

MINUTES

TITLE: Environment and Planning Subcommittee
DATE: Monday, 11 July 2005
TIME: 9.30 am
VENUE: Council Chamber, 189 Queen Street, Richmond.

PRESENT: Crs T B King (Chair), S G Bryant and R G Currie

IN ATTENDANCE: Manager Consents (J Hodson), Senior Consent Planner (M D Morris), Landscape Architect (F Boffa), Reserves Manager (B Wilkes), Administration Officer (B D Moore)

1. B AND M HARDIE, WESTDALE ROAD, BRONTE – APPLICATION No. RM040950

1.1 Proposal

The proposed subdivision and landuse consent was introduced by Resource Management Consultant, Mr F C Bacon, who advised of a reviewed proposal

1.2 Presentation of Application

Mr Bacon tabled a copy of his evidence together with a new subdivision plan presented as Annexure 2 with the following changes:

- Lot 1 is reduced in size to 1.14 hectare;
- Lot 2 is increased in size to 1.01 hectare;
- Lot 3 is increased in size to 7150 m² and it was proposed that Lot 4 be held in the same title as Lot 3, which creates a title of 9540 m². That reduced the number of new titles to three and the potential new dwellings to three;
- Lot 5 was unaltered at 9670 hectare;
- The dwelling site proposed for Lot 2 was moved back to 96 metres from mean high water springs.

Mr Bacon explained that the proposed changes produced a subdivision in which all new titles will be either just over or just under 1 hectare in area. Mr Bacon advised that proposed Lot 4 has been the subject of discussion with the Community Services Department of Council as a possible reserve. If this is vested as a reserve, proposed Lot 3 is reduced in area to about 7150 m².

Mr Bacon said that there is presently an existing consent for the creation of two lots of 2 hectares for the subject site of 4 hectare, and that this consent has not yet been exercised. He said that if the current application succeeds, the earlier consent will be surrendered. Mr Bacon said that the submitters Wells, Birchfield, Carver, Griffith and Palliser had not served copies of their submissions on the applicant. Cr King directed that those challenged submissions can be heard and that those submitters were asked to explain their non-compliance with the service requirements.

The evidence discussed the application in terms of the objectives and policies of the proposed Tasman Resource Management Plan. Comment was made on staff reports from Mr Morris and Mr Boffa. The evidence concluded that no weight can be given to any argument that subdivision should not be allowed in order to retain natural character.

Mr Bacon reminded the hearing panel that subdivision and development of the land as proposed are provided for as restricted discretionary activities and are not a threat to the integrity of the plan. He said that the policies explicitly include an expectation that there will be subdivision below 2 hectares in the Waimea Inlet Rural Residential Zone and statements of anticipated outcomes, introduced by Variation 32. The subject application is consistent with the Bronte/Westdale locality subdivision which has created an enclave of low density residential activity, where the average density of development is close to one lot/dwelling per hectare. Mr Bacon provided a plan of the locality in the vicinity, to show the size of existing allotments.

Traffic Engineer, Mr L J Cameron, tabled and read a statement of evidence about the traffic affects of the proposed subdivision. He said that the traffic affects for this application are not more than minor and comply with the district plan objectives and policies. Mr Cameron said that access will be from an existing crossing, with at least 275 metre site distance in both directions. He said that the additional trip generation and turning movements will not be more than minor.

Consulting Engineer, Mr R J O'Hara, tabled and read evidence on the proposed onsite waste water disposal systems designed for each proposed allotment within the amended plans. He provided an aerial photograph showing the proposed lots endorsed with the intended disposal areas. He recommended disposal of effluent by an aerated wastewater treatment system, such as the "Clear Water 2000". Mr O'Hara said that he had made test pits on the sites to determine the soil suitability for onsite wastewater disposal and permeability.

Landscape Architect, Mr R M Langbridge, read a statement of evidence and provided a landscape proposal plan including plant lists together with an appended series of four photographs used to show the location of the proposed subdivision allotments and neighbouring property owners in the vicinity. The evidence included a description of the site location, context, visibility, natural character and amenity values. Mr Langbridge provided details of the proposal, the proposed planting and the longterm management. He described the potential effects of the proposal on landscape and natural character and suggested methods of mitigation of minor adverse effects. Mr Langbridge said that the proposal will have an impact on the rural residential character of the immediate neighbourhood, that is less than minor.

1.3 Presentation of Submissions

A statement of evidence from Transit NZ was tabled and read by Resource Planner, Mr M Lord of Opus. He said that the additional four lots of this subdivision have potential to intensify the use of the intersection onto the State Highway. The submitter was concerned that granting of this application, may result in a potential cumulative effect, by encouraging applications for further substandard developments of this nature.

Particular reference was made to the impact of additional traffic generation on the intersection of Westdale Road and State Highway 60. Mr Lord said that this intersection has less than optimum site distances which may increase the likelihood of accidents. The submission from Transit NZ requested that Council declines consent for this proposal.

Mr J M Newth said that he lives on a site adjacent to the subject property and was concerned that one house would be closer than 100 metres from the estuary which he said requires protection. He said that these sites are less than 2 hectare an area and that the Westella subdivision which he lives within had sites of 2 hectares or more. He was concerned about the potential number of users of the proposed right of way. Mr Newth said that this is low lying land with highly saturated soil and that effluent could easily leach from this and contaminate the coastal area. He spoke about the amenity values and the rural feel to this location saying that he was not previously aware of the existing subdivision consent for the subject site.

Mrs C Newth tabled and spoke to a written submission. Mrs Newth spoke of the cumulative impact of the number of new allotments where four sites had been created previously to comply with Council's policies and objectives. Mrs Newth spoke about the coastal setback requirements and that flooding from stormwater runoff and the stream has caused inundation to parts of Lot 3 and most of Lot 4. She said that part of Lot 5 has previously been flooded. The submission said that the building within 100 metres of the mean high water springs is required to be restricted to 5 metres high. The submission expressed the concern about the visual impacts of the proposed houses and landscape planting and that this would obscure views from the Newth property towards the estuary. Mrs Newth said that the natural character and natural value of the aquatic habitats should be preserved and that this estuary area is of national importance.

Mrs R Carver tabled and read a submission and was concerned about the potential increased use of the right of way access. She spoke about the potential loss of the rural amenity values which are presently available from the 4 hectare Hardie property. She sought that proposed buildings should be located behind the 100 metre setback from mean high water springs and the same should apply to the tidal creek. She spoke about the potential cumulative effect of this subdivision and that it could encourage future applications for similar proposals.

Mrs L Lamb spoke about her experience living within the subject subdivision area for a period of six years from May 1995. She spoke about flood water which had occurred on proposed Lots 2, 3 and 4 and scouring by floodwaters on the banks of the unknown creek in proposed Lot 5. She was concerned about the potential effect on the estuary if the proposed lots are granted. She said that the proposed subdivision is on mainly flat, low lying water logged land.

Mr D Griffith tabled and read a submission. He advised that like a similar group of submitters, he had given his written submission to Council staff who advised that they would pass this to the representatives for the applicant B and A Hardie. The submission expressed concerns about the reduction in rural aspect and amenity values, flooding of these subject sites and the increased use of the right of way. Mrs Griffith said that the Waimea Inlet needs protection from pollution and that views of the estuary will be blocked by the proposed houses on Lots 2 and 3. She wanted the open landscape protected. Mrs Griffith said that the subject sites have saturated soil for eight or nine months of the year.

A written submission from W J Wells was read by Mrs J Carver. The submission claimed that the proposed subdivision would have a long term negative impact on the environment and suggested that the Council must justly and consistently apply its rules. The submitter wanted Lot 4 to be made a Council reserve.

Mr R Carver spoke to his original submission and used photos to display the impression of three future houses on the Lots 2, 3 and 4. Mr Carver used photos to display the present appearance of this environment. He claimed that the proposed development will detract from the estuary, neighbourhood and views. He expressed agreement with the proposed maximum building heights of 5 metres near the estuary. He explained how the existing right of way is landscaped and maintained and advised how flooding occurs on the lower lots. He was concerned at the proposed landscaping. Mr Carver said that existing wastewater systems are more than 100 metres from the estuary and was concerned about the potential affects of wastewater pollution on the estuary's margins. He sought that there be appropriate landscape planting and it be clumped in certain areas.

1.4 Staff Reports

Reserves Manager, Mrs B Wilkes, spoke about the potential for Council to negotiate the purchase of proposed Lot 4 as a Council reserve. She said that development of this site would require some car parking and a picnic table and that planting would need to be enhanced and that would include work on the esplanade reserve. She said that the Council would ask for public input and consultation for that proposed work to develop the reserve areas. She advised that some of the reserve land adjacent to the stream is Department of Conservation Reserve.

Landscape Architect, Mr F Boffa, spoke to his report of 29 June 2005 contained within the agenda. He said that despite evidence presented at the hearing including that from Landscape Architect, Mr R Langbridge, Mr Boffa still stood by his report. He said that the proposed planting would serve to reinforce that the subdivision has occurred. He said that landscaping should be used to enhance the environment not he subdivision. Mr Boffa referred to the portion in his report titled "Consistency with the Design Guide for the Area". He said that a cluster concept is not appropriate for this subdivision. He said that a 2 hectare average minimum lot size was proposed.

Mr Boffa said it was better to have the estuary area more open and that landscaping would be better placed further away from the coastal margin to the more elevated areas of the subject site. Mr Boffa recommended that the subdivision should be declined, from a landscape perspective.

Senior Consent Planner, M D Morris, said that the proposed development including what has been presented at the hearing, is contrary to the objectives and policies of the proposed Tasman Resource Management Plan. He spoke of existing character of the subject area as having not a lot of built development and being open in character and amenity to a high degree. He said that TRMP Variation 32 had brought a significant change to the 2 hectare lot size and included a design guide. This variation introduced additional polices and objectives. He said that the requirement for a 100 metre setback is an important issue.

Mr Morris said that the proposed Tasman Resource Management Plan Section 7.2A Issues Coastal Tasman Area, sets out the specific policies for the Coastal Tasman Area which are particularly relevant to this application. He said that the plan anticipates clear environmental outcomes. Mr Morris said that approval of the subject application will provide a cumulative precedent effect. Mr Morris said that there had been a number of applications for coastal developments, before Variation 32 was introduced. Mr Morris said the 100 metre setback from mean high water springs was important to retain the open coastal amenity. He said that a copy of a report from Cotton & Light Surveyors was not sufficiently accurate to determine the position of mean high water springs in the vicinity of the subject subdivision estuary frontage. Mr Morris said the reasons for the 100 metre rule were referred to in TRMP Rule 18.14.5.

1.5 Right of Reply

The Chairman of the Hearing Panel, Cr King said that the applicant's right of reply had to be submitted in writing to Council and that Council staff are then directed to circulate copies of the right of reply to all parties to the application.

The hearing concluded at 5.55 pm.

**Moved Crs King / Currie
EP05/07/09**

THAT the public be excluded from the following part of the proceedings of this meeting namely:

B and M Hardie

The general subject of the matter to be considered while the public is excluded, the reason for passing this resolution in relation to the matter, and the specific grounds under Section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

Subject	Reasons	Grounds
B and M Hardie	Consideration of a planning application.	A right of appeal lies to the Environment Court against the final decision of Council.

CARRIED

**Moved Crs Bryant / King
EP05/07/10**

THAT for the purposes of discussing the application of B and M Hardie as an "In Committee" item, the Manager Consents be authorised to be in attendance as advisor.

CARRIED

**Moved Crs King / Currie
EP05/07/11**

THAT the public meeting be resumed and that the business transacted during the time the public was excluded be adopted and that the following resolutions be confirmed in open meeting.

CARRIED

2. B AND M HARDIE, WESTDALE ROAD, BRONTE – APPLICATION No. RM040950

**Moved Crs King / Bryant
EP05/07/12**

THAT pursuant to Section 104B, 220 and 221 of the Resource Management Act 1991, Council GRANTS consent to B and A Hardie to subdivide Lots 4,5 and 6 DP 16926 into five allotments as per the amended plan.

The consent is subject to the following conditions and granted for the following reasons.

CONDITIONS – SUBDIVISION:

Amended Plan and Possible Reserve to Vest

1. Lot 4 shall be amalgamated with Lot 3 except if an agreement is made with the Council to vest Lot 3 as a Reserve. This negotiation must take place with the Manager Community Services.

(The DLR reference for the amalgamation of Lot 3 and 4 will be sought if necessary, depending on the outcome of the negotiation with Council.)

Esplanade Reserve and Building Sites

2. A plan shall be provided from a Registered Surveyor accurately showing the Line of Mean High Water Springs as it relates to the coastal boundary of the site.

The plan shall also show a 20 metre wide reserve width in from the line of Mean High Water Springs and the stream adjoining Lots 7 and 9 DP 16926. Any of these areas that are not already within esplanade reserve, shall vest as esplanade reserve pursuant to Section 236 of the Resource Management Act 1991.

The plan shall also show a 300 square metre building site for each of Lots 2,3 and 5. The building site for Lot 2 and 5 shall be set back at least 100 metres from the line of Mean High Water Springs and for Lot 3 shall be set back at least 80 metres from the line of Mean High Water Springs.

An accurate scaled plan shall be prepared showing the building sites and MHWS as specified above and submitted to Council prior to the submission of engineering plans and submission of a Section 223 title plan.

Financial Contribution

3. A financial contribution for Reserves and Community Services shall be paid to Council, calculated at 5.5% of the total market value of a notional 2500 m² building site contained within Proposed Lot 2,3 and 5.

This may be waived if Lot 4 vests as Local Purpose reserve.

ADVICE NOTE

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

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

This consent will attract a development contribution on 3 allotments in respect of roading and water.

Vehicle Accesses

4. A sealed entrance way shall be provided from the right-of-way to Lot 2, 3 and 5 with the sealing extending at least 5 metres into the allotment.

The entrance to Lot 5 shall be as close as practical to the entrance to the right-of-way.

Engineering Plans

5. Prior to the commencement of works, engineering plans shall be submitted for approval by the Councils Engineering Manager, detailing the access works.

Underground Services

6. Underground power and telephone servicing are to be provided to the proposed building sites in accordance with TDC Engineering Standards.

Certification and Possible Consent Notice regarding Flood Hazard on Lot 5

7. Certification shall be provided for the building sites on Lots 2 , 3 and 5 by a Chartered Professional Engineer in accordance with TDC Engineering standards Section 11 Appendix B and also that all engineering works have been completed in accordance with TDC Engineering Standards or to the satisfaction of the Council's Engineering Manager.

The certification of the building sites on Lot 3 and 5 shall take into account any flooding hazard from the adjoining stream and any coastal inundation hazard. Any recommended conditions to mitigate the natural hazards shall be imposed as consent notices on the respective title.

Upgrade of existing waste water disposal system on Lot 1.

8. The consent holder shall upgrade the existing waste water disposal system associated with the existing house on Lot 1. A resource consent for this upgrade must be obtained prior to the work being undertaken.

(Note that this condition was volunteered by the applicant.)

Landscape Planting and fencing and sight lines

9. The proposed coastal and wetland planting and the framework planting as set down in the Rory Langbridge Landscape Plan dated July 05, attached to this consent, shall be completed prior to the issuing of the Section 224 (c) certificate. A written report shall be provided from a Landscape Architect confirming that the plantings have been fully completed with adequate measures in place for their long term survival.
10. The planting adjacent to the vehicle entrances shall be chosen to ensure there are clear sight lines for vehicles using the entrances to the new lots.
11. The esplanade reserve areas adjoining Lots 2, 3 and 4 shall be fenced off with a stock proof fence along the reserve boundary, or where there is an existing stock proof fence, the fence shall be relocated to the reserve boundary.

Consent Notices

12. Consent notices on the proposed Lot 2, 3 and 5 shall be created as follows:
 - a) Restriction that no building shall be erected within 100 metres of the line of Mean High Water Springs on Lot 2 and 5 or within 80 metres for Lot 3.
 - b) Residential buildings on Lots 2,3 and 5 shall be restricted to the Building site areas marked on the Title Plan.
 - c) Restriction that height of all buildings on Lots 2 and 3 shall be no more than 5 metres and on Lot 5 shall be no more than 6.5 metres above natural ground level.
 - d) Consent notice advising of the need for a discharge consent for any on-site effluent disposal system for Lot 2, 3 and 5.

- e) Any recommended conditions from the engineering report in condition 7.

Easements

13. Easements are to be created over any services located outside the boundaries of the lots that they serve as easements-in-gross to the Tasman District Council for Council reticulated services (including future provision for water supply) or appurtenant to the appropriate allotment.

Staging

14. The consent may be undertaken in stages with Lots 3 , 4 and 5 as Stage 1, and Lots 1 and 2 as Stage two to be completed in six years from the date of consent.

(This will ensure that the matter of Lot 3 and 4 are dealt with in terms of whether Lot 4 is to vest with Council or become amalgamated with Lot 3.)

Engineering Works

15. All works and engineering plan details are to be in accordance with Tasman District Engineering Standards 2004 or to the satisfaction of the Tasman District Engineering Manager.

Cancellation of RM030931

16. The consent holder shall advise Council in writing of the need to cancel RM 030931.

(Note that this was offered by the applicant.)

DECISION – LAND USE:

THAT pursuant to Section 104 and 104B of the Resource Management Act 1991, Council **GRANTS** consent for to construct a dwelling on Proposed Lot X,Y and Z being within the Coastal Environment Area.

The consent is subject to the following conditions and granted for the following reasons.

CONDITIONS

Location of Dwellings

1. The dwellings shall be erected on the building areas specified on the title.

Commencement of Consent

2. The commencement date shall be the date of the signing of the title for the respective allotment.

Height

3. The dwellings on Lot 2 and 3 shall be no more than 5 metres in height above natural ground level and 6.5 metres above natural ground level for the dwelling on Lot 5.

Building Requirements

4. The dwellings shall comply with any development conditions specified in the engineers report specified in condition 7 of the subdivision consent.

Appearance

5. The exterior of the dwellings shall be finished in colours that are recessive and which blend in with the immediate environment. The Consent Holder shall submit to the Council for approval prior to the issue of the building consent for each dwelling the following details of the colours proposed to be used on the walls and roof of the dwelling:
 - i) The material to be used (e.g. paint, colour steel);
 - ii) The name and manufacturer of the product or paint;
 - iii) The reflectance value of the colour;
 - iv) The proposed finish (e.g. matt, low-gloss, gloss); and
 - v) Either the BS5252:1976 (British Standard Framework for Colour Co-ordination for Building Purposes) descriptor code, or if this is not available, a sample colour chip.

The dwellings shall be finished in colours that have been approved by the Council (see notation 6 below).

Water Storage and Toilet Flushing Water Supply

6. A minimum of 23,000 litres of rain water storage, fitted with an accessible Camlock coupling, shall be provided with each dwelling. The water storage tanks shall be either incorporated into the structure of each dwelling or partially buried and screened so as to be not visible from any other lot or road outside of the said allotment. The dwellings shall use stored rain water for toilet flushing.

NOTATIONS

1. Prior to approval of the building consent for any dwelling, a discharge consent must be obtained for the on-site effluent disposal system for the dwelling.
2. 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.
3. 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 dwellings shall obtain the necessary approvals pursuant to the Building Act 2004.

4. 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, including water storage.
5. 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).

6. As a guide, the Council will generally approve colours which meet the following criteria:

Colour Group*	Walls	Roofs
Group A	A05 to A14	A09 to A14
Group B	B19 to B29	B23 to B29
Group C	C35 to C40	C37 to C40
Group D	D43 to D45	Generally excluded
Group E	Generally excluded	Generally excluded
Reflectance Value	≤50%	≤25%
Finish	Matt or Low-gloss	Matt or Low-gloss

* Based on BS5252:1976 (British Standard Framework for Colour Coordination for Building Purposes). Where a BS5252 descriptor code is not available, the Council will compare the sample colour chip provided with known BS5252 colours to assess appropriateness.

REASONS FOR THE DECISION - SUBDIVISION AND LAND USE:

1. The land is within the Waimea Inlet Rural Residential Zone under the Proposed Tasman Resource Management Plan. The minimum lot size for a controlled activity subdivision is 2 hectares according to Rule 16.3.10, thus the application is deemed to be a restricted discretionary activity, as it does not comply with this rule. The land also falls within the Services Contribution Area which was introduced as part of Variation 32. Submissions on these provisions have yet to be heard and decisions yet to be made. The provisions affect the quantum of Service Contribution payable at the time of subdivision and development.

It is noted that the application was modified at the hearing such that all the new titles were around 1 hectare. It is also noted that a subdivision and landuse consent had been granted (RM030931) on 22 October 2003. This consent allowed the subject lot to be subdivided into two and a dwelling to be built no closer than 50 metres from MHWS. This consent has not been given effect to.

2. It is understood that there are no references to either the zoning of the land or the relevant subdivision objectives, policies and rules of the Proposed Tasman Resource Management Plan and therefore in accordance with Section 19 of the Amendment Act, no weight is given to the Transitional Plan.

3. The application has been considered subject to Part 2 of the Act i.e. the purpose and principles of sustainable management of natural and physical resources, and Section 104 which requires the Committee to have regard to:
 - a) any actual and potential effects on the environment of allowing the activity
 - b) the relevant provisions of:
 - Regional Policy Statement
 - Plan or Proposed Plan
 - Any other matter considered relevant and reasonably necessary to determine the application.
4. The Committee noted that the application had received 17 submissions; 13 in opposition and 1 partly in opposition and partly in support and 1 in support. In addition there were two late submissions which were not accepted by the Committee. The Committee was satisfied that the applicant was not disadvantaged by the fact that not all submitters served a copy of their submission on the applicant as copies of all submissions were served by Council within one week of the closing date for submission, therefore the Committee considers all submissions challenged by the applicant on this basis to be valid.

The concerns raised in submissions were as follows:

- Substandard size of lots are a commercial exercise which will have an adverse effect on the coastal area and the amenity of the existing properties in the subdivision
- Council should maintain minimum lot size of 2 hectares and required the 100 metre setback from MHWS
- Adverse effect on amenity of the area for recreation, walkway and living.
- Subdivision will result in a cumulative effect which will have an adverse traffic effects on State Highway network and intersections plus impact on safety of the right-of-way and its narrow bridge.
- Adverse effect on rural and natural landscape and coastal and estuarine habitat values associated with the land
- Application not in accordance with Plan policies and objectives, the design guide or the National Coastal Policy Statement
- Some of the land is low lying and could be subject to flooding from the creek or the sea and should not be developed further
- Approval would set a precedent and undermine Council's ability to protect coastal land from subdivision and intensification
- Concerns about adverse effects from on-site waste water disposal on the estuary

- Concerns about effects on wildlife habitat, wetland planting should be required to enhance habitat
 - Screen planting may result in loss of views of estuary from the right-of-way
5. The Committee carefully considered these concerns and also the landscape evidence provided by the applicant, submitters and the staff consultant which was of assistance in terms of the assessment of the impact on the visual character and amenity.
 6. The Committee considered that there were several key issues which had to be considered:
 - rural character and amenity values,
 - estuary values,
 - traffic effects,
 - flooding effects,
 - reserve matters and
 - “precedent” and cumulative effects.
 7. In terms of the rural character and amenity values and the estuary values, the Committee considered that there were two issues. One was the size and therefore density of the proposed lots and subsequent dwellings and the other was the location of the building sites in relation to the effects on estuary values and the amenity of other properties. The Committee was mindful that the consent granted under RM 030931 was to subdivide the land into two lots and to construct a dwelling up to 50 metres from MHWS generally in the vicinity of Lot 3. The Committee considered that there was less concern about the creation of Lot 5 as the dwelling on that lot would comply with the 100 metre setback and the submitters were less unconcerned about its effects. It was noted that Lot 4 had effectively been withdrawn from consideration as no building was proposed for that lot, it being either amalgamated with Lot 3 or vested as reserve with the Council.

In terms of the building site on Lot 3, given that a dwelling could be constructed up to 50 metres from MHWS, granting consent to one in the same general location but 80 metres from MHWS represented a beneficial outcome in the minds of the Committee. Therefore the impact of an additional dwelling on Lot 2 was the aspect of the application that was “over and above” what could otherwise occur. The Committee’s view was that the additional house site on Lot 2 would not have a significant effect on the character and amenity values, given the existing pattern of development in the immediate surrounding area, the landscaping proposed, the height restriction and other conditions imposed. The Committee considered that it was important to maintain the 100 metre setback for the building site on Lot 2 as it was indicated by the applicant that this was possible and that if the design of the house was done sensitively, the associated earthworks would not be significant.

The Committee considered that the proposed landscaping would enhance the wetland habitat on the coastal margin, while generally retaining the natural open character of the site. The Committee noted that planting of any description could occur on the land which would potentially obscure the views to the estuary from the right-of-way. However the Committee accepted the offer of the applicant to limit the height of planting so that views from Lot 2 DP 16926 were protected. It was also considered that because the houses on Lot 2 and 3 would be generally below the horizontal view of the existing houses in the subdivision, the effects on amenity of those properties would be minor.

8. In terms of traffic effects, the Committee considered that the effects from essentially two additional dwellings would not have an adverse effect on the State Highway network or the intersections. It was noted that the traffic would be split between the two intersections and the Committee noted that the expert evidence of the applicant's traffic engineer was not challenged by the Transit NZ representative. The Committee considered that the existing right-of-way formation was satisfactory given that the entrance to Lot 5 would be right at the beginning of the right-of-way and again there would be basically only one additional dwelling using the right-of-way over and above that which was already consented. The existing right-of-way is very attractive and it was not considered that there was need for a footpath. The Committee noted that landscape planting should not be permitted to impact adversely on sight lines for cars emerging from the new lots onto the right-of-way.
9. The Committee considered that public access to the coastal margin was well provided for with the existing reserves and that the approval of the consent would not erode the recreational opportunities this access made possible. The Committee considered that the provision of Lot 4 as a reserve area would be an attractive option but noted that the acceptance of it by Council should be left to the staff to negotiate. The Committee noted that any development of Lot 4 in the future as a reserve would be done after consultation with the property owners nearby. The offer of Lot 4 as part of this application was not a matter which weighed in favour of granting consent in the minds of the Committee.

The Committee did not consider that the application was contrary to the New Zealand Coastal Policy Statement as the development was within a zone where development was anticipated and the effects of the additional dwelling on Lot 2 would not have a significant effect on the coastal values. It was considered that there were beneficial effects associated with the proposed coastal planting.

10. The Committee considered that the matter of flooding risk was adequately dealt with by a requirement for engineering certification of the house sites. Also it was noted that there was a requirement for resource consent for on-site waste water disposal and thus the matters relating to land conditions and risk to the estuary would be considered at that time. The Committee was concerned about the effectiveness of the wastewater disposal system associated with the existing dwelling and therefore accepted the offer of the applicant to upgrade that system.
11. In terms of the "precedent" and cumulative effects of granting the application, the Committee was clear that each application must be assessed on its merits, but that the decisions made by Council should be consistent, that is, like being treated as like. This process of consistent assessment is made in terms of the adjoining development and the effects on the character and values of the area. Approvals send a signal which lead to other applications and thus cumulative effects and this is a valid consideration.

The Committee did not wish to send a signal that development of the intensity as was proposed is compatible with the outcome of the Waimea Inlet Rural Residential Zone i.e that of a low intensity productive rural environment protecting the coastal values of the area. The Committee was confident that granting consent to effectively two additional lots within the context of this subdivision area would not send a signal that that lots less than 2 hectares would be acceptable throughout the zone. The Committee considered that there was clearly no further subdivision potential in this locality.

12. In summary, the Committee considered that the effects from two additional lots (given the consent RM030931 already exists) would be acceptable provided the new dwelling on Lot 2 complied with the 100 metre setback requirement from MHWS. It was considered that granting consent with the conditions imposed, would be consistent with the purposes and principles of the Resource Management Act 1991 and the relevant provisions of the Proposed Plan.

CARRIED

Confirmed:

Chair: