



STAFF REPORT

TO: Environment & Planning Subcommittee - Commissioner Hearing

FROM: Mark Morris - Co-ordinator Subdivision Consents

REFERENCE: RM090875

SUBJECT: **SUSTAINABLE VENTURES LIMITED - REPORT REP10-05-11**
- Report prepared for the hearing of 12, 13 and 14 May 2010

1. INTRODUCTION

The application is to subdivide 1.6617 hectares of land contained in CT NL 96/197 into three allotments, Lot 1 being 0.3436 hectares and Lot 2 containing 1.365 hectares with a 20 metres wide esplanade strip along the coastal frontage of both lots.

Lot 2 would be further subdivided into 20 unit titles (in four stages) with associated parking and storage areas. The balance of the proposed Lot 2 will be held as common land.

Planning aspects of the proposed subdivision and land use will be dealt within the Planner's report. My report is mainly limited to recommended conditions on the subdivision consent. However, I will comment on the following matters that relate to the subdivision consent:

1.1 Unit Titles

Unit Title subdivisions in the Tasman District are relatively rare in that they are usually only used for apartment developments. The only ones that I have been involved in, were the Abel Tasman Apartments in Little Kaiteriteri which involved 12 apartments and this was approved under RM030648 in 2003 and was completed in 2004 and Camden Properties (RM080097) on Best Island which involved 31 apartments and was approved on 27 August 2009, but is under appeal to the Environment Court, though I understand that the appeal is to be settled by consent order.

Unit Titles are covered by the Unit Titles Act 1972 (UTA), though are still considered a subdivision under the Resource Management Act 1991 (RMA) and require a completion certificate under Section 224 of the RMA.

The difference with the Unit Titles is that they are created to cover the completed building area rather than a Certificates of Title which encompasses a single parcel of land on which to build.

The unit title will include the area of the apartment, referred as the Principal Unit (PU) and accessory units (AU) which are usually used for carparks.

The areas outside the Principal Units and the Accessory units is referred to as a "Common Area" which is jointly owned by the proprietors of all units as tenants in common. This is administered by a "Body Corporate" which has its statutory obligations set out under section 15 of the Unit Titles Act.

In addition to a section 224 certificate under the RMA, a certificate under Section 5 (1) (g) of the UTA is required confirming that:

"every building shown on the plan has been erected, and all other development work has been carried out, to the extent necessary to enable all boundaries of every unit and the common property shown on the plan to be physically measured."

There appears to be differences in interpretation around the country of Section 5 with some Councils allowing signoff when the units are still unfinished but in a state that the dimensions can be "physically measured".

Nelson City Council, which deals with a lot more Unit Title Plans than Tasman, does not sign off the 5 (1) (g) certificate until the Code Compliance Certificate (CCC) has been issued for the units. I would tend to agree that this is the safest method to ensure that the new owners of the Unit Titles get a fully completed building and that is why I have imposed a condition that the CCC for each unit will be required, before signing off the Section 5 (1) (g) certificate.

Unit Title developments are becoming increasingly common for tourism developments, where instead of a Company owning the entire development, individuals own each of the unit titles and these are managed ("on behalf") by the development company. The owners of the units have a certain number of weeks per year and the rest of the year the unit is "managed" on their behalf.

It appears that this "managed apartment" approach will be used with this development.

1.2 Road to Vest

Any residential zone subdivision is subject to Schedule 16.3B (h) of the Tasman Resource Management Plan (TRMP), which can require that the road frontage be upgraded to the standards set out in 18.8 of the TRMP, which set out road construction standards (included legal widths) for all classes of road.

In this case, the road adjoining the property is classified as a Distributor Road. Technically, under Schedule 16.3B, Council could require the consent holder to widen the seal formation to 14 metres, with a foot path on both sides and a road reserve width of 24 metres.

The current road reserve is approximately 10 metres, which is well below the required 24 metres.

In this case, The Engineering Department are requiring a 5 metre widening of the road reserve to be generally in line with other residential subdivisions in the area.

This additional road reserve widening is in line with the five subdivisions of the other coast side subdivisions at Pakawau.

The Davis subdivision (RM960557) in 1996 took 2.5 metres on the property that adjoins the northern boundary.

The McHardy subdivision (RM 040824) took an additional 5 metre width.

The Petry subdivision (RM 040782) took at least 5 metres additional width.

The TDC subdivision (RM041003) of the former GBCC dog dosing strip took a 20 metre road reserve, because there was no road reserve at all in the original title.

The last major subdivision at northern end of Pakawau, the Monty Shaw subdivision (DP 9663) in 1976, took varying widths of road reserve, mainly around 5 metres of additional road reserve width.

These matters are further dealt with in the Memorandum from Dugald Ley, Council's Development Control Engineer, that is appended to this report.

1.3 Esplanade Strip

The applicant has proposed the creation of a 20 metre wide esplanade strip from mean high water springs adjoining the frontage of Lots 1 and 2.

Esplanade strips are created under Section 231 of the R M A, and differ from esplanade reserves in three main aspects:

- Esplanade strips "move" with changes in the location of mean high water springs so that if there is any erosion of the coastal fringe there will always be a 20 metre strip retained for one or all of the purposes in section 229 of the RMA. Esplanade reserves have boundaries fixed at the time of survey, which means if there is erosion of the coastal boundary, the reserve width can end up being reduced.
- The esplanade strip is still owned by the Lot owner instead of the Council. However the public have the right of access over all parts of the strip and it can be used for public recreation if it is created for recreation purposes.
- With an esplanade strip the landowner is responsible for the maintenance of any coastal protection works, whereas with an esplanade reserve usually the Council would be responsible for the maintenance.

In this case the Council's Community Services Department recommends the creation of an esplanade strip in preference to a reserve, because with an esplanade strip public access is maintained over time regardless of the location of mean high water springs and the owners of Lots 1 and 2 retain responsibility for the ongoing maintenance of the coastal protection works.

These matters are further discussed in Ros Squire's memorandum appended to this report.

1.4 Section 106

Under Section 106 of the Resource Management Act, Council may refuse to grant subdivision consent, if it considers that:

- (a) the land in respect of which a consent is sought, or any structure on the land, is or is likely to be subject to material damage by erosion, falling debris, subsidence, slippage, or inundation from any source; or
- (b) any subsequent use that is likely to be made of the land is likely to accelerate, worsen, or result in material damage to the land, or structure by erosion, falling debris, subsidence, slippage, or inundation from any source;

Conversely under Section 106, Council may also grant consent subject to conditions of consent that avoid, remedy or mitigate the effects listed above.

In this case the natural hazard affecting this site is coastal erosion and inundation. These hazards are dealt with in the combined report on the land disturbance consent application.

One of the difficulties with a unit title subdivision such as this one, is that once the units are built and unit titles are created, they are permanently fixed in position and cannot be moved. Whereas a conventional dwelling on single allotment of say 1200 square metres, could be relocatable and moved further back from coast, if erosion becomes a threat.

The nature of this development, with concrete slab foundations and relatively large clusters of units, makes it virtually impossible for any relocation of the units once they are built.

Therefore, Council needs to be satisfied that conditions can be imposed that will ensure that in the long term (ie the life of the buildings), the coastal erosion and inundation hazard can be avoided, remedied or mitigated.

1.5 Status of the Subdivision Consent.

Under the Tasman Resource Management Plan (TRMP) the status of the subdivision is fully discretionary under rule 16.3.3.3, in that the allotment size for the unit titles is less than 1200 square metre average lot size required under rule 16.3.3.1(f) for a controlled activity subdivision.

The subdivision is also restricted discretionary under rule 16.4.2.1 in that the site adjoins the coast. There are six matters of discretion, which are mainly to do with the setting aside of an esplanade reserve or strip along the coastal frontage.

Because the subdivision consent is part of a "bundle" of consents, including the land consent for the units, which is a non-complying activity by virtue of rule 17.1.3.5 (in that the site coverage on the unit titles is well over 35%), the subdivision consent must also be assessed as a non-complying activity.

1.6 Existing Subdivision Consent (RM090834)

The site has an existing subdivision consent RM090834 which was approved on 23 February 2010. (see attachment 1)

The subdivision consent allows for 10 residential allotments (Lots 1-10) plus an esplanade reserve (Lot 11). The residential allotments were between 1092m² and 1345m² in area (nett). The TRMP allows for allotments down to 1200m² as a controlled activity, and the subdivision could have complied with this rule if each of the Lots had their access directly on to the road, whereas the right-of-way access reduced the nett area to just under 1200m² square metres. It was considered that the effect of having slightly reduced Lot sizes was no more than minor.

The subdivision was still a restricted discretionary activity under rule 16.4.2.1 because the title being subdivided adjoins the coast, this gives Council discretion over whether a esplanade reserve or strip is required along the coastal frontage. In this case, the esplanade reserve was required, but Council reserved the right to review the condition under Section 128 to require the creation of a esplanade strip if that was considered a more appropriate option once an investigation of alternative coastal protection options was undertaken.

Overall, it was considered that the coastal hazard risk for the 10 proposed allotments could be migrated by coastal protection works, it was agreed that method of protection would be subject to approval by Council's Environment & Planning Manager at a later date (but prior to any Section 223 plan approval). This was so that other options for coastal protection could be considered.

2. CONDITIONS (RM090875)

Should the Environment & Planning Subcommittee decide to grant consent to the proposed subdivision application, I recommend that the following conditions be imposed:

STAGE 1 CONDITIONS

1. General Accordance

That the proposal shall be in accordance with the Staig and Smith Ltd Plan titled; "Lots 1 and 2 being Proposed Subdivision of Pt Sec 11 Square 15 CT 96/197 Ltd Sheet 1 of 2", and dated 15 December 2009 (shown as "Plan A " attached to this consent) as amended by the following conditions of consent.

2. Esplanade Strip

- a) A 20 metre wide esplanade strip shall be set aside from Mean High Water Springs (MHWS) in accordance with section 232 of the Resource Management Act 1991.
- b) The purpose of the esplanade strip shall be to contribute to the protection of conservation values and to enable public access and recreational use of the strip.

- c) The applicant's solicitor shall prepare the esplanade instrument for approval and signing by Council's Consent's Manager. The instrument shall be in accordance with the 10th Schedule of the Resource Management Act 1991, except there shall be no closure provision under clause 7.
- d) All buildings shall be removed from the area of the esplanade strip, unless approved by Council's Community Services Manager.
- e) A 2 metre wide walkway shall be provided along the length of Right-of-Way B and C to provide pedestrian access from the road to the esplanade reserve. The formation of the walkway shall be undertaken in accordance with the Council's Engineering Standards 2008 and the walkway standards SNZ HB 8630 as part of the development works and completed prior to the issue of a completion certificate pursuant to Section 224(c) of the Act for each stage.

Advice Note:

The costs of formation for the public walkway as required in condition 2 (e) above may be credited against the reserve fund contributions (subject to a quote acceptable to the Council's Community Services Manager).

3. Road to Vest

- a) A 5 metre wide strip along the existing road frontage shall vest as road.
- b) The existing vegetation and fencing within the area that is to vest as road shall be removed. Any new plantings within the road reserve shall be subject to the approval of Council's Engineering Manager.
- c) The existing power poles along the existing road frontage shall be relocated so that they are located on the new road reserve boundary.

Advice note:

A license to occupy shall be required from Council's Engineering Department for any structures that are within the road reserve.

4A Coastal Protection Work (If the upgrade of the rock revetment as applied for is approved)

- (a) Prior to the approval of the Section 223 certificate for Stage 1, and prior to the commencement of any works, engineering plans will be required for the repair, maintenance and upgrade of the rock revetments which shall be submitted for approval by Council's Environment & Planning Manager. The plans shall be in accordance with RM090878 and shall include (where required) public access structures to ensure that the public can safely access the beach on foot.
- (b) That prior to the issue of a completion certificate pursuant to Section 224(c) of the Resource Management Act 1991, for stage 1, the required

coastal protection work as set out in the above engineering plans shall be fully completed and written certification shall be provided from a suitably qualified Chartered Professional Engineer confirming that all works required under the engineering plans has been fully completed and all conditions of RM090878 have been complied with.

4B Coastal Protection Work (If restoration of the natural dune buffer is required)

- (a) Prior to the approval of the Section 223 certificate for Stage 1, and prior to the commencement of any works, engineering plans will be required for the natural dune buffer protection which shall be submitted for approval by Council's Environment & Planning Manager. The plans shall be accordance with RM090878 and shall include (where required) public access structures to ensure that the public can safely access the beach on foot.
- (b) That prior to the issue of a completion certificate pursuant to Section 224(c) of the Resource Management Act 1991, for stage 1, the required coastal protection work as set out in the above engineering plans shall be fully completed and written certification shall be provided from a suitably qualified Chartered Professional Engineer confirming that all works required under the engineering plans has been fully completed and all conditions of RM090878 have been complied with.

5. Landscaping

- a) Prior to any landscaping work commencing, a detailed species planting plan shall be provided to Council's Reserves Manager for approval. The plan shall be implemented in accordance with the Rory Langbridge Plan titled: "Site Development Proposal / Sustainable Ventures Development" Revision I dated December 09.
- b) The landscaping plan shall include species planting plans, and proposed soil cover preparation, fertilization, mulching and future maintenance and plant replacement.
- c) The landscaping for the coastal frontage, road frontage and the screening along the northern and southern boundaries of Lot 1 shall be fully completed to the satisfaction of the Council Reserves Manager prior to the signing of the section 224 certificate for Stage 1. Any plantings within the road reserve shall be subject to the approval of Council's Engineering Manager.
- d) The landscaping associated with the apartments shall be fully completed to the satisfaction of the Council's Reserves Manager, prior to the signing of the Section 224 certificate for each of the stages for the unit titles.
- d) The consent holder shall be required to maintain the landscape plantings for a period of two years following the issue of the Section 224 certificate for each stage. A \$10,000 bond shall be taken to cover the maintenance period for each stage.

6. Existing Buildings

All existing buildings within 30 metres of the line of mean high water springs, on both Lots 1 and 2, shall be removed.

7. Easements

Easements are to be created over any services located outside the boundary of the allotment that they serve. Reference to easements is to be included in the Council resolution on the title plan and endorsed as a Memorandum of Easements.

Because of the vesting of the additional road reserve under Condition 3 of this consent, the Right-of-Way D shown on application plan shall not be required.

Right-of-Way A shall have a width of at least 6 metres.

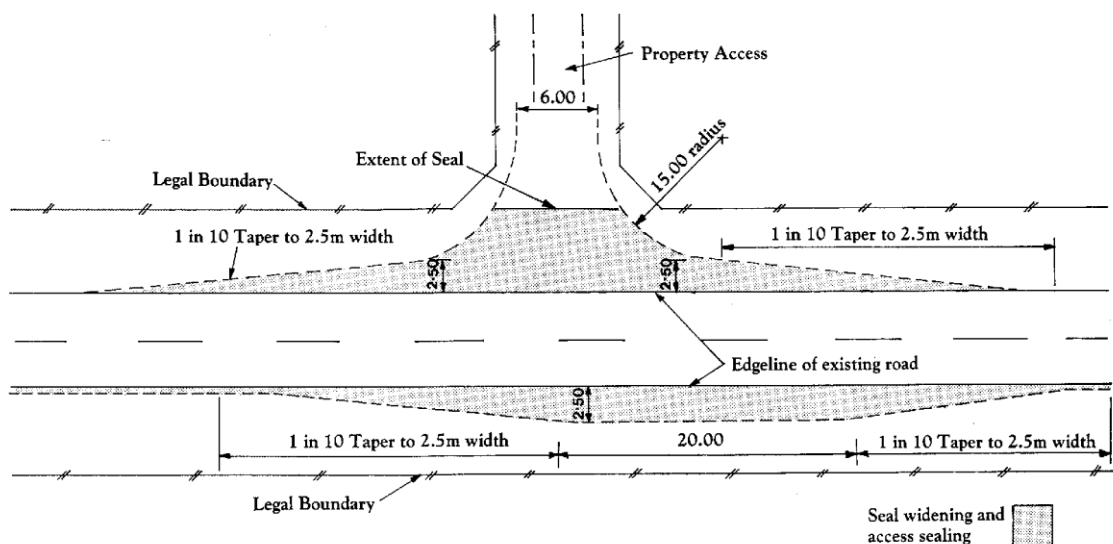
8. Vehicle Crossing

A sealed vehicle crossing shall be formed to service Lot 2 in the position shown on the plan of subdivision.

The vehicle crossing for Lot 2 shall be constructed in accordance with the design shown below:

Vehicle Crossing (Lot 2)

Diagram 2: Vehicle Crossing



NOTE: Diagram not to scale. All dimensions are in metres

and shall provide the following:

- The access crossing shall be at least 6 metres wide;

- b) the access sealing shall extend at least 5 metres inside the property boundary;
- c) provision of culvert crossings and water tables **where required**. The road culvert shall be to the approval of the Tasman District Council Engineering Manager;
- d) the access crossing shall be sealed in accordance with Tasman District Engineering Standards 2008;
- e) a road crossing permit shall be required from Council's Engineering Department. All works required under this permit shall be fully completed.

9. Financial Contributions (Stage 1)

The Consent Holder shall pay a financial contribution for reserves and community services in accordance with following:

- a) the amount of the contribution shall be 5.5 per cent of the total market value (at the date of the consent decision) of Lot 1;
- b) the Consent Holder shall request in writing to the Council's Consent Administration Officer (Subdivision) that the valuation be undertaken. Upon receipt of the written request the valuation shall be undertaken by the Council's valuation provider at the Council's cost;
- c) if payment of the financial contribution is not made within two years of the granting of the resource consent, a new valuation shall be obtained in accordance with (b) above, with the exception that the cost of the new valuation shall be paid by the Consent Holder, and the 5.5 per cent contribution shall be recalculated on the current market valuation. Payment shall be made within two years of any new valuation.

Advice Note:

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

Advice Note:

Council will not issue a completion certificate pursuant to Section 224(c) of the Act in relation to this subdivision until all development contributions have been paid in accordance with Council's Development Contributions Policy under the Local Government Act 2002.

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

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

10. Engineering Certification

- a) At the completion of works, a suitably experienced chartered professional engineer or surveyor shall provide Council with written certification that the works have been constructed to the standards required.
- b) Certification that Lot 2 is suitable for the erection of residential buildings shall be submitted from a chartered professional engineer or geotechnical engineer experienced in the field of soils engineering (and more particularly foundation stability). The certificate shall define on the lot an area suitable for the erection of buildings.
- c) Where fill material has been placed on any part of the site, a certificate shall be provided by a suitably experienced chartered professional engineer, certifying that the filling has been placed and compacted in accordance with NZS 4431:1989.

Advice Note:

Please note that the consent holder will need to comply with the Historic Places Trust Section 14 Authority No.2007/93 dated 22 November 2006 in relation to any land disturbance as part of this subdivision.

STAGE 2 CONDITIONS: (UNIT TITLES)

11. General Accordance

- a) That the proposal shall be in accordance with the Arthouse Architecture plans titled; "Pakawau Village Development titles Site Plan –First Floor Plan and Site Plan- Ground Floor Plan Job No: 822.3", and dated Dec 09 (shown as "Plans B and C" attached to this consent) as amended by the following conditions of consent.
- b) The minimum ground level for the foundation areas of the principal units shall be 5.0m above mean sea level (amsl), with the minimum floor level of 5.27m amsl.
- c) The minimum ground level for the accessory units (ie carparking and storage areas) shall be 3.5m amsl and a minimum floor level of 3.65m amsl.
- d) No building shall be more than 5 metres in height.
- e) All buildings shall be set back at least 30m from the line of mean high water springs (MHWS).

12. Staging (Unit Titles)

The following stages are approved:

Stage 2A:
Units D1-D2

Stage 2B:
Units C1- C6

Stage 2C:
Units B1-B6

Stage 2D:
Units A1 – A6

13. Consent Period

A consent period of 10 years is approved.

For avoidance of doubt, this means that all stages of the subdivision need to be given effect to (ie all unit title plans approved), within 10 years of the date of consent.

14. Effluent Disposal

All works required under Discharge consent RM090876, shall be fully completed, prior to the issuing of the Section 224 certificate for any of the unit titles.

Full sewer reticulation complete with any necessary manholes and a connection to the building site of each lot shall be provided with a connection to the approved treatment and discharge system required under RM090876.

15. Telephone and Power

Live telephone and power connections shall be provided to each unit and all wiring shall be underground as per the requirements of Tasman District Council. Written confirmation of connection will be required from the relevant authorities.

16. Stormwater

All works required under Discharge consent RM090877, shall be fully completed, prior to the issuing of the Section 224 certificate for any of the unit titles.

17. Water Supply

- a) A dedicated 45,000 litre firefighting water supply shall be provided for in accordance with NZS PAS 4509:2003 as part of the first stage of the unit title.

Advice Note:

The New Zealand Fire Service Commission considers that the optimal means of compliance with the Code being the installation of a domestic sprinkler system in accordance with *Fire Sprinkler Systems for Houses NZS 4517:2002* (or any subsequent amendments).

- b) Each dwelling shall be provided with at least 20,000 litres of potable water storage (separate from the fire-fighting water supply required under 17 (a)) as part of the unit title staged development.
- c) As-built plans and a water supply producer statement from a chartered professional engineer confirming that the unit titles within each stage comply with NZS PAS 4509:2003 – NZFS Firefighting Water Supplies Code of Practice (the “Code”) and that the 20,000 litres of water storage for each dwelling shall be provided to the Council’s Environment & Planning Manager prior to Section 224 approval for each stage.

18. Access and Carparking

All access and carparking areas shall be formed with a permanent waterproof surface approved by Council’s Engineering Manager. The access surfacing shall be fully completed in accordance with Council’s Engineering Standards 2008 or to the satisfaction of the Council’s Engineering Manager.

Each of the residential units shall be provided with at least two car parks per unit. One of these shall be part of the unit title (eg accessory unit) and the others can be part of the carparking provided in the “common area”.

19. Engineering Plans

- a) Engineering plans covering the works set out in conditions 14-18 are required to be submitted for approval by Council’s Engineering Manager prior to the commencement of any works. All engineering details are to be in accordance with the Council’s Engineering Standards 2008.
- b) As-built plans detailing completed access works and all stormwater and sewage reticulation shall be provided for each stage of the development, for approval by Council’s Engineering Manager. The as-built plans shall be in accordance with Council’s Engineering Standards 2008.

20. Completion of Building Work for each Unit Title

The Section 224 certificate and Section 5 (1) (g) certificate under the Unit Titles Act shall not be signed off until the Code Compliance Certificate has been issued for the respective apartments.

21. Landscaping

The landscaping for each of the unit title stages, required under condition 6 of this consent shall be fully completed to the satisfaction of the Council’s Reserves Manager. The consent holder shall be responsible for the

maintenance of the landscaping for period of two years and a \$10,000 cash bond shall be taken for each unit title stage to cover this maintenance period.

22. Earthworks

All earthworks, that may be required as part of this consent, shall comply with the requirements and conditions of consent of RM090878.

23. Commencement of Works and Inspection

The Engineering Department shall be contacted in writing, five working days **PRIOR** to the commencement any engineering works.

No work shall commence until the engineering plans required under Condition 19(a) have been approved by Council's Engineering Manager.

24. Engineering Certification

- a) At the completion of works for each stage, a suitably experienced chartered professional engineer or surveyor shall provide Council with written certification that the works have been constructed to the standards required.
- b) Where fill material has been placed on any part of the site, a certificate shall be provided by a suitably experienced chartered professional engineer, certifying that the filling has been placed and compacted in accordance with NZS 4431:1989.

25. Financial Contributions (Unit Titles)

The Consent Holder shall pay a financial contribution for reserves and community services in accordance with following:

- a) the amount of the contribution for each unit title shall be 5.5 per cent of the total market value (at the date of the consent decision) of the land area of each the unit title(including the accessory parking unit).
- b) the Consent Holder shall request in writing to the Council's Consent Administration Officer (Subdivision) that the valuation be undertaken. Upon receipt of the written request the valuation shall be undertaken by the Council's valuation provider at the Council's cost;
- c) if payment of the financial contribution is not made within two years of the granting of the resource consent, a new valuation shall be obtained in accordance with (b) above, with the exception that the cost of the new valuation shall be paid by the Consent Holder, and the 5.5 per cent contribution shall be recalculated on the current market valuation. Payment shall be made within two years of any new valuation.

Advice Note:

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

Advice Note:

Council will not issue a completion certificate pursuant to Section 224 of the Act in relation to this subdivision until all development contributions have been paid in accordance with Council's Development Contributions Policy under the Local Government Act 2002.

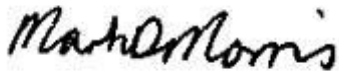
The Development Contributions Policy is found in the Long Term Council Community Plan (LTCCP) and the amount to be paid will be in accordance with the requirements that are current at the time the relevant development contribution is paid in full.

This consent will attract a development contribution on each of the twenty unit titles in respect of roading.

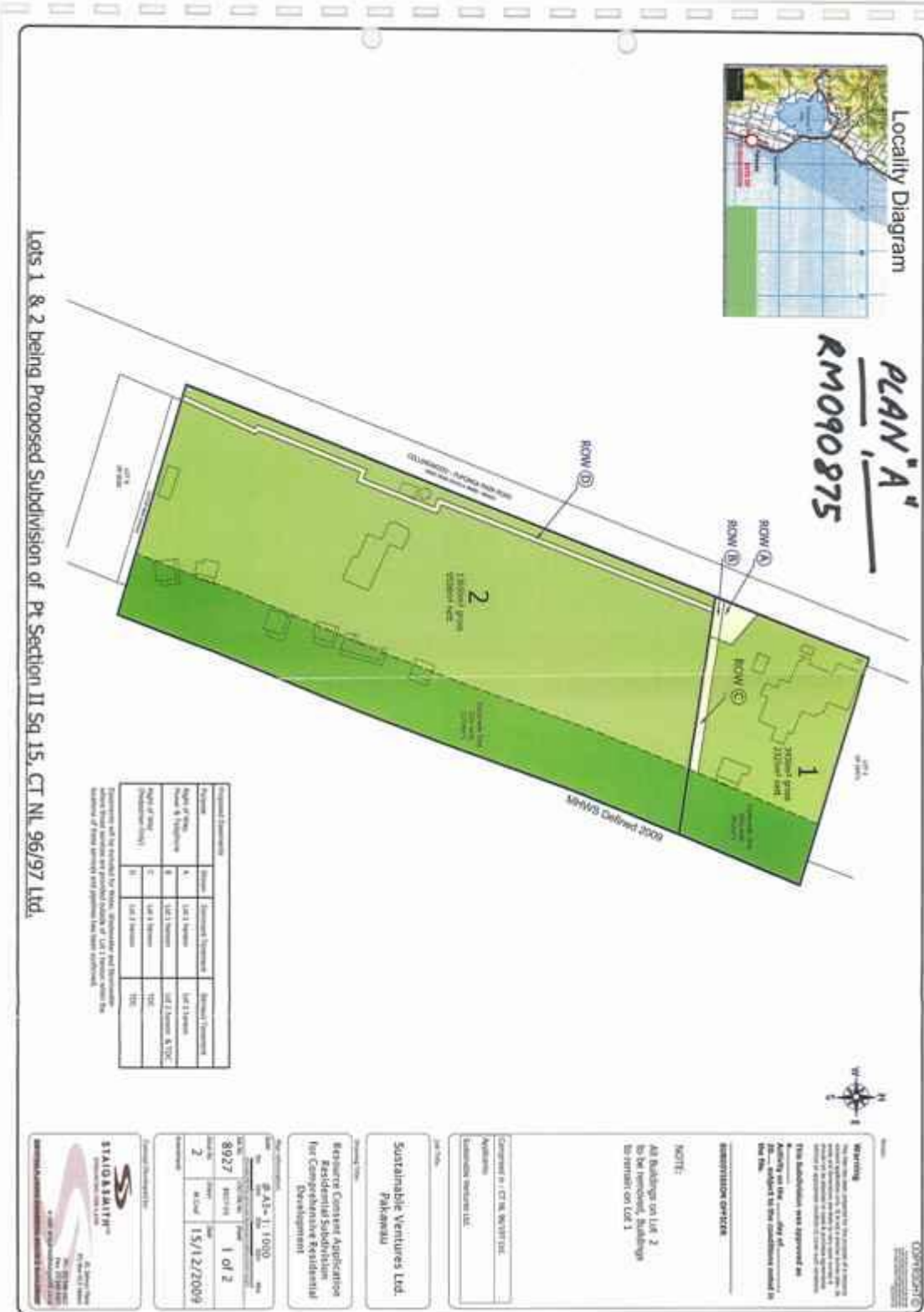
26. Lighting

All security and other lighting shall be positioned and directed so that there is no spill of light onto adjoining residences.

A consent notice shall be registered on each of the unit titles pursuant to Section 221 of the Resource Management Act, requiring this condition to be complied on an ongoing basis.



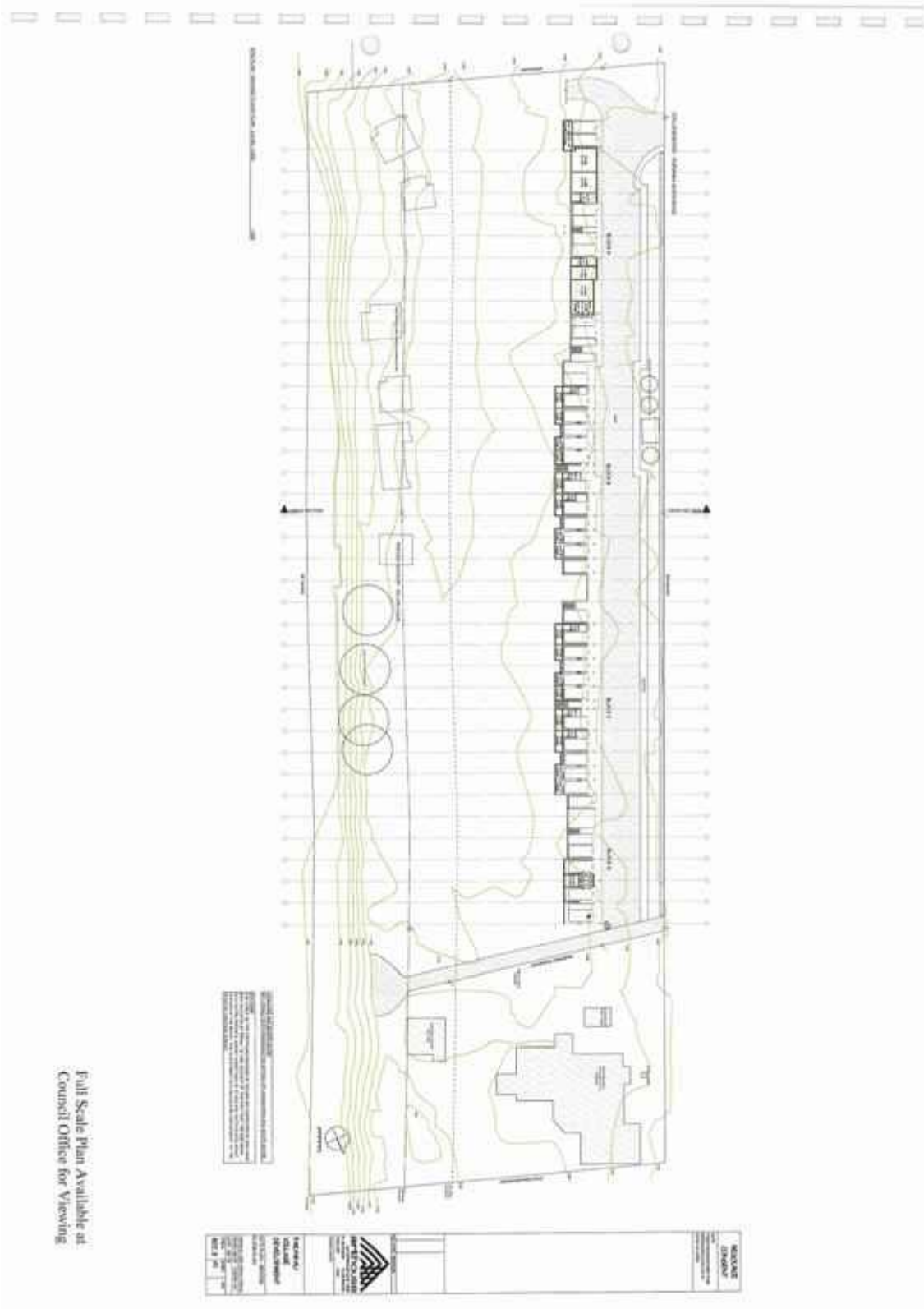
M D Morris
Co-ordinator Subdivision Consents





Full Scale Plan Available at
Council Office for Viewing

PLAN C
RM090875



23 February 2010

RM090834
Writer's Direct Dial No. (03) 543 8420
Writer's E-mail: mark.morris@tdc.govt.nz

Sustainable Ventures Ltd
C/- J McNae
Staig and Smith Ltd
PO Box 913
Nelson 7040

Dear Sir/Madam

**DECISION ON NON-NOTIFIED RESOURCE CONSENT APPLICATION NO. RM090834 –
SUSTAINABLE VENTURES LTD**

Pursuant to Section 114 of the Resource Management Act 1991 ("the Act"), please find enclosed a copy of the Council's decision on your application for resource consent referred to above.

Section 357A of the Act provides you with the right to lodge an objection with the Council in respect of this decision and/or any associated conditions. Any such objection must be made in writing setting out the reasons for the objection and must be lodged with the Council, together with a fixed fee of \$175.00 (GST inclusive), within 15 working days of receiving this letter.

At this stage the Council has not calculated the final costs of processing your application. Should the final costs exceed the deposit already paid, then as previously advised, you will be invoiced separately for these costs. Should the final costs be less than the deposit already paid, then you will receive a refund. Where the costs are equal to the deposit already paid, no further action is required. You will receive a letter shortly regarding the final costs of processing your application.

Please note that under Section 125 of the Act, your consent will lapse in 5 years unless you have given effect to it before then. In the case of subdivisions, the consent is given effect to when you have submitted a survey plan to the Council for the subdivision under Section 223 of the Act. Once the survey plan has been approved by the Council under Section 223 of the Act, the consent lapses 3 years thereafter unless it has been deposited with the District Land Registrar as outlined in Section 224 of the Act.

Please feel free to contact me if you have any questions regarding any aspect of your consent or its conditions. My contact details are listed at the top of this letter.

Yours faithfully

Mark Morris
Co-ordinator, Subdivision Consents

RESOURCE CONSENT DECISION

Resource consent number: RM090834

Pursuant to Section 104B of the Resource Management Act 1991 (“the Act”), the Tasman District Council (“the Council”) hereby grants resource consent to:

Sustainable Ventures Ltd
(hereinafter referred to as “the Consent Holder”)

Activity authorised by this consent:

Subdivision consent to subdivide CT NL96/197 Ltd into 11 allotments; Lots 1 to 10 being residential allotments with areas of between 1092 square metres (net) and 1.34 hectares and with Lot 11 proposed to vest as esplanade reserve.

Location details:

Address of property:	1112 Collingwood-Puponga Road
Legal description:	Part Section 11 Square 15
Certificate of title:	CFR NL 96/197
Valuation number:	1860012200

CONDITIONS

General

1. The subdivision shall be undertaken in general accordance with the information submitted with the application for consent and in particular with the plan titled *Lots 1 – 11 being Proposed Subdivision of Pt Section 11 Sq 15, CT NL 96/197 Ltd*, Job No. 8927, dated 27 November 2009, prepared by Staig and Smith Limited, and attached to this consent as Plan A. If there is any conflict between the information submitted with the consent application and any conditions of this consent, then the conditions of this consent shall prevail.

Easements

2. Easements are to be created over any services located outside the boundary of the allotment that they serve. Reference to easements is to be included in the Council resolution on the Section 223 Certificate and shown in a memorandum of easements on the survey plan required by Section 223 of the Act.

Electricity and Telephone

3. Full servicing for underground power and telephone cables shall be provided to the boundary of Lots 1 – 10. The Consent Holder shall provide written confirmation to the Council's Co-ordinator Subdivision Consents from the relevant utility provider that power and telephone cables have been provided to the boundaries of Lots 1 – 10. The written confirmation shall be provided prior to a completion certificate being requested pursuant to Section 224(c) of the Act.

Esplanade Reserve

4. A 20 metre wide esplanade reserve shall be set aside from Mean High Water Springs (MHWS) in accordance with Section 230(3) of the Resource Management Act 1991.
5. Prior to the vesting of the esplanade reserve all existing buildings and structures shall be removed from the reserve area, except those authorised by Council's Reserves Manager.
6. The esplanade reserve shall be finished in accordance with Section 12.2 of the Council's Engineering Standards and Policies 2008.
7. Pursuant to Section 128 of the Resource Management Act, Council reserves the right to review Conditions 4, 5 and 6. The purpose of the review would be to take into account the coastal hazard risk to the site, the proposed coastal protection works and whether a 20 metre wide esplanade strip is more appropriate for providing public access and coastal riparian protection along the coastal frontage.

Road to Vest

8. The existing road reserve along the frontage of the site shall be widened by an additional 5 metres. The existing trees that are within the widened road reserve shall be cut at ground level and removed. The stumps can remain in the ground.
9. The existing power poles along the existing road frontage shall be relocated so that they are located on the new road reserve boundary.
10. A licence to occupy shall be required from Council's Engineering Department for any structures that are within the road reserve.

Advice Note:

Please note that the area along the road frontage contains known archaeological sites (NZAA M25/7 and M25/151)) and any works will need to comply with the New Zealand Historic Places Trust Archaeological Authority 2007/93.

Access

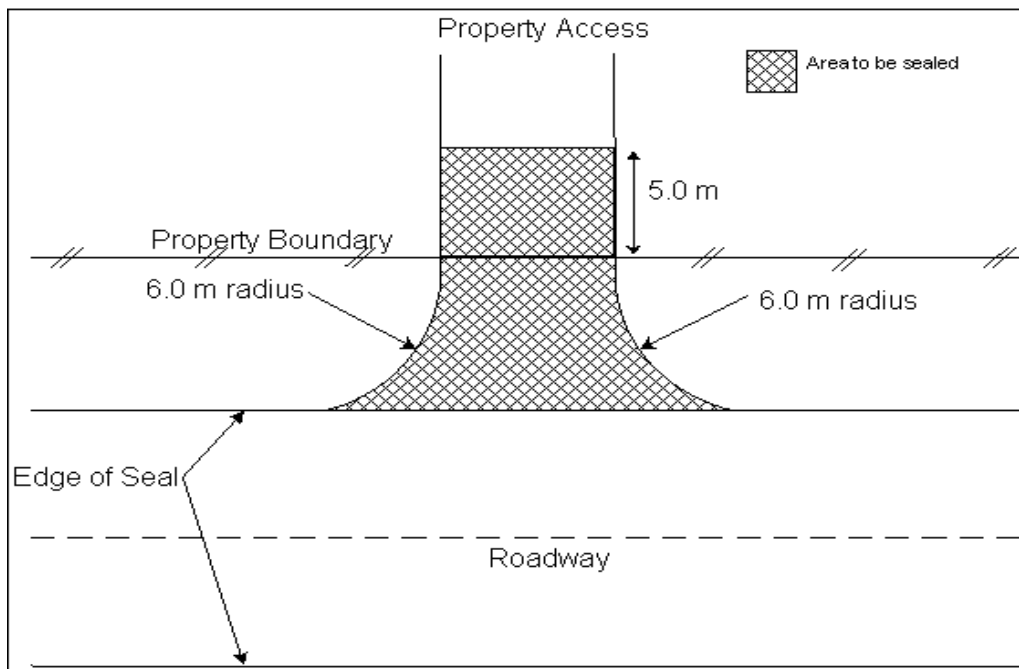
11. Rights-of-way A-D shall be formed to the specification in Table 1 set out below:

Table 1 Right-of-way A-D Specifications and Formation Standards				
Right-of-way	Allotments	Seal width metre s	Side Drains	Legal Wi dt

				h
Right-of-way A	Lots 4-7 and 9	4.5	2 x 1.0	6.50
Right-of-way B	Lots 4-6	4.5	2 x 1.0	6.50
Right-of-way C	Lots 4 and 5	3.5	2 x 1.0	5.50
Right-of-way D	Lot 4	3.5	2 x 1.0	5.50

12. The right-of-way easement shall be set back at least 1 metre from the adjoining widened road reserve.
13. The Right-of-way formation shall be sealed in accordance with Council's Engineering Standards 2008.
14. Each of Lots 4-9 shall be provided with a 3 metre wide sealed access crossing from the right-of-way A-D, together with culverting if required. The sealing shall extend 5 metres inside the boundary of each allotment.
15. A 6 metre wide sealed access crossing for Lots 2 and 3, right-of-way A-D and a 3.5 wide sealed access crossing for Lot 10 shall be provided, together with culverting (where required), in accordance with Figure 1 below:

Figure 1: Access crossing for Lots 2 and 3, right-of-way A-D and Lot 10



16. The above access crossings shall be sealed in accordance with Council's Engineering Standards 2008.
17. All construction earthworks relating to the access Conditions 11-16 shall need to comply with the Land Disturbance Consent RM090843.

Advice Note:

Please note that the area along the road frontage contains known archaeological sites (NZAA M25/7 and M25/151)) and any works will need to comply with the New Zealand Historic Places Trust Archaeological Authority 2007/93.

18. All stormwater drainage from the access works shall comply with the requirements of the Discharge Consent RM090844.
19. Prior to the commencement of works, engineering plans will be required to be submitted for the access works and related drainage works set out in Conditions 11-18, for approval by Council's Engineering Manager.

All plan details shall be in accordance with Tasman District Council Engineering Standards 2008, or to the satisfaction of Council's Engineering Manager.

Coastal Protection Work

20. The Section 223 certificate will not be issued until any consent(s) required for proposed coastal hazard management work along the shoreline of the property/reserve has been approved by Council.
21. The proposed coastal protection works that shall be required under the above consent(s) shall be sufficient to satisfy the Council's Environment & Planning Manager that the coastal protection works, can mitigate any coastal inundation and erosion hazard on the subdivision site.
22. The Section 224(c) certificate shall not be issued until all works required or the coastal protection works have been fully completed.

Advice Note:

This condition has been volunteered by the applicant.

Existing Buildings and Structures

23. Any existing buildings that straddle the boundary of any of the allotments and any building within 30 metres of the line of mean high water springs shall be removed.

Engineering Certification

24. At the completion of works, 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 approved amendments.
25. Prior to any approval under Section 224 of the Resource Management Act 1991, Council requires a statement confirming that those lots which have had earth fill placed on them and the retaining thereof, are suitable for residential development. The statement shall be made in terms of NZS 4431, Appendix 2. The statement shall include any retaining structures and be accompanied by compaction test results for the area of fill and be certified by a suitably qualified chartered professional engineer acceptable to Council.

26. Certification that a site has been identified on each new allotment suitable for the construction of a residential building shall be submitted from a chartered professional engineer practicing in geotechnical engineering. This certificate shall define on Lots 2 – 10 the area suitable for the construction of residential buildings and shall be in accordance with NZS 4404:2004 Schedule 2A. Any limitations identified in Schedule 2A shall be noted on a consent notice pursuant to Section 221 of the Resource Management Act 1991 required by Condition 23 above, prior to the issue of the Section 224(c) certificate for each stage. This consent notice shall be prepared by the Consent Holder's solicitor at the Consent Holder's expense and shall be complied with by the Consent Holder and subsequent owners on an ongoing basis.

Maintenance Performance Bond

27. The Consent Holder shall provide Council with a bond for each stage to cover maintenance of the road access crossings. The amount of the bond shall be \$1,100 per lot or a figure agreed by Council's Engineering Manager and shall run for a period of 2 years from the date of issue of 224(c) certification for each stage of the subdivision.

Consent Notices

28. The following consent notices shall be registered on the certificates of title for Lots 1 – 7 pursuant to Section 221 of the Resource Management Act. The consent notices shall be prepared by the Consent Holder's solicitor and submitted to the Council for approval and signing. All costs associated with approval and registration of the consent notices shall be paid by the Consent Holder.
- (a) The construction of all buildings on Lots 1-10 shall be set back at least 30 metres back from the line of Mean High Water Springs.
 - (b) All new buildings on Lots 1-10 shall have a minimum floor level of 5.2 metres above mean sea level.
 - (c) Any recommendations or recommended conditions resulting from the engineering certification required under Condition 25 of resource consent RM090834.

Financial Contributions

29. The Consent Holder shall pay a financial contribution for reserves and community services in accordance with following:
- (a) The amount of the contribution shall be 5.5 per cent of the total market value (at the time subdivision consent is granted) of the value of each of Lots 2-10.
 - (b) The Consent Holder shall request in writing to the Council's Consent Administration Officer (Subdivision) that the valuation be undertaken. Upon receipt of the written request the valuation shall be undertaken by the Council's valuation provider at the Council's cost.
 - (c) If payment of the financial contribution is not made within 2 years of the granting of the resource consent, a new valuation shall be obtained in accordance with (b)

above, with the exception that the cost of the new valuation shall be paid by the Consent Holder, and the 5.5 per cent contribution shall be recalculated on the current market valuation. Payment shall be made within 2 years of any new valuation.

Advice Notes:

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

Council will not issue a completion certificate pursuant to Section 224(c) of the Act in relation to this subdivision until all development contributions have been paid in accordance with the Council's Development Contributions Policy under the Local Government Act 2002.

The Development Contributions Policy is found in the Long Term Council Community Plan (LTCCP) and the amount to be paid will be in accordance with the requirements that are current at the time the relevant development contribution is paid in full. This consent will attract a development contribution on nine lots in respect of roading.

ADVICE NOTES

1. The Consent Holder should meet the requirements of the Council with respect to all Building Bylaws, Regulations and Acts.
2. 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 that are required to be complied with on an ongoing basis.
3. 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:
 - (a) comply with all the criteria of a relevant permitted activity rule in the Tasman Resource Management Plan (TRMP);
 - (b) be allowed by the Act; or
 - (c) be authorised by a separate consent.
4. Access by the Council officers or agents to the property is reserved pursuant to Section 332 of the Resource Management Act 1991.
5. Monitoring of this resource consent will be undertaken by the Council as provided for by Section 35 of the Act and a one-off fee has already been charged for this monitoring. Should the monitoring costs exceed this fee, the Council reserves the right to recover these additional costs from the Consent Holder. Costs can be minimised by consistently complying with conditions, thereby reducing the necessity and/or frequency of Council staff visits.
6. The 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.

7. Plans attached to this consent are reduced copies and therefore will not be to scale and may be difficult to read. Originals of the plans referred to are available for viewing from the Council on request.
8. Copies of the Council's Standards and Documents referred to in this consent are available for viewing from the Council on request.
9. Please note that the construction of a dwelling on Lots 2-10 will require a resource consent for any dwelling in the Coastal Environment Area. A stormwater discharge consent may be required at the building consent stage for the dwelling.

REASONS FOR THE DECISION

Background to Proposed Activity

The site is currently in one title (CT NL96/197) and is approximately 1.6 hectares in area.

The applicant proposes 10 residential allotments (Lots 1-10), one of which will contain an existing dwelling (Lot 1) and rest will be bare land allotments.

Lots 12, 3 and 10 will access directly on to the Collinwood-Puponga Main Road, with Lots 4-9 accessing the main road via Right-of-way.

The applicant proposes a 20 metre wide esplanade reserve (Lot 11) along the coastal frontage.

The stormwater effects of the proposal are assessed under a separate consent, RM090844.

The effects of the land disturbance involved in the access works is also assessed under a separate consent, RM090843.

Tasman Resource Management Plan ("TRMP") Zoning, Area, and Rules Affected

According to the TRMP the following apply to the subject property:

Zoning: Residential

Area(s): Coastal Environment Area, Land Disturbance Area 2

No person may subdivide land within Tasman District as a permitted activity according to the TRMP. The activity authorised by this resource consent is deemed to be a discretionary activity in accordance with Rule 16.3.3.3 of the TRMP. The subdivision is also a restricted discretionary activity under Rule 16.4.2.1 where the property adjoins the coast and the allotments are less than 4 hectares.

Principal Issues (Actual and Potential Effects on the Environment)

The principal issue(s) associated with the proposed activity involve the actual and potential effects on the environment. For this application these were:

- (a) residential amenity;
- (b) coastal amenity;
- (c) effluent disposal;
- (d) servicing;
- (e) access;
- (f) natural hazards;
- (g) public access to and along the coast;
- (h) heritage values.

The Council considers that the adverse effects of the activity on the environment will be no more than minor for the following reasons:

- (a) The site can contain up to 10 allotments (ie, 10 dwellings), as of right, under the subdivision and land use rules of the District Plan, which have zoned the site Residential. Therefore, the Plan anticipates this type of development.
- (b) The proposal provides for a 20 metre wide esplanade reserve, which will enable the amenity of the riparian strip to be maintained and enhanced. Each of dwellings to be constructed on the allotments, will require resource consent, under the Coastal Environment Area rules, which enables Council to control coastal setbacks, building and external appearance, thereby mitigating the effects of buildings on the coastal environment.
- (c) The application has provided an effluent disposal report, confirming that domestic wastewater water can be treated and disposed within each allotment, without adverse effects on the environment.
- (d) Each of the allotments can be serviced for underground power and telephone, on-site wastewater and stormwater disposal. Water supply will be way of on-site rainwater collection.
- (e) The site will access on to the Collingwood-Puponga Main Road via a single crossing for each of Lots 1 and 10, a double crossing for Lots 2 and 3 and a Right-of-way crossing for Lots 1-9. Road widening has been required along the road frontage, in line with other residential subdivision in the Pakawau area. It is considered that these measures will ensure that the traffic effects of the proposed development are no more than minor.
- (f) The applicant has provided a coastal hazard report that confirms that the site can be protected from coastal erosion and inundation, subject to certain conditions such as minimum floor height and coastal protection measures. The Council acknowledges the coastal hazards can be mitigated by way of coastal protection measures along the coastal frontage. However, Council wants to ensure that whatever coastal protection measures are constructed along the coastal frontage are able to still retain the coastal amenity of the site, while still ensuring public access and natural hazard protection. A report has been commissioned assessing various alternatives for coastal protection and their suitability for this site. Because of this the applicant has agreed to defer the decision of the type of coastal protection until this report has been completed. It has been agreed with the applicant that the Section 223

certificate will not be approved until consent has been obtained for the coastal protection measures and the Section 224(c) certificate will not be signed until these measures have been completed.

- (g) The applicant has provided a 20 metre wide esplanade reserve that will provide public access along the coast and will be accessible to the public via an existing access strip along the southern boundary.
- (h) The site has known archaeological sites, mainly along the road frontage. The applicant has provided an archaeological assessment of the site and has obtained an Archaeological Authority (2007/93) from the New Zealand Historic Places Trust to carry out earthworks that may modify or damage part of these archaeological sites. As the amount of earthworks involved in the subdivision is relatively minor, the adverse effects on heritage values will be no more than minor.

Relevant Statutory Provisions

In considering this application, the Council has had regard to the matters outlined in Section 104 of the Act. In particular, the Council has had regard to the relevant provisions of the following planning documents:

- (a) the Tasman Regional Policy Statement (TRPS);
- (b) the Transitional District Plan;
- (c) the Tasman Resource Management Plan (TRMP);
- (d) the New Zealand Coastal Policy Statement.

Most of the objectives and policies contained within the TRPS are mirrored in the TRMP. The activity is considered to be consistent with the relevant objectives and policies contained in Chapters 5, 6, and 8 of the TRMP.

Part II Matters

The Council has taken into account the relevant principles outlined in Sections 6, 7 and 8 of the Act and it is considered that granting this resource consent achieves the purpose of the Act as presented in Section 5.

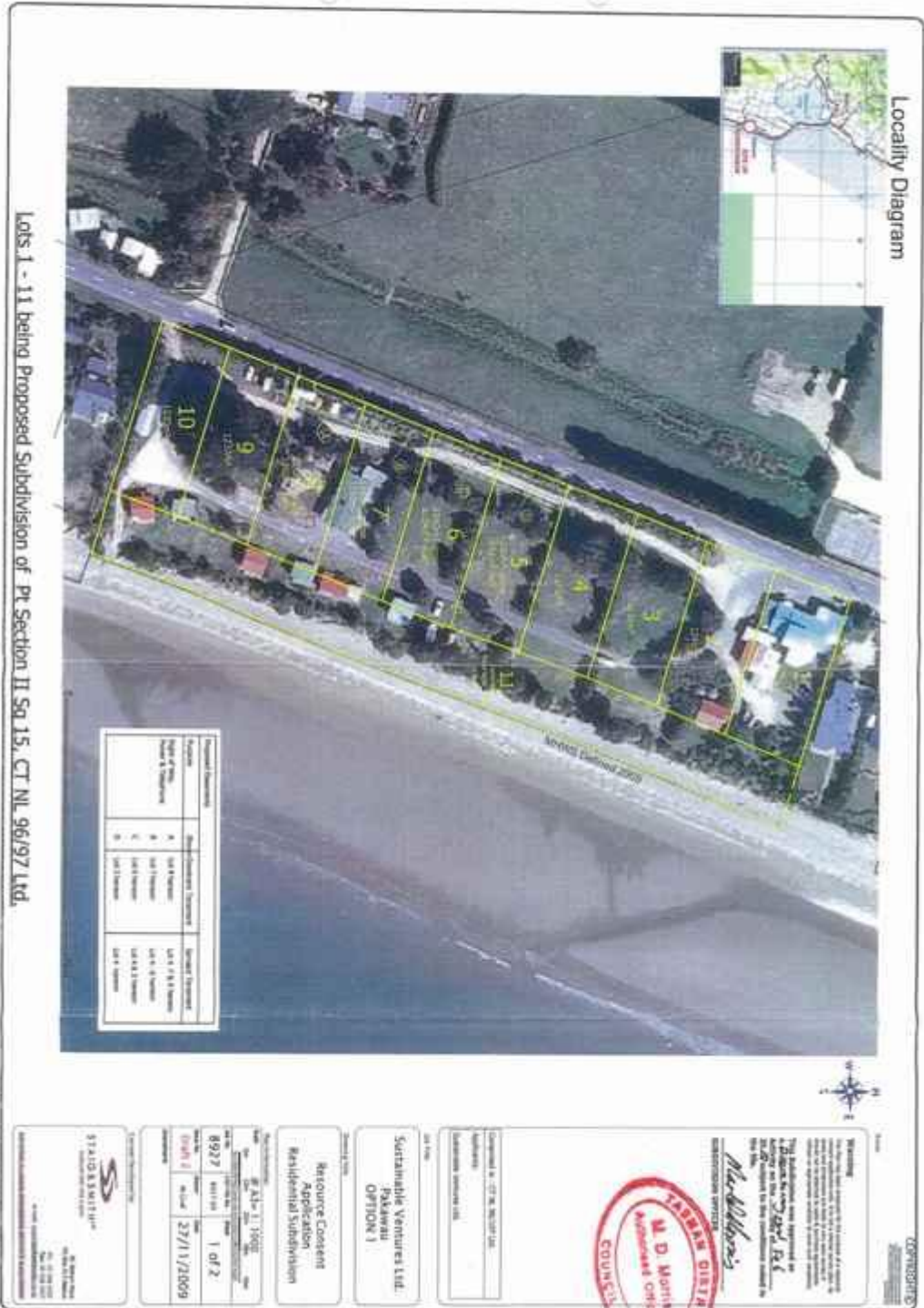
Notification and Affected Parties

The adverse environmental effects of the activity are considered to be no more than minor. The Council's Resource Consents Manager has, under the authority delegated to him, decided pursuant to Section 95 of the Act that the application did not require public or limited notification.

This consent is granted on **23 February 2010** under delegated authority from the Tasman District Council by:

Mark Morris

Co-ordinator, Subdivision Consents



PLAN A RM090843

Memorandum

Environment & Planning Department

To: Mark Morris

From: Rosalind Squire, Forward Planner, Reserves

Date: 19 April 2010

Subject: **RM090875 – Sustainable Ventures, Pakawau, Golden Bay**

Introduction

The scope of this report is confined to the provision of esplanades and comments on the public access easement proposed in subdivision application RM090875. I have visited the site and surrounding area on a number of occasions over the last few years. I have considered the application in the wider context of existing formed and unformed legal roads, reserves and walkways in the vicinity of the site.

Application

The application involves a two lot subdivision of a residential zoned property adjoining the coastal marine area at Pakawau, Golden Bay.

Proposed Lot 1 is 3,436 square metres in area and adjoins the northern boundary of the site, it is designed to accommodate the existing shop, managers unit, petrol pump and the cottage.

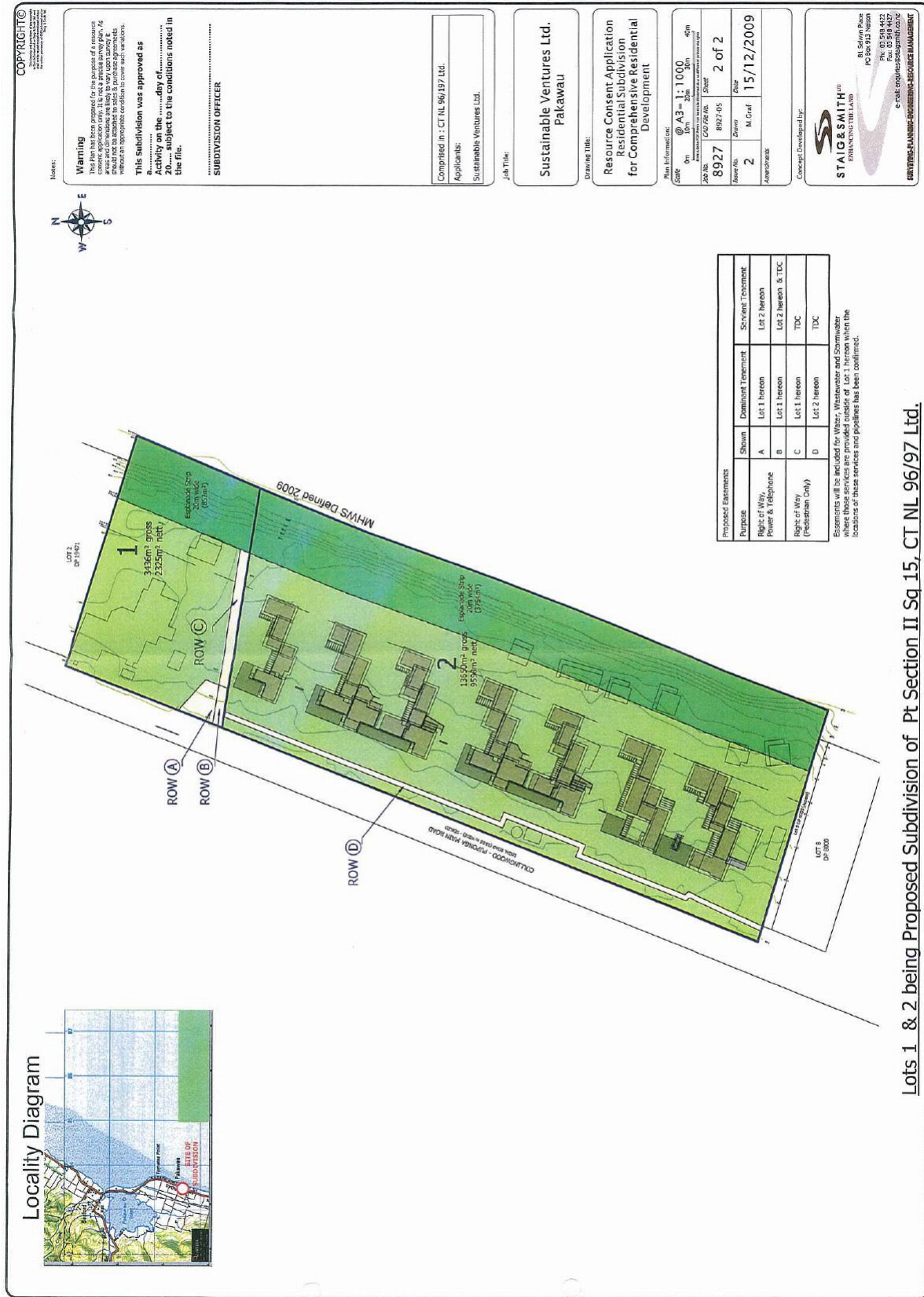
Proposed lot 2 is 1.365 hectares in area and is designed to accommodate the apartment units.

The application proposes the creation of a 20 metre esplanade, the applicants preference is to create the esplanade as a strip. The proposed subdivision also includes a right-of-way easement providing public access from the Collingwood-Puoponga main road to the esplanade reserve/strip and beach (See Figure 1).

Context

There are existing esplanade reserves on the adjoining properties to the south of the site and apart from the two adjoining properties to the north, along the entire northern coastline of the Pakawau settlement.

There is also an existing 3.6 metre wide public access way to the beach abutting the southern boundary of the property and an existing recreation reserve (Tomatea Point Recreation Reserve) approximately 450 metres to the north which provides pedestrian and boat access to the beach (See Figure 2).



Lots 1 & 2 being Proposed Subdivision of Pt Section II Sq 15, CT NL 96/97 Ltd.

Figure 1 – Proposed Subdivision

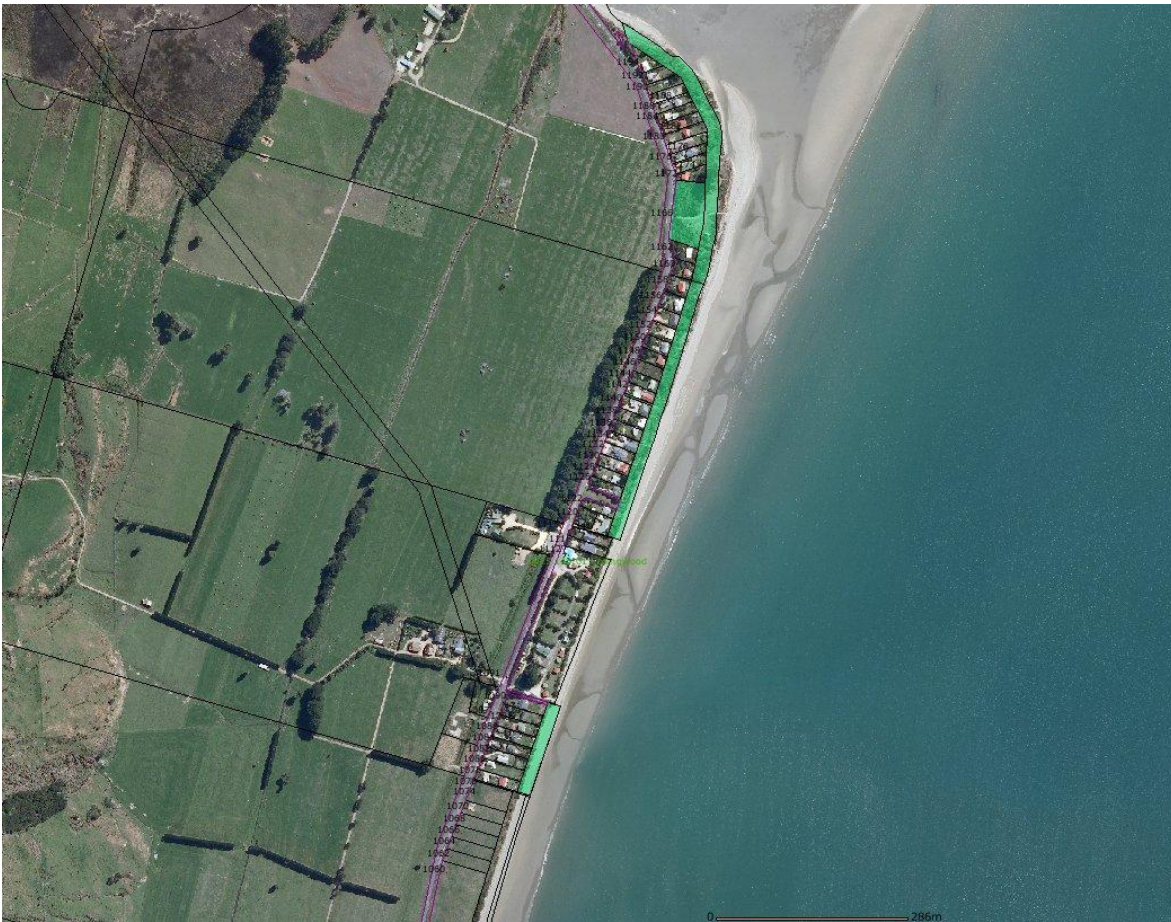


Figure 2 – Aerial view of the property and surrounding reserves

Submissions

There were 84 submissions to the application. The following summarises the main issue raised with respect to public access and the proposed esplanade.

There is widespread support for the provision of public access from the Collingwood-Puponga Road to the esplanade and beach within proposed Lot 1 and the provision of esplanades. The submissions acknowledge that there is currently no such legal access.

A few submissions request that the existing boat ramp at the southern end of the property remain.

Given that the vehicle access from the Collingwood-Puponga Main Road to the esplanade will be in private ownership and future access to the boat ramp will be at the grace and favour of the landowner. There is existing boat access to the north of the Pakawau settlement at Tomatea Point Reserve.

There are opposing submissions with respect to the mechanism used to create the esplanade. The submission from C Nessen and R Gould does not support the creation of an esplanade strip (as opposed to a reserve). The reason given in their submission is that it is their understanding that when a strip is created the land is only available for public access at the discretion of the applicant through the easement mechanism.

This would not be the case as it is recommended that the purpose of the strip would be for all the purposes in section 229 of the Resource Management Act 1991 as follows:

- (a) to contribute to the protection of conservation values by, in particular,—
 - (i) Maintaining or enhancing the natural functioning of the adjacent sea, river, or lake;*
 - (iv) Protecting the natural values associated with the esplanade reserve or esplanade strip;*
 - (v) Mitigating natural hazards;**
- (b) to enable public access to or along any sea, river, or lake; and*
- (c) to enable public recreational use of the esplanade reserve or esplanade strip and adjacent sea, river, or lake, where the use is compatible with conservation values.*

And the provision of closure under Clause 7 in Schedule 10 of the Resource Management Act 1991 should not apply.

Mr Sissons submits that since all but two sections in the rest of the settlement have esplanade reserves along the top of the beach it make sense to require an esplanade reserve here. This would enable Council to maintain the esplanade reserve consistently with existing reserves. Having said that he is not necessarily opposed to the use of an esplanade strip provided there is a condition requiring that the strip be managed with a coast care programme.

Although in some respects I agree with Mr Sissons comments with regard to the vesting of a reserve as opposed to the creation of a strip, the vesting of a reserve would not necessarily protect public access along the coast if there is erosion of the coastal margin. Having said that I acknowledge that if a reserve was vested and was subsequently lost through erosion the adjoining reserves will also be lost and it could be argued that the access benefits to be gained by retaining an isolated esplanade strip would be marginal.

The creation of a strip as opposed to a reserve would also place the burden of the ongoing maintenance and upgrade of the structure on the landowner rather than the general ratepayer. Inheriting the burden of the ongoing maintenance of erosion protection structures required to protect the development is opposed by a number of submitters.

Ms Gunn expresses concern with respect to the creation of a strip fearing that the public's right of access could be removed at any time and that the 20 metre strip relies on outdated figures to establish the location of MHWS.

It is recommended that the provisions of closure in Clause 7 of the Tenth Schedule should not apply, this will ensure that public access is preserved in perpetuity. The applicant has redefined the location of mean high water springs using the best available information at the time in order to define the current inland boundary of the esplanade strip. The only concern I have is that if there is movement in the location of mean high water springs over time (which is inevitable with predicted sea level rise) this may compromise public access over the strip either because the easement will be located over the effluent disposal trenches or the buildings on site.

Assessment

Part 2 Matters

The maintenance and enhancement of public access to the coastal marine area is one of the seven matters of national importance in Part 2 of the Resource Management Act 1991 (RMA) which Council is required to recognise and provide for.

The creation of a Right-of-way in favour of Tasman District Council over lot 1 and the creation of a 20 metre esplanade will enhance public access to the coastal marine area and will be consistent with Part 2 of the Act.

Esplanade Mechanism and erosion protection options

Both the RMA and the TRMP provide for the creation of esplanade reserves without compensation when allotments less than 4 hectares are subdivided adjoining the coastal marine area. However, Council has the ability to create an esplanade strip as opposed to a reserve where a strip will achieve the purposes in Section 229 of the Act and is preferable because the location is one where there is a high likelihood of movement of the margin through erosion, inundation or land movement.

If a hard engineering option is chosen to protect the development from coastal erosion and the margin of mean high water springs can be held in the same location regardless of sea level rise then in terms of the rule in the plan, the appropriate option for the provision of esplanades would be a reserve. However, the Department is reluctant to support this option as there is a likelihood that over time high tide access along the beach will be lost and the initial and ongoing burden of the upgrade and maintenance of the rock wall will fall to the general ratepayer.

If the soft engineering option is chosen there is a high possibility that there will be movements in the coastal margin over time through erosion and accretion. In this case the most appropriate mechanism to protect public access would be via a strip. This would also result in the costs of the initial and ongoing burden of restoring and maintaining a natural dune profile being borne by the applicant and then the body corporate, not the general ratepayer. It also means that there is likely to be a greater incentive for the landowner to maintain the erosion protection works than if the reserve was vested in the Council. However, having said that the Department supports and funds erosion protection via the coast care in many places in the Bay and it is the Departments preferred option for erosion protection for many of its reserves.

Recommendation

Provision of public access easement over proposed Lot 1

The provision of a public access easement over proposed Lot 1 is supported, its creation will enhance public access to the esplanade reserve or strip and the coastal marine area.

It is recommended that a public access easement from the Collingwood-Puponga Main Road over proposed Lot 1 to the esplanade strip/reserve is included as a condition of RM090875. A 2 metre wide walkway shall be provided along the length of Right-of-way B and C. The formation of the walkway shall be undertaken in accordance with the Council's Engineering Standards 2008 and the walkway standards SNZ HB 8630 as part of the

development works and completed prior to the issue of a completion certificate pursuant to Section 224(c) of the Act. The costs of formation for the public walkway may be credited against the reserve fund contributions subject to a quote acceptable to the Council's Community Services Manager.

Esplanade provision

Despite the rule in the Plan the creation of a 20 metre wide esplanade strip is the preferred method to enhance public access to and along the coast, regardless of whether a soft or hard engineering option is chosen to provide coastal protection. A strip will enhance public access to and along the coast and will not burden the general ratepayer with the ongoing costs of erosion protection for the development.

It is recommended that the purpose of the esplanade strip shall include all the purposes in section 229 of the Resource Management Act 1991 i.e. to contribute to the protection of conservation values and to enable public access and recreational use of the strip. It is recommended that the provisions of closure under Clause 7 of the tenth schedule shall not apply.

It is also recommended that approval shall be gained from the Reserves Manager prior to the Consent Holder erecting any structures or undertaking any landscaping within the strip.

Repair of the existing rock revetment

If the repair, maintenance and upgrade of the existing rock revetment is chosen as the most appropriate option for coastal hazard protection it is recommended that any required works be undertaken prior to plan deposit for each stage of the unit title development under section 224.

Recommendation (Repair, maintain and upgrade existing rock revetment)

That a condition be included in RM090875 that the survey plan under section 224 of the Resource Management Act 1991 for each stage of the unit title development is not deposited until the required work on the existing rock revetment is completed and an engineering report is provided from a suitably qualified Registered Engineer confirming the adequacy of its construction to withstand the conditions experienced at the site.

Or;

Recommendation (Restoration of natural dune buffer)

That a condition be included in RM090875 that the survey plan under section 224 of the Resource Management Act 1991 for each stage of the unit title development is not deposited until the required work to restore the natural dune profile is completed and a report is provided from a suitably qualified person confirming the adequacy of the works to best withstand the prevailing conditions experienced at the site.

Rosalind Squire

Forward Planner, Reserves

MEMORANDUM

TO: Mark Morris, Coordinator, Subdivision Consents

FROM: Dugald Ley, Development Engineer

DATE: 5 March 2010

FILE NO: RM090875

**SUBJECT: SUSTAINABLE VENTURES LTD – TWO-LOT SUBDIVISION AND
SUBSEQUENT 20-UNIT DEVELOPMENT ON LOT 2, 1112
COLLINGWOOD-PUPONGA ROAD**

PROPOSAL

As per the plan the above proposal is to create one lot for commercial/residential activities and the resultant lot will be used for 20 residential units with access on to the Collingwood-Puponga Road. The area to be developed is zoned residential.

BACKGROUND

The site has recently been used as the Pakawau Camping Ground and the last application (for a 30-unit complex) was for an apartment-style development which was withdrawn in mid-2009.

Collingwood-Puponga Road is a distributor road on Council's hierarchy and carries approximately 540 vehicles per day. The existing carriageway seal width is approximately 5.5 metres with no shoulders, ie grass berms. As the road reserve passes the applicant's site the road reserve width reduces to approximately 10.3 metres (area occupied by hedge) whereas either side of the property it widens to approximately 15 metres.

Note – Council's Engineering Standards and the TRMP require a distributor road to be at least 20 metres in reserve width and clearly this width outside the applicant's property is sub-standard. It is noted that a "building line restriction" 1004 affects the site on an old title which reinforces that future road widening was envisaged at some time in the future.

Also under clause 16.3b(h) of the TRMP the applicant is required to "form" up their frontage to the required standard being berms, footpaths and stormwater control and drainage areas. On the above consideration Engineering staff are prepared to waive the requirement to form up the frontage of the site barring the requirement for a separate footpath subject to a strip of land 5.0 metres wide along the frontage of the subdivision vesting with Council as road, without compensation.

The proposal shows two exit points to the Council road and the safety and sight visibility will be compromised if the hedge remains. The existing trees planted along the area will therefore be required to be removed together with any private structures occupying that area. Note, all that is required for the removal of the hedge is that the plants be sawn off at ground level and their root system can remain, ie no soil disturbance and disruption to archaeological sites (if any). Any other structures shall be removed and made safe.

Both entrances shall be formed to comply with the TRMP and Engineering Standards. The internal access is over the Council maximum for a private access/right-of-way, ie six users is the normal limit. Therefore the access shall be a minimum of asphaltic concrete or concrete construction of at least 5.0 metres in width together with kerb and channel and sumps draining to an approved outfall. Note, a separate discharge consent may be required to mitigate storm flows and mitigate containments entering the sea environment.

With the road being vested along the front of the site the access/right-of-way may have to be relocated and may compromise future building area. It is my view that the subdivision plan showing the 5 metre wide road reserve should be presented to Council prior to the hearing so that staff can then reassess the resultant area left to develop.

SERVICES

Council has no other infrastructure in regard to wastewater, water or stormwater affected by this application. However overhead power lines are located along the frontage of the applicant's site and as per previous applications for residential development, these are required to be relocated underground.

Should the committee, after hearing the evidence, decide to grant consent then the following conditions should be considered for inclusion in the consent:

- a) An area of 5.0 metres wide by the length of the site shall vest as road with Tasman District Council (no compensation).The applicant shall form a min 1.4m Concrete Footpath along the frontage of the subdivision/Development and located on Road reserve.
- b) All shrubs/trees and structures on the future road reserve shall be removed and made safe but the root systems are to remain so as not to disturb the soil.
- c) The two accessways shall comply with the TRMP and Tasman District Council Engineering Standards, that is as per diagram 2 of section 16.2.
- d) The right-of-way shall have a 5.0 metre wide sealed carriageway (asphaltic concrete or concrete) with stormwater control, kerb and channel and sumps draining to an approved stormwater system and discharge point. Mitigation of contaminants will be required prior to discharge to the sea.
- e) The overhead lines along the frontage of the site shall be relocated underground.
- f) All works are to comply with the Tasman District Council Engineering Standards and Policies 2008 and engineering plans and as-built plans shall be forwarded to Council for approval.

Dugald Ley
Development Engineer