



## STAFF REPORT

**TO:** Environment & Planning Subcommittee

**FROM:** Laurie Davidson – Consents Planner, Golden Bay

**REFERENCE:** RM070991

**SUBJECT:** **PEKITA COMPANY LIMITED - REPORT EP08/11/16** – Report prepared for hearing of 17 November 2008

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### PROPOSAL

To use an existing building as a second residential dwelling at 110 Tangmere Road, on land described as Lot 1 Deposited Plan 18740, being land comprised in Certificate of Title NL Volume 12B Folio 1277, zoned Rural 1.

**LOCATION** 110 Tangmere Road, Golden Bay

### ZONING

Tasman Resource Management Plan Rural 1

### RESOURCE CONSENT TYPE

Tasman Resource Management Plan Discretionary Activity – Land Use

### NOTIFICATION

Council processed this application under the provisions of the Resource Management Act 1991 as a notified application, as there were neighbours that had been identified as “affected parties” who chose not to provide written approval. There was also some concern the proposal had some potential to create effects that may have been more than minor.

Written approvals pursuant to Section 94 of the Act have been provided by:

- E Herzog
- J S Freeman
- D J Campbell
- B N and P A Jones

### SUBMISSIONS RECEIVED

- S C Lindsay
- T A Polglase

## **1. INTRODUCTION**

An application has been lodged by Pekita Company Limited to enable an existing building on the site to be used as a second dwelling. The applicant has a resource consent (RM000034) that authorised the use of the building as a dwelling to accommodate a dependent relative. That authorisation requires the building to revert to a craft studio when it is no longer used for the accommodation of a dependent relative and also required a covenant to be registered on the title to that effect. The application was processed as a non-notified application and it had the written approval of all affected parties.

Since that consent was granted, the dependent relative passed away and it appears the dwelling was re-let to a non-family member and more lately, has been let to house Harry Sarll, an autistic member of the Golden Bay community who requires full time supervision and care. It also appears the covenant required by consent RM000034 was never entered on the title by the consent holder.

Neighbours who previously had provided their written approval for consent RM000034 lodged complaints with Council in relation to the non-compliance with the consent that had been issued and an abatement notice was issued following an investigation by Council's compliance section. The abatement notice requires the owners of the property to cease the unlawful use of the building as a dwelling. After discussion with Council's Compliance Officer, it was agreed an application could be made to replace the earlier consent, providing it followed the correct resource management process. Accordingly, the current application has been lodged.

Council has considered the current application that failed to provide the written approval of two neighbouring properties that were deemed to be "affected parties" and has processed the application as a limited notified application under the provisions of Section 94 of the Resource Management Act 1991.

## **2. SITE DESCRIPTION**

The applicants' property is a title of 2.9523 hectares in area that is located within the Rural 1 Zone at Tangmere Road. The property has two dwellings and accessory buildings that are sited to provide two areas of residential use among a variety of plantings that include avocados, olives, citrus and feijoas, with a significant part of the property in pasture. The amenity plantings on the property provide effective screening on parts of the boundary and within the site.

The land in this part of Rototai has characteristics that provide a unique climate that is able to grow a range of sub-tropical species, making it a productive horticultural area. Land to the south is a productive dairy farm, while the other smaller allotments nearby are primarily lifestyle blocks. There are no Council services in this part of Golden Bay, other than roading and dwellings rely on on-site waste water systems to treat household waste water. The property is provided with a bore for a water supply, but there does not appear to be a water tank provided for either dwelling to satisfy the fire fighting requirements of the Tasman Resource Management Plan.

The area is located in an identified flood plain that is generated by the Takaka river, but that aspect is of little consequence in this case as the building is existing. In a similar vein, the property is partly within the Coastal Environment Area, but there are no coastal issues associated with the development of this property that affect this application.

### **3. NOTIFICATION AND SUBMISSIONS**

The application was notified as a limited notification on 25 July 2008. Submissions closed on 22 August 2008 and two submissions were received. The submissions oppose the application and ask that it is declined. The submitters wish to be heard in support of the submission.

#### **3.1 S C Lindsay**

Ms Lindsay is the owner of an adjoining allotment at 195 Tangmere Road, which is on the northern side of the subject site. She has lodged a submission opposing the application and considers a second dwelling should not be permitted on Rural 1 land. She believes granting consent will create a precedent for other properties wanting to have more than one dwelling on Rural 1 land and it will also increase the potential for subdivision of the site. She does not believe the process adopted by the applicant in this case to obtain a second dwelling is a fair and just process and they have been using the building for some six years in contravention of the conditions of consent that was granted for a dependent relative. She believes the issue of who is tenancing the dwelling is irrelevant in this case and this may be being used as “emotional blackmail”. She has queried what the wastewater requirements are for two dwellings on an allotment of this size and asks why other larger properties in this area cannot have a second dwelling.

She has asked that the application be declined and seeks to be heard at the scheduled hearing for the application. She has provided some suggestions in relation to conditions, including the provision of a “no subdivision” condition, allowing other properties in this area to have second dwellings and fencing between the two properties.

#### **Comment:**

It is accepted there is some question in the process of applying retrospectively for a second dwelling on the subject site, when there is a condition of consent that made the future of the building quite clear when the 2000 consent was granted. That matter is discussed in more detail in this report, but in brief, it does not create a situation where any decision that changes an existing consent is creating a precedent. In some cases where a second dwelling is approved, Council has required a “no subdivision” covenant to be registered on the title and that procedure provides some protection in relation to subdivision of allotments such as this one. The question of tenancy is a matter that Council has little control over and the issue with this application is the provision of two dwellings on Rural 1 land rather than who is living in them. The provision of Community Activities (which includes health care) may have some relationship to assisted living in rural areas and this is discussed further within this report.

In relation to the suggested conditions, should Council consider granting consent, they cannot be readily implemented as conditions. A condition preventing someone from applying to do something they can legally apply for, even if it is contrary to many provisions of a District Plan, would be ultra vires. Any other property in this part of Golden Bay has the opportunity to apply for a second dwelling and each case is treated on its merits. The reason for asking for a solid fence between applicant's property and Ms Lindsay's is not clear and it would have to have particularly compelling reasons to require such a fence in a rural area.

### **3.2 T A Polglase**

Mr Polglase is an owner and occupier of a property to the north of the applicants land at Rototai. He has summarised the history of the applications that Pekita Company have made in the past and how they have used the buildings on the site. He has also summarised the difficulties he has had to have the situation investigated and appropriate action taken. This took place over a period of time and finally resulted in an abatement notice being issued in 2008 and the current application to obtain consent for a second dwelling on the property. Comment is made that Council would not permit him to have a second dwelling on his property and he believes "questionable methods" have been adopted by the applicant to gain consent for two dwellings on the subject site. He believes the applicant has used an emotive approach to put pressure on Council to grant consent so the current tenant can be accommodated on the property and that this is irrelevant to the current application.

He has asked that the application is declined and the conditions of consent RM000034 are enforced. He has asked to be heard in support of his submission.

#### **Comment:**

The situation in relation to the applicant's property has been on-going for a considerable period of time and this has not helped the situation in relation to neighbours who originally gave approval for a second dwelling for a dependant relative. He correctly states the applicants have chosen to use the newer building as their dwelling rather than the older property that is currently occupied by Harry Sarll. That does not create particular problems for the administration of the Tasman Resource Management Plan, but it does not permit the other building to be used as a second dwelling. Council has always made it clear the consent granted was for a dependant relative to live in the second dwelling, and when this was no longer required the building should have reverted to a craft studio. That does not mean an application cannot be made for a different use, but that should be done before the use is changed.

## **4. ASSESSMENT**

The application before the Committee is a Discretionary Activity in terms of the Tasman Resource Management Plan in relation to the Rural 1 Zone A second dwelling on a title of less than 24 hectares is a Discretionary Activity.

The Tasman Resource Management Plan has progressed through the District Plan process and is now operational in relation to the Rural 1 Zone. The Tasman Resource Management Plan is the appropriate plan to use when considering this application and the Transitional District Plan (Golden Bay Section) has no relevance to this application any more.

The Committee may grant or decline an application for a Discretionary Activity, pursuant to Section 104(B) of the Resource Management Act and if consent is granted, conditions may be imposed pursuant to Section 108.

In making such a decision, the Committee is required to first consider the matters set out in Section 104(1) of the Act, in addition to the matters set out in Section 7. Primacy is given to Part II of the Act, “the purpose and principles of sustainable management of natural and physical resources.

The decision should therefore be based, subject to Part II of the Act, on:

- i) The actual and potential effects on the environment of allowing the activity;
- ii) Any relevant provisions of national coastal or regional policy statements;
- iii) Relevant objectives, policies, rules or other provisions of a plan or proposed plan; and
- iv) Any other matters the Committee considers relevant and reasonably necessary to determine the application.

## **5. RESOURCE MANAGEMENT ACT**

The purpose and principle of the Act 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:

- a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations;
  - b) Safeguarding the life-supporting capacity of air, water, soil and ecosystems;
- and
- c) Avoiding, remedying, or mitigating any adverse effects of activities on the environment”.

### **5.1 Matters of National Importance**

The matters of National Importance are set out in Section 6 of the Resource Management Act. There are no matters identified in this Section that have particular relevance to this application.

## **5.2 Other Matters**

Section 7 of the Resource Management Act sets out the other matters that any person exercising powers or functions must have regard to in relation to managing the use, development and protection of natural and physical resources. Matters that are relevant to this application are as follows:

- (b) The efficient use and development of natural and physical resources:
- (c) The maintenance and enhancement of amenity values:
- (f) Maintenance and enhancement of the quality of the environment:
- (g) Any finite characteristics of natural and physical resources.

These other matters have relevance to this application and in particular those relating to the efficient use of natural and physical resources, amenity values and the quality of the environment. These are also reflected in the policies and objectives in the Tasman Resource Management Plan and other planning instruments.

## **6. STATUTORY PLANNING DOCUMENTS**

### **6.1 Tasman Regional Policy Statement**

The Tasman District Council has prepared a Regional Policy Statement in accordance with the provisions of the Resource Management Act and this became fully operative in July 2001. The Statement takes national policies and refines and reflects them through to the local area, making them appropriate to the Tasman District. Council is required to have regard to the Regional Policy Statement as an overview of resource management issues.

The policies that are considered relevant to this application are set out in Appendix A to this report.

### **6.2 The Tasman Resource Management Plan**

The Tasman Resource Management Plan (TRMP) is now an operational plan and is the statutory planning document that should be used to assess this application.

The Plan sets out a range of policies and objectives that are pertinent to sustainable development. The sections of the plan that relate to the rural land and site amenity are particularly relevant to this application. These are fundamental to the protection of productive rural land and amenity values for this part of Golden Bay. Any land use must be deemed to be in accordance with relevant objectives and policies pursuant to Section 104(1)(b) of the Act.

Because the TRMP was developed to be consistent with the Regional Policy Statement, the assessment would also be considered to satisfy an assessment under the Regional Policy Statement.

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

<i>Chapter 5 – Site Amenity Effects</i>	Council must ensure the rural character and amenity values of a site and the surrounding environment are protected, and any actual or potential effects of the proposed land use should be avoided remedied or mitigated so they are minor.
<i>Objectives 5.1 5.2 and 5.3</i>  <i>Policies: 5.1.1, 5.1.3, 5.1.4, 5.2.1, 5.2.2, 5.2.3, 5.2.4, 5.2.7, 5.3.2,</i>	Management of the effects of the proposed use must protect the use and enjoyment of other land in the area and the amenity of the local area, while allowing a variety of housing types.
<i>Chapter 7 – Rural Environment Effects</i>	The use of the rural environment for activities other than productive land use can occur in certain locations, but it should be undertaken in a manner that does not compromise the rural character or amenity values. In this case the area has a particular rural character and produces a range of horticultural products.
<i>Objectives 7.1 and 7.2</i> <i>Policies 7.1.2, 7.1.2A, 7.2.1, 7.2.1A</i>	The objectives and policies provide a strong framework to protect and preserve the Districts rural land in particular that land that is available for soil based production.

The objectives and policies that are considered relevant to this application are set out in Appendix B to this report.

The TRMP provides a clearly defined policy through the rural environment policies to protect and preserve the Districts rural land and Objective 7.1, supported by Policies 7.1.2 and 7.1.2A are particularly relevant to this application.

## **7. ACTUAL AND POTENTIAL EFFECTS OF ALLOWING THE ACTIVITY**

The application lodged by Pekita Company Limited seeks consent to use an existing building as a dwelling, making a total of two dwellings on a 2.953 hectare title. The building had previously been intended to be used to accommodate a dependant relative until it was no longer required, then it was supposed to be converted to a craft studio. Apart from the non-compliance with an existing consent, the current proposal has the potential to create actual and potential effects. These matters are now discussed in more detail to assess their relevance to this application.

### **7.1 Permitted Baseline**

The permitted baseline for the subject property that is zoned Rural 1, allows one dwelling on a title of 2.9523 hectares as a Restricted Discretionary Activity, as the title was issued after 25 May 1996. A second dwelling does not meet the criteria for a Discretionary Activity, as in that case, the title is required to be not less than

24 hectares. The current proposal remains as a Discretionary Activity under Section 77C of the Resource Management Act 1991, as there are no Non-Complying or Prohibited Activities specified in the Tasman Resource Management Plan (TRMP).

As such, the permitted baseline has little relevance to this particular proposal, and the actual and potential effects of multiple dwellings on Rural 1 land need to be carefully considered. If adverse effects are identified, consideration should be given as to whether any mitigation measures are required.

## **7.2 The Use of Rural 1 Land**

Golden Bay has a limited amount of Rural 1 land available for productive rural purposes and by far the majority of it is utilised by the dairy industry to supply milk for processing by Fonterra. There are a number of properties in the Rural 1 Zone that are used for horticultural production and this part of Rototai demonstrates a range of fruit and vegetables can be successfully produced, including some that would be more difficult to grow in other areas. This property and others nearby show feijoas, avocados, citrus and olives can be produced successfully and the area has a micro climate that allows the production of sub tropical fruits.

Using productive land for residential purposes can have a limiting effect on its potential use and any adjoining productive land. The TRMP requires a setback between a dwelling and horticultural plantings where pesticides may be discharged to air and in this case the dwelling is approximately 16 metres from the adjoining property to the north where a range of citrus is produced. While the house has existed on that site for many years, granting consent to an additional residential use in that position can have some elements of reverse sensitivity. The newer dwelling on the property that is occupied by the applicants is located in a complying position in relation to this setback from any adjoining property.

Overall, the TRMP does not support intensification of residential uses on Rural 1 land and in this case, the residential uses have been established on the site without the correct approval. The current application is seeking to formalise the use of the land for two residential uses.

## **7.3 The Use and Potential Use of the Subject Land**

While Section 8.2 of this report discusses the general use of productive rural land, it is appropriate to look at the actual use of the Pekita Company land. The title is relatively small (2.9523 hectares) and it can best be described as a lifestyle property, as are others in this area. The land does have the potential for much more intense use, particularly the land to the east that is currently in pasture.

In this case, the buildings are well established and the use of the dwelling that is the subject of this application has a limited effect on the use of the applicants land, whether it is used for a craft studio or a dwelling. The productive trees planted in the vicinity of the building tend to be species that do not require a great deal of spraying with pesticides and the future use of the future use of the land to the east is not limited by the position and use of the building as either a dwelling or a craft studio.



From a “use of productive land” point of view, the current and potential use of the applicants land is not really compromised in this case and no additional productive land is lost should consent be granted to the application. The property is more likely in the longer term to continue to be used as a lifestyle block and the land can be used successfully for productive purposes to provide some income.

#### **7.4 Amenity Values**

The Tangmere Road area is a particularly attractive part of Golden Bay with a variety of properties used for both productive and lifestyle uses. The established vegetation in this area provides a visual screen between properties and preserves the current rural amenity. Intensification of residential use has the potential to alter that amenity, but the current situation sees very little change whether the building is used as a dwelling or a craft studio.

As the building has been used as a dwelling for some time, any change to the amenity of the area would be likely to be minor. A visit to the property and surrounding area finds the building is very difficult to detect and its location is generally very discrete.

A suggestion by submitters that all properties in this area should be allowed to have a second dwelling if the current application is approved is not able to be supported and the question of precedent should not be a base for considering any further application for increased residential activity.

#### **7.5 On Site Access and Servicing**

The property is provided with access to both dwellings formed to a metalled surface and in compliance with TRMP requirements. Garaging is provided near each building and there are additional areas readily available for parking should it be required. The on site parking that is provided for each dwelling also meets TRMP requirements.

As the area is not provided with waste water or water reticulation, provision is made for on-site servicing to cater for each dwelling. This appears to be satisfactory and in conformity with TRMP requirements.

#### **7.6 Community Activities**

The TRMP makes provision for the use of land and buildings for the care and welfare of people as a community activity as long as that is the primary purpose of the land and buildings. These are permitted in a Residential Zone providing the vehicle movements associated with the activity does not exceed 30 vehicle movements per day.

The Rural 1 rules specifically exclude Community Activities from the Permitted Activity status and they become a Discretionary Activity under the TRMP.

It is questionable whether the care of Harry Sarll in this building is a Community Activity as it is not the primary purpose of the land and buildings on the subject site. The dwelling itself is certainly being used for this purpose, but it is contended the site is a rural lifestyle property and that is the primary use of the site.

When considering this application, the use of the dwelling is not a consideration that should affect the decision making process and it is solely the provision of a second dwelling on the site that the Committee should be focussed on. It is clear the dwelling is suitable for the care that is being provided for Harry Sarll and should the application be approved, that use can continue without the need for any additional consents.

## **8. OTHER MATTERS**

The current application comes about as a result of action being taken by Council's Compliance Section for failure to comply with the conditions of consent RM000034 that was granted to enable the applicant's mother to be accommodated on the property as a dependant relative. That application had the written approval of surrounding neighbours who Council deemed to be affected parties, allowing the application to be processed as a non-notified application. It is very disappointing the consent holder chose not to comply with the conditions imposed and allowed the dwelling to be let. They also failed to register the covenant on the title, which was a requirement of that approval.

Council has generally been reluctant to grant approval for second dwellings on Rural 1 land as it leads to an increased residential activity that can cause reverse sensitivity issues. Council can also be faced with applications to subdivide that are based on a principle that nothing further is happening if a title is placed around an established residential use. On that basis it is difficult to support increased residential activity in Rural 1 Zones.

The letter from Council's Compliance Officer dated 25 March 2008 included an abatement notice requiring the cessation of the use of the building as a dwelling and allowed a period of just over two months to comply with that direction. It also intimated a variation of consent RM000034 could be made to allow the continued use of the building as dwelling, but did not establish any basis that Council would consider approving such an application. It is however legally possible to consider such an application to permit the building to continue to be used.

The current application contains information and a statement from Mr Meares that IHC were considering purchasing a house in Golden Bay in three to five years and also at that time he was considering down-sizing his jewellery business and setting up a studio at home. On that basis it may be an option to grant consent to allow the dwelling to be used for a limited duration then convert it back to a studio as was originally intended and allow it to be used in conjunction with a home occupation. In that case, it would be appropriate for the applicant to volunteer a "no subdivision" covenant.

## **9. CONCLUSION**

The application lodged by Pekita Company Limited to allow an existing building to be used as a second dwelling at 110 Tangmere Road, Rototai is a Discretionary Activity as the site is zoned Rural 1 and the allotment is less than 24 hectares in area. This application was lodged following the service of an abatement notice in March 2008, requiring the cessation of the use of the building as a dwelling.

A consent issued in 2000 granted approval for a second dwelling to be established on the property to house a dependant relative, but the use as a dwelling was to cease and the building revert to a craft studio when it was no longer used for that purpose. Instead of that happening the consent holder chose to let the dwelling for residential accommodation and more latterly to Harry Sarll in conjunction with the IHC for residential community care. While the care of Harry is a very important social function that Council fully appreciates, it is not a basis for making a resource management decision about the future use of the building.

The application is being evaluated under the Tasman Resource Management Plan which is now operative and is the appropriate Plan for evaluating this proposal. The policies and objectives of the Tasman Resource Management Plan provide a framework to assess the application. As such it is important to weigh the issues appropriately to determine how the proposal fits with the Plan. The policies and objectives that relate to the use of rural land and site amenity are particularly relevant to this application.

The application has been processed as a limited notified application and attracted two submissions from the neighbours to the north of the site. Those submissions oppose the application and ask that it is declined. The submissions have identified a number of areas of concern that they consider are relevant to the current application. The main concerns in this case relate to the compliance with the conditions of a consent granted in 2000 and the consistent administration of the TRMP.

While the location of the dwelling is discrete the effects of allowing additional residential development in a Rural 1 Zone can go beyond the actual location of the building. This effect can result in reverse sensitivity for other properties in the area both in the short term and in the future. I believe the effects of the second dwelling in the longer term can be seen to be more than minor.

A reasonable compromise in this case may be to consider granting consent for a limited period to allow the dwelling to be used for rental accommodation but at the termination of that period the building should revert to a craft studio that can be used by the consent holder in conjunction with a home occupation. On that basis it can be contended the effects are deemed to be more minor and both the integrity of the TRMP and the consistent administration of the Rural 1 Zone rules are not compromised. Such a decision can replace the existing consent (RM000034), but also include some conditions that will secure the period of the consent.

On that basis I am prepared to recommend consent be granted for a defined period of time, subject to appropriate conditions.

## **10. RECOMMENDATION – LAND USE:**

Pursuant to Section 104(B) of the Resource Management Act 1991, I recommend the application by Pekita Company Limited to allow an existing building to be used as second dwelling at 110 Tangmere Road, Rototai, on land described as Lot 1 DP18740, all land comprised in Certificate of Title NL 12B/1277, being land zoned Rural 1 is granted. If consent is granted, I recommend the following conditions are included;

1. The existing building shown as "A" on plan RM080423 dated (*date of granting consent*) is approved as a second dwelling for residential accommodation for a period expiring 1 December 2013. At the termination of that period, the dwelling shall revert to a craft studio or other permitted use that is in conformity with rules of the Tasman Resource Management Plan, or relocated off the site.
2. The consent holder shall register a covenant in favour of the Tasman District Council on the title of the property that no application shall be made to subdivide the property on the basis of the approval of the building as a second dwelling during the term of approval.
3. Existing vegetation around the second dwelling shall be retained and managed to provide a visual screen when viewed from any adjoining property.
4. The property shall be provided with a water tank of not less than 23000 litres that is located between the two dwellings and fitted with a 50mm camlock coupling for fire fighting purposes.



Laurie Davidson  
**Consents Planner (Land)**  
**Golden Bay**

Policies and objectives appropriate to this application are as follows:

**General Objectives**

- GO 1 Maintenance and enhancement of the quality of the Tasman District Environment.
- GO 2 Maintenance of the biological diversity and healthy functioning of land and ecosystems.
- GO 3 Avoidance, remedying or mitigation of the adverse effects on the environment and the community from the use, development or protection of resources.
- GO 4 Efficient use and development of resources.
- GO 5 Maintenance of economic and social opportunities to use, and develop resources in a sustainable manner.
- GO 8 Open, responsive, fair and efficient processes for all Resource Management decision-making.
- GO 9 Resolution of conflicts of interest in resource management between people in the community and within Council.

**Land Resource Objectives**

- Obj 6.3 Avoidance, remedying, or mitigation of adverse cross boundary effects of rural land uses on adjacent activities
- Pol 6.1 Council will protect the inherent productive values of land from effects of activities which threaten those values, having particular regard to ;
  - i) the effects of land fragmentation on productive values; and
  - ii) the protection of land with high inherent productive value; and
  - iii) the protection of significant natural or heritage values; and
  - iv) the availability of water to support productive values.
- Pol 6.2 Council will ensure that subdivision and uses of land in the rural areas of the District avoid, remedy or mitigate adverse effects on;
  - i) productivity and versatility of land, particularly in areas of high productive value, and
  - ii) provision of services, including roading, access, water availability waste water treatment or disposal, and

iii) amenity, natural and heritage values of sites, places or areas including landscape features such as karst terrain, and

iv) accessibility of mineral resources, and

v) socioeconomic viability of adjacent areas

and that are not unnecessarily exposed to adverse effects from;

a) adjacent land uses across property boundaries

b) natural hazards

**Proposed Tasman Resource Management Plan**

Policies and objectives appropriate to this application are as follows:

**Site Amenity**

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. *(Objective 5.1.0)*

To ensure that any adverse effects of subdivision and development on site amenity, natural and built heritage and landscape values and contamination and natural hazard risks are avoided, remedied or mitigated. *(Policy 5.1.1)*

To limit the intensity of development where wastewater reticulation and treatment are not available. *(Policy 5.1.3)*

To avoid, remedy, or mitigate effects of:

- (a) noise and vibration;
- (b) dust and other particulate emissions;
- (c) contaminant discharges;
- (d) odour and fumes;
- (e) glare;
- (f) electrical interference;
- (g) vehicles;
- (h) buildings and structures;
- (i) temporary activities;

beyond the boundaries of the site generating the effect. *(Policy 5.1.4)*

Maintenance and enhancement of amenity values on-site and within communities throughout the District. *(Objective 5.2.0)*

To maintain privacy for residential properties and for rural dwelling sites. *(Policy 5.2.1)*

To ensure adequate daylight and sunlight to residential properties, and rural dwelling sites. *(Policy 5.2.2)*

To promote opportunity for outdoor living on residential properties, including rural dwelling sites. *(Policy 5.2.3)*

To promote amenity through vegetation, landscaping, street and park furniture, and screening. *(Policy 5.2.4)*

To enable a variety of housing types in residential and rural areas. *(Policy 5.2.7)*

Maintenance and enhancement of the special visual and aesthetic character of localities. *(Objective 5.3)*

To maintain the open space value of rural areas. (*Policy 5.3.2*)

### **Rural Environment Effects**

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. (*Objective 7.1*)

To avoid, remedy or mitigate the effects of activities which reduce the area of land available for soil-based production purposes in rural areas. (*Policy 7.1.2*)

To avoid, remedy or mitigate adverse actual, potential, and cumulative effects on the rural land resource. (*Policy 7.1.2A*)

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. (*Objective 7.2.0*)

To enable activities which are not dependent on soil productivity to be located on land which is not of high productive or versatile value. (*Policy 7.2.1*)

To enable sites in specific locations to be used primarily for rural industrial, tourist services 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;
- b) natural hazards;
- c) outstanding natural features and landscapes and the coastal environment;
- d) cross boundary effects, including any actual and potential adverse effects of existing activities on future activities;
- e) servicing availability;
- f) the availability of specific productive natural resources such as aggregates or other mineral resources;
- g) transport, access and effects;
- h) potential for cumulative adverse effects from further land fragmentation;
- i) maintaining a variety of lot size;
- j) efficient use of rural land resource;
- k) cultural relationship of Maori to their land. (*Policy 7.2.1A*)