TASMAN DISTRICT COUNCIL

RESOURCE MANAGEMENT ACT 1991

APPLICATION FOR RESOURCE CONSENT UNDER
SECTION 88 OF THE ACT

To: Consents Planner
Tasman District Council
Private Bag 4
RICHMOND

1. Applicant:
SB Drummond.

2. Proposal:
To subdivide a 29.57ha property into 4 new titles – proposed Lots 1-3 (amalgamated) of 10.76ha containing the Applicant's house and Lots 4-6 of between 5.43ha and 7.28ha each with a nominated house site – in accordance with the scheme plan in Annexure B.

The new titles are to share in the existing driveway to the Applicant's house (shown as RsOW A, B and E), extended to Lots 4 and 6 (shown as RsOW C and D).

(NB: A full description of the proposal is contained in Annexure A to this application).

3. Location:
34 Teapot Valley Road, Brightwater (see Figure 1 of the application).

4. Legal Description:
The application site is legally described as Lots 1 and 2 and Lot 28 DP17701 comprised in CT 11C/943. The title also has a 1/3 share in an access lot, Lot 21 DP17701, although that is unaffected and not used by the new allotments Lots 4-6. A copy of this title and its easements is contained in Annexure C.

5. Owner / Occupier:
The application site contains the Applicants’ home and the balance of land is used for livestock grazing.

6. Resource Consents:
Subdivision and land use (for the right of way) consents are sought through this application. No other resource consents or permits are required.

7. Assessment of Effects on the Environment:
An assessment of actual or potential effects on the environment of the proposed activities, prepared in accordance with Section 88 and Schedule 4 of the Resource Management Act 1991, is enclosed with the application (refer Annexure A).

8. Other Information:
Information required by the Tasman Resource Management Plan (TRMP), and that necessary in understanding the proposal, is enclosed and includes:
- Scheme Plan of Subdivision, prepared by Planscapes (NZ) Ltd (Annexure B);
- Certificate of title and related easements where relevant to the subdivision (Annexure C);
- Geotechnical Assessment, prepared by Swanney Geotechnical and Civil Engineering Ltd (Annexure D);
- Landscape and Visual Effects Assessment, prepared by Tasman Carter Ltd (Annexure E);
- Report on Soils and Productive Potential, prepared by Dr Iain Campbell (Annexure F);
- Written approval forms (Annexure G);
- photographs, included in the AEE.

9. **Application Fee:**

It is requested that the Applicant please be invoiced for Council’s application fee so that payment may be made using on-line banking.

(Signed by the Applicants or Their Authorised Agent)

Dated this 25th day of May 2017

**Address for Service:**

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NELSON 7010

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Email: jane@planscapes.co.nz

0529application
INTRODUCTION

Stuart Drummond ('the Applicant') seeks resource consent from Tasman District Council ('the consent authority') to subdivide his 29.57ha property at 34 Teapot Valley Road Hope ('the application site') into four new titles of between 5.43ha and 10.76ha ('the proposed subdivision'). The subdivision will enable a residence to be built on Lots 4-6, within a nominated building location area for each lot and subject to the recommendations of the Applicant's Landscape Architect as outlined in Annexure E.

The location of the application site is shown in Figure 1 below, and its certificate of title is contained in Annexure C.

The layout of the subdivision, showing also the Applicant's house and garden, its right of way access, and nominated building sites (building location areas, or BLAs) on Lots 4-6, is contained on the scheme plan in Annexure B. Lots 1-3, containing the Applicant's house are to be amalgamated and held as one title, and any new development potential will be associated with Lots 4, 5 and 6.

The application site is zoned Rural 2 under the Tasman Resource Management Plan (TRMP), and is within Land Disturbance Area 1 (LDA 1).

With the bundling of consents, the proposed subdivision is a discretionary activity under the TRMP because it will create lots of less than 50ha in area and its right of way access will not fully conform with the formation and sight distance requirements of the TRMP.

In preparing this application, a site visit was undertaken by Jane Hilson, Planscapes NZ Ltd, on 2 December 2016.

The Applicants have engaged Swanney Geotechnical and Civil Engineering to advise on the geotechnical feasibility of the subdivision and its building sites, Tasman Carter Ltd to undertake a landscape and visual assessment, and Dr Iain Campbell to investigate the soils and land productivity issues. Their reports are contained in Annexures D-F of the application. These supporting reports, and any recommendations made within them, form part of the Assessment of Effects on the Environment for this proposal.

The new house sites on Lots 4-6 have been located where facing into the gullies within the property, reducing their visibility from the Waimua Plains and neighbouring sites. For this reason the Applicant intends to consult only those neighbours who may potentially gain a view of the BLAs from their properties, the owners of 36 Teapot Valley Road alongside which ROW A is located, and Carter Holt Harvey who has an easement over part of the application site in favour of its activities at Eves Valley Mill. Any written approvals from these parties will be submitted with the application to Council as Annexure F, and Section 104(3)(a)(ii) of the RMA requires that the consent authority disregard any effects on persons who have given written approval to the application.

The following assessment has been prepared in accordance with Section 88(2) and Schedule 4 of the Resource Management Act. Clause 1 in Schedule 4 of the RMA states that the information required by the schedule, including any assessment under clause 2(1)(f) or (g), must be specified in sufficient detail to satisfy the purpose for which it is required.
APPLICATION SITE AND ENVIRONS

The application site is located at 34 Teapot Valley Road, Brightwater (see Figure 1 below).

The property is legally described as described as Lots 1 and 2 and Lot 28 DP17701 comprised in CT 11C/943. The title also has a 1/3 share in an access lot, Lot 21 DP17701. A copy of this title is attached as Annexure C.

CT 11C/943 is subject of a number of easements. The existing covenant, Area A in DP313436, is covered by ENC 5376070.1. This easement between the Applicant and Carter Holt Harvey acknowledges the presence of Eves Valley Mill and prevents a dwelling being built within Area A shown on the scheme plan in Annexure B as affecting the northern land in proposed Lots 4 and 6.

The application site and environs are also well described in the reports accompanying this application as Annexures D-F.

The Applicant owns and lives on the property. His house is located at the head of the main gully trending south-north through the centre of the site, at about RL115m to TDC Datum (see Photo A). Although a large house, the materials and colours used, and extensive landscape plantings, mean that the house is visually well integrated when viewed from the surrounding environment and more distant Waimea Plains (refer to the discussion of this in the Landscape and Visual Assessment in Annexure E).

The property is described as rolling to moderately steep hill country. The east facing slopes of the property, comprising proposed Lots 2 and 3 and most of proposed Lot 4, form part of the western margin of the Waimea Plains. This is a significant topographic and landscape feature of the property in its wider context and as viewed from Waimea West Road.
The Applicant has extensively planted the eastern slopes below the house and its driveway in exotic tree species (see Photo B). These paddocks are grazed by sheep to keep the grass down around the trees. The balance of the property is grazed by cattle, except for the macrocarpa stand on proposed Lot 5. Poplar trees line the driveway to the house (Photo E) and there is a stand of poplar trees on Lot 5 below the Applicant's house (Photo H).

The highest point in the property (RL130m to TDC Datum) is located behind the Applicant's house. From there the land falls away to two broad spurs, one to the north and forming the western boundary of proposed Lot 5 (Photo H) and the other to the north-east along which it is intended to access proposed Lots 4 and 6 (Photos A and J). Mr Swanney has noted that the ridgelines slope gently to the north to northwest at less than 10°, and with typical side slopes off these of 15° to 25°. There is very minor localised instability and soil creep / terracettes on steeper ground and in the gully heads, but the landform is inherently stable.

Dr Campbell has determined that approximately 0.8% of the property is flat to gently undulating and a further 3.4% (1 ha) is undulating. A majority of the property (over 62%) is strongly rolling to steep hill country, with slopes in excess of 16°. A majority of its soils are within the less versatile class with limitations being topography, stoniness, permeability, difficulties to access and work the land, nutrients and erosion risk. The TDC Classification System for Productive Land (1994) notes the property as containing Class E and F soil with potential use under extensive pastoral or forestry production.

Given its past and continued use under pastoral and forestry systems, the application site is not a HAIL site on Council’s Contaminated Sites Register.

The application site has frontage to Teapot Valley Road, a rural access road in Council’s roading hierarchy. Teapot Valley Road is a 2km long non-exit sealed country road off Waimea West Road which serves rural productive and rural residential properties and the Teapot Valley Christian Camp (see Figure 4 in Annexure E).
The subdivision is to utilise the existing driveway to the property (see Photos C-D). Mr Drummond has widened and formed the property entrance to Teapot Valley Farm so that this is an attractive and safe crossing place (see Photo C). The sealed driveway extends from here, around the hill side and through an avenue of poplar trees (Photo E) to the ridge and Applicant’s house. The driveway varies in width from 3.5m-4m, with sealed widening or grass verges to enable passing of vehicles in appropriate locations along its length. The driveway terminates at a large sealed turning area just below the house (Photo J). Access then extends to the rear of the farm via Lot 21 DP17701, to the house, or below and to the western side of the garden (Photo E).

The rural character of application site and environs is described in detail in the Tasman Carter report. This notes that the site is part of an environment containing a mix of rural residential and productive land uses. In relation to the hill slopes extending south of Eves Valley and along the western margin of the Waimea Plains, there are three rural residential properties on the steep escarpment between the application site and Waimea West Road, and 12 rural residential properties in a small valley draining for Pitfire Stream just up Teapot Valley Road. There are a number of smaller rural properties, largely used for grazing, between this and west of the application site. Overall, this area is described by Mr Carter as “visually well contained”. Land on the plains on the east side of Teapot Valley Road and Waimea West Road is flat and highly productive, and is largely under horticultural use.

The application site is at least 1km from Eves Valley Mill and its road access. None of the proposed house sites under this subdivision will be visible from the mill.

RESOURCE CONSENTS REQUIRED

The relevant rules in the TRMP will be discussed later in the application, however by way on summary subdivision consent, and land use consent for the access and rights of way as part of this, are sought through this application:

<table>
<thead>
<tr>
<th>Resource Consent</th>
<th>Reasons and Rules for Consent</th>
<th>Activity Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subdivision</td>
<td>The subdivision will create lots of less than 50ha in the Rural 2 Zone (Rule 16.3.6.4, discretionary activity), and with non-conforming right of way access (see below)</td>
<td>Discretionary activity</td>
</tr>
<tr>
<td>Right of Way Access</td>
<td>The rights of way will variously breach rules in relation to length, width, passing bays, and sight distances at Teapot Valley Road (Rule 16.2.2.6)</td>
<td>Restricted discretionary activity</td>
</tr>
</tbody>
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APPLICATION PLANS AND REPORTS

The Applicant has commissioned various supporting reports and assessments which are attached as Annexures D-F. These include a geotechnical report, landscape and visual assessment, and report on soils and production potential of the land. These reports, plans and assessments describe the application site, the proposal, its potential effects on the environment and/or recommend mitigation measures. They have also influenced the location of building sites and configuration of the new allotments shown on the scheme plan in Annexure B.

GEOTECHNICAL ASSESSMENT

Swanney Geotechnical and Civil Engineering’s report (Annexure D) addresses the geotechnical feasibility of the new allotments and proposed development of Lots 4-6. It covers new accessways, building site earthworks, geotechnical hazards and stormwater management.

Mr Swanney has determined that the underlying landform of the application site is inherently stable, with instability limited to shallow surficial instability of the weathered layer on steeper, wetter areas. There is no evidence of instability present on the proposed building sites. The BLAs are expected to be straightforward to develop as a standard cut/fill earthworks operation. Access to the BLAs can be achieved via the existing accessway and new accesses along the ridgeline.
Mr Swanney has concluded that the proposed building sites on Lots 4-6 are unlikely to be subject to material damage from geohazards, and therefore the proposed development will comply with Sections 106 (a) and (b) of the Resource Management Act.

Providing the development proceeds in accordance with the recommendations below, the building platforms will be at low risk of being adversely affected by instability associated with high frequency rainfall or seismic events:

- development of building platforms is to be monitored by a chartered geotechnical engineer;
- minor instability within the gully below the BLA on Lot 4 is to be taken into account in designing its building landform earthworks;
- the BLAs will each be certified by the geotechnical engineer and any specific development constraints will be registered as consent notices on the titles;
- all structural fills will be certified by the overseeing engineer;
- stormwater flow from buildings should be controlled and discharged clear of building foundations and areas of fill, directed to existing drainage pathways.

The Applicant agrees with these recommendations for development.

LANDSCAPE AND VISUAL ASSESSMENT

The Applicant has engaged Tom Carter of Tasman Carter Ltd to assess the effects of the subdivision on rural character, amenity and landscape values. His report in Annexure E also assesses the proposal against the relevant policies in the TRMP.

Mr Carter has identified qualities of the existing property, its landform, plantings, house and access which contribute to the visual absorption capacity and the low visual effects of existing use and development of the site. It is these same qualities that the Applicant wishes to maintain through this subdivision.

The building site opportunities on Lots 4-6, as viewed from Areas A (west of the Wai-iti River Bridge) and B (north of the Wairua West Tennis Club), have been assessed and their final location (BLAs) shown on the scheme plan as a result of Mr Carter’s advice. From Area A, on the plains back towards Brightwater, the application site has low capacity to absorb change due to its visibility from the surrounding area, steep topography and lack of screen planting. The proposal will retain its present character by siting the house sites off the skyline and where not visually obtrusive from the east. Views from Area B are into the gullies rising from Eves Valley. Existing vegetation, and reduced sensitivity of the ridges and skyline, increase the site’s capacity to absorb visual change when viewed from Area B. It is on the flanks of these gullies that the three building site opportunities have been identified. The BLAs will be set down into the landform, to ensure a landform backdrop and not break the skyline, and mounding and planting is proposed to screen new structures and provide visual absorption.

Mr Carter has recommended various controls to mitigate any cumulative loss of rural character and ensure that proposed buildings and access are subservient, rural character attributes are promoted, there is separation between structures and a high ratio of open space to built features will be retained:

- all structures are to be located within the identified BLAs;
- development, including access for earthworks and building platforms and tree planting, shall be undertaken generally in accordance with Figures 7 and 8 of the report (shown in Figure 2 below);
- new water tanks are to be buried;
- all new earthworks should be grassed, then trees planted in accordance with the Plant List in Appendix B;
- no urban style fences shall be constructed;
- exterior cladding and roofs shall be finished in colours scheduled in Mr Carter’s report;
- buildings on Lots 4 and 5 shall be restricted to 5.5m above finished bench level, and on Lot 6 to 5m above finished bench level.

The Applicant agrees to these recommendations, and proposes that they will be given effect in the course of developing the sites for use by family members. This will not only ensure the visual quality of development viewed from the Waimea Plains and neighbouring properties, but also from within the application site and so sympathetic with the high amenity character of Mr Drummond’s own house and gardens.

SOIL AND PRODUCTIVE POTENTIAL OF THE LAND

Dr Iain Campbell of Land and Soil Consultancy Services was engaged to assess the productive capacity of the application site (Annexure F). He has concluded that the productive capacity of the farm is limited by the low versatility of its soils and the nature of its terrain. Subdivision will have little impact on the future productivity of the property, would be unlikely to compromise the efficiency of the Rural 2 Zone and is preferable to subdivision on land where productive capacities are generally greater.

PROPOSED ACTIVITY(IES) FORMING PART OF THE PROPOSAL

PROPOSED ACTIVITIES

Clause 2(1)(a) of Schedule 4 requires a description of the proposed activity.

The Applicant proposes to subdivide his property in accordance with the scheme plan in Annexure B and Figure 2 below, creating 4 new titles of between 5.43ha and 10.76ha in area:
- proposed Lots 1-3 (amalgamated) of 10.76ha containing the Applicant’s house; and
- proposed Lots 4-6 of between 5.43ha and 7.28ha each with a nominated house site (BLA).

Figure 2: Scheme Plan of Subdivision (refer Annexure B) and Landscape Mitigation Plans for Lots 4-6 (refer Annexure)

The amalgamation condition for Lots 1-3 is shown on the scheme plan, along with a condition that the access lot Lot 21 DP17701 is to be held in an undivided 1/3rd share by the owner of these lots.
The purpose of this subdivision is to provide for the housing needs of Mr Drummond’s three children and their young families. Mr Drummond is to remain living on the property in the existing house, but wishes to enable his sons to own their own houses with associated rural land and open space on what was once their family property. With this in mind Mr Drummond intends to undertake all construction himself, including the earthworks for the building platforms, and to continue planting the property and house sites so that they are integrated with his own and achieve some consistency in visual quality of development across the site as a whole.

The building sites or BLAs on Lots 4-6 have been located with input from the Applicant’s Landscape Architect, and with attention to the land covenant that restricts the location of dwellings on this property. Each of the BLAs will be certified prior to Section 224 approval, and will be fixed by consent notice on the new titles Lots 4-6.

The location of the BLAs are shown in Photos F-H below. They are to be sited below the ridgeline and benched into the slope to maintain a landform backdrop. Mounding and planting is to occur, and there will be restrictions on the height and coloured finish of buildings, in accordance with the recommendations of Tasman Carter Ltd and the Landscape Mitigation Plans contained in Annexure E.

![Photo F: BLA on Lot 4](image1)
![Photo G: BLA on Lot 6](image2)
![Photo H: BLA on Lot 5](image3)

Formation of the building platforms and there access have been considered by the Applicant’s Engineer, and it is anticipated that these will involve standard cut/fill earthworks. The final design of these earthworks will be subject of engineering design and certification, particularly where relating to structural fill.

The new lots are to share in access via the existing driveway through the property, shown as RsOW A and B on the scheme plan. This access is already formed to a high standard and with aesthetic appeal, and it is not intended to upgrade this as a requirement of the subdivision.

From the end of ROW B, access to proposed Lot 5 is to be via the existing sealed driveway shown in Photo I and as ROW E on the scheme plan. Easements for this, and for all other rights of way, are also shown on the scheme plan.

![Photo I: ROW E to Lot 5](image4)
![Photo J: Alignment of RsOW C/D to Lots 4 and 6, from ROW B](image5)

A new access is proposed for Lots 4 and 6, located along the raceway and to the western side of the high point in the spur shown in Photo J (refer also Figure 7 in the Landscape Report in Annexure E. This will be formed to the
Council's engineering and TRMP requirements, except that it is proposed to have passing bays only every 100m due to visibility that will be achieved along its alignment.

Consent notices are volunteered by the Applicant for Lots 4-6 to address the landscape recommendations on pg 13 of the Landscape Report in Annexure E. Compliance with certain of these matters will be addressed at the time of building consent for houses on each lot.

Power and telephone connections will be provided to the new lots via the rights of way or extension of existing services to the house. The new lots will otherwise be unserviced rural properties. As is typical in these circumstances, it is proposed to collect and store rainwater, dispose of stormwater to natural drainage gullies, and to treat and dispose of domestic waste water on each lot in accord with the requirements of the TRMP.

PERMITTED ACTIVITIES

Clause 3 of Schedule 4 of the requires that if any permitted activity is part of the proposal to which the application relates, the application must include a description of the permitted activity that demonstrates that it complies with the requirements, conditions and permissions for a permitted activity for which resource consent is not required under section 87A(1) of the RMA. The permitted status of a residences on Lots 4-6, earthworks, water supply, an on-site waste water disposal and storm water management is outlined in discussion of the TRMP rules that follow.

OTHER ACTIVITIES

Clause 2(1)(d) of Schedule 4 requires identification of any other activities that are part of the proposal but need permission or licensing outside of the RMA. Building consent will be required to construct the house on each of Lots 4 - 6 and earthworks and on-site servicing provision will be confirmed (including compliance with the TRMP and any conditions of consent under this application) as part of that process.

SECTION 106 OF THE RMA

Section 106(1) of the Resource Management Act 1991 states that a consent authority may refuse subdivision consent in certain circumstances, if it considers that (a) the land in respect of which consent is sought or any structure on that is or is likely to be subject to material damage by erosion, falling debris, subsidence, slippage or inundation from any source, (b) any subsequent use of the land is likely to accentuate, worsen or result in the damage above, or (c) there is insufficient provision for legal and physical access to each allotment.

Mr Swanney is of the opinion that the proposed development will comply with Section 106(1)(a) and (b) of the Act (pg 2, Annexure D).

All new titles will have formed access via proposed RsOW A-E to Teapot Valley Road. This accords with subsection 106(1)(c) of the Act.

In reaching a decision on this application, there is no need for Council to exercise its discretion under Section 106 of the Act.

TASMAN RESOURCE MANAGEMENT PLAN

INTRODUCTION

Section 104(1) of the Act sets out those matters that a consent authority must have regard to in considering an application for resource consent, and subsection (1)(b) refers to the relevant provisions of national policy statements, national environmental standards, regional plans and district plans.

The application site is not HAIL land on Council's register of contaminated sites. No resource consents are required under the National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health (NESC).
The objectives and policies in all relevant planning documents will be considered separately in this application. This section looks at the relevant rules, resource consents and assessment criteria in the Tasman Resource Management Plan (TRMP).

ZONING AND OVERLAYS

The application site, and neighbouring land to its west and south, is zoned Rural 2 in the Tasman Resource Management Plan (TRMP). Land below and to the east of the site, including the two larger residential properties shown at Lots 1 and 2 DP311860 on the scheme plan, and horticultural land on the east side of Waima West Road and Teapot Valley Road, is zoned Rural 1. Land to the north is zoned Eves Valley Road Rural Industrial.

The only overlay relevant to this property and any earthworks on the site is Land Disturbance Area 1.

RULES IN THE TRMP

The relevant rules for this development are those for the Rural 2 Zone (Chapter 17.6), subdivision (Chapter 16.3) and transport (Chapter 16.2) in the TRMP.

Subdivision

The subdivision rules are contained in Chapter 16.3 of the TRMP.

The application site does not contain land in the Slope Instability or Fault Rupture Risk Areas (Rules 16.3.2.2 and 16.3.2.3), and therefore the subdivision does not require consent under Rules 18.12.2 and 18.13.2 in the TRMP.

The site does not include HAIL land (Rule 16.3.2.4), and therefore the subdivision, land use and earthworks do not require consent under the NESCS (Assessing and Managing Contaminants in Soil to Protect Human Health).

The subdivision of land in the Rural 2 Zone is otherwise governed by Rule 16.3.6 in the TRMP.

The minimum lot size of the Rural 2 Zone is 50ha (Rule 16.3.6.1(a)). The parent title, and the four new titles in proposed subdivision, do not comply with this standard.

Turning to the other conditions in Rule 16.3.6.1:

- the new boundary between Lots 3 and 5 has been located to ensure the existing house and any ancillary buildings comply with the 5m minimum set back requirement for the Zone, with onsite parking and turning, and with its wastewater disposal system contained within Lot 3 (Rule 16.3.6.1(c));
- the new boundary between Lots 5 and 6 is aligned to the gully and, while there is a small area of macrocarpa trees on Lot 5 (see Photo H), this is not plantation forestry (Rule 16.3.6.1(d));
- there are no new boundaries close to or below the amenity ponds on Lots 2 and 3 in the subdivision (Rule 16.3.6.1(e));
- all lots will have access via the existing driveway way (proposed RsOW A and B on the scheme plan) from Teapot Valley Road (Rule 16.3.6.1(f));
- ROW A will provide access to all four titles as rear sites, and this will have at least 6.5m legal width at its boundary with road reserve (Rule 16.3.6.1(g));
- the property does not include a heritage site or item noted in Schedule 16.13A of the TMRP (Rule 16.3.6.1(h));
- the application site is not in the Richmond West Development Area (Rule 16.3.6.1(i) - Rule 16.3.6.1(m));
- the property does not contain any identified cultural heritage sites (Rule 16.3.1.6(n) and (o)).

Rule 16.3.6.1(f) and Schedule 16.3B (b) require that RsOW A-E are constructed in accordance with the conditions in Chapter 16.2 (Transport – Access, Parking and Traffic). Site access is to be laid out and constructed in accordance with the standards in Figures 16.2A and 16.2B.

As concluded in the discussion to follow, the proposed rights of way to access this subdivision do not fully comply with the requirements of the TRMP.
Due to the area of the new allotments/titles and its proposed rights of way, the subdivision is a discretionary activity under Rule 16.3.6.4 in the TRMP.

Right of Way Access

Figure 16.2A states that for 2+ users in the Rural 2 Zone, any right of way must not exceed 200m in length and must be formed to 4.5m lane width plus 0.5m x 9m passing bays at 50m intervals, with 2 metalled shoulders of 500mm width, giving a carriageway width of 5.5m. With side drains, the total legal width for the right of way is to be 6.5m.

There will be between 2-4 users on the new rights of way. The existing driveway (RsOW A and B) is however approximately 670m in length, and RsOW C and D will be approximately 300m in length. Visibility along RsOW C and D will be excellent and therefore passing bays are proposed at 100m intervals. Consent is also sought to retain the existing formation of RsOW A, B and E as formed and sealed access to the property. These are already formed to a high standard and with widening to facilitate passing in appropriate locations.

The subdivision is to use an existing crossing place from Teapot Valley Road. Teapot Valley Road has a regulatory speed limit of 100km/hr, although the alignment of the road below the application site means that its operating speed is more like 80 km/hr. Figure 16.2B specifies a minimum sight distance of 210m for residential access on a road with an operating speed of 100 km/hr, and 115m for an operating speed of 80km/hr. There is generous sight visibility from the property entrance along teapot Valley to the south, but to the north this is approximately 125m.

Due to their length, formation width and sight visibility to the north of the property entrance, the proposed rights of way are a restricted discretionary activity for which land use consent is required under Rule 16.2.2.6 in the TRMP.

Residences on Lots 4-6 and Their Servicing

It is proposed to construct a house on each of Lots 4-6, in the location shown on the scheme plan.

The land use rules for the Rural 2 Zone are contained in Chapter 17.6 of the TRMP.

Rule 17.6.2.1(a)(viii) allows not more than one residential activity per site.

"Residential activity" is defined in Chapter 2 of the TRMP as "the use of land and buildings by people for the purpose of living accommodation, including all associated accessory buildings, leisure activities. A "dwelling" is defined as "a building or part of a building for a single self-contained housekeeping unit, whether of one or more persons".

Under Rule 17.6.3.1(c) Permitted Activities (Building Construction or Alteration), one dwelling per site is permitted as of right on a Rural 2 property.

The BLAs on Lots 4-6 allow a house on each to be designed and constructed to comply with the bulk and location requirements in Rule 17.6.3.1. At over 5.4ha in area there is also sufficient land within each of these allotments to deal with the onsite treatment and disposal of domestic effluent.

On-site services for the houses – the on-site treatment and disposal of wastewater in accordance with the Rule 36.1.2.4 in the TRMP, the management of stormwater in accordance with the Engineer’s report in Annexure D, and the collection and storage of water for domestic and fire-fighting supply in compliance with Rule 17.6.3.1(r) – will be addressed and compliance confirmed at the time of building consent. Where necessary, this can be reflected as consent notices on Lots 4-6.

Rule 17.6.3.1(r) sets out the requirements for on-site collection and storage of water for domestic and fire-fighting purposes in conjunction with residences on rural sites. The on-site collection and storage roof water is proposed, with storage sized to reflect the installation of sprinklers if provided.
The permitted standards for waste water disposal on each of the new lots are found in Rule 36.1.2.4 of the TRMP. The application site is not in a Special Domestic Wastewater Disposal Area or the Wastewater Management Area. The discharge from a single residence on Lots 4 – 6 can be designed so that it does not exceed an average weekly flow of 2000lt per day, and the disposal field can be sited with complying separation from boundaries and any water body. The system will be maintained and operated to achieve the treatment standards in Rule 36.1.2.4.

The disposal of stormwater is addressed through rules in Chapter 36.4 of the TRMP. As the new allotments are in the Rural 2 Zone, the discharge of stormwater to land as recommended by Mr Swanney is a permitted activity where it does not cause flooding, erosion or any of the other effects listed in Rule 36.4.2.1 of the TRMP.

The construction of a house on each of Lots 4-6, within the identified building location areas on the scheme plan, is a permitted activity under the TRMP.

Earthworks

There will be earthworks involved in forming RsOW C and D as part of the subdivision, and in forming the building sites and internal access within Lots 4-6 as part of any proposal to construct a residence on each.

Rules for Land Disturbance Area 1 are contained in Chapter 18.5.2 of the TRMP.

The scale of the earthworks means that it will comply with the permitted standards in Rule 18.5.2.1, including those for re-contouring of the building site (cut batters or fills of not more than 1m in height or depth involving no more than 1ha of land, over any 12 month period) and forming RsOW C and D and access to the BLAs from those and ROW E (not more than 100m linear disturbance per hectare on land of a predominant slope of less than 35°).

The required earthworks for RsOW C and D and for the building platform and access on each of Lots 4-6, should be a permitted activity under the TRMP.

MATTERS OF RESTRICTED DISCRETION AND ASSESSMENT CRITERIA IN THE TRMP

Schedule 16.3A in the TRMP contains the assessment criteria for subdivision. The following are relevant to this proposal:

1. The productive value of land in the Rural 1, Rural 2 and Rural 3 Zones, and the extent to which the proposed subdivision will adversely affect it and its potential availability.

Refer to Dr Campbell’s report in Annexure F. The application site does not contain land with high productive potential, and the subdivision will therefore have little impact on future productivity of this land.

2. The potential effects of the subdivision on the amenity values and natural and physical character of the area.

Refer to Mr Carter’s report in Annexure E. Managing the visual effects of the proposal as recommended will maintain rural character attributes of openness (a high ratio of open space to built features), greenness (through large areas of vegetation) and opportunity for low key productive activity. This will ensure the subdivision is consistent with and will retain the existing rural character pattern of this environment. The house sites will be visually and physically buffered from houses, and will not compromise the use and enjoyment of, any neighbouring properties.

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

Refer to Mr Swanney’s report in Annexure D. The building sites are located on land on low geohazard risk, and with building sites to be certified by a geotechnical engineer prior to Section 224 approval.

4. The adequacy of provision for public open space, esplanade reserves and esplanade strips.
Given the location and scale of the subdivision, it will not result in demand for further public reserves and neither are there any significant water courses through the site to which the esplanade provisions of the Act and TRMP would apply.

(7) The cumulative effects of the subdivision on the District's infrastructure and its efficient use and development, including the capacity and capabilities of the road network and utility services to meet demands arising from the subdivision.

(11) The adequate provision of potable water and water for fire fighting.

(38) The extent to which an existing road needs to be upgraded to manage effects of traffic generated by the subdivision....

Proposed Lots 1-3 are already serviced for its needs, but additional demand on services will be created by the three new lots. Power and telephone services are available within RsOW A and B and these will be extended via RsOW D-E to the boundary of Lots 4-6 as part of the subdivision. Water supply, wastewater and stormwater disposal will be addressed on-site as is typical of a rural property, and will be installed at the time of building consent. This will include compliance with Council's TRMP storage requirements for both potable and fire-fighting water supply.

The application site is located above and to the northern end of Teapot Valley Road and with its entrance within 200m of its intersection with Waiumea West Road. Teapot Valley Road is formed to a high standard with a two lane sealed carriage way, and generous splay and a safe intersection with the existing sealed driveway into the property. The road is considered capable of safely and efficiently accommodating the three additional domestic users and associated traffic that will result with this subdivision without further upgrade.

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

The proposed subdivision will create rural properties of a size and future use that are compatible with the pattern and character of subdivision already present in the locality. They do not adjoin or conflict with adjoining productive soil-based activities such of plantation forestry or horticulture, and will be sufficiently removed from the Waimea Plains to not impact on intensive production systems in the Rural 1 Zone. The rights of way serving the subdivision do not pass close to any residences on neighbouring sites, and the BLAs are at least 1km from and not within line of sight of the Eves Valley Mill. The land covenant that restricts the location of dwellings on the application site has the purpose of protecting the operations of Carter Holt Harvey's mill, and this has been satisfied in designing the subdivision and its BLAs. No cross-boundary or reverse sensitivity effects are anticipated.

(10) Where waste water disposal will occur within the net area of the allotment, the extent to which the site and soil assessment, design and construction of the system complies with AS/NZS 1547:2002 ....

Given the size of the allotments and their occupation by a single residence, it is appropriate that this assessment and the resulting waste water systems are addressed at the time of building consent but conditioned as a consent notice on the new titles for Lots 4-6.

(14) Taking into account local land form, whether allotments are of a regular shape that will maximize the range and efficiency of potential activities that may take place on the land in the future.

The new boundaries are practical taking into account existing access to and location of the Applicant's house, landform (gullies and ridges) and the presence of fences. As concluded by Dr Campbell, the subdivision will not impact on the future productivity of land within the application site and its new titles. This land is likely to remain in use for livestock grazing beyond the curtilage of any house.

(15) Whether engineering design is appropriate for the circumstances.

(35) The degree of compliance with provisions of the current TDC Engineering Standards.

(42) The ability to comply with the site access and vehicle crossing requirements in Rule 16.2.2.1.
Compliance with the TRMP requirements for access and vehicle crossings has been addressed earlier in the application. As part of the subdivision approval process there will be engineering design of any upgrading of existing access and extension of new access within the proposed rights of way.

(16) Whether any landscaping features are proposed and their effects on pedestrian and traffic safety, the functional and aesthetic quality of the area, and potential maintenance costs.

Landscaping is proposed for each of the BLAs within Lots 4-6 in accordance with the Landscape Mitigation Plans in Annexure E. This will mitigate the visual impacts of their houses and related earthworks and ensure that, like Mr Drummond’s own residence, any new development is in keeping and well integrated with the existing visual amenity of the area as seen from those critical viewing aspects east and north of the property as identified by Mr Carter. This landscaping will be on private property so its maintenance will fall to the owners of Lots 4-6.

(24) The extent to which any earth cut or fill will remove existing vegetation, alter existing landforms, affect water quality or affect existing natural features such as water courses.

(26) The extent to which the earthworks will have an adverse visual effect on the surrounding area.

Earthworks required in forming the building platforms and internal access (75% of which is already formed) will be limited in scale, and in Mr Swanney’s opinion will require standard cut to fill. Mr Carter supports a landform backdrop to the BLAs so these will be benched into slope rather than impacting of any ridgeline or skyline landform. He has also advised on the location of new access within and extending from ROW D so that this sits below the ridge where practicable. No earthworks will occur within proximity of any water course or require the removal of existing vegetation other than pasture. Natural aging and re-vegetation of any cut batters, the presence of houses, and landscape treatment of the BLA and house surrounds will reduce or mitigate the visual impacts of these earthworks.

(27) Whether the proposed earthworks will increase or decrease the risks from natural hazards either on, or outside, the land being subdivided.

(30) The effects of existing or future buildings on any allotments in relation to natural hazards and effects on adjoining sites, and whether future building or development should be limited to particular parts of the allotment ....

Refer to Mr Swanney’s report in Annexure D. The BLAs have been identified as of low geotechnical risk. Engineering certification of the BLAs and any resulting specific development constraints imposed on the allotments, and certification of all structural fill, will mitigate the risk of hazards post-subdivision.

(28) The actual or potential adverse effects of the subdivision in terms of existing catchment drainage characteristics, stormwater flows, erosion and sedimentation, and stormwater quality ..... Mr Swanney is satisfied that stormwater can be adequately addressed within each lot.

(29) The ability of any existing ... building to comply with this Plan....

The new common boundary between Lots 3 and 4 has been located in relation to the Applicant’s house and ancillary buildings to comply with the setback and other relevant provisions in the TRMP.

(34) The adequacy of provisions for management of construction and site works, including an environmental management plan, to avoid or mitigate any adverse effects from noise, dust, stormwater and silt run-off....

There will be limited site works required as part of the subdivision, however management of these processes can be conditioned as a requirement of the engineering design and supervision of the proposed earthworks for the building platforms and RsOW C and D.

In relation to access, Rule 16.2.2.6 contains the following matters of restricted discretion:
(1) The location and design of on-site access and vehicle crossings and any effect on the safety and efficiency of traffic on the adjoining road.

(3) Any adverse effects of an over-length access.

(18) The potential effects of the activity on the safety and efficiency of the road network.

Refer to comments to Matters (7), (38) and (42) above.

OBJECTIVES AND POLICIES IN PLANNING DOCUMENTS

TASMAN RESOURCE MANAGEMENT PLAN

The relevant objectives and policies for this proposal are contained in Chapters 5 (Site Amenity Effects), 7 (Rural Environment Effects) and 9 (Landscape Effects) of the TRMP.

In relation to productive land values, Objective 7.1.2 in the TRMP seeks to "avoid the loss of potential for all land of existing and potential productive value to meet the needs of future generations, particularly land of high productive value." The adverse effects of the subdivision of rural land, particularly high quality land, and the reduction in land available for soil-based production, is to be avoided, remedied or mitigated (Policies 7.1.3.1 and 7.1.3.2). Land parcels upon subdivision are to be of a size and shape that retains the land's productive potential, having regard to productive values, the versatility of land, potential for cross-boundary effects, access and services (Policy 7.1.3.4). However Objective 7.2.2 also provides for rural activities other than soil-based production, including rural residential, in restricted locations while avoiding the loss of land of high productive values. In enabling sites to be used for such purposes, Policy 7.2.3.2 requires that regard be given to the productive and versatile values of land, natural hazards, outstanding natural features and landscapes, cross-boundary effects, servicing, the cumulative effects of land fragmentation, maintaining a variety of lot sizes, and efficient use of rural land resources. As smaller rural blocks, the location, proposed size and layout of the new lots is considered to be an appropriate and efficient subdivision and use of land in the application site. Mr Carter has provided some wider context to this in terms of the relationship of the proposal to existing rural residential development in Golden Hills Road and Teapot Valley. The subdivision will not comprise, and will not impact on, land of high productive versatility and, in terms of the application site itself, Dr Campbell is satisfied that the property has low versatility in its soils and the nature of its terrain and therefore there will be little impact on future productivity of the land. He also states that the proposal will not compromise the outcomes intended of the Rural 2 Zone through the TRMP. Any cumulative adverse impact on landscape, amenity or other rural values will be avoided.

Objective 7.4.1 in the TRMP deals with rural character and amenity. Mr Carter has in Table 1 of his report identified those objectives and policies in the TRMP relevant to rural character and amenity values and landscape values. These seek to maintain privacy and open space, and retain local rural character and amenity values in rural environments. In achieving quality landscape outcomes and avoiding any cumulative impact on rural character, structures should not affect visual interfaces such as skylines, activities which may visually impact on the rural area will be managed, and landscape enhancement and mitigation will be encouraged. Mr Carter has concluded that, subject to the controls recommended in his report, the rural backdrop to the Waimea Plains and the rural character attributes which these policies seek to achieve will be retained and the proposal will not be detrimental to the TRMP's aim of retaining rural character.

The objectives and policies for site amenity effects are contained in Chapter 5 of the TRMP. The proposed subdivision will achieve a high standard of site amenity in the placement and separation of house sites, landscape mitigation, access arrangements and limitation on earthworks.

Objective 5.1.2 deals with off-site amenity effects from the use of land and resources on the use and enjoyment of other land. Policies 5.1.3.1, 5.1.3.8 and 5.1.3.9 seek to ensure any adverse effects of subdivision and development on site amenity, landscape values and on stormwater flows, and from vehicles, buildings and structures are managed to avoid, remedy or mitigate those effects beyond the boundaries of the application site. This objectives and associated policies will be achieved through the careful placement of the BLAs so that they are not dominant.
from beyond the application site and as viewed from neighbouring sites, the use and sharing of existing property access where removed from neighbours and minimising the extent of additional earthworks, and proposed landscape treatment of and surrounding the three new building sites. Reverse sensitivity effects with Eves Valley mill will be avoided. The proposal will not compromise the amenity, use and enjoyment of neighbouring properties, including Lots 1-3 in the subdivision.

Objective 5.2.2 deals with on-site amenity, and its policies seek to maintain privacy for rural dwelling sites (Policy 5.2.3.1), to promote amenity through vegetation, landscaping and screening (Policy 5.2.3.4), and to avoid, remedy or mitigate the adverse effects of traffic on the amenity of rural areas (Policy 5.2.3.8). The BLAs have been located to ensure privacy and a high standard of residential amenity between lots within the subdivision, to promote amenity through bunding and planting, to minimise the need for traffic to pass by residences, and to limit the height of buildings so that they are not individually or collectively dominant within the development.

In summary, the proposed subdivision and associated development of Lots 4-6 accords with the thrust of the relevant objectives and policies in the TRMP.

TASMAN REGIONAL POLICY STATEMENT

The Tasman Regional Policy Statement (TRPS) sets out how the Council will achieve integrated management of the significant resource management issues of the area. The TRMP and its objectives and policies have been developed so consistent with the objectives and policies in the TRPS. As the subdivision will generally achieve the outcomes anticipated through the relevant objectives and policies in the TRMP, the proposal will not undermine the policy direction of the TRPS.

NZ COASTAL POLICY STATEMENT

The application site is within an existing urban settlement, and on a site physically well removed from and not visible from the coast. The proposal will not offend the NZCPS 2010.

STATUTORY ACKNOWLEDGEMENTS

Te Tau Ihu Statutory Acknowledgements are a type of cultural redress included in the Te Tau Ihu Treaty Settlement, and afford legal recognition of the particular cultural, spiritual, historical and traditional associations of the eight iwi of Te Tau Ihu with an identified area. As consent authority, Tasman District Council must have regard to any Statutory Acknowledgement within its area when determining whether the relevant iwi may be adversely affected by a resource consent proposal. Most statutory acknowledgement areas (SAA) are rivers and their tributaries. The Te Tau Ihu Statutory Acknowledgement Maps identify the eastern slopes of the property, where draining to the Waimea and Waikato River catchments, as part of a SAA of particular cultural, spiritual, historical and traditional association to iwi. Given their separation from waterways, providing that earthworks and waste water disposal is controlled such that they do not result in any contaminant discharges, the proposal will not impact either directly or indirectly on any SAA.

ENVIRONMENTAL EFFECTS OF THE PROPOSAL

INTRODUCTION

Section 88(2)(b) of the Resource Management Act 1991 states that any application for resource consent must be accompanied by an assessment of effects on the environment prepared as required by Schedule 4 of the Act. Clause 2(3)(c) of Schedule 4 requires the AEE in such detail as corresponds with the scale and significance of the effects on the environment that may arise with the proposed activity.

Use of the words "effect", "environment" and "amenity values" in this assessment of effects on the environment should be interpreted as follows, in accordance with Sections 2 and 3 of the Resource Management Act 1991:
"Effect" ... includes-
(a) Any positive or adverse effect; and
(b) Any temporary or permanent effect; and
(c) Any past, present, or future effect; and
(d) Any cumulative effect which arises over time or in combination with other effects—regardless of scale, intensity, duration, or frequency of the effects, and also includes—
(e) Any potential effect of high probability; and
(f) Any potential effect of low probability which has a high potential impact.

"Environment" includes—
(a) Ecosystems and their constituent parts, including people and communities; and
(b) Any natural and physical resources; and
(c) Amenity values; and
(d) The social, economic, aesthetic and cultural conditions which affect the matters stated in paragraphs (a) to (c) of this definition or which are affected by those matters.

"Amenity values" means those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes.

The following assessment has been guided by:
- Clauses 2(3)(c), 6 and 7 of Schedule 4 to the RMA;
- the scale of the subdivision;
- the expert reports that accompany this application;
- the recommendations made by Swanney Geotechnical and Civil Engineering and Tasman Carter Ltd, including the attached landscape mitigation plans for Lots 4-6; and
- any relevant matters of assessment, and assessment of the objectives and policies, in the District Plan.

Section 104(3)(a)(ii) of the RMA allows the consent authority to disregard any effects on persons who have given their written approval to the application. The Applicant proposes to consult those parties listed later in the application, and the following assessment may need to be amended depending on the outcome of that consultation.

The environmental effects of this proposal have been widely canvassed through discussion of the TRMP provisions, and in summarising the conclusions reached in each of the reports in Annexures D-F. It is not intended to repeat this, but to broadly address the actual or potential effects that may be expected to occur with this proposal.

**ACTUAL OR POTENTIAL EFFECTS ON THE ENVIRONMENT**

The key resource management issue identified in the TRMP associated with rural subdivision is that of land fragmentation and loss of land of productive versatility.

Refer to Dr Campbell's report in Annexure F.

The rural land fragmentation effects of this proposal will be mitigated on account of the quality of land in the application site, the impacts of the subdivision on future productivity of the property, and the rural settlement and land use character of which this proposal will be part. Any impacts of rural land fragmentation and loss of productivity versatility will be minor.

Mr Swanney has addressed natural hazards. There is no evidence of instability present on the proposed building sites. Providing the development proceeds in accordance with his recommendations, the building platforms will be at low risk of being adversely affected by instability associated with high frequency rainfall or seismic events. The BLAs and any structural fill will be certified as part of the subdivision.

Any physical effects will be limited in nature, both in terms of site preparation or earthworks and the scale of the built development that may follow from an additional three-lot subdivision that utilises an existing driveway.

Any physical works will be well removed and/or visually buffered from neighbours and water course, and therefore the potential for noise, sedimentation and any other construction impacts will be temporary and low impact. Erosion
and sediment control during earthworks can be addressed through a management plan if this is considered necessary.

It is important that the proposal does not have cross-boundary or reverse sensitivity effects that would impact on the productive or permitted use of adjoining properties or nearby industry. All of the BLAs are located outside of the covenant area in which dwellings are prohibited under agreement with CHH to protect its Eve Valley mill operations. None of the houses will have a view of or be visible from the mill, and will be at least 1km from the mill and its access road. There is no intensive soil-based production in close proximity to the application site. All adjoining land has productive value for forestry and/or livestock farming, although their size would suggest that pastoral use is most likely. The potential for conflict with adjoining land use activities, especially productive land-based practices ad industry, will be less than minor.

For landscape and visual impacts, refer to Mr Carter’s report in Annexure E. Retention of open space and greenness between the BLAs, implementation of the landscape mitigation plans, benching of building platforms to retain landform backdrops, the burying of water tanks, restriction of building location, and control over the finished height and colours of houses, will mitigate the prominence and any adverse visual impacts of activities on the new lots. The proposal will not result in skyline development, nor require earthworks that will compromise the land form or lead to adverse scarring of slopes above and visible from the Waimea Plains.

Mr Carter has also addressed rural character and amenity values. He is satisfied that the proposal will retain the rural character values of the local environment. Future houses on Lots 4-6 will be sited where they will not impact on the view or outlook from adjoining properties and houses. Privacy and a high standard of rural amenity will continue to be enjoyed by those neighbours, and for occupants within the subdivision.

There will be three additional domestic users on Teapot Valley Road and the rights of way as a result of the subdivision. Both are formed and sealed to a standard that can safely and efficiently accommodate the additional traffic. No adverse traffic impacts are anticipated.

On-site servicing is to be provided for the houses on Lots 4-6, to a standard that is consistent with other rural properties where reticulation is not available. Engineering design of the domestic wastewater and stormwater disposal systems on each lot is proposed, and water for potable and firefighting supply will be provided to Council’s requirements, as matters to be confirmed through the building consent process. There is no use of hazardous substances, or discharge of contaminants, associated with this proposal.

The proposal will provide for the economic and social needs and well-being of the Applicant and his family. Providing any effects of the proposal can be reasonably internalised, which it is thought they can, then the proposal is of a nature and scale that it will not impact on the wider community.

There will be no effects on ecosystems, including plants, animals or significant habitats and the subdivision and BLAs are to occupy land currently in pasture and a small area of forestry. Existing amenity plantings on the property will be retained and, through further planting, enhanced.

The application site does not have any aesthetic, recreational, scientific, historical, spiritual or cultural value, or other special value, beyond the private interests of the Applicant.

In conclusion, any adverse effects on the environment as a result of this proposal will be no more than minor.

ALTERNATIVE SITES AND METHODS

It is concluded that any adverse effects on the environment arising from this proposal will be no more than minor. The Resource Management Act does not require the Applicant to consider alternative sites or methods of achieving his objectives or undertaking the activities in those circumstances.

MITIGATION MEASURES AND MONITORING

Conditions have been volunteered as part of the application, including those to avoid or mitigate the risks on land instability, to ensure that any development is appropriately serviced, and for landscape mitigation. No further
mitigation measures are considered necessary in managing the potential effects of the proposal. The scale and significance of any effects on the environment is not warranting of special monitoring beyond Council's standard monitoring of compliance with consent plans and conditions.

**Consultation**

The Applicant intends to consult the owners of Pt 1 DP5748, Pt Sec 145 and Lot 2 DP438189 as properties in proximity to the BLAs shown on the scheme plan, and the owner of Lot 3 DP17701 alongside which ROW A passes. Any written approvals obtained from these parties will be submitted as Annexure I to the application. Carter Holt Harvey has not been consulted at this time given the BLAs are outside of the residential restriction Area A and the existing covenant will carry over to the new titles to protect CHH's interests.

**PART 2 OF THE RMA**

The proposal will achieve the purpose and principles of the Resource Management Act 1991. It will provide for the social and/or economic well-being of the Applicant and his family, without impacting on the use and enjoyment of neighbouring properties. Geotechnical and landscape assessments of the site and proposal have been undertaken, and recommendations made in relation to earthworks, certification of foundations, the siting of houses and access, and servicing so that this proceeds in a manner the provides for the health and safety of any residents. In its location as part of an existing rural area containing poorer quality soils and already reasonably fragmented, the subdivision will sustain the potential of natural and physical resources (including high quality land resources) to meet the reasonably foreseeable needs of future generations and safeguard the life-supporting capacity of soil and water. Any adverse effects of the proposal can be appropriately avoided or mitigated through conditions of consent.

There are no matters of national importance (Section 6) and Treaty issues (Section 8) relevant to this application.

In terms of the matters in Section 7, subsections 7(b), (c) and (f) are relevant. The proposal will promote the efficient use and development of natural and physical resources within the application site, and will maintain the quality and amenity of the rural environment of which the proposal is part.

**SECTION 95 OF THE RMA**

Subject to the outcome of consultation, it is requested that the Council considers non-notification of this application pursuant to Section 95 of the Resource Management Act 1991.