stormwater consent RM060741. All stormwater attenuation measures, including the stormwater detention ponds in Lots 500-501 shall be fully completed prior to the signing of the Section 224 (c) certificate for their respective stage.

**9.12 Roads and Access lots.**

- a) Roads 600-607 inclusive and Joint Owned Access Lots 300-318 inclusive shall be formed to at least the specifications below.

Road or Access Lot No:	Class of Road	Road Reserve Or Access Lot legal width (m)	Formation (carriageway Width) (m)	Min. Footpath (m)
Lots 600,602, 603 & 605	Collector Road	20	7.2	1 x 1.4
Lots 601, 604, 606 & 607	Access Place	20	6.6	1 x 1.4

Access Lot 301, 305 & 309	N/A Private Access Lot	10	6.2	Nil
Access Lot 303,304, 306, 308, 311, 314 - 318.	N/A Private Access Lot	7 or more to include batters	4.5	Nil
Access Lots 302 & 310	N/A Private Access Lot	7.5 or more to include batters	5	1 x 1.4
Road No:	Min.Side drain width	Road Edge	Min. Shoulder width (m)	Maximum Gradient
600,602, 603 & 605	2 x 2.0m	2 x 300mm Concrete bond beam	2 x 1.0 grass berms	1 in 7
Lots 601, 604, 606 & 607	2 X 2.0m	2 x 300mm Concrete bond beam	2 x 1.0 grass berms	1 in 7
Access Lot 301, 305 & 309	1 x 1.5 m	2 x 300mm concrete bond beam	2 x 0.6 grassed berms	1 in 5
Access Lot 303,304, 306, 308, 311, 314 - 318.	1 x 1.5m	Nil	2 x 0.6 Grassed berms	1 in 5
Access Lot 302 & 310.	1 x 1.5m	Nil	2 x 0.6 Grassed berms	1 in 5

Road Name	Class of Road	Min. Street lights required
Road, 600, 602 & 603.	Collector Road	Intersection flag lights plus P3 type lighting as per NZS1158
Road, 601, 604, 606 & 607.	Access Place	Intersection Flag lights
Access Lots 301 -318.	Private access lot.	Nil

- b) Roads 600-607 inclusive and Access Lots 301-318 inclusive shall be permanently surfaced with a minimum requirement of a Grade 4 chip first coat, followed by a Grade 6 void fill second coat.
- c) The seal formation on all access lots shall extend to the back of the edge of the road seal.
- d) The road access from the road to vest (Lot 600) shall enter on to Awa Awa Road at right angles with appropriate signage and paint marking installed depending on sight distance requirements.

**Advice Note:**

If any private pipelines or structures are contemplated to be located on existing or future road reserve then appropriate approval (ie license to occupy) will be required from Council's Engineering Department .

### 9.13 Dicker Road/Old Coach Road Upgrade

- i) Dicker Road/Old Coach Road – Dicker Road fronting the subdivision shall be formed to collector road standard, ie 6.0 metres wide, 2-coat seal width plus two x 600mm shoulders. A 1.4 metre footpath shall be constructed along Dicker Road but offset from the carriageway. Pedestrian and flag lighting and appropriate pavement markings and signs will be required in all road construction areas. This upgrade shall be completed prior to a Section 224 Certificate being issued for Stages 4, 5 and 6.
- ii) Dicker Road and Old Coach Road from Lot 206 to where the seal starts in Old Coach Road South (ie Lacebark Lane intersection) shall be formed up to the standard previously outlined above for Dicker Road prior to a 224 Certificate being issued for Stages 4, 5 and 6.

### 9.14 Walkway/Cycleways

- a) Public and residents association dual walkway/cycleway linkages as shown on the Walkway Plan prepared by Cato Bolam Consultants Job NO: 25548 S11 dated May 2007 and attached to this consent as **Plan F RM070416** shall constructed during the relevant stage of the subdivision.
- b) The abovementioned walkway/cycleways shall include public walkway/cycleways, which shall covered by a 5 metre wide easement in gross to Tasman District Council for walkway/cycleway purposes. The public walkway easements shall follow the route shown by the black dashed line on the **Plan F RM070416**. The public walkway easement shall extend to the boundary with Lot 4 DP 2172.
- c) All walkway/cycleways shall have formation widths of 1.5 metres within 5 metre wide access easements. The formation of the walkway/ cycleways shall be undertaken in accordance with the TDC Engineering Standards and the walkway standard SNZ HB 8630:2004 as part of the development works and completed prior to the application for the Section 224(c) certificate for each stage.

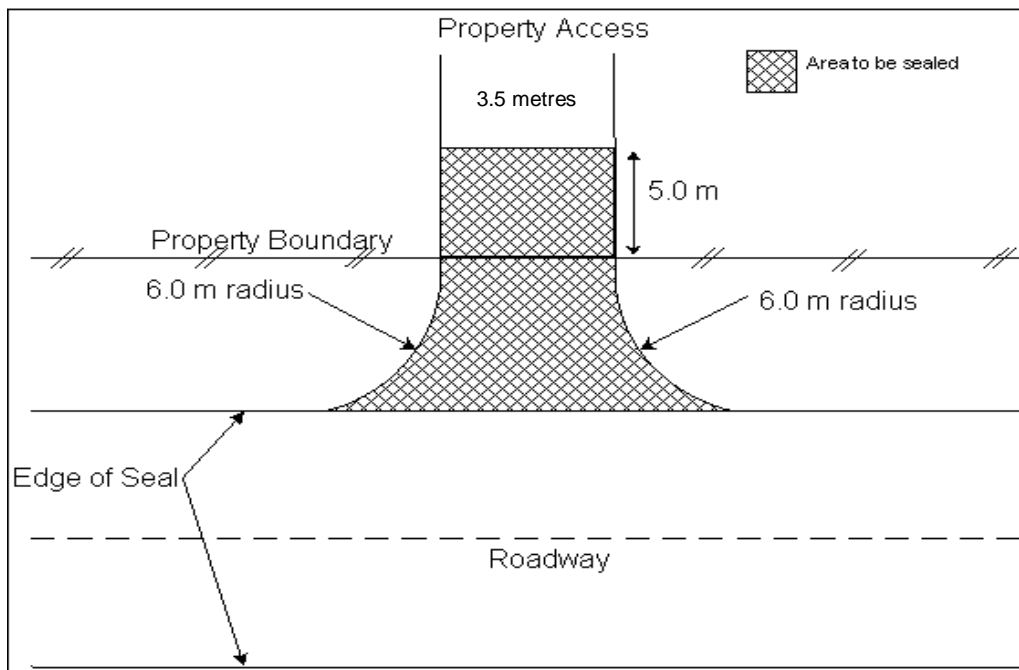
**Advice Note:**

The costs of formation for the public walkway/cycleways as required in 11 (b) above may be credited against the reserve fund contributions (subject to a quote acceptable to Council's Community Services Manager)).

- d) Road 600, 602, 604 and 605 shall contain a walkway/cycleway within the road reserve with a formation width of 1.5 metres.
- e) The gradient of each walkway shall not exceed 1 in 5.5 unless approved by Council's Community Services Manager.

## 9.15 Vehicle Crossings and On- Site Access

- a) The vehicle access crossings for each residential lot shall be a minimum carriageway width of 3.5 metres and shall be designed and constructed in accordance with Figure 1 with:
- i) a formed and sealed surface between the edge of the seal of the carriageway of the road to at least 5 metres inside the property boundary ;
  - ii) the first 6 metres in from the road carriageway formation shall be more or less level with the road carriageway formation;
  - iii) A 300mm culvert drain shall be provided where the access is crossing a roadside drain.
  - iv) Vehicle crossings and on site seal (5 metres) shall be permanently surfaced with a minimum requirement of a Grade 4 chip first coat, followed by a Grade 6 void fill second coat.



**Figure 1 – Vehicle Crossing Design and On-Site Seal for Residential Lots.**

- b) Where a site has frontage to both an Collector road and an access place (as defined in the Proposed Tasman Resource Management Plan roading hierarchy), the vehicle crossing shall be located on the access place, ensuring that the crossing is located as far from the intersection as possible.
- c) Where a site has frontage to both an Collector road and an access lot, the vehicle crossing shall be located on the access place, ensuring that the crossing is located as far from the intersection as possible.

## 9.16 Street Numbers

Where street numbers are allocated, they shall be shown on the Engineering Plans.

### **Advice Note:**

The street numbers allocated are based on the rural numbering system and are yet to be allocated to this area.

## 9.17 Street Names

- a) Street names for all roads shall be submitted to Council and approved prior to the approval of the Section 223 certificate for each stage.
- b) The cost of name plates shall be met by the consent holder.

## 9.18 Engineering Plans

- a) Engineering Plans detailing the Roads and Access Lot design and formation, the footpath design and formation, the vehicle access crossing designs, stormwater attenuation and treatment system, and all public services shall be submitted to the Tasman District Council Engineering Manager and approved prior to the commencement of any works at each stage of the subdivision. All engineering details are to be in accordance with the Tasman District Council Engineering Standards and Policies 2004. All necessary fees for engineering plan approval shall be payable.
- b) As-built plans detailing Roads, Access Lots and vehicle crossing accesses out to the existing road carriageway, and public services, power and telephone, shall be provided to the Tasman District Council Engineering Manager.
- c) The Section 223 title plan shall not be submitted until the as-built engineering plans have been approved by the Tasman District Council Engineering Manager, so that easement areas can be accurately determined.

## 9.19 Commencement of Works and Inspection

- a) The Tasman District Council Engineering Department shall be contacted as per the Engineering standards 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.
- b) No works shall commence on-site until the Engineering Plans have been approved by the Tasman District Council Engineering Manager.

## 9.20 Engineering Works

- a) All public works and Rights of Way (Access Lots) 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.

**Advice Note:**

Works within any Council's road reserve will require a Road Opening Permit and Traffic Management Plan approval from the Council's Engineering Department.

**9.21 Engineering Certification**

- a) At the completion of works, for each stage, a suitably experienced chartered professional engineer or registered professional surveyor shall provide the Tasman District Council Engineering Manager with written certification that the works have been constructed in accordance with the approved engineering plans, drawings and specifications and any Council approved amendments.
- b) Certification that the nominated building site on each of the residential allotments is suitable for the construction 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 the allotment 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 and Policies 2004.
- c) Where fill material has been placed on any part of a residential lot, a suitably experienced chartered professional engineer shall provide Certification 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.
- d) The Engineering Report shall also cover stormwater run-off from each building site, with any recommended conditions to ensure that the run-off does not adversely affect stability or cause adverse effects off-site.

Council will issue a **consent notice** pursuant to section 221 of the Resource Management Act 1991 recording the soil condition and foundation recommendations on the certificates of title for each residential lot.

**9.22 Reserve to Vest in Tasman District Council**

- a) That Lots 400 and 401 vest in the Tasman District Council as Local Purpose Reserve (Recreation).
- b) The consent holder shall provide and form four parking spaces for Lot 400 and six parking spaces for Lot 401, within the road reserve adjoining each reserve with formation costs being credited against reserve fund contributions (subject to a quote acceptable to Council's Community Services Manager).
- c) The survey plan submitted under Section 223 shall show the area of reserve land to be set aside.



### 9.23 Maintenance Performance Bond

- a) The consent holder shall provide Council with a Bond to cover maintenance of any roads or services that will vest in Council. The amount of the Bond shall be \$1,000 per residential allotment at each stage, to a maximum of \$30,000 for the total development, or a lesser figure agreed by the Engineering Manager and shall run for a period of two years from the date of issue of the section 224(c) certificate of each stage.
- b) The Bond shall cover maintenance attributable to defects and the remedy of defects arising from defective workmanship or materials.

### 9.24 Financial Contributions (based on 103 residential sites)

Payment of financial contributions assessed as follows:

#### **Reserves and Community Services**

5.5% of the assessed market value of the area of a notional 2,500 square metre building site within each of Lots 1 – 62 & 64-104.

Note: There will be no contribution payable on the residents association allotment as long as it is a single certificate of title.

The valuation will be undertaken by Council's valuation provider within one calendar month of Council receiving a request for valuation from the Consent Holder. The request for valuation should be directed to the Consents Administration Officer at Council's Richmond office. The cost of the valuation will be paid by Council.

If payment of the financial contribution is not made within two years of the date of this consent, a revised valuation will be required and the cost of the revised valuation shall be paid by the Consent Holder.

#### **Advice Note – Development Contributions**

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

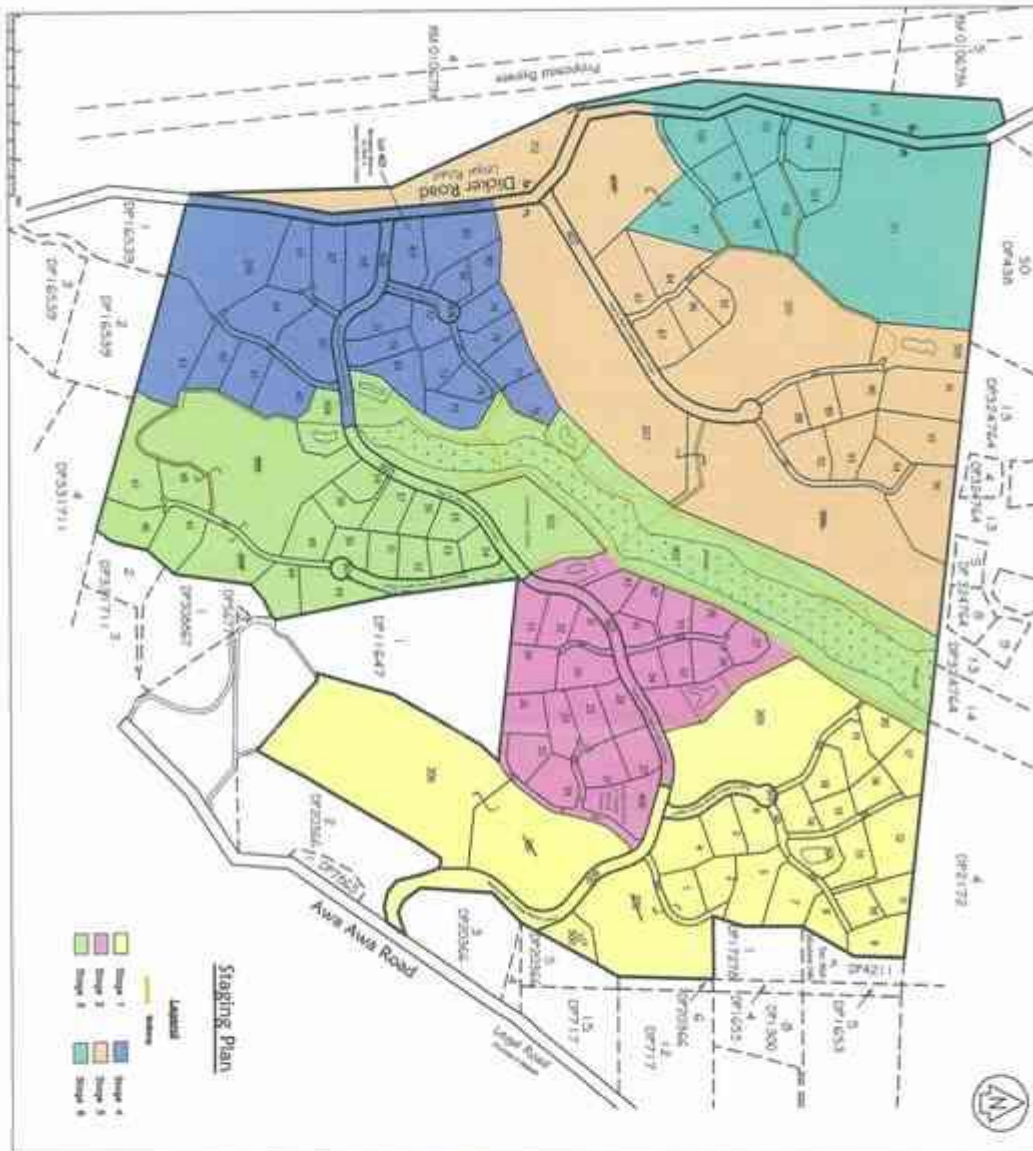
This consent will attract a development contribution on LOTS 1-62 & 64-104 in respect of roading and water.

### 9.25 Construction Earthworks

All construction earthworks shall comply with the requirements of the Land Disturbance consent RM070421



**PLAN B  
RM070416**



**CAUTOBOLAM CONSULTANTS**  
 17, Tropicana Avenue  
 Pt. St. Johns, TAS  
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 Fax: 08-428 5335  
 www.autobolam.com.au

**Ruby Bay Developments Ltd**  
 Awa Awa Road  
 Ruby Bay  
 Tasmania

**Scheme Plan of Lots 1 & 2 DP20366**  
 Lot 13 Deeds Plan 1706 and  
 Lots 1 & 2 RM 010679A

OWNER: SIDA	PROJECT: SIDA	SECTION NO:
1:30000 & A1	1:50000 & A2	513
MAY 2007	NOV 04 & 05	2554B

**REVISIONS**

NO.	DESCRIPTION	DATE
1	ISSUED FOR PERMIT	2007
2	ISSUED FOR PERMIT	2007
3	ISSUED FOR PERMIT	2007
4	ISSUED FOR PERMIT	2007
5	ISSUED FOR PERMIT	2007
6	ISSUED FOR PERMIT	2007
7	ISSUED FOR PERMIT	2007
8	ISSUED FOR PERMIT	2007
9	ISSUED FOR PERMIT	2007
10	ISSUED FOR PERMIT	2007
11	ISSUED FOR PERMIT	2007
12	ISSUED FOR PERMIT	2007
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**STAGING PLAN**

Legend:

- Stage 1: Yellow
- Stage 2: Orange
- Stage 3: Green
- Stage 4: Blue
- Stage 5: Purple
- Stage 6: Light Green
- Stage 7: Light Blue
- Stage 8: Dark Blue

**NOTES:**

1. This plan is a preliminary plan and is subject to the approval of the Council.
2. The lot boundaries shown on this plan are based on the information provided by the owner.
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**PLAN D  
RM070416  
ACCESS LOTS, EASEMENT AND COVENANT AREAS**



**THE ABOVE PLAN HAS BEEN PREPARED BY THE SURVEYOR IN ACCORDANCE WITH THE SURVEY ACT 1980 AND THE SURVEY (GENERAL) REGULATIONS 1982. THE SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE SITE AND HAS BEEN SATISFIED THAT THE INFORMATION PROVIDED IS CORRECT AND COMPLETE. THE SURVEYOR HAS NOT CONDUCTED A PHYSICAL SURVEY OF THE SITE AND HAS NOT BEEN ADVISED OF ANY CHANGES TO THE INFORMATION PROVIDED SINCE THE DATE OF HIS VISUAL INSPECTION. THE SURVEYOR'S LIABILITY IS LIMITED TO THE PREPARATION OF THIS PLAN AND DOES NOT EXTEND TO ANY OTHER MATTER.**

**Survey Name:** Ruby Bay Development  
**Sheet:** Sheet 1

**Scale:** 1:1000  
 1:1000 = 1 cm = 10 m  
 1:1000 = 1 inch = 25.4 m  
 1:1000 = 1 mm = 1000 mm

**DATE:** 14/05/07

**PROJECT:** Ruby Bay Development  
 13 Deeds Plan 1706 and  
 Lots 1 & 2 RM 010679A

**CLIENT:** Ruby Bay Developments Ltd  
 Awa Awa Road  
 Ruby Bay  
 Tasmania

**CATOBOLAM CONSULTANTS**  
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 14, Trenchard Avenue  
 P.O. Box 157  
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 Fax: 08-428 3333  
 www.catobolam.com.au

**DATE:** 14/05/07

**PROJECT:** Ruby Bay Development  
 13 Deeds Plan 1706 and  
 Lots 1 & 2 RM 010679A

**CLIENT:** Ruby Bay Developments Ltd  
 Awa Awa Road  
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 Tasmania

**DATE:** 14/05/07

**PROJECT:** Ruby Bay Development  
 13 Deeds Plan 1706 and  
 Lots 1 & 2 RM 010679A

**CLIENT:** Ruby Bay Developments Ltd  
 Awa Awa Road  
 Ruby Bay  
 Tasmania





**PLAN F  
WALKWAYS PLAN  
RM070416**



<p><b>Legend</b></p> <ul style="list-style-type: none"> <li>Proposed Lower Sites</li> <li>Residential Changes</li> <li>Easement</li> </ul> <p>Notes:          1. Easement in Green is 10%          2. Easement in Yellow is 10%          3. Easement in Red is 10%          4. Easement in Blue is 10%</p>	
<p><b>Scale</b></p> <p>1:1,000</p> <p>May 2007</p>	
<p><b>Client</b></p> <p>Ruby Bay Developments Ltd          Awa Awa Road          Ruby Bay          Tairāhiti</p>	
<p><b>Project Title</b></p> <p>Scheme Plan of Lots 1 &amp; 2 DP20366          Lot 13 Deeds Plan 1706 and          Lots 1 &amp; 2 RM 010679A</p>	
<p><b>Consultants</b></p> <p><b>CATO BOLAM CONSULTANTS</b>          19 Tairāhiti Avenue          P.O. Box 1137          Christchurch 8141          Phone: 03-427 0073          Fax: 03-427 7231          www.cato-bolam.co.nz</p>	
<p><b>Scale</b></p> <p>1:1,000</p> <p>1:1,000</p> <p>1:1,000</p> <p>1:1,000</p>	
<p><b>Notes</b></p> <p>1. This plan is a preliminary plan and is subject to the approval of the Council.</p> <p>2. The plan is not to be used for any other purpose without the written consent of the consultants.</p> <p>3. The plan is not to be used for any other purpose without the written consent of the consultants.</p> <p>4. The plan is not to be used for any other purpose without the written consent of the consultants.</p>	

## **10.0 Conditions: Land Use Consent (Application RM070417)**

**Should subdivision consent RM070416 be granted, construction of a single dwelling and accessory buildings be GRANTED subject to the following conditions:**

### **Commencement Date and Lapsing of Consent**

- 10.1.a) The commencement date for the land use consent shall be the issue date of the certificate of title for the respective allotments.
- b) This consent will lapse five years after the issue of the certificate of title for the respective allotments unless given effect to.

### **Building Location Restrictions**

- 10.2. The construction of buildings on Lots 1-104 inclusive shall be restricted to the Building Location Areas shown on **Plan A RM070417** attached to this consent, and all buildings shall be fully contained within each Building Location Area, except that this condition does not apply to any buildings solely associated with utilities within the subdivision or accessory buildings on Lots 200-213 where the change in location has been approved by the Residents Society and the Consents Manager.

### **Building Height**

- 10.3 Dwellings and accessory buildings on Lots 1, 2, 4-6, 8, 9, 11,12, 16-20, 22-25, 27-32, 35-41, 43-51, 54, 59-62, 64, 66-68, 79-89, 92-94, 98-101 & 104 shall have a maximum height restriction of 5.5 metres above the finished building platform level.
- 10.4 All buildings on Lots 200-213 shall have a maximum height restriction of 6.5 metres above natural ground level.

### **Advice Notes:**

All buildings on all other allotments need to comply with the 7.5 metre maximum permitted height in the PTRMP, or a separate resource consent will need to be obtained. "Natural Ground Level" is defined as being the finished ground level when all works associated with the subdivision are completed.

### **Building Colour**

- 10.5 The exterior of all buildings (including water tanks) in this development shall be finished in colours that are recessive and which blend in with the immediate environment.



The building shall be finished in colours that meet the following standards:

<b>Colour Group*</b>	<b>Walls</b>	<b>Roofs</b>
Group A	A05 to A14 and reflectance value $\leq 50\%$	That the roof colour is complementary with the rest of the building/s and is no greater a percentage than 25 per cent reflectance value.
Group B	B19 to B29 and reflectance value $\leq 50\%$	
Group C	C35 to C40, reflectance value $\leq 50\%$ , and hue range 06-16	
Group D	D43 to D45, reflectance value $\leq 50\%$ , and hue range 06-12.	
Group E	Excluded	
<b>Finish</b>	Matt or Low-gloss	Matt or Low-gloss

\* Based on BS5252:1976 (British Standard Framework for Colour Co-ordination for Building Purposes). Where a BS5252 descriptor code is not available, a sample colour chip equivalent to acceptable BS5252 colours is satisfactory.

#### **Advice Notes:**

The consent holder shall engage the services of a professional to ensure the exterior cladding and colour selection are compatible with the long term durability of the building material in the subject environment and in accordance with the requirements under the Building Act 2004.

Water tanks are to be incorporated into the structure of the buildings or partially buried and/or screened sufficiently within each lot so as not to be visible from beyond the site.

### **Water Storage for Domestic use and Fire Fighting**

**10.6** Details of the UV filter to be installed so the rainwater collection will achieve a potable standard (as defined in the NZ Drinking Water Standard) and its on-going maintenance shall be provided with the building consent application for each dwelling.

**10.7** Each dwelling shall be provided with an on-site water storage tank(s) that has a capacity of not less than 23,000 litres.

**10.8** The dwelling shall be provided with a water supply system complies with SNZ PAS 4509:2003 - The NZFS Fire Fighting Water Supplies Code of Practice.

### **Landscaping**

**10.9** The dwelling site shall be landscaped in accordance with the Landscape Planting Plan approved under subdivision RM070416, and shall be generally in accordance with the Tasman Carter Land use Plan Sheet 5 dated 24 May 2007 and attached to this consent as Plan G RM070417.

**10.10** The landscaping shall be fully completed within two years of the issuing of the building consent for the dwelling. Written confirmation shall be provided from a suitably qualified landscaping professional that the landscaping has been fully completed in accordance with the Landscape Planting Plan approved under RM070416 and the Tasman Carter Land use Plan Sheet 5 dated 24 May 2007 and attached to this consent as Plan G RM070417.

## **ADVICE NOTES**

### **Council Regulations**

1. The applicant shall meet the requirements of Council with respect to all Building Bylaws, Regulations and Acts.

### **Other Proposed Tasman Resource Management Plan Provisions**

2. This resource consent only authorises the activity described above. Any matters or activities not referred to in this consent or covered by the conditions must either: 1) comply with all the criteria of a relevant permitted activity rule in the Proposed Tasman Resource Management Plan (PTRMP); 2) be allowed by the Resource Management Act; or 3) be authorised by a separate resource consent.

### **Consent Holder**

3. This consent is granted to the abovementioned consent holder but Section 134 of the Act states that such land use consents "attach to the land" and accordingly may be enjoyed by any subsequent owners and occupiers of the land. Therefore, any reference to "consent holder" in the conditions shall mean the current owners and occupiers of the subject land. Any new owners or occupiers should therefore familiarise themselves with the conditions of this consent as there may be conditions which are required to be complied with on an ongoing basis.

### **Development Contributions**

4. The Consent Holder is liable to pay a development contribution in accordance with the Development Contributions Policy found in the Long Term Council Community Plan (LTCCP). The amount to be paid will be in accordance with the requirements that are current at the time the relevant development contribution is paid.

Council will not issue a Code Compliance Certificate until all development contributions have been paid in accordance with Council's Development Contributions Policy under the Local Government Act 2002.

### **Cultural heritage**

5. 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.

**PLAN G  
RM070417**



## 11. Land Use Consent (Application RM070418)

Should subdivision consent RM070416 be granted, the establishment and operation of a community activity on proposed Lot 502 be GRANTED subject to the following conditions:

### Development

11.1 All land use activities shall be undertaken in general accordance with the documentation submitted with the application and with Tasman Carter Plan L8a dated 24 May 2007 and ADNZ Sheet A02 dated 3 April 2007 appended to this application as Plan H and I RM070418. Notwithstanding the above, if there is any apparent conflict between the information submitted with the application and any conditions of this consent, the conditions shall prevail.

11.2 The use of Lot 502 shall be for the Resident's Society Members only and their invited guests.

### Commencement Date and Lapsing of Consent

- 11.3.a) The commencement date for this land use consent shall be the issue date of the certificate of title for the respective allotment.
- b) This consent will lapse five years after the issue of the certificate of title for the respective allotment unless given effect to.

### Community Building

11.4 The total gross floor area of the community building on Lot 502 shall not exceed 200 square metres.

11.5. The maximum height of the building shall not exceed 5.0 metres above ground level.

11.6. The exterior of the community building (including water tanks) shall be finished in colours that are recessive and which blend in with the immediate environment.

The building shall be finished in colours that meet the following standards:

Colour Group*	Walls	Roofs
Group A	A05 to A14 and reflectance value $\leq 50\%$	That the roof colour is complementary with the rest of the building/s and is no greater a percentage than 25 per cent reflectance value.
Group B	B19 to B29 and reflectance value $\leq 50\%$	
Group C	C35 to C40, reflectance value $\leq 50\%$ , and hue range 06-16	
Group D	D43 to D45, reflectance value $\leq 50\%$ , and hue range 06-12.	
Group E	Excluded	
<b>Finish</b>	Matt or Low-gloss	Matt or Low-gloss

\* Based on BS5252:1976 (British Standard Framework for Colour Co-ordination for Building Purposes). Where a BS5252 descriptor code is not available, a sample colour chip equivalent to acceptable BS5252 colours is satisfactory.

**Advice Note:**

The consent holder shall engage the services of a professional to ensure the exterior cladding and colour selection are compatible with the long term durability of the building material in the subject environment and in accordance with the requirements under the Building Act 2004.

**Parking and Loading**

11.7. A minimum of 16 on-site parking spaces on proposed Lot 502 shall be provided and one loading space on Lot 502 shall be provided.

11.8 All car parking spaces, loading area and associated access and manoeuvring areas shall be sealed.

**ADVICE NOTES**

**Council Regulations**

1. The applicant shall meet the requirements of Council with respect to all Building Bylaws, Regulations and Acts.

**Other Proposed Tasman Resource Management Plan Provisions**

2. This resource consent only authorises the activity described above. Any matters or activities not referred to in this consent or covered by the conditions must either: 1) comply with all the criteria of a relevant permitted activity rule in the Proposed Tasman Resource Management Plan (PTRMP); 2) be allowed by the Resource Management Act; or 3) be authorised by a separate resource consent.

**Consent Holder**

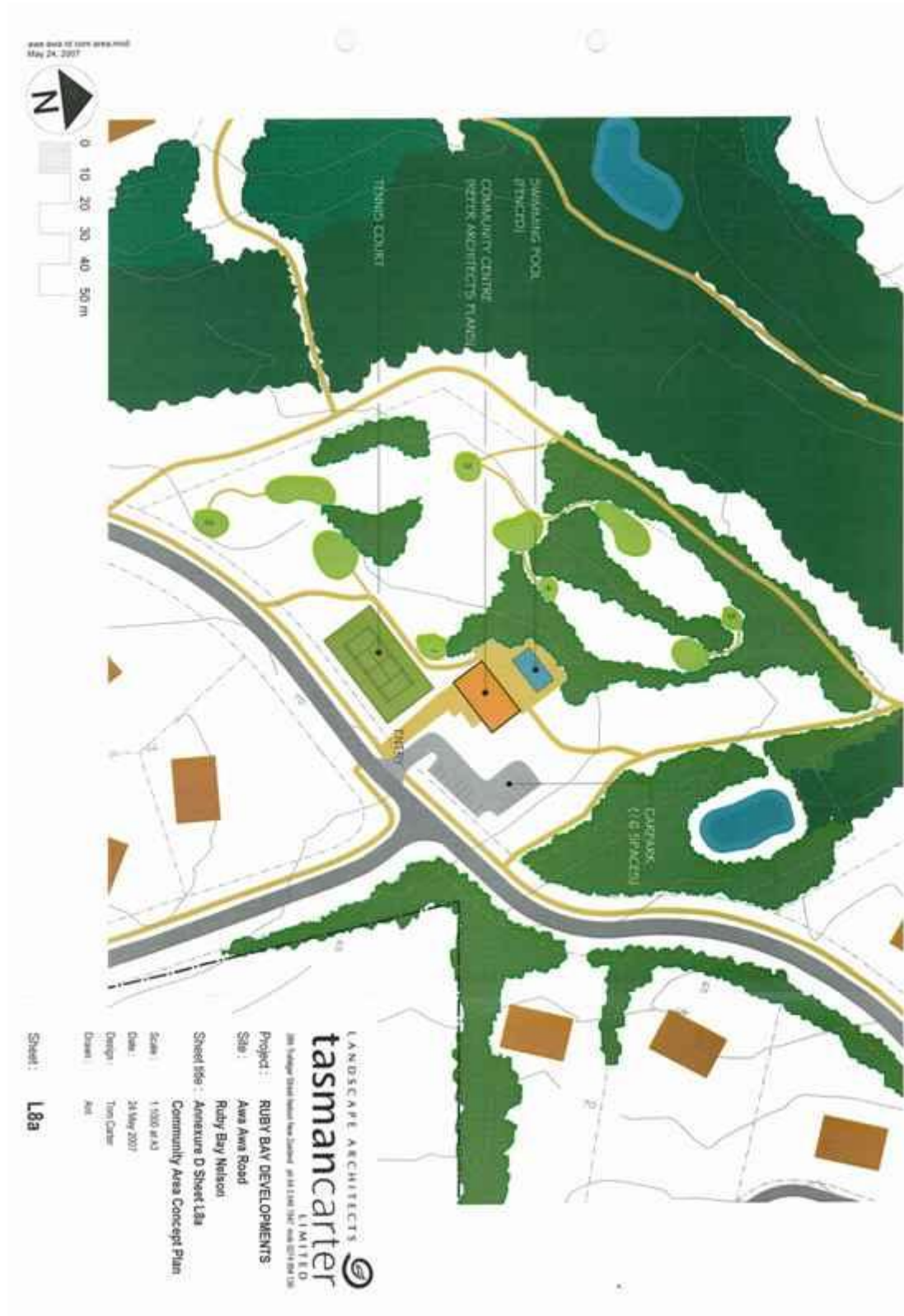
3. This consent is granted to the abovementioned consent holder but Section 134 of the Act states that such land use consents "attach to the land" and accordingly may be enjoyed by any subsequent owners and occupiers of the land. Therefore, any reference to "consent holder" in the conditions shall mean the current owners and occupiers of the subject land. Any new owners or occupiers should therefore familiarise themselves with the conditions of this consent as there may be conditions which are required to be complied with on an ongoing basis.

**Development Contributions**

4. The Consent Holder is liable to pay a development contribution in accordance with the Development Contributions Policy found in the Long Term Council Community Plan (LTCCP). The amount to be paid will be in accordance with the requirements that are current at the time the relevant development contribution is paid.

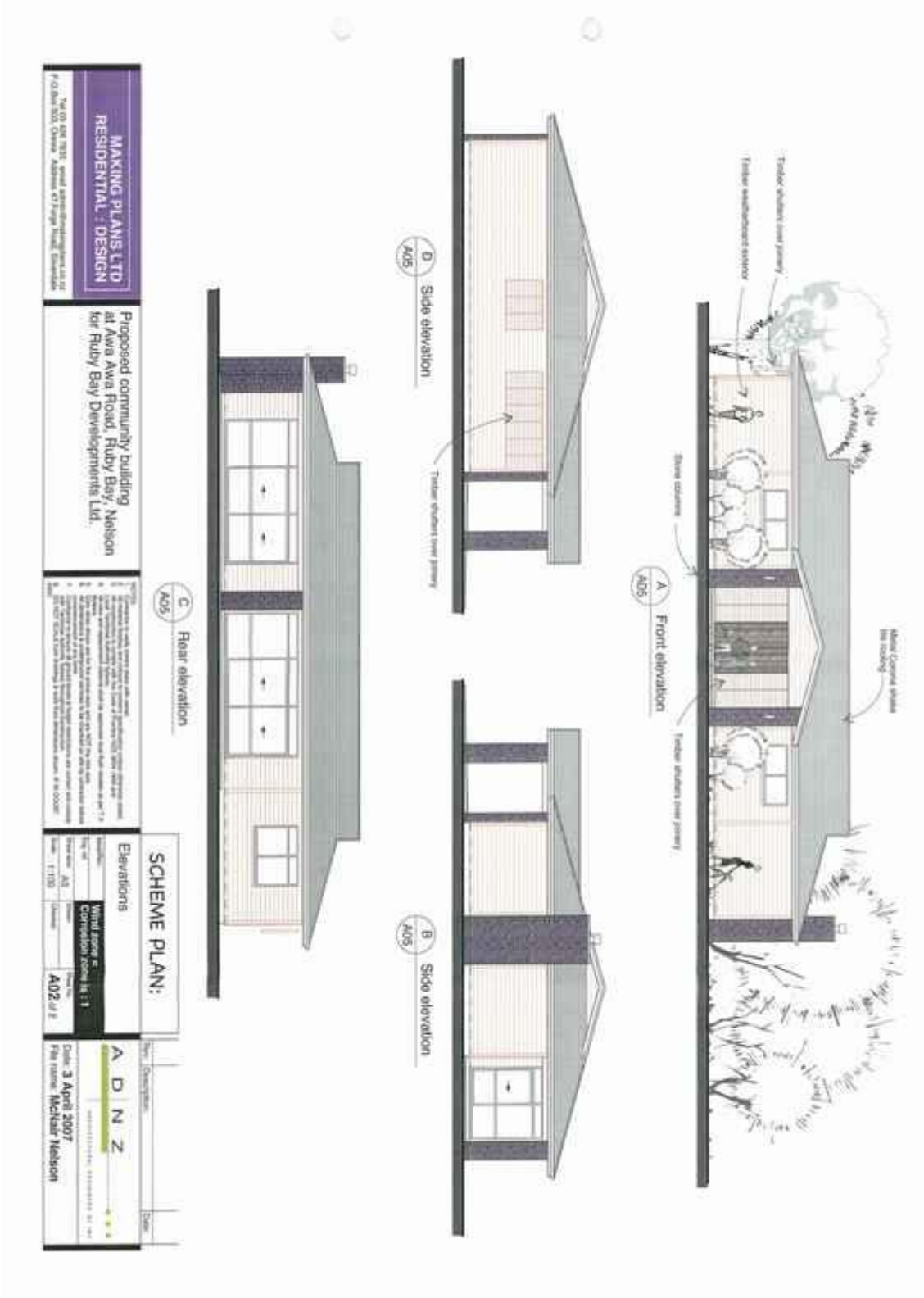
Council will not issue a Code Compliance Certificate until all development contributions have been paid in accordance with Council's Development Contributions Policy under the Local Government Act 2002.

**PLAN H**  
**RM070418**





Plan I  
RM070418



## 12. Land Use Consent (Application RM070421)

**That should the committee decide to approve the subdivision application then up to 190,000 cubic metres of earthworks and vegetation removal for the construction of roads, building platforms and stormwater devices associated with the subdivision application RM070416 be GRANTED subject to the following conditions:**

- 12.1 The Consent Holder shall ensure that all works are carried out in general accordance with the application and plans submitted by Cato Bolam Consultants on behalf of Ruby Bay Developments Ltd dated May 2007, and the accompanying geotechnical engineering report by Tonkin and Taylor Ltd dated May 2007. In particular, these details include:
- a) up to 190,000 cubic metres of cut to fill earthworks;
  - b) sediment controls including silt fences, sediment control ponds, decanting bunds, and runoff diversion bunds; and
  - c) removal of some wetland vegetation.
- 12.2 The Consent Holder shall contact Council's Co-ordinator Compliance Monitoring and/or the Consent Planner at least 24 hours prior to commencing works for monitoring purposes.
- 12.3 The Consent Holder shall take all practicable measures to limit the discharge of sediment with stormwater run-off to water or land where it may enter water during and after the construction period. In particular, the earthworks should be carried out during fine weather periods when the likelihood of erosion and sedimentation will be least.
- Advice Note:**  
The use of the methods shown in the application should be used and any other methods, as necessary, to ensure that run-off is controlled.
- 12.4 The Consent Holder shall ensure that only the minimal amount of wetland vegetation is removed during the development of the site for weed control, and existing vegetation should be retained in the gullies and hollows that feed the wetland as much as is practicable. Any indigenous wetland species removed should be retained and replaced after the works, and areas where other species/weeds are removed should be replanted with native species indigenous to this area.
- 12.5 All other bare areas shall be re-vegetated as soon as is practicable and no later than three months after the completion of the works. This is to limit erosion and downhill movement of exposed material.
- 12.6 The Consent Holder shall ensure that the site is left in a neat and tidy condition following the completion of the works.
- 12.7 Council may, for the duration of this consent, review the conditions of the consent pursuant to Section 128 of the Resource Management Act 1991 to:



- a) deal with any adverse effect on the environment that may arise from the exercise of the consents and which it is appropriate to deal with at a later stage; or
- b) to require compliance with operative rules in the Proposed Tasman Resource Management Plan or its successor; or
- c) when relevant national environmental standards have been made under Section 43 of the Resource Management Act 1991.

12.8 Pursuant to Section 125 of the Act this consent shall lapse five years after the date of this consent unless either the consent is given effect to, or the Council has granted an extension pursuant to Section 125(1)(b) of the Act.

**Advice Note:**

The consent is given effect to once excavations commence.

**ADVICE NOTES**

1. The Consent Holder shall meet the requirements of Council with respect to all Building Bylaws, Regulations and Acts.
2. This resource consent only authorises the activity described above. Any matters or activities not referred to in this consent or covered by the conditions must either: 1) comply with all the criteria of a relevant permitted activity rule in the Proposed Tasman Resource Management Plan (PTRMP); 2) be allowed by the Resource Management Act; or 3) be authorised by a separate resource consent.
3. Access by the Council officers or agents to the property is reserved pursuant to Section 332 of the Resource Management Act 1991.
4. Monitoring of this resource consent may be 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 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, with the exception of the expiry date.
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 (eg, 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.

### 13. Land Use Consent (Application RM070422)

**That should the committee decide to approve the subdivision application then disturbance of a stream bed and the placement of seven culvert structures within the bed and banks for stormwater drainage associated with the subdivision application RM070416 be GRANTED subject to the following conditions:**

- 13.1 The Consent Holder shall ensure that all works are carried out in general accordance with the application and plans submitted by Cato Bolam Consultants on behalf of Ruby Bay Developments Ltd dated May 2007, and the accompanying report by Tom Kroos and Associates dated May 2007. In particular, these details include:
- a) seven culverts within the wetland stream with sizes ranging between 525 and 1050 millimetres;
  - b) culverts design flow to 10 year return period
  - c) the culverts providing for the passage of fish.
- 13.2 The Consent Holder shall contact Council's Co-ordinator Compliance Monitoring at least 24 hours prior to commencing works for monitoring purposes.
- 13.3 The Consent Holder shall ensure that the culverts are constructed in such a manner as to minimise sedimentation and contamination to the stream during construction. Adequate scour prevention measures such as rock armouring shall be constructed as necessary, to prevent scouring of the bed and banks of the watercourse.
- 13.4 The Consent Holder shall ensure that the culverts are constructed in such a manner that the passage of fish is provided for. The water level at the outlet of the culverts should be above the culvert invert at all times, and in the event of a washout by flooding, Council's Co-ordinator Compliance Monitoring should be notified immediately, and restoration completed within three months.

**Advice Note:**

This is usually best controlled by a water level control structure 5-10 metres downstream of the outlet of the culvert. This structure can be as simple as a pile of rock across the stream, but must not be permeable (ie, the water must flow over the top) and it must not be moved in a flood (boulders or large cobbles needed). A concrete apron immediately downstream of the culvert is another solution, but it should have cobbles inserted onto the apron to provide resting places for fish.

- 13.5 The Consent Holder shall implement appropriate stormwater run-off and sediment control measures throughout the work to limit the discharge of sediment run-off.
- 13.6 All machinery on the work site shall be refuelled, and any maintenance works undertaken, in such a manner as to prevent contamination of land and surface water. Spillage of contaminants into any watercourse or onto land shall be adequately cleaned up so that no residual potential for contamination of land and surface water run-off from the site occurs. If a spill of more than 20 litres of fuel or other hazardous substance occurs, the Consent Holder shall immediately inform Council's Co-ordinator Compliance Monitoring.

13.7 The Consent Holder shall ensure that the site is left in a neat and tidy condition following the completion of the works.

13.8 Council may, for the duration of this consent, and at any time, review the conditions of the consent pursuant to Section 128 of the Resource Management Act 1991 to:

- a) deal with any adverse effect on the environment that may arise from the exercise of the consent and which it is appropriate to deal with at a later stage; or
- b) to require compliance with operative rules in the Proposed Tasman Resource Management Plan or its successor; or
- c) when relevant national environmental standards have been made under Section 43 of the Resource Management Act 1991.

13.9 Pursuant to Section 125 of the Act, this consent shall lapse five years after the date of this consent unless either the consent is given effect to, or the Council has granted an extension pursuant to Section 125(1)(b) of the Act.

**Advice Note:**

The consent is given effect to once the works commence.

13.10 The consent, if granted, should be granted for a period of 35 years, which is the maximum duration allowed under Section 123 of the Resource Management Act 1991.

**ADVICE NOTES**

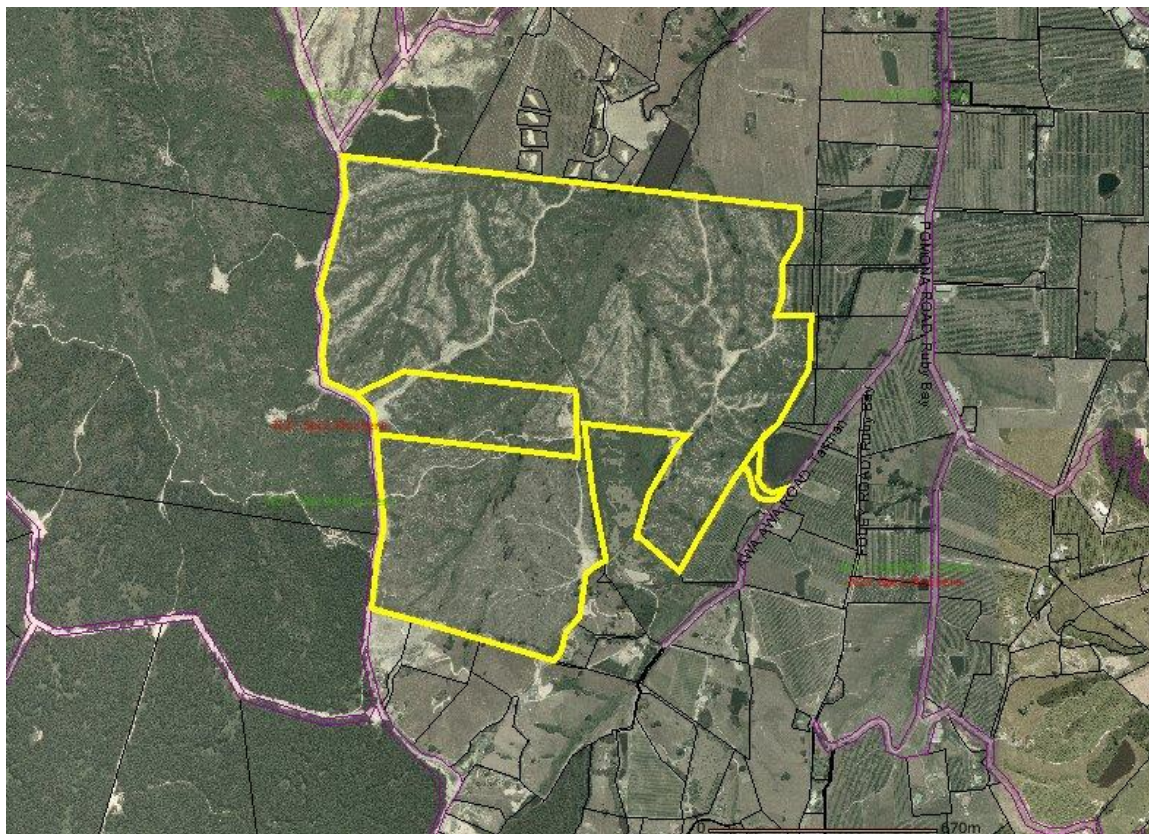
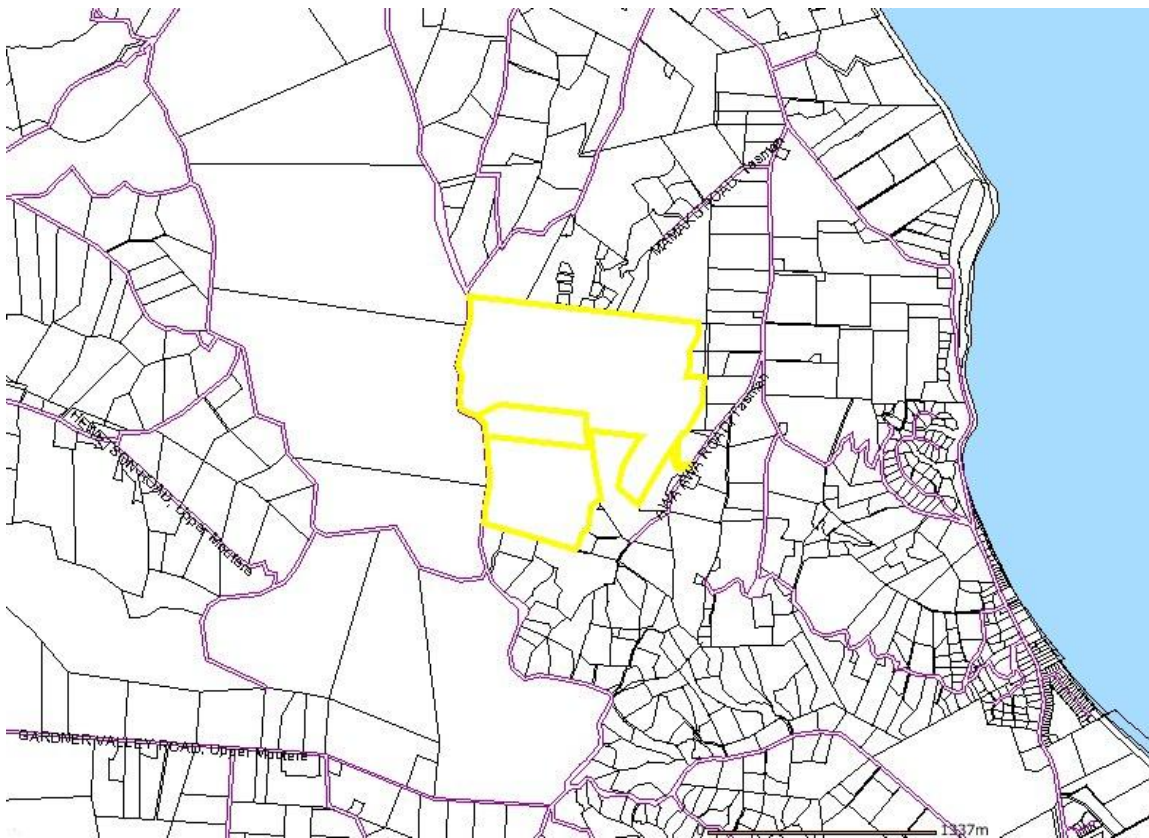
1. The Consent Holder shall meet the requirements of Council with respect to all Building Bylaws, Regulations and Acts.
2. This resource consent only authorises the activities described above. Any matters or activities not referred to in this consent or covered by the conditions must either: 1) comply with all the criteria of a relevant permitted activity rule in the Proposed Tasman Resource Management Plan (PTRMP); 2) be allowed by the Resource Management Act; or 3) be authorised by a separate consent.
3. Access by the Council officers or agents to the property is reserved pursuant to Section 332 of the Resource Management Act 1991.
4. Monitoring of this resource consent may be 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 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 (eg, 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.

Mark Morris  
**Consents Co-ordinator (Subdivisions)**

Mandy Bishop  
**Consent Planner (Land Use)**

**APPENDIX 1**  
**Location of the Subject Site**





## APPENDIX 2 Location of Submitters

OP = oppose

SU = support

NE = neutral

DNI = did not indicate



Plus submissions from:

Mapua = OP

Mapua Business Ass = OP

Ruby Bay Community Trust = OP

Transit = OP

Health Protection = DNI

Forest & Bird = NE

DOC = NE

NZ Fire Service = DNI

Richmond = SU, SU

Wakefield = SU

Takaka = OP

New Plymouth = OP

**LAND USE - Transport**

16.2.6 Discretionary Activities (Land Use)

Any land use that does not comply with the conditions for a permitted activity or the standards and

terms for a controlled activity, is a discretionary activity.

A resource consent is required. Consent may be refused, or conditions imposed, only in respect of the

following matters to which the Council has restricted its discretion:

Access and Vehicle Crossings

(1) The location and design of on-site access and vehicle crossings, including dimensions, gradient, surface standard, and any effect on the safety and efficiency of traffic on the adjoining road.

(2) The need to secure registered easements for the use of an access off the site of the activity.

(2A) The adverse effects of an overlength access.

(2B) The adverse effects of an access for more than six users.

(2C) Requirements set out in any current Tasman District Council Engineering Standards.

Parking Areas

(3) The effects of the trip generation and demand for and supply of parking.

(4) The securing of rights to use any parking off the site of the activity.

(4A) Special parking needs such as for people with disabilities, and for cyclists.

(4B) Surface standard for parking areas.

(4C) Any adverse effects from the scale or form of a parking area.

Roads

(5) The appropriateness and cost-effectiveness of the formation of any unformed legal road.

(5A) The location and design of any new road formation, including visibility between any intersection or property access and traffic on the road.

(5B) Determining the road hierarchy class of any new road, newly formed road, or any required

upgrading of an existing road.

(6) The need for and extent of any contributions towards the formation of any unformed legal road.

(7) The location and design of road formation, including driving visibility and any need for improvements at intersections.

Traffic Effects

(8) The effects of the design of the road and its traffic flows and types on the adjoining activity.

(9) The effects of traffic to, from, and within the site, on safety and amenity (including dust and noise) for occupants or users of the site and adjoining properties.

(10) The potential effect of the activity on the safety and efficiency of the road network.

(11) The effects of trip generation.

(13) Traffic effects beyond the site, including effects on carriageway width, alignment, and intersections.

(14) The ability of the site to accommodate parking, loading, manoeuvring, and access requirements.

(14AA) Effects of traffic on the pleasantness and vitality of commercial centres and on the environment, in terms of noise, generation of fumes, and the safety and efficiency of the road network.

#### Stormwater

(14A) The location and design of any road, crossing, access, or parking area, and associated structures, to manage stormwater quality.

#### Duration

(15) The duration of the consent (section 123 of the Act)."; and

#### Review

(15A) The purpose and timing of any review of conditions of consent (section 128 of the Act).

(16) Financial contributions, bonds and covenants in respect of the performance of conditions, and administrative charges (Section 108).

### **16.3.9D Discretionary Subdivision (Rural 3 Zone)**

Subdivision in the Rural 3 Zone that does not comply with the standards and terms for a controlled

activity is a discretionary activity, if it complies with the following standards and terms:

(a) Every allotment in which any building is intended to be located has a building location area shown.

(c) The subject land has not been the subject of a subdivision consent granted after 20 December 2003.

(d) The subject land is not CT 8B/1025, CT 8B/1026 or CT 11A/465, shown as Area "D" in the annotated area on the planning maps at Ruby Bay

A resource consent is required. Consent may be refused or conditions imposed, only in respect of

the following matters to which the Council has restricted its discretion:

(1) The extent to which the proposed subdivision retains and protects land with actual and potential productive values.

(2) The relationship between the subdivision proposed and the subsequent development, including effects of location and scale of buildings and other structures.

(3) Effects on the rural landscape, on amenity values and on coastal character and values.

(4) Consistency with the Design Guide for Subdivision and Development in the Coastal Tasman Area, Tasman District (refer to Part II, Appendix 3).

(4A) The interim provision of water supply for the land to be subdivided pending the availability of Council-provided reticulated services.

(4B) The provision for suitable on-site wastewater treatment and disposal services for dwellings likely to be constructed as a result of the subdivision, taking into account the provisions of rules 36.1.13A and 36.1.14A.

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

(5A) Long-term legal and physical protection of identified undeveloped open space from inappropriate subdivision and development.

(6) Management of natural hazards within and beyond the boundaries of the area.



(7) The ability of the wider landscape to absorb the extent of development proposed without significant loss of rural character.

(8) Effects of likely land contamination, such as by pesticide residues, on future activities of land.

(9) Actual and potential cumulative adverse effects. V32 12/03

(9A) The degree of compliance with Chapter 16.2 Transport rules, Chapter 18.10 Road Area

rules, and any current Tasman District Council Engineering Standards.

(9B) The relationship of any new road with existing roads, adjoining land, and any future roading requirements.

(10) Bonds, covenants, and financial contributions in addition to those specified in standards,

and all matters referred to in Section 220 of the Act.

(11) Any other criterion in Schedule 16.3A relevant to the circumstances of the proposed subdivision.

(12) Actual and potential cross-boundary effects, including reverse sensitivity of existing rural

land use activities.

(13) Noise exposure to the road network.

#### **17.5A.6 Discretionary Activities (Building Construction or Alteration)**

Construction or alteration of a building that does not comply with the standards and terms for

controlled activities is a discretionary activity, if it complies with the following standards and terms:

##### Dwellings

(a) No more than two dwellings may be placed on the site, except that no more than one dwelling may be placed on CT 8B/1025 within Area "D" of the Ruby Bay planning map.

##### Services

(b) The dwelling complies with Rule 17.5A.5(b), (c) and (d) (servicing).

##### All buildings

(c) The building complies with Rule 17.5A.4(k).

##### General

(d) If an adjoining property has horticultural plantings where pesticides may be discharged to

air, any school and its grounds, early childhood education facility and its grounds, visitor accommodation, or tourist accommodation is set back at least:

(i) 30 metres from the boundary common to the horticultural plantings and the building or grounds ; or

(ii) 20 metres from horticultural plantings where a spray belt is established along the boundary common to the horticultural plantings and the building or grounds; or

(iii) 30 metres from the horticultural plantings that are vineyards.

A resource consent is required. Consent may be refused, or conditions imposed, only in respect of

the following matters to which the Council has restricted its discretion:

(1) The location of the building on the site and the effects on the opportunity to utilise land with productive value.

- (2) Consistency with the Design Guide for Subdivision and Development in the Coastal Tasman Area, Tasman District (refer to Part II, Appendix 3).
- (2A) Location and effects of onsite servicing, including wastewater services, access and traffic safety.
- (2B) For workers' accommodation, effects relating to any on-site servicing.
- (3) Effects on the amenity values and the coastal and rural character of the area and the reverse sensitivity of existing productive activities to new residential development arising from effects across property boundaries.
- (3A) Exposure of the building to road traffic noise, including from State Highway 60 and the designated Ruby Bay Bypass, and measures to mitigate such exposure.
- (4) Effects of any proposed outdoor storage of goods, machinery or produce.
- (5) The adverse environmental effects of a higher building, including visibility on a ridgeline.
- (6) The circumstances leading to, or need for, an increase in height.
- (7) The potential for shading across property boundaries, including onto roads, from the building or any associated planting or screening structure.
- (8) The potential for landscaping, existing planting or topography to mitigate the effect of an increase in height or extent of buildings.
- (9) The adverse environmental effects of a building with reduced setbacks.
- (10) The influence of topography on shading.
- (11) The effects of natural hazards and site contamination.
- (12) The nature of adjoining uses, buildings and structures, and all adverse effects of closer development on these.
- (13) The potential for cross-boundary conflicts arising from drift of pesticides across the boundary.
- (14) The extent to which the proposed building would detract from the openness and rural character of the locality.
- (15) The extent to which the building would be compatible with existing development in the vicinity.
- (16) The potential for landscaping to maintain privacy for neighbours.
- (17) The visual impact and appropriateness of colour and materials for buildings and structures.
- (18) The degree to which views are obscured.
- (19) Any effects on natural character of water bodies and the coast.
- (20) Any effects on indigenous vegetation and habitats of indigenous fauna.
- (21) Any effects on areas of predominantly natural, coastal and rural landscape.
- (22) Any effects on ridgelines and hilltops.
- (23) For buildings and structures in or near rivers, lakes and wetlands, effects on the natural functioning of the water body, including habitat values and natural hazards.
- (23A) Any contribution of more than one dwelling on a site to cumulative adverse effects.
- (24) Bonds, covenants and financial contributions in addition to those specified in standards.

## COMMUNITY ACTIVITIES

### 17.5A.17 Discretionary Activities (Community Activities)

A community activity is a discretionary activity.

A resource consent is required. Consent may be refused, or conditions imposed, only in respect of

the following matters to which the Council has restricted its discretion:

- (1) Consistency with the Design Guide for the area.
- (2) Adequacy and appropriateness of servicing.
- (3) The extent to which the activity will result in loss of rural character and effects on productive and coastal character.
- (4) The ability to mitigate adverse noise and visual effects by screening of activities from adjoining roads and sites.
- (5) The scale of any building, structures and car parking compared to existing permitted development.
- (6) Adverse effects of the activity in terms of traffic and parking congestion on site and safety and efficiency of roads giving access to the site.
- (7) The duration of the consent and the timing of reviews of conditions.
- (8) Financial contributions, bonds and covenants.

## **RM070416 Ruby Bay Developments Ltd**

The application includes a report prepared by Dick Bennison of Duke and Cooke Ltd, valuation and property specialists. The report describes the climate, topography and soils of the application site. Whilst I generally conclude with the majority of the report some points raised require further discussion.

**Climate:** The climate in this area is not seen as a major limitation to the production of a variety of crops. The Duke and Cooke report highlights this but does emphasise that low summer rainfall is the only climatic factor that has a limitation on the productivity of the site and suggests that water storage using ponds or dams would not be feasible. Neil Tyson, Water Resource Planner, Tasman District Council, has confirmed that there is probably good scope for water harvesting on the site and that the wetland situated in the main gully on the property would not necessarily be compromised by the establishment of a dam upstream. Other gully areas in the application area would also be suitable for water capture.

The soils have been mapped as Mapua Hill soils (Soil Bureau Bulletin 30). These soils are found on the steeper slopes at the coastal end of the Moutere Formation. The application area has a range of slopes of an undulating to rolling nature. Few areas have slopes over 15 degrees. This indicates that the majority of the application area is covered by a Mapua Sandy Loam. Mapua Hill soils would be present on the two dominant south-west facing slopes on the property where slopes increase to 20 degrees. The soils have been modified over significant parts of the application area through the last forestry harvesting phase. Soil has been lost off road and track areas which generally followed the ridge lines. This will influence the establishment of pastoral species on these sites but have a negligible effect of any deeper rooting crops such as tree species.

The topography of the area has been comprehensively described in the Duke and Cooke report. The report divides the application area up into four different topographical classes:

- Easy contour: average slopes ranging from 5 to 9 degrees
- Broken contour: range of slopes with pockets of easier contour areas separated by steeper ridges and gullies
- Moderate to Steep areas: slopes of 10 to 20 degrees
- Wetland

The “easy contour” land with average slopes ranging from 5 to 9 degrees covers 49% of the area. It generally has a favourable aspect being NW facing and is described in the Duke and Cook report as being suitable for intensive horticultural production. Using this description it would be class B land under the Classification System for Productive Land in the Tasman District. (Agriculture NZ 1994). However the topography of this “easy contour” land is such that it would require major recontouring to provide any useable area for intensive horticultural production.

The land, although gently sloping, is dissected by numerous small ridges and gullies. Recontouring has been carried out successfully on land of a similar nature in the Moutere area to provide for horticultural production demonstrating the potential that it could be successfully carried out here. The majority of the mapped class B land in the Rural Three zone is suitable for horticultural production without the need for major recontouring. In its current state this “easy contour land” is not immediately suitable for horticultural production, it has the potential to be class B land with recontouring but its existing mapped class E status is correct.

The small area of class B land that is mapped at the northern end of the application area falls into the same category as the “easy contour” land just described.

The “broken contour” areas suffer from the same limitation to use as the “easy contour” land with the limitation being more pronounced. The “moderate to steep” areas have a major limitation to use and the “wetland” area is non productive. i.e. is class H land.

The Duke and Cook report concludes that the concept plan for the subdivision of the property has largely adopted the principal of retaining the most productive areas in larger blocks. This statement is questioned as it is apparent from the plan that over 63% of the residential sites are situated on the “easy contour” land which has the most productive potential. Less than 37% of the residential sites on the broken contour and none are proposed on the moderate to steep areas which have the least productive potential.

Andrew Burton  
**Resource Scientist (Land)**

**TASMAN DISTRICT COUNCIL  
COASTAL TASMAN AREA RURAL RESIDENTIAL DEVELOPMENT  
PLANNING DRAFT PROPOSALS  
LANDSCAPE AREAS DESCRIPTIVE AND ADVISORY NOTES**

**MARCH 2003**

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**INTRODUCTION**

These landscape areas descriptive and advisory notes have been prepared to accompany the map of landscape areas within the draft Rural 3 Zone. The map is one of 12 maps prepared to further assist those wishing to understand more about how the draft proposals might apply over parts of the area covered by the proposals. They are especially important for those wishing to seek resource consents for subdivision and development within the draft Rural 3 Zone in Tasman District.

These notes are neither rules or design guidelines as such, they simply reflect what are seen by Council's landscape advisors as being an appropriate outcome of the Rural 3 Zone and the associated Design Guide in relation to development opportunities within the draft zone. Accordingly, the advisory notes focus on development in the context of maintaining and enhancing the distinctive landscape qualities and values of the coastal Tasman area.

Based on landscape characteristics and values, a series of landscape units and sub units has been determined. Within each of these units a nominated number of additional house sites over and above those that exist as at 31 December 2002 has been provided to assist those considering subdivision and development. The additional house site numbers will also assist Council and developers and others in determining and monitoring the environmental capacity of each of the landscape units and sub units as well as across the Rural 3 Zone overall.

Land owners and developers who are considering or intend to subdivide and develop land in the coastal Tasman area are encouraged to discuss their aspirations and plans with Council officers and their professional advisors at a very early stage. The Rural 3 Zone offers both an opportunity to sensitively develop land in the coastal Tasman

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area whilst at the same time protecting and enhancing the landscape qualities and character of the area.

#### **LANDSCAPE UNIT FIVE**

Landscape Unit Five consists of three internal valleys like sub-units that display similar characteristics and development opportunities as those in Landscape Unit Three. The difference between Landscape Units Three and Five is in part the nature of the current land use, the steepness of the topography and the more visually apparent sub unit definition in Landscape Unit Three. In general Landscape Unit Five is more undulating, not as steep, contains more orcharding and has a more distinctive and diverse landscape pattern. However, while the sub units in Landscape Unit Five may not appear to be as visually well defined and self contained as those in Landscape Unit Three, there are distinct landscape boundaries between the sub units.

Within Landscape Unit Five considerable changes in land use are occurring with large areas of forest being clear felled and orchards being removed. Rural residential subdivision is also occurring in localities around the mid slope of the sub areas. In recent years the character of the area has changed with the removal of both forest and orchard trees. Generally the landscape in Unit Five has a more open appearance and in many areas is relatively devoid of any visible tree plantings. Trees, both productive crops, amenity or conservation plantings are an important element in the coastal Tasman landscape. Where extensive areas of woody vegetation is removed, the qualities of the landscape tend to diminish and in some cases are severely compromised.

Sub Units B & C and to a lesser extent Unit A have considerable potential for cluster like development, particularly if this is carried out comprehensively and on an individual or extensive sub unit basis. Sub units B & C also have potential for the development of rural village concepts either as stand alone developments or integrated with cluster or similar development concepts. In order to achieve the optimum outcome a comprehensive and integrated approach needs to be undertaken. Similar opportunities are available in the upper area of Sub Unit 6B, particularly if this was integrated with Sub Unit 5B.

*Within Landscape Unit Five approximately 300 additional residential sites are likely under the draft Rural 3 Zoning.*

*Maintaining the landscape qualities within Landscape Unit Five will involve –*

- Comprehensively planned proposals as a means of optimizing development opportunities.
- Maintaining as far as possible the particular character of each sub unit.
- Ensuring that substantial plantings of trees, including backdrop plantings on the higher slopes are initiated and maintained in order to provide a distinctive landscape setting for development.
- Ensuring that development of this landscape unit does not compromise development opportunities within Landscape Unit Six, particularly with regard to the background setting of Landscape Unit Six.
- Utilising existing streams, ponds and wetland areas as landscape features.
- Seeking to ensure that areas of orcharding are maintained and protected wherever possible as an integral part of the “developed” landscape pattern.
- Keeping all development off significant landforms and ridges that are characteristic and/or define the landscape sub units.
- Avoiding development on steep slopes, visually prominent landforms and where extensive earthworks are required.
- Having no development fronting or directly accessing Old Coach Road.
- Consideration of farm park concepts as an alternative to cluster developments.

#### **Landscape Sub Unit Five B**

*These 341 hectares are likely to accommodate up to 140 additional house sites under the draft Rural 3 Zoning.*

*Maintaining the landscape qualities within Sub Unit Five B will involve –*

- Avoiding visually prominent development on the main ridges and internal spurs.



- Utilising local internal terraces and plateaus for cluster like developments.
- Being mindful and sensitive to the development impacts and relationships between adjacent sub units and in particular Sub Unit 6B and to a lesser extent Sub Units 5A and 6A.
- Focusing development opportunities west of the ridge above Awa Awa Road.
- Generally keeping development below the 75 metre contour.

**RM070416**

## **1. INTRODUCTION**

The application is for approximately 115 future rural residential lifestyle lots which will have access and links via Awa Awa Road and Dicker Road to be constructed in six stages. The main link road will be a collector road together with four access roads and various right-of-ways.

## **2. BACKGROUND**

This application of some 115 lots will create approximately 805-920 vehicles per day (seven to eight vpd per lot). For the first three stages access will be gained from Awa Awa Road which in turn comes off Marriages Road and then exits on to State Highway 60 between Tasman Village and Ruby Bay.

## **3. EXTERNAL ROAD NETWORKS**

As mentioned in the Traffic Design Group report Marriages Road and Awa Awa Road are currently sealed with an approximate width of 5.4 and 5.0 metres respectively. Vehicle movements are in the order of 500 and 180 vpd respectively. Currently these two roads are itemized in Council's LTCCP for upgrade (part only) in approximately 2015-2016; 2012-2014 design and investigation. Therefore any roading development contributions received will go to those projects and other itemised roading projects as per the LTCCP. Completion of stages four to six are shown to have connection to Dicker Road and access off parts of Dicker Road.

The intersection of Marriages Road and the present State Highway 60 is also itemised for improvement. However it is my view that the existing width of Marriages Road and Awa Awa Road could cope with increases in development as the proposed subdivision progressed, but only up until the completion of stage 1. In my view the intersection of State Highway 60 with Marriages Road would become dangerous with the increased traffic movements. Therefore it is my opinion that a right turning bay on State Highway 60 should be arranged to be constructed prior to the issue of a 224 Certificate for stage one of the development. I understand the applicant has been in consultation with Transit and agreement to the design and timing of the works is pending.

Dicker (this section not maintained by Council) is presently a "clay track" that leads to the south where it links up with Old Coach Road (unsealed 4.0 metre carriageway) and thence to the top of Seaton Valley Road (sealed, 6.0 metre carriageway).

Once stages four to six are completed it is expected that owners of the new lots will use Dicker Road to access the area near Seaton Valley or Old Coach Road/Mahana locality. It is therefore relevant that upgrading of both Dicker Road and Old Coach Road will be required due to this subdivision.

At the time Council was considering Rural 3 zoning and the 2006 LTCCP was being written, Transit's plans for the Ruby Bay Bypass included bisecting Old Coach Road at the top of Seaton Valley and closing parts of Dicker Road at the southern end.

Only recently Transit have now reassessed the road alignment with the result being a horizontal shift of the road further to the west leaving Old Coach Road intact and Dicker Road in its present position and with no upgrading for both. Transits latest plan shows a connection to the top of Seaton Valley rd to the new bypass. I understand transit is not in favour of increased traffic entering the new bypass at this point and their submission may well canvas this point.

As the LTCCP presently stands these two roads will need to be upgraded due to this application and therefore as no funding is available via the LTCCP the construction will fall on the applicant to arrange to have the work completed prior to the completion of stage four. At the time of writing this report the Transit design is 90% finalised and the plans have been available public ally for viewing at the council.

#### **4. INTERNAL ROADS**

The applicant proposes five roads to vest with Council. Other access points numbered in the 300 series are deemed to be private right-of-ways.

- a) Lots 600, 602, 603 and 605 will be the main collector road connecting Awa Awa Road and Dicker Road and will be built in stages. It will carry all of the traffic from the subdivision.
- b) Lot 601 is the first access road to the north and will serve some 19 residences.
- c) Lot 604, middle access place heading south will serve approximately 13 residences.
- d) Lot 606 small access road near Dicker Road will serve approximately 12 residences.
- e) Lot 607 off Dicker Road will serve approximately 18 residences.

Various right-of-ways lead off these roads to form the clusters of houses shown on the scheme plan and dispensations will be required as some right-of-ways serve up to 11 users (301) where the maximum Council standards are six.

The main collector road would normally have a seal pavement width of 6.0 metres (2 x 3.0 metre driving lanes) plus two x 600mm gravel shoulders together with grassed swales.

The applicant's have chosen to replace the gravel shoulders with 300mm wide concrete nib kerbs similar to a recently completed subdivision off Old Coach Road. This however requires a widening of the pavement to 6.6 metres as offered by the applicant. They have also applied for a maximum gradient of 1-in-7 instead of the required 1-in-6. This can be approved as the area at the 1-in-7 grade is near the Awa Awa Road end and would be subject to being formed in a more permanent surface of asphaltic concrete.

In all other respects the applicant proposes to comply with the roading and right-of-way requirements as outlined in the TRMP and Engineering Standards.

## **5. STREET LIGHTING**

Much discussion has taken place in regard to rural/residential road and pedestrian lighting. Councillors resolved these issues through a sub-committee resolution passed by the Environment and Planning Committee (RMP06/03/15) and the Engineering Services Committee (RWK06/04/07)

These resolutions require that lighting is required for pedestrians of a P4 type 6 lighting standard and there is some flexibility in their location. The applicant does not wish to provide these lighting requirements instead only complying with the mandatory flag light intersection lighting standard.

## **6. WATER RETICULATION**

As outlined in the LTCCP water supply into the area from the Coastal pipeline water supply project is programmed from 2012. However this timeframe may be altered due to consenting issues at the water source. As an interim measure the applicant is proposing that each site source their water requirements from roof water and that firefighting supply also be provided.

## **7. WASTEWATER AND STORMWATER DISPOSAL**

Each of these services will require mitigation on site and will be dealt with at the time of a building consent.

## **8 POWER AND TELEPHONE**

The above services will be provided to each residential lot and constructed underground to the line operator's requirements. This has been accepted by the applicant.

## **9. RECOMMENDATION**

Should the Committee, after hearing all the evidence decide to grant consent then the following conditions should form part of the consent

### **9.1 Road Naming**

Proposed road names and reasons shall be submitted to Council prior to a 223 Certificate and subsequent rural numbers will be allocated by Council in due course. Note, road names shall not be similar to any in the rest of the district or Nelson city.

### **9.2 All roads to vest shall be formed with a 2-coat chip seal (ie grade 4 and 6 chip), 6.6 metre sealed width and two x 300mm concrete nib edge restraints plus grass swales, maximum grade 1-in-8.**

A 1.4 metre footpath shall be formed on the general outside edge of the proposed road to vest.

A dispensation to reduce the grade in one area near Awa Awa Road to 1-in-7 is approved subject to the surfacing being in asphaltic concrete.

- 9.3 Dicker Road/Old Coach Road – Dicker Road fronting the subdivision shall be formed to collector road standard, ie 6.0 metres wide, 2-coat seal width plus two x 600mm shoulders. A 1.4 metre footpath shall be constructed along Dicker Road but offset from the carriageway. Pedestrian and flag lighting and appropriate pavement markings and signs will be required in all road construction areas.

Dicker Road and Old Coach Road from Lot 206 to where the seal starts in Old Coach Road South shall be formed up to the standard previously outlined above for Dicker Road prior to a 224 Certificate being issued for Stages 4, 5 and 6.

A right turn bay on State Highway 60 shall be constructed prior to the issue of a 224 Certificate for Stage 2 of the application.

The road access from the road to vest (Lot 600) shall enter on to Awa Awa Road at right angles with appropriate signage and paint marking installed depending on sight distance requirements.

Note, a reminder that should any private pipelines on structures etc. be contemplated to be located on future road reserve then appropriate approval will be required prior to the issue of a 223 Certificate.

Dugald Ley  
**Development Engineer**

**RM070416**

The report by the principal planner outlines the proposed subdivision. This memorandum provides comments from the Community Services Department with respect to walkways and reserves within this subdivision proposal.

**Proposed Reserves and Walkways**

Staff from the Community Department have visited the application site on three separate occasions to consider the application and would like to make the following comments regarding the acquisition of reserves and the provision of public cycleways/walkways.

- i) Staff support the provision of walkways within the proposed subdivision. However, only those identified on Plan F attached to the planners report are recommended as public dual walkway/cycleway linkages. These public access easements will provide a short off road connection between the two principle roads within the subdivision and a walkway adjacent to the wetland extending to the boundary with the adjoining property to the north (the purpose of this connection being to ultimately provide a walkway/cycleway connection from Awa Awa and Dicker Road (and the roads within the proposed subdivision) to Mamaku Road to the north).
- ii) With regard to proposed lots 400 and 401 being vested as reserves, Community Services has some reservations with respect to their vesting and size due to their purpose, location, cost of acquisition and ongoing maintenance.

Community Services would only recommend accepting the reserves remaining at their proposed size (lot 400 being 8,000 m<sup>2</sup> and lot 401 being 6,000 m<sup>2</sup>) subject to the following conditions;

- a) the applicant submits landscaping plans (to be approved by the Reserves Manager) and undertakes and maintains plantings for a three year period; and
- b) the reserves are vested with no credit being made to reserve fund contributions.

The reason for this is that we are of the opinion that the future use of the reserves by the local and wider community will be quite limited. Although the proposed reserves are large given their rural location (8,000 m<sup>2</sup> and 6,000 m<sup>2</sup>), their use would be limited by their relatively "out of the way" rural location, the presence of large areas of community owned land and their topography. What the Community Services Department is looking for in these more remote rural locations are small rest/viewing/informal recreation areas.

It is considered that there is ample room for informal recreation for immediate residents within the proposed Rural 3 allotments (sizes range from 3,000 m<sup>2</sup> to 1.2 hectares in area), the proposed community centre and the community owned allotments administered by the residents association.

It is acknowledged that the proposed large reserves will help mitigate the effects arising from the intensity of development by forming attractive gateways to the subdivision, additional informal meeting areas for residents, buffer areas between clusters of development and will act as a link within the greenway corridors which traverse the development. However, we feel that they will have limited benefits for the wider community.

If Council accepts the vesting of the entire area of both reserves Community Services accepts that there will be significant ongoing maintenance costs. However, we are reluctant to recommend a credit of reserve fund contributions for the vesting of large reserves which we feel will have limited benefits and use.

Note: If the reserves are vested in Council it is recommended that the applicant provide and form six public parking spaces within the road reserve adjoining proposed Lot 401 and 4 spaces adjoining proposed Lot 400.

Rosalind Squire  
**Community Services Department**