



STAFF REPORT

TO: Environment & Planning Committee

FROM: Mandy Bishop, Consent Planner

REFERENCE: RM0050471

SUBJECT: **G and F HUSTON – REPORT EP05/10/01** - Report prepared for 7 October 2005 Hearing.

Personal Background

I graduated with first class honours from Massey University in 2002 with a Bachelor of Resource and Environmental Planning. I have approximately two years equivalent full time experience in resource consent processing for regional, district and unitary authorities. I am a graduate member of the New Zealand Planning Institute.

1. APPLICATION BRIEF

1.1 Proposal

The application is for a land use consent to undertake a number of alterations to an existing dwelling including: new cladding, garage doors and windows, removal of a chimney flue, removal of a balcony on the western side, replacing a veranda on the southern side, two new skylights, replacing and enlarging the deck and steps with storage underneath, new retaining walls, outdoor fireplace and fencing and extending a room by 2.7 square metres to the northwest corner of the dwelling over an area of existing garage roof. Consent for the earthworks associated with these activities has also been sought.

1.2 Location and Legal Description

The property is located at Kaiteriteri-Sandy Bay Road, Kaiteriteri (see Appendix 1 attached).

The legal description of the land is Flat 2 DP 9054 having half share in Lot 1 DP 7124 Certificate of Title NL 12B/962 and NL 12B/963. The other half share is owned by M and A Duder (opposing submitters) and there are two rights of ways within the property providing access for Lot 2 DP 7124 (K Stevenson – a supporting submitter).

1.3 Zoning and Consent Requirements

The land is zoned Residential and is within the Coastal Environment Area and Land Disturbance Area 2 under the Proposed Tasman Resource Management Plan. These zoning and areas are considered to be operative (as there are no outstanding appeals of relevance to this proposal), so no analysis is given of the Transitional Plan provisions. There are known archaeological sites in the immediate vicinity of the subject site.

The application is considered to be a Discretionary Activity under the relevant rules of the Proposed Tasman Resource Management Plan in that:

- The total building coverage is increased from 47.8 per cent to 51 per cent;
- The deck being higher than two metres is less than 4 metres from the boundary;
- The daylight angles are breached on the western boundary;
- Some parts of the deck under two metres in height are within setbacks from the southern and western boundaries;
- Part of the proposed deck reduces the existing setback to Mean High Water Springs; and
- Associated earthworks breach the permitted standard in Land Disturbance Area 2.

2. INTRODUCTION

2.1 The Setting

The site is a 905 square metre site near the northern end of the main Kaiteriteri Beach and is just south of the access road up to Kaka Point. The site slopes down from the road and from the eastern and southern boundaries and is elevated above the Lucas property to the west. The two flats appear set into the banks with existing retaining walls for Flat 2 on the southern and eastern boundaries. The main living area for Flat 2 is above garaging with access gained from stairs leading to a deck on small level terrace on the southern side. Views to the water are to the southwest.

The cross lease title includes areas of exclusive occupation, common ground and rights-of-ways on both the eastern and western boundaries. The eastern right-of-way is partly grassed and provides access to the Stevenson property to the south and a formed parking space and rear access for Flat 1. The western right-of-way is the sealed access from the road and leads to a single garage on the Stevenson property, garaging, parking and manoeuvring areas for Flats 1 and 2 (see photos in Appendix 2).

3. NOTIFICATION AND SUBMISSIONS

Limited Notification of the application occurred on 12 August 2005.

Two submissions were received, one requesting to be heard.

K M Stevenson

Support the application stating the proposal has no adverse effects on their property. They did not wish to be heard in support of their submission.

M and A Duder

Oppose the application as they have not consented to the lodging of the application, the cumulative effects of the increased building coverage combined with other breaches would result in overdevelopment of the site especially if the outdoor storage area under the deck was built in, the proposed alterations would result in the loss of their privacy and outlook, the alterations would prejudice consent being obtained for future alterations to Flat 1, the proposal involves intrusions outside the boundaries of the property, the effects of the alterations would be more than minor and the integrity of the Plan would be prejudiced if the proposal was granted.

They wished to be heard in support of their submission.

4. STATUTORY CONSIDERATIONS

4.1 Resource Management Act

Part II Matters

In considering an application for resource consent, Council must ensure that if granted, the proposal is consistent with the purpose and principles set out in Part II of the Act.

If consent is granted, the proposed dwelling alterations must be deemed to represent the sustainable use and development of a physical resource and any adverse effects of the activity on the environment are avoided, remedied or mitigated. The critical issue of this consent is the potential effect of the dwelling alterations on the surrounding coastal environment.

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

Section 104

Subject to Part II matters, Council is required to have regard to those matters set out in Section 104. Of relevance to the assessment of this application, Council must have regard to:

- Any actual and potential effects of allowing the activity to go ahead (Section 104 (1) (a));
- Any relevant objectives and policies in the Tasman Regional Policy Statement and the Proposed Tasman Resource Management Plan (Section 104 (1) (b));
- Any other relevant and reasonably necessary matter(s) to determine the consent (Section (1) (c)).

In respect of Section 104 (1) (b), the Proposed Tasman Resource Management Plan is now considered to be the dominant planning document, given its progress through the public submission and decision-making process.

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

4.2 Tasman Regional Policy Statement

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

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

4.3 Tasman Resource Management Plan

The most relevant Objectives and Policies are contained in: Chapter 5 'Site Amenity Effects', Chapter 6 'Urban Environment Effects', Chapter 8 'Margins of Rivers, Lakes, Wetlands and the Coast', Chapter 10 'Significant Natural Values and Cultural Heritage' and Chapter 12 'Land Disturbance Effects'. These chapters articulate Council's key objectives: To contain urban use and development so that it avoids cumulative adverse effects on the natural character of the coastal environment, ensure character and amenity values are maintained or enhanced, to prevent archaeological sites and sites of significance to Maori being damaged and to reduce the risk of damage and sedimentation resulting from land disturbance.

The most relevant Rules which follow from these imperatives are contained in Chapter 17.1 "Residential Zone Rules", Chapter 18.6 "Rules for Land Disturbance Area 2" and Chapter 18.14 "Coastal Environment Area".

Details of the assessment of the proposed activity in terms of these matters are set out in the chapters following.

5. ASSESSMENT

In accordance with Section 104 of the Resource Management Act, Council must consider the actual and potential effects on the environment of allowing the activity, have regard for any relevant objectives, policies, rules, and consider any other matters relevant and reasonably necessary to determine the application. As K Stevenson has provided approval for the application the Council must not have regard to any effect on her pursuant to section 104(3)(b) of the RMA.

5.1 Assessment of Environmental Effects

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

Permitted Baseline

Section 104(2) gives a consent authority the ability to disregard adverse effects on the environment of activities that the Plan permits, if it so wishes. This is the “permitted baseline” and can provide a yardstick for the effects that otherwise might arise.

The Plan permits building alterations subject to meeting bulk and location requirements for the residential zone and meeting other applicable permitted standards in chapters 16 and 18 of the Plan. Chapter 16 includes access and parking provisions and Chapter 18 includes land disturbance and coastal environment provisions.

This proposal breaches building coverage, setback, daylight angle and earthworks provisions. The existing situation already breaches most of these factors and while the total increase in building area is only 7 square metres in area, the proposal will not produce same or similar effects on the environment when compared to what is permitted by the Plan. It does however produce the same or similar effects as the existing physical situation.

Coastal Character and Amenity Values

The coastal environment of Kaiteriteri is considered to be an area with high amenity values. Part II of the Resource Management Act under Section 6(a) seeks to protect the coastal environment and outstanding landscapes from inappropriate subdivision, use and development. The Plan recognises the natural character of Kaiteriteri has been compromised but still has high scenic and recreation values and is a key tourist area.

The Council’s policies and objectives on the urban environment seek to protect the coastal environment from the adverse effects of activities thereby maintaining and enhancing the character and amenity values of the area. Amenity values, as defined in Section 2 of the Resource Management Act 1991, means:

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

Alterations and extensions of existing residential activities have the potential to detract from the amenity values by reducing privacy and increasing the dominance of buildings in a coastal environment. The scale and location of the proposed alterations however will be barely discernable in the wider coastal area as holiday units, decks, retaining walls and low maintenance sections are commonplace.

The flats are flanked by two open right-of-way areas that technically do not count in the calculations of building coverage as this is based on the net site area, not the total area. Assuming Flat 1 measures 110 square metres in area the total building footprint for both flats including the proposed additions for Flat 2 is 220.17 square metres. The coverage for the 905 square metre site is therefore 24 per cent, well within the 33 per cent permitted activity standard for the residential zone.

The right-of-way area to the east doesn't look as if it is part of the subject site so taking this area off the total site area leaves approximately 716 square metres. A total building coverage of 220.17 square metres still gives a permitted coverage level of 31 per cent. There's even more area of land appearing to be part of the subject site on the western side that is owned by K Stevenson. While coverage calculations are based on the net site area that does not include rights-of-ways or shared access, the appearance of buildings on this site will not be as dense as the 51 per cent calculation implies.

The proposal also reduces the existing setback to Mean High Water Springs up to two metres. The southern most boundary of the subject site is at least 30 metres from MHWS which is the minimum setback required for new buildings on residential properties in the Coastal Environment Area. There are other properties and existing buildings between Flat 2 and MHWS.

In addition it is the extension of the deck that reduces this setback, not the extension of the dwelling. The deck is being extended to be in line with the existing outer wall of the dwelling and the stainless steel balustrade and cable balusters with open storage area underneath will minimise the visual impact of the extended deck. The proposal complies with the 6.5 metre height standard for Kaiteriteri.

Overall the proposed alterations and additions subject to conditions of consent regarding colours, will maintain the existing coastal character and will enhance the visual amenity by upgrading an older style building. Occupants of Flat 2 will be able to make better use of outdoor living areas thereby enhancing their enjoyment of the property and the setting.

Effects on Privacy

The existing decking and stairs are included in the Plan's definition of building and is therefore subject to setback requirements. These setback distances are breached on the western and southern boundaries and the existing dwelling and balcony also breaches the setback from the western boundary. The proposal extends the deck area right up to southern and western boundaries and up to the right-of-way boundary on the eastern side. The only affected party in all of these situations is K Stevenson who supports the proposal.

The 2.7 square metre dwelling extension will be in line with an existing exterior wall. The extension is over an existing garage roof, will not extend the Flat further west but extends the first floor level to the north by a distance of 1.4 metres. Currently a window in the living room looks towards Flat 1 and a small balcony off the living room provides views to the sea and north towards Flat 1. The balcony is to be removed that will enhance privacy for occupants of Flat 1.

The extension provides a more useable shape for a bedroom and a window has been designed to wrap around the corner a little towards the north to help maintain Flat 1's existing maximum sightline and sunlight. This corner window is smaller in size on the northern side than the existing living room window and although it will be closer to Flat 1 the use as a bedroom will mean overall enhanced privacy for occupants of Flat 1 rather than less.

Shading Effects

Flat 2 already breaches the daylight angle for the western boundary. The extension of the bedroom and deck and flattening of the veranda roof will slightly increase this breach. The effects of shading however are confined to the western boundary where K Stevenson has provided approval.

Effects of Earthworks (extract from Colin Michie's assessment in Appendix 3)

Land Disturbance Area 2 covers the area of deeply weathered Separation Point Granites which tend to become relatively cohesionless once "broken out". They prove difficult to recompact and slopes greater than the internal friction angle are prone to failure. According to Fahey and Coker * in a report prepared for Council the natural angle of repose for the weathered granites is in the order of 23 degrees. Any disturbance of the weathered granites increases the risk of erosion and or sediment entering natural water.

* Separation Point Granite Terrain Erosion and Sedimentation Risk (1994)

In the application there is no indication of how the applicant intends to limit the period when the above ground cut faces are left in a vulnerable state ie. with high potential for collapse. *It is important that retaining of cut faces is not delayed.* The applicant notes that spoil will be used as infill on the property. It is important that spoil is not placed on any surface area where it could move or wash onto adjoining properties, natural water courses, or into any constructed storm water system. *All infill not retained should be uplifted and removed from the property.*

Effects on Cultural and Heritage Values

The site is near known archaeological sites and being in a coastal area more artefacts may be uncovered during the proposed earthworks. The applicant has arranged an archaeological assessment and will employ an iwi monitor to be on-site during excavations. They are aware of their obligations under the Historic Places Trust and recommended conditions of consent will reinforce this.

Future Effects

One submitter referred to the increased adverse effect of overdevelopment if the open storage area under the deck was built in. This would require additional resource consent as it increases the building coverage over the permitted standard of 33 per cent. The owners of Flat 2 could not do this as of right and an assessment of the effects of the development would be part of the normal processing of any resource consent application should the owners of Flat 2 wish to do so.

Similarly, should the owners of Flat 1 apply for alterations and additions the application would be assessed and processed in a like manner – the effects of any development would be assessed in terms of how it impacts on the existing environment. The granting of this consent while allowing increased breaches would not obstruct the granting of a proposal for Flat 1 as long as the effects of the development were considered to be no more than minor.

Summary of Effects

The proposal will have adverse effects on the existing coastal Kaiteriteri environment that are no more than minor. This is due to the location and scale of proposed alterations as well as recommended conditions of consent mitigating some potential adverse effects. On-site amenity will be enhanced for occupants of both Flat 1 and Flat 2.

5.2 Relevant Plans and Policy Statements.

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

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

Chapter 5 - Site Amenity Effects Council must ensure that the character and amenity values of the site and surrounding environment are protected, and any actual or potential effects of the proposed activities must be avoided remedied or mitigated, including cross boundary effects.

Objectives: 5.1, 5.2, and 5.3 As detailed in the assessment of effects (Chapter 5.1), the existing character and amenity values are maintained and enhanced in some instances.

Policies: 5.1.1, 5.1.4, 5.1.9, 5.2.1, 5.2.2, 5.2.3, 5.2.4, 5.2.7, 5.3.1, 5.3.3, 5.3.4, 5.3.5.

Chapter 6 – Urban Environment Effects Urban expansion is managed to ensure effects on the character of coastal locations are no more than minor.

Objectives: 6.2, 6.3, 6.13. The Plan encourages the efficient use of land and infrastructures within Kaiteriteri as long as adverse effects are mitigated.

Policies: 6.2.1, 6.2.1A, 6.2.3, 6.2.4, 6.3.3, 6.13.3, 6.13.7

Chapter 8 – Margins of Rivers, Lakes, Wetlands and the Coast – Protection of the coastal environment from inappropriate use and development promotes the sustainable management of natural and physical resources.

Objective 8.2
Policies 8.2.6, 8.2.10, 8.2.19

Chapter 10 – Significant Natural Values and Cultural Heritage - Archaeological sites including sites of significance to Maori form part of the unique heritage of the District. Many of these sites are along the coast and the relationship of Maori and their culture and traditions with these sites is a matter of national importance in the RMA.

Objective 10.1
Policy 10.1.5

Chapter 12 – Land Disturbance Effects The adverse effects of land disturbance including induced slope instability and sedimentation are to be managed through sustainable practices.

Objective 12.1
Policy 12.1.2

Chapter 17.1 – Residential Zone Rules The proposed activity is subject to permitted and restricted discretionary activity performance standards and conditions set out in Rules 17.1.4 and 17.1.5

Chapter 18.6 – Land Disturbance Area 2 Rules The proposed activity is subject to permitted and controlled activity performance standards and conditions set out in Rules 18.6.7 and 18.6.9

Chapter 18.14 – Coastal Environment Area Rules The proposed activity is subject to permitted and controlled activity performance standards and conditions set out in Rules 18.14.2 and 18.14.3

Chapter 5 *Site Amenity Effects* is concerned with the effects of land uses that cross property boundaries that may add to or detract from the use and enjoyment of neighbouring properties. They may also affect local character.

Objective 5.1.0 seeks to avoid, remedy or mitigate adverse effects from land use on the use and enjoyment of other land and on the qualities of natural and physical resources. Policies specify effects on site amenity and off-site effects of buildings are avoided, remedied or mitigated.

Objective 5.2.0 seeks to maintain and enhance amenity values on-site and within communities. Policies include privacy issues, daylight, sunlight and outdoor living provisions.

Objective 5.3.0 seeks to maintain and enhance the special visual and aesthetic character of localities. Policies include maintaining the low density character of urban areas and adverse effects on the character and cultural value of the area are avoided, remedied or mitigated.

The proposal utilises and upgrades an existing physical resource where the effect on the appearance of urban density is unchanged. The effects, including cumulative effects of existing and increased breaches of permitted standards have previously been assessed as being no more than minor. The development is compatible with the character of the Kaiteriteri area.

Chapter 6 *Urban Environment Effects* is concerned with the effects of urban growth and development.

Objective 6.2.0 and its related policies acknowledge urban growth and development can be sustained if it consistent with available services and infrastructure. The subject property is fully serviced and accessed by a shared right-of-way.

Objective 6.3.0 and related policies seeks to contain urban development so that it avoids adverse effects on the coastal environment. The proposed activities will be barely discernable from other properties and are similar in nature to other buildings in the Kaiteriteri holiday environment. Conditions of consent can ensure the control of sediment and stormwater discharges are sustainable.

Issues 6.13(c), (f) and (g) recognise the slope instability and archaeological sites in Kaiteriteri and seek to consolidate development within existing urban boundaries. Policies 16.13.3 and 16.13.7 seek to control sedimentation and instability and encourage the efficient use of land and infrastructure within Kaiteriteri.

The proposal, subject to recommended conditions of consent, is deemed to be compatible with the Kaiteriteri environment, makes more efficient use of the outdoor living area of a sloping site and minor extensions to the dwelling make a more efficient bedroom shape.

Chapter 8 *Margins of Rivers, Wetlands and the Coast* recognises the coastline and its margins in the District is a finite resource and are highly regarded by residents and visitors for seascape values, recreation, tourism, historic and cultural values. Objective 8.2 and associated policies seek to protect the coastal character, amenity values and cultural sites while enabling the maintenance of physical resources for the well-being of the community.

The natural character of Kaiteriteri has been adversely affected by people's activities and provisions are in place to protect important scenic and cultural values. This protection is not sacrosanct in that the area is closed to any further development. It allows for existing resources to be maintained and for amenity values to be enhanced provided the development does not harm other aspects. The proposal conforms to these objectives and any potential adverse effects can be controlled through recommended conditions of consent.

Chapter 10 *Significant Natural Values and Cultural Heritage* aims to protect and enhance cultural items recognising they contribute to the character, identity and visual amenity of the District. It also recognises Maori have special relations with these sites and the RMA treats these relations as highly important. Objective 10.1 and associated policies protect these sites from the risk of damage or destruction.

The applicants are aware of the sensitivity of the area and their obligations should any artefact be uncovered during excavations. They have consulted with iwi and the Historic Places Trust and have agreed to employ an iwi monitor on-site for the duration of the excavations and arrange for an archaeological assessment. Conditions of consent that reinforce these actions are recommended.

Chapter 12 *Land Disturbance Effects* recognises the Separation Point Granite terrain in Kaiteriteri is susceptible to erosion and sediment generation upon disturbance if not managed appropriately. Soil loss can harm aquatic habitats, adversely effect drainage patterns and damage archaeological sites. Leaving cut slopes open to the weather can induce instability and slope failure.

Recommended conditions of consent can ensure sustainable practices are employed during earthworks so these adverse effects are no more than minor.

In conclusion it is considered that the proposed activities subject to recommended conditions of consent are not contrary to the policies and objectives of the Proposed Plan.

5.3 Part II Matters

The proposed land use activities are considered to be consistent with the purpose and principles contained in Part II of the Resource Management Act.

Part II of the Act is concerned about:

- Sustaining physical resources to meet the needs of future generations (section 5(a));
- avoiding, remedying or mitigating any adverse effects of activities on the environment (section 5(c))
- protecting the coastal environment from inappropriate use and development (section 6(a));
- recognising the importance of the relationship of Maori and their culture and traditions with sites of significance (section 6(e));
- protection of historic heritage from inappropriate development (section 6(f));
- the efficient use and development of physical resources (section 7(b));
- maintaining and enhancing amenity values (section 7(c));
- maintaining and enhancing the quality of the environment (section 7(f)); and

- recognising any finite characteristics of natural resources (section 7(g)).

It is considered that the application is consistent with the Act's purpose of achieving the sustainable management of natural and physical resources by altering and slightly extending an existing dwelling and outdoor living area to make more efficient use of the site while maintaining or enhancing the quality of the Kaiteriteri environment.

5.4 Matters of Discretion and Control in the Plan

The proposal is a discretionary activity due to the building coverage exceeding 35 per cent and earthworks averaging more than 2.0 metres in height or depth. Aside from these two matters the activity would have been a restricted discretionary activity where Council has restricted its discretion to matters including:

- the extent to which the character of the site will remain dominated by open space and vegetation rather than buildings;
- the extent to which there is a need for increased building coverage;
- the extent to which the scale, design and appearance of the buildings will be compatible with the locality;
- any adverse effects on adjoining properties in terms of dominance by buildings, loss of privacy, access to sunlight and daylight and loss of opportunities for views;
- the provision of adequate outdoor living area;
- the ability to mitigate any adverse effects of increased coverage;
- the extent the building detracts from the pleasantness of the site as viewed from the street and adjoining sites;
- the extent the building is compatible with other buildings and sites in the area;
- the extent there is a need to intrude into the daylight angles and the shading effects;
- the colour of buildings and landscaping;
- the location and timing of earthworks and disposal of waste material; and
- damage to coastal water and any cultural heritage site.

In consideration of these matters, the proposal has been specifically designed to make the most efficient use of the available on-site space while keeping extensions small in scale and maintaining or enhancing existing privacy and amenity values.

5.5 Other Matters

Precedence and Cumulative Effects

Precedence in itself is not an “effect” but the subsequent approval of this proposal to lead to other similar applications from coastal residential properties each wanting like treatment. This can lead to a cumulative effect that is very much a relevant adverse effect under Section 3 (d) of the Act.

In resource management terms, the cumulative effect of establishing a pattern of consent decisions based on other applicants wanting similar outcomes, can have adverse effects on significant resource management issues. The issue of “precedence” must be acknowledged in practical terms as giving rise to cumulative adverse effects:

- Applications for consent are lodged on the basis that consent to previous applications have been granted under like conditions; and
- Council can expect pressure to act consistently in its application of Plan objectives, policies, rules and assessment criterion. That is, Council is expected to be consistent in its decision-making.

There are various factors that make this proposal appear to comply and conform to Plan provisions and the coastal setting:

1. There are a number of existing breaches of permitted standards and the extra 7 square metres of development will not increase the effects of these breaches by a significant amount;
2. The site is surrounded by residential development on sloping sites with shared accesses that are also likely to breach some permitted standards to some degree;
3. The holiday environment produces many low maintenance sections and decked outdoor living areas taking advantage of the seascape and coastal setting; and
4. It is considered that the proposed development subject to recommended conditions is likely to result in similar environmental outcomes that the Plan seeks to locate in established coastal developments.

Cross-Lease Issues

Under the RMA, section 88(1) “A person may apply to the relevant local authority for a resource consent.” The application does not have to be made by an owner or all owners of the subject property. The cross-lease issue has been raised before when the Hustons applied for building consent in 2001 to add to their dwelling. Legal opinion was sought and if “an owner” applied for consent and it complies the Council is obliged to issue it. Obligations under cross-lease agreements are a separate matter beyond the Council’s control.

Intrusions Outside the Boundaries of the Property

A submitter believes the proposal intrudes over the boundaries of the property. I assume this refers to the southern boundary that contains a crib wall and a small width of decking (approximately 0.4 metres). The proposal merely replaces the decking and does not extend over this boundary any further. It makes practical sense to deck right up to the retaining wall rather than leave a narrow gap. The owners of the property to the south have provided approval for the proposal.

6. CONCLUSIONS

- 6.1 The proposal is a Discretionary Activity under the Proposed Plan.
- 6.2 While the building coverage is 51 per cent the visual effect of the buildings cover approximately 31 per cent of the property. This is similar and even appears less developed than other properties in the area and what could occur as a permitted activity.
- 6.3 The proposal makes more efficient use of indoor and outdoor living space, maintains access to sunlight, daylight and outlook for occupants of Flat 1 and enhances the privacy for occupants of Flat 1.
- 6.4 The effects of the breaches when considered individually and cumulatively will be no more than minor.
- 6.5 The development is compatible with the Kaiteriteri beach holiday setting that would enable the Council to approve the proposed activities without undermining the integrity of the Plan to achieve its environmental outcomes.
- 6.6 The policies and objectives of the Proposed Plan seek to ensure the use of the land does not adversely affect the character and amenity of the area and protects land from erosion, water bodies from sedimentation and archaeological sites from damage or destruction.
- 6.7 It is considered that this proposal, on this particular site, subject to recommended conditions of consent is consistent with the policies and objectives of the Proposed Plan and with the Act's purpose of achieving the sustainable management of natural and physical resources. The adverse effects on the environment will be no more than minor. Therefore the application should be approved under Section 104B of the Resource Management Act 1991.

7. RECOMMENDATION

That pursuant to Section 104B of the Resource Management Act, I recommend the application to undertake alterations and additions and associated earthworks to Flat 2 DP 9054 on Lot 1 DP 7124 be granted.

8. CONDITIONS

If the Committee grant the application, I recommend the following conditions be imposed:

1. The alterations and additions shall be constructed and sited in accordance with the application documents and plans attached to this consent labelled Plan A, B and C and dated 7 October 2005.
2. The exterior of the buildings shall be finished in recessive colours that have a low reflective finish (matt rather than glossy) and blend in with the surrounding coastal environment or are finished to blend in with the existing exterior colours of Flat 1.
3. Engineering Supervision
 - a) The consent holder shall employ a registered engineer with experience dealing with Separation Point Granites to monitor and supervise earthworks until such time as they have been retained in accordance with good engineering practice.
 - b) On completion of retaining works the consent holder shall provide Council with a signed statement from the engineer stating that all earthworks have been carried out in accordance with good engineering practice and comply with all relevant resource consent conditions.
4. Disposal of Spoil
 - a) No spoil shall be placed where it may move or wash onto any adjoining property, natural water course or storm water system.

Note:

This may require that the construction area is serviced with sediment control measures and that these measures be maintained for a period following the completion of earthworks.

- b) All infill not retained shall be uplifted and removed from the property.

5. Notification

The consent holder shall, in order to allow for the monitoring of consent conditions, provide a minimum of three working days notice to Councils Co-Ordinator – Compliance Monitoring or his agent before the commencement of earthworks authorised by this consent.

6. Cultural Heritage

The subject property is in a coastal area. Such areas may have historical significance to Maori, as they were places favoured for living and working in by Maori. If during any site disturbance works, any material is found that may have any archaeological significance, all work shall stop immediately and the consent holder shall contact local iwi, the Tasman District Council and the New Zealand Historic Places Trust, who shall be consulted so that appropriate action pursuant to the Historic Places Act 1991 is undertaken.

Note:

The applicant has arranged to have an iwi monitor present on-site during excavations.

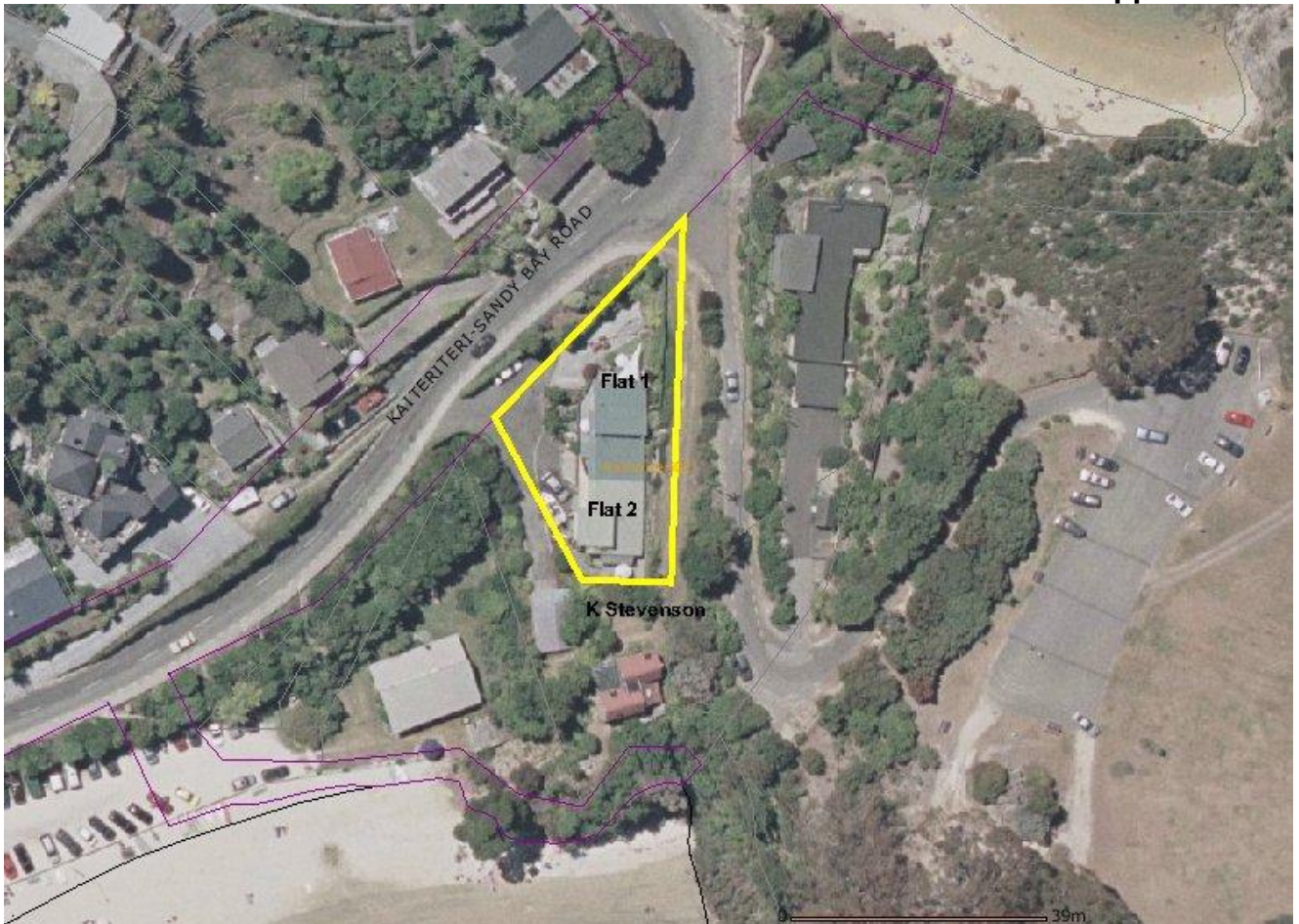
7. The consent holder shall provide the Council with a copy of the archaeological assessment prior to earthworks commencing on-site.

Notations

1. This consent is issued pursuant to the Resource Management Act 1991 and the Proposed Tasman Resource Management Plan. It does not constitute building consent and the proposed alterations shall obtain the necessary approvals pursuant to the Building Act 2004.
2. Any matters not referred to in this application for resource consent or are otherwise covered in the consent conditions must comply with the Proposed Tasman Resource Management Plan (PTRMP) or the Resource Management Act 1991 or further resource consent is required to be obtained.
3. Monitoring of the consent is required under Section 35 of the Resource Management Act 1991 and a deposit fee is payable at this time. Should monitoring costs exceed this initial fee, Council will recover this additional amount from the resource consent holder. Costs are able to be minimised by consistently complying with conditions and thereby reducing the frequency of Council visits.
4. Council will require payment of a development contribution in accordance with Council's Development Contributions Policy under the Local Government Act 2002 for the development subject of this resource consent.

The Development Contributions Policy is found in the Long Term Council Community Plan (LTCCP) and the amount to be paid will be in accordance with the requirements which are current at the time the relevant development contribution is paid in full. A 5% discount is available if the payment is made prior to the uplifting of the building consent (see attached brochure).

Mandy Bishop
Consent Planner – Motueka



LAND DISTURBANCE ASSESSMENT FROM COLIN MICHIE (Consent Planner and Compliance Officer) – 23/9/05

TASMAN RESOURCE MANAGEMENT PLAN

The need for Land Disturbance Consent is triggered where any earthworks in Land Disturbance Area 2 involves a cut batter or excavation with an average height or depth in excess of 0.5 metres – Tasman Resource Management Plan Section 18.6.9.

Where the average cut batter or excavation height or depth exceeds 2.0 metres it is deemed to be a discretionary activity - Tasman Resource Management Plan Section 18.6.10.

The application received notes that earthworks will have a maximum vertical height of 2.3 metres and a maximum depth of 3.0 metres. Although these measurements are maximums (not averages) the applicant accepts that the proposal is discretionary under the T.R.M.P rules

ASSESSMENT OF EFFECTS

Land Disturbance Area 2 covers the area of deeply weathered Separation Point Granites which tend to become relatively cohesionless once “broken out”. They prove difficult to recompact and slopes greater than the internal friction angle are prone to failure. According to Fahey and Coker * in a report prepared for Council the natural angle of repose for the weathered granites is in the order of 23 degrees. Any disturbance of the weathered granites increases the risk of erosion and or sediment entering natural water.

* Separation Point Granite Terrain Erosion and Sedimentation Risk (1994)

In the application there is no indication of how the applicant intends to limit the period when the above ground cut faces are left in a vulnerable state ie. with high potential for collapse.

It is important that retaining of cut faces is not delayed.

The applicant notes that spoil will be used as infill on the property. It is important that that spoil is not placed on any surface area where it could move or wash onto adjoining properties, natural water courses, or into any constructed storm water system.

All infill not retained should be uplifted and removed from the property.

Recommendation:

It is recommended that land disturbance consent be issued subject to the following conditions

1. Engineering Supervision

- a) The consent holder shall employ a registered engineer with experience dealing with Separation Point Granites to monitor and supervise earthworks until such time as they have been retained in accordance with good engineering practice.
- b) On completion of retaining works the consent holder shall provide Council with a signed statement from the engineer stating that all earthworks have been carried out in accordance with good engineering practice and comply with all relevant resource consent conditions.

2. Disposal of Spoil

No spoil shall be placed where it may move or wash onto any adjoining property, natural water course or storm water system.

Note:

This may require that the construction area is serviced with sediment control measures and that these measures be maintained for a period following the completion of earthworks.

3. Notification

The consent holder shall, in order to allow for the monitoring of consent conditions, provide a minimum of three working days notice to Councils Co-Ordinator – Compliance Monitoring or his agent before the commencement of earthworks authorised by this consent.