

# MINUTES

**TITLE:** Environment & Planning Subcommittee  
**DATE:** Monday, 13 July 2009  
**TIME:** 10.00 am  
**VENUE:** Council Chamber, 189 Queen Street, Richmond

**PRESENT:** Cr N Riley (Chair), Crs G Glover and B Ensor

**IN ATTENDANCE:** Consents Planner (L Davidson), Principal Resource Consents Advisor (J Butler), Minutes Secretary (G Blikshavn)

**1. R CARR AND A EMERSON, TOTARA AVENUE, GOLDEN BAY, APPLICATION No. RM090003**

**1.1 Proposal**

To erect a replacement dwelling at 59 Totara Avenue, Pakawau that fails to meet the required setbacks for land zoned Rural 2 and is located in the Coastal Environment Area, legally described as Lot 13 DP 6442, CT 3B/616.

**2. PROCEDURAL MATTERS**

Cr Riley opened the meeting and gave the agenda for the day noting the new panel had been made aware of ecological value as previously stated in first submission and that a site visit had been undertaken.

Cr Riley also noted this application is being treated as a first application in light of the changes to the application that had been made. After the applicant's right of reply the meeting will close for public hearing and go into committee for decision.

The Committee proceeded to hear the application, presentation of submissions and staff reports as detailed in the following report and decision.

The Committee reserved its decision.

**RESOLUTION TO EXCLUDE THE PUBLIC**

**Moved Crs Riley / Ensor  
EP09/007/01**

**THAT the public be excluded from the following parts of the proceedings of this meeting, namely:**

R Carr and A Emerson

**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 passing this resolution are as follows:**

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under Section 48(1) for the passing of this resolution
R Carr and A Emerson	Consideration of a planning application	A right of appeal lies to the Environment Court against the final decision of Council.

**CARRIED**

**Moved Crs Glover / Riley  
EP09/07/02**

**THAT the open meeting be resumed and the business transacted during the time the public was excluded be adopted.**

**CARRIED**

**2. R CARR AND A EMERSON, TOTARA AVENUE, GOLDEN BAY, APPLICATION  
No. RM090003**

**Moved Crs Riley / Ensor  
EP09/07/03**

**THAT pursuant to Section 104B of the Act, the Committee GRANTS consent to R Carr and A Emerson subject to conditions as detailed in the following report and decision.**

**CARRIED**

**PRESENT:**

**Hearings Committee**

Cr N Riley, Chairperson  
Cr G Glover  
Cr B Ensor

**APPLICANT:**

Ms C Owen (Counsel for applicant)  
Ms M Hall (Architect)  
Mr R O'Hara (Engineer)  
Mr T Carter (Landscape Architect)  
Mr M Conway (Conservation Planner)  
Mr M Lile (Planner)

**CONSENT AUTHORITY:**

**Tasman District Council**

Mr L Davidson (Planner, Land Use)

**SUBMITTERS:**

Mr N McFadden (Counsel for Mr Slade and Ms Carr)  
Ms J Carr (61 Totara Avenue)  
Mr R Slade (61 Totara Avenue)  
Dr Kelvin Lloyd (Ecological and Botanical Witness)

**IN ATTENDANCE:**

Mr J Butler (Principal Resource Consents Adviser) - Assisting the Committee  
Ms G Blikshavn (Minutes Secretary)

## 1. SUMMARY

The Committee has **GRANTED** a resource consent subject to conditions to erect a replacement dwelling at 59 Totara Avenue, Pakawau and to remove indigenous vegetation.

## 2. DESCRIPTION OF THE PROPOSED ACTIVITY

### Background

An application to redevelop 59 Totara Avenue was lodged with Council in October 2007 and was processed as a limited notified application that was heard in March 2008 by a Council Committee. The consent was declined by the Committee principally due to the loss of indigenous coastal vegetation. The Committee considered that the totara forest had a high level of importance at a local level and a moderate level of importance at a regional and national level. The scale of the loss of trees would compromise the forest's integrity. The Committee also refused the consent due to the scale and intensity of development.

A redesign of the development was undertaken by the applicant and a revised proposal submitted to Council in December 2008. There was some discussion between Council staff and the applicant that resulted in a further redesign of the project and this was submitted to the Council in February 2009. This proposal was processed as a limited notified application in March 2009.

### The Current Application

An application has been lodged by R Carr and A Emerson to erect a dwelling at 59 Totara Avenue. The applicants' property is a title of 809 square metres and has a small bach located very close to the seaward boundary of the site, which has been in that position for many years. The existing bach does not meet the standards prescribed by the TRMP or the previous rules of the Transitional District Plan (Golden Bay Section) but has existing use rights. Resource consent is needed for the new dwelling due to its location within the Coastal Environment Area and also within the 5 metre setbacks from the adjacent properties and 10 metre setback from the road boundary.

The land is generally characterised by the retention of many of the totara trees that are prevalent at Totara Avenue and this provides some visual screening when viewed from the road. It is clear some of this vegetation will have to be removed to build the dwelling and this activity (removal of indigenous vegetation in the Coastal Environment Area) also requires consent under the Rural 2 Zone rules. The redesign of the project has been undertaken with an emphasis on preserving as many of the totara trees on the property with a diameter at breast height (DBH) of 100 millimetres or more as possible; only up to two totara trees will have to be removed, along with six other trees.

There is a steep rock revetment that protects the site and the Totara Avenue sandspit. The current bach on the property is located very close to the top of that rock revetment and, while there are no obvious signs of damage from the sea, the building may be at some risk from storm events. This would be particularly so if the rockwork was damaged, as the land in this area is a sandspit.

The Totara Avenue area contains some permanent residences but many of the dwellings are holiday homes. The area is served by a narrow sealed road, approximately 3.5 metres in width with vegetation close to the carriageway creating a unique environment. The properties are served by a private reticulated water scheme and waste water is treated typically by septic tank and on site disposal.

### **3. TASMAN RESOURCE MANAGEMENT PLAN (“TRMP”) ZONING, AREAS AND RULE(S) AFFECTED**

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

Zoning: Rural 2  
Area(s): Coastal Environment Area

The proposed activity does not comply with Permitted Activity Rules 17.6.3.1, 17.6.5.3 and 18.11.2.1 of the TRMP and is deemed to be an innominate activity, and therefore discretionary in accordance with the Act.

### **4. NOTIFICATION AND SUBMISSIONS RECEIVED**

The application(s) was limited notified on 16 March 2009 pursuant to Section 94(1) of the Act. A total of two submissions were received. One submission opposed the application and asks that it is declined. The following is a summary of the written submissions received and the main issues raised:

#### **Ms J Carr and Mr R Slade**

Ms Carr is the owner of 61 Totara Avenue, which is on the southern side of the subject site. She and Mr Slade have lodged a submission opposing the redesigned application on the grounds that the building will encroach into the required setbacks for the zone. They consider the building will impact on the open space and privacy of their property and will have the effect of “closing in” their site, particularly in relation to the module containing bedrooms two and three. They consider the size of the development is such that it is still too large for the site and is actually larger in area than the earlier application. They are still concerned about the loss of vegetation on the site and consider the proposal is contrary to the principles of the Act and offends the policies and objectives of the TRMP.

#### **Mr C Potton**

Mr Potton supports the application on the condition that additional planting is undertaken on the applicant’s northern boundary.

### **5. PROCEDURAL MATTERS**

At the outset of the hearing the Chair of the Committee stated that the Committee is cognisant of the past hearing and the evidence that was presented. He stated that the Committee has read and taken the evidence presented at that hearing into account, principally in relation to the significance of the forest vegetation, but that the current hearing is for a new application and will be considered afresh.

## **6. EVIDENCE HEARD**

The Committee heard evidence from the applicant, expert witnesses, submitters, and the Council's reporting officer. The following is a summary of the evidence heard at the hearing.

### **6.1 Applicant's Evidence**

#### **Ms C Owen (Counsel for applicant)**

Ms Owen stated that, following the decline of the previous consent (RM070991) the applicants took on-board the comments of the previous Committee and redesigned the dwelling to avoid, remedy or mitigate the adverse effects associated with the previous application.

Ms Owen considered the location to be a residential enclave and not in the character of the Rural 2 zone. She stated that other buildings do not have 5 metre setbacks from their boundaries. She also stated that the proposed dwelling will come no closer to the southern boundary than the existing bach, which is part of the existing environment. Ms Owen stated that there is a positive effect of increasing the setback from the rock revetment which the existing bach is very close to.

Ms Owen acknowledged that the forest on the site is significant in terms of Section 6(c) of the Act but that "protection" does not mean "preservation" and the proposal will protect the forest.

Ms Owen then read a statement from Mr Carr (the applicant) who was unable to be present. Mr Carr outlined his appreciation of the natural values of the site. He stated that, after having the previous consent declined, he had instructed his team to start afresh and base a design on the environmental issues identified and minimising the effects on the neighbours to the north and south. He made it clear that the proposed design is in direct response to the previous Committee's requirement for a new design to be sited in the spaces with the least trees.

#### **Ms M Hall (Architect)**

Ms Hall stated that the design approach began with an identification of where there are no or very few significant trees. It was not possible to comply with the setbacks and still protect the significant trees.

Ms Hall said that the foundation system involves minimal excavation. The floor level of the guest bedrooms module is 500 millimetres lower than the other two.

Ms Hall stated that the new proposal is smaller in terms of both building coverage (as defined in the TRMP) and in uncovered deck area. She stated that the guest bedroom module has been designed so as not to intrude on the privacy of the submitters to the south.

Following questions from the Committee, Ms Hall stated that the coverage (as defined in the TRMP) of the new design is 34 square metres smaller than the previous design. She also stated that following discussions with Mr Davidson the building site had been moved further back from the sea wall and the floor levels raised significantly to mitigate coastal hazards, noting however that the module

furthest from the coast was 500 millimetres lower to help mitigate the perceived privacy issues by the owners of 61 Totara Avenue.

### **Mr R O'Hara (Engineer)**

Mr O'Hara stated that although the site is not within the Special Domestic Wastewater Disposal Area (which requires secondary treatment as a permitted activity) a high quality secondary treatment system will be provided. The substrate is beach sands and is considered to be Category 1. Mr O'Hara considered a Daily Design Flow of 900 litres to be appropriate with a Daily Irrigation Rate of 10 millimetres per square metre per day. He said that it was most likely that a Biolytix system would be installed as they performed well, especially for bachs where intermittent use could be a problem. The small size of the tank meant that tree number 5 need not be removed.

Mr O'Hara stated that the house foundations have been designed to minimise disturbance to vegetation adjacent to the house, and avoid the need to use heavy machinery. He stated that the foundation holes will be excavated by hand.

Mr O'Hara stated that a stormwater system would require shallow infiltration trenches of 600 millimetres wide and deep by a total of 8.2 metres long. He stated that it is proposed that the stormwater disposal area be located at the eastern end of the property to ensure maximum separation from the wastewater irrigation field. The disposal field would be hand dug.

Finally he stated that water tank for fire fighting would be installed under the car park.

### **Mr T Carter (Landscape Architect)**

Mr Carter confirmed that the Totara Avenue forest is significant and its protection is a priority for both landscape and Section 6(c) purposes.

Mr Carter stated that the modular design of the building will effectively reduce its visual impact by creating gaps. The gaps and forest will absorb the small building modules. He considered that, from the beach, the proposed building will be considerably less visible than the existing bach. The absorption of the buildings into the landscape will be enhanced by the different cladding of each of the modules.

Mr Carter outlined his proposed Vegetation Management Plan (VMP) which is to be implemented to avoid, remedy and mitigate the effects of the building on the vegetation.

With regard to visual and residential amenity Mr Carter considered that they primarily orientate to the coast. A window from the dining room that looks south is 11 metres from the boundary. The outdoor living areas (timber decks) are located well away from 61 Totara Avenue and will be screened by the main bedroom module.

Mr Carter disagreed with the Council's reporting officer's comment that the building will appear "reasonably large". He considered that the low roofline and modular design mean that it will not be a dominating building.

Upon questions from the Committee, Mr Carter confirmed that:

- The ongoing monitoring of plants and trees was included in the VMP;
- It was advantageous to use plants from the site as they are already acclimatised and easily stored;
- Three metre saplings would be transplanted immediately elsewhere;
- Forest duff from the site would be collected and respread during the second phase of development;
- The removal of the one totara tree (no. 55) would not significantly impact the future of the totara stand on the spit, and sufficient protection for the future of the stand of totara on the site had been provided for;
- A wider view to the future management of the totara stand on the spit was needed at a community level, and consideration given by the community as how they may achieve future longevity of the stand;
- The storm water trench will be hand dug to mitigate any root damage as can be dug around any root systems unearthed;
- Planting only native trees on site should be considered in relation to the future of the stand;
- The intention to disperse the storm water would not change the hydrology of the section and it was important that it not be irrigated onto the site to preserve the natural living environment of the vegetation; and
- The replanting required by the VMP will depend on the site becoming available for planting and should be done during the first autumn following construction.

#### **Mr M Conway (Conservation Planner)**

Mr Conway outlined the trees that are to be removed. He stated that the removal of the six non-totara trees is not a significant loss as pohutukawa is not native to Golden Bay and the kanuka would eventually be succeeded by totara and matai.

There are 15 totara trees growing within two metres of the proposed dwelling. He checked for roots using an iron bar and found none. He stated that construction of other houses will have cut roots and the trees are still in good health. He supported the implementation of Mr Carter's VMP.

Along the beach front he considered restoration planting to be beneficial for the forest.

Upon questions from the Committee, Mr Conway confirmed that:

- Climbing asparagus and crocosmia weeds are present at the site;

- he did not believe the removal of one totara at the site would have an adverse impact and that those remaining on the site will be sufficiently well protected to maintain their integrity;
- Construction will not be detrimental to the future of the stand on the site;
- The soil is free draining and additional water and nutrients would be beneficial to the trees as they have not always grown well on the site; noting that specimens gauged at over 100 years old had similar diameter to those only 12 years old in other Golden Bay areas;
- Pohutukawa and some pittosporum were not native to the area and could be considered 'weeds';
- It was most likely that in time matai would become the dominant trees given the amount of regrowth present;
- Any disturbance on the site would not make the weed problem worse as asparagus is a shade-loving plant;
- Decking around the trees that allows for rainfall penetration, air flow and moisture to penetrate the trees will have no impact on tree growth; and
- He was not aware of any adverse affects of using treated timber for decks.

#### **Mr M Lile (Planner)**

Mr Lile outlined the reasons why the previous Committee had declined the previous application and summarised that it had been the combined scale and positioning of the previous design. He considered that the current proposal addressed the previous Committee's concerns.

Mr Lile summarised the planning framework and stated that compliance with the Rural 2 building setbacks are impossible and that other buildings would not meet the setbacks. He considered the actual or potential effects to be less than minor due to the angle of the master bedroom module, the brush fencing, the outlook from the living area at Number 61 to the east, the colour scale and height of the master bedroom wing, and the VMP that will be implemented.

With regard to natural hazard risks he stated that the presence and maintenance of the seawall removes the risks associated with coastal erosion. Therefore, an appropriate minimum floor level is the most necessary consideration to avoid coastal hazards. He said that the minimum floor level is 3.6 metres above the TDC datum. He said that the two modules closes to the coast have a floor level of 4.65 metres and the western-most module has a floor level of 4.125 metres. Inundation risk is therefore avoided.

Mr Lile considered the proposal to be consistent with the relevant objectives and policies of the TRMP.



Mr Lile agreed that the applicant could comply with the 5 metre setback but it would involve the loss of more significant trees and such a proposal would not be consistent with the guidance given by the previous Committee. He also considered that this would conflict with Section 6(c) of the Act.

Overall, Mr Lile considered the proposal to meet the requirements of Section 5 of the Act and that it should be granted.

## **6.2 Submitters' Evidence**

### **Mr N McFadden (Counsel for Mr Slade and Ms Carr)**

Mr McFadden reviewed the reasons why the previous Committee had declined the original application. He stated that practically nothing has changed with the current application. He did not think that the building was any smaller and there would still be a large coverage of forest floor and a greater effect as a result of greater building perimeter. He also did not consider that the building could be considered to be a bach.

Mr McFadden accepted that less trees will be destroyed but said that no account seems to have been taken of the under story of the forest including the kanuka and five-finger.

With regard to the setbacks, Mr McFadden stated that large parts of the proposed dwelling lie within the 5 metre setback to the southern boundary. Also the dwelling will intrude into boundaries on all four sides making it worse than the previous application. The proposal will increase the shading on 61.

Mr McFadden recognised that the house could not simply be pushed further from the boundary but he stated that a modular design allowed them to place a module in the space between trees 23, 19, 25 and 27.

Mr McFadden considered that the proposal does not meet the relevant objective and policies of Chapter 10 of the TRMP (Objective 10.1.2 and Policies 10.1.3.1 and 10.1.3.2).

Mr McFadden presented a shading plan showing the difference between the effect of both a complying house (i.e. one that is within the setbacks) and the proposed house in terms of its shading effects on number 61.

Mr McFadden stated that there is a considerable reliance on the VMP put forward by Mr Carter. He rhetorically asked the Committee who will enforce this plan; noting Mr Carter's verbal statement that it would need to be done "very very carefully". He asked what happens to the Council's responsibility under the Act if implementation of the VMP is not done correctly and trees or vegetation is affected or lost. Finally, he stated that regardless of the VMP there is a high probability of damage to the forest and he questioned what may be the impact to the area if the VMP fails.

### **Dr Kelvin Lloyd (Ecological and Botanical Witness)**

Dr Lloyd confirmed that kanuka was the likely major pioneer species with totara and, recently, matai subsequently becoming dominant. He said that a feature of the forest is the full expression of forest strata. He also stated that it supports significant

birdlife. He confirmed that he considered it to be significant for the purposes of Section 6(c) of the Act and outlined the values in terms of rarity, representativeness, distinctiveness, size, intactness, connectivity, and with regard to migratory species.

He then compared the spit with a residential development at Otatara in Southland and stated that clearance of indigenous forest for residential activity was one of the biggest threats to the sustainability of the indigenous forest vegetation at Otatara.

Dr Lloyd stated that the building will directly affect 30% of the subject site's forest vegetation with additional effects from the construction which would chiefly affect understory and ground cover vegetation. The proposal will also significantly open the canopy and fragment the forest vegetation.

Dr Lloyd was surprised that Mr Conway had not detected any major roots as most trees have lateral rather than vertical roots. He concluded that the probing was probably too sparse. He agreed that totara are fairly resilient to root damage.

Dr Lloyd considered that the nutrients and water from the wastewater irrigation pipes would favour exotic species.

Overall, Dr Lloyd considered that the proposal would have more than minor adverse effects on the environment.

Addressing measures to avoid, remedy or mitigate the adverse effects he stated that the house should be more compact. He stated that he supported planting along the seaward boundary, preferably in a solid wall. He also expressed surprise that no expert ecologist is to be involved in the implementation of the VMP.

Following questions from the Committee, Dr Lloyd stated that the success rate of replanting plants on the site is dependent upon several factors including soil moisture content at time of planting, ongoing maintenance such as provision of slow release fertiliser and removal of weeds to allow growth. He considered that it would be difficult to restore the soil structure after compaction.

Overall, he stated that the new proposal is better than the original application but although the size of the dwelling is similar the disturbed perimeter zone is much larger due to the longer perimeter of the house.

### **6.3 Council's Reporting Officer's Report and Evidence**

Mr Davidson agreed that the site will be compromised to some degree. He did not dispute any of the ecological evidence provided

He considered that the primary focus is the protection of the forest at the site and finding a balance of something that fits on the site and does not cause unacceptable adverse effects.

Mr Davidson restated that no buildings can be constructed as controlled activities and all new buildings will be discretionary, therefore they must each be assessed on a case-by-case basis. He considered that there is an opportunity to reduce the area of the decking, but that there are no limits on building coverage in the Rural 2 zone.

Mr Davidson believed that the module with a lower floor level may not meet the Council's minimum floor level standards, and that this should be further investigated. He considered that the coastal protection has succeeded so far and there is no reason to believe that it may fail. He also stated that he has reservations about the 8.2 metre stormwater discharge trench and that there may be other options such as installing numerous downpipes, each discharging to small soakage areas.

Mr Davidson supported the VMP approach but stated that it may need to be overseen by an ecologist or landscape architect.

Mr Davison stated that he had intentionally not discussed Chapter 10 of the TRMP as it relates to Significant Natural Areas (SNAs) which Totara Avenue is not.

#### **6.4 Applicant's Right of Reply**

Ms Owen stated that Mr McFadden incorrectly calculated the total forest floor coverage of the buildings and that the new building is smaller. She stated that there is 26.92 square meters less forest floor covered by the currently proposed building. Therefore Mr McFadden's argument that the house is too big has no basis. Further, Ms Owen stated that the site coverage (as per the TMRP definition) is 21.16% rather than 30% as Dr Lloyd had suggested.

Ms Owen considered that Mr McFadden elevated the meaning of the word "protection" beyond what it has been found to mean in case law. The protection of vegetation is subordinate to the sustainable management required by Section 5 of the Act. Ms Owen noted that Dr Lloyd, in his evidence, was taking a purist ecological approach that is not set within the framework of the Act.

Ms Owen noted that no planning evidence was called by the submitters and that Mr Lile's evidence must be preferred.

Ms Owen considered that Mr Carter's VMP approach provides a robust and practical means of mitigating the impacts of the proposed development. She restated the importance of the locations of the modules in minimising the area of significant forest vegetation that is actually impacted. She also considered that the weed invasion consideration will be dealt with through the VMP, and the involvement of an expert ecologist is perfectly acceptable to the applicants.

Ms Owen objected to the "production of evidence from the bar" in relation to the sunlight analysis and shadow diagrams. She stated that it is inappropriate that such evidence be presented without an expert called to explain or verify it. She stated that she has difficulties with the diagrams' assumptions, and lack of account given to the trees and the existing bach. She states that there is no undue shading of number 61 beyond that expected by residential properties in proximity to one another.

With regard to alternative designs which were discussed, Ms Owen stated that the applicants do not seek to provide alternatives to the design as the design has been sufficiently scrutinised. The Fourth Schedule of the Act does not require alternatives where the effects are not significant. She asked the Committee to assess the proposal that is in front of it. However, Ms Owen did volunteer the removal of 9 square metres from the deck from the north-east (presumed to mean "north-west") corner of the living module to the corner of the main bedroom module.

## 7. PRINCIPAL ISSUES AND MAIN FINDINGS OF FACT

The principal issues that were in contention and the Committee's findings of fact are:

- a) **Will the proposed dwelling and associated mitigation of effects adequately protect the significant indigenous vegetation for the purposes of Section 6(c) of the Act? Will the removal of the vegetation and the damage sustained to surrounding vegetation cause a significant adverse effect on the environment? If so, can these adverse effects be suitably avoided, remedied and/or mitigated?**

It was established in the decision on resource consent RM070991 that the forest vegetation on the site is significant under Section 6(c). That point is not in dispute through this hearing or decision.

The Committee agrees with the Ms Owen's submission that protection does not necessitate full preservation. It was noted in the decision on RM070991 that the "Committee [did] not consider that removing a large and central section of the forest, along with the resulting adverse effects is sufficient protection." In the revised proposal the extent of this vegetation removal has been largely limited to the previously disturbed areas. Only one totara tree will be removed, as opposed to 10 in the previous application, and the other canopy trees to be removed are largely kanuka which is of little value for bird feeding and is evidently being succeeded by other, mainly podocarp, canopy species. The most significant impact on the understory vegetation is in the location of the living module. Damage around the proposed house in the marginal area is likely to be significant. Therefore, the Committee considers that the protection of indigenous vegetation for the purposes of Section 6(c) is only met if a comprehensive Vegetation Management Plan, focussing on restoration of this marginal area, is implemented.

The Committee considered the submissions of Mr McFadden on behalf of his client with regard to the protection of indigenous vegetation. Mr McFadden's objection appeared to be two-fold:

1. That the modules should respect the setbacks by being 5 metres from the boundary and thereby improving the privacy and reducing the shading impact on number 61; and
2. That the impact canopy trees and under-story vegetation, which he argues is also a significant component of the forest, should be reduced.

The Committee considers that Mr McFadden's arguments are self-defeating as the modules have been placed in the most disturbed areas where the least amount of damage to the canopy, the sub-canopy or the forest floor vegetation will be done. He suggests, as an example, that a module could be placed in the space between trees 23, 19, 25 and 27. While this still may not affect totara trees it will completely destroy currently un-disturbed forest floor vegetation which both Mr McFadden and Dr Lloyd emphasised were an important consideration. Using this example, the Committee is satisfied that the sites chosen for the modules are the best available for minimising the adverse effects on the forest.

The Committee accepts the evidence of Dr Lloyd on the basis that he was speaking (quite rightly) from a strictly ecological and botanical perspective. The Committee's decision is broader in terms of the matters it can consider as it is guided by the provisions of the Act. The Committee is also mindful of Dr Lloyd's professional opinion that this application is much better than the previous one on which he also gave evidence.

As noted above, the Committee is concerned about the impacts of the disturbance in the area around the proposed house, particularly due to the promotion of weeds.

*b) To what extent does the proposal address the reasons for the refusal of the previous consent (RM070991)?*

In the decision on RM070991 guidance was given on why the consent was declined and, to a limited extent, what the applicant might have to do to obtain a different decision. In the interests of consistency it is important to compare the current proposal to that guidance.

In the previous decision it was stated that the "principle [sic] underlying reason for declining this consent is the effect that the proposed development will have on the totara forest" The Committee is satisfied that, subject to the implementation of a comprehensive VMP the adverse effects on the totara forest are now acceptable. Paragraph 2 of the Reasons for the Decision made that statement that the "proposed dwelling is ... too large". It is clear from the context of the paragraph that the concerns about the size of the house were in relation to the effect on vegetation. Therefore, the fact that in the current application the size of the house is reduced is of only minor significance. What is important is that it is positioned in such a way that the effect on the vegetation is minor. The Committee is also satisfied that the applicant has gone to considerably greater effort to redesign the bach so that it makes use of previously cleared land and thereby substantially reduces the effect on the forest.

**c) Is the size, shape, height and location of the proposed dwelling appropriate, and will the proposed development have an adverse effect on number 61 Totara Avenue?**

As noted above the size of the building is of only minor concern to the Committee as long as the adverse effects on the vegetation are minimised. The Committee is satisfied that the reduced size of the building, along with the modular design, varying cladding and single-story will mean that it will fit well into the Totara Avenue environment.

The Committee agrees with Mr Lile and Mr Davidson that the Rural 2 zone can be considered an anomaly. The site is a residential enclave and, given the bach and forest environment, can legitimately be compared to St Arnaud where the land is zoned residential but, under the TRMP, permitted buildings must be a minimum of 3 metres from the property boundaries to protect neighbours amenity. The minimum setback of this proposed building is 2.7 metres and this is considered reasonable to protect the amenity of 61 Totara Avenue. The design of the proposed building compared to the original improves the protection of privacy for 61 Totara Avenue and is no closer than the existing building.

The Committee did not hear any expert evidence on the shading effects on 61 resulting from the proposed dwelling. It appears that 61 may be affected by some minor shading in the morning on and around the shortest day during winter. On the basis that this shading is only likely to occur in the early morning and only around the winter solstice the Committee considers the effects of shading to be minimal. Further, any shading effects caused by the new house will be obfuscated by the inevitable shading of the trees.

**d) To what extent will the proposed dwelling be vulnerable to coastal erosion or inundation? Are the risks of erosion or inundation acceptable?**

The site is well protected from coastal erosion by a substantial rock revetment. The proposed dwelling will be further back from the coast than the existing bach but, nevertheless, the Committee has some concerns about the proximity of the dwelling to the coast. However, the Committee is mindful of Waterfront Watch Inc v Wellington Regional Council (EC W043/09) in which the Court considered that the Act does not require the elimination of all risk and that those who chose to live (or in this case develop) in such a location must assume a higher level of risk. Although no such evidence was presented the Committee understands that Golden Bay is a relatively low-energy marine environment and the rock revetment is functioning well.

Inundation is a concern however and implementation of minimum floor levels is important. The proposed floor levels are 4.650 metres above the TDC datum for the living and main bedroom modules and 4.125 metres for the guest bedrooms further from the sea. The Council's Resource Scientist, Rivers and Coast (Mr E Verstappen) is satisfied with these ground levels as they will allow any water that may enter the site from the coast to pass under the modules. However there may be further Building Act matters that will require slightly amended building floor levels. Mr Verstappen also informs the Committee that, given the unpredictable nature of future sea-level rise projections, there may be a need to raise the floor levels (particularly that of the guest bedroom module) in the future to avoid inundation. This is not considered problematic given the pole construction method proposed.

## **8. RELEVANT STATUTORY PROVISIONS**

### **8.1 Policy Statements and Plan Provisions**

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

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

An assessment against the relevant provisions of these documents is provided in Section 10 below.

## 8.2 Part 2 Matters

In considering this application, the Committee has taken into account the relevant principles outlined in Sections 6, 7 and 8 of the Act, as well as the overall purpose of the Act as presented in Section 5. An assessment against the relevant provisions of Part 2 is provided in Section 10 below.

## 9. DECISION

Pursuant to Section 104B of the Act, the Committee **GRANTS** consent subject to conditions.

## 10. REASONS FOR THE DECISION

### Effects on the Environment

In contrast to the decision on application RM070991 the Committee now considers that the proposal will sufficiently protect the significant indigenous vegetation on the site, particularly since only one totara tree will now need to be removed. The Committee has previously noted that it is appropriate that “something” can be built on the site but that it would have to meet the requirements of the Act. It is considered that this proposal strikes that balance. The confidence that the Committee has that the proposal will still protect the vegetation relies, in part, on the conditions that have been placed on the consent. Mr Carter proposed a VMP and this has been accepted, with some changes, as an important component of mitigating the adverse effects. The engineering solutions presented as evidence by Mr O’Hara with respect to building construction, wastewater, stormwater and the under-grounding of the fire-fighting water storage tank are also important in minimising the effects.

The analogy to the rules restricting development in St Arnaud are relevant and, with additional screening as proposed by the applicant, the Committee is satisfied that the privacy or amenity of the owners of 61 Totara Avenue will be not be adversely effected to an extent that is more than minor.

The Committee is satisfied that the dwelling is adequately protected from natural hazards. While all risk has not been removed the Committee is comfortable that it has been rigorously assessed and minimised to a level that is reasonable and, beyond which, the owners of any seaside dwelling or bach must be aware of the inherent risks of the location.

### Objectives and Policies of the TRMP

The following objectives and policies are relevant.

Objective 5.1.2  Policies: 5.1.3.1, 5.1.3.5 and 5.1.3.12	This objective is to protect the use and enjoyment of land and to protect the qualities of natural and physical resources from the adverse effects of the use of other land. The policies seek to ensure that wastewater discharges are appropriate and to protect natural character of coastal land.  The proposal is consistent with these matters as the amenity of the area will be protected and the wastewater discharge has been appropriately provided for. Policy 5.1.3.12 is particularly
--	---

	important here and the Committee is satisfied that the proposal will meet this policy.
Objective 5.2.2  Policies: 5.2.3.1, 5.2.3.2, 5.2.3.3, 5.2.3.4 and 5.2.3.6	<p>The objective seeks to maintain and enhance amenity values on site and within communities. The policies are to maintain privacy, sunlight, amenity through vegetation and screening, and natural features on sites.</p> <p>The Committee is satisfied that the cross-boundary effects will not be such that the proposal will be inconsistent with these policies and this objective.</p>
Objective 5.3.2  Policies: 5.3.3.3 and 5.3.3.5	<p>The objective is to maintain and enhance the special visual and aesthetic character of localities. The policies are to minimise the effects of buildings in areas of significant natural value and to maintain or enhance vegetation which contributes to the quality of a locality.</p> <p>The Committee certainly considers that this site has qualities which make this objective and policies relevant. The protection of the vegetation and the VMP proposed has ensured that these are met.</p>
Objective 7.2.2  Policies 7.2.3.1 and 7.2.3.2	<p>The objective and policies provide opportunities for rural land to be used for activities other than soil-based production including rural residential having regard to natural hazards, the coastal environment and cross-boundary effects.</p> <p>The Committee is satisfied that, given the existing residential sized lots and the significant vegetation that this is not an appropriate environment for productive use of the land. Rural residential use is the most appropriate use of these lots.</p>
Objective 8.2.2  Policies: 8.2.3.1, 8.2.3.2, 8.2.3.4, 8.2.3.6, 8.2.3.7, 8.2.3.16, 8.2.3.17 and 8.2.3.18	<p>This objective and supporting policies seeks to maintain and enhance the natural character of the coast, particularly through the limitation of the removal of indigenous vegetation and through appropriate building designs. Also, to take account of sea level rise in the development of land.</p> <p>The design of the building, the protection of most of the canopy and the proposed landscaping will ensure that these matters are met.</p>
Objective 9.1.2  Policy 9.1.3.3	<p>This objective and policy seek to protect the District's outstanding landscapes and coast from adverse effects.</p> <p>The proposed building will not offend this policy by being recessively designed and positioned and with additional landscape planning on the coastal frontage.</p>
Objective 10.1.2	This objective and supporting policies seek to protect and enhance indigenous biological diversity and integrity of ecosystems, community and species through protection of



Policies 10.1.3.1 and 10.1.3.2	indigenous vegetation.  The Committee agrees with Mr McFadden that these considerations are relevant, but considers that, on balance and taking the other planning considerations into account; these matters are met by the proposal.
Objective 13.1.2  Policies 13.1.3.1, 13.1.3.4, and 13.1.3.8	This objective and supporting policies seek to avoid the effects of natural hazards, particularly coastal erosion and inundation.  The design of the proposal will satisfy these matters to an acceptable level of risk.

Overall, the Committee is satisfied that the proposal is not inconsistent with the objectives and policies of the TRMP. It is considered that the CPS and TRPS are also relevant but that the guidance contained within the TMRP is more specific and not inconsistent with those documents. Therefore the Committee is satisfied that the proposal is consistent with the wider policy setting.

### **Purpose and Principles of the Act**

Adopting a broad overall judgement approach to the purpose of the Act, the Committee is satisfied that the proposal is consistent with Part 2 and achieves sustainable management of natural and physical resources as set out in Section 5 of the Act.

## **11. COMMENTARY ON CONDITIONS OF CONSENT**

The Vegetation Management Plan proposed by Mr Carter has considerable merit but the Committee considers that it needs to be strengthened to ensure that non-compliances with the requirements of the plan do not eventuate and the restoration requirements are strengthened somewhat. Conditions 8 to 11 reflect these changes.

Conditions 5, 6 and 7 relate to Mr O'Hara's evidence with regard to the retention of tree number 5, the provision for stormwater discharge and the provision of a fire-fighting water storage tank.

Issued this 30<sup>th</sup> day of July 2009



Cr Noel Riley  
**Chair of Hearings Committee**



## RESOURCE CONSENT

**RESOURCE CONSENT NUMBER:** RM090003

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

**Richard Carr and Ailsa Emerson**  
(hereinafter referred to as “the Consent Holder”)

## ACTIVITY AUTHORISED BY THIS CONSENT:

To erect a replacement dwelling at 59 Totara Avenue, Pakawau and to remove indigenous vegetation

## LOCATION DETAILS:

Address of property:	59 Totara Avenue, Pakawau, Golden Bay
Legal description:	Lot 13 DP 6816
Certificate of title:	NL3B/616
Valuation number:	1860013209
Easting and Northing:	2482928E 6064560N

Pursuant to Section 108 of the Act, this consent is issued subject to the following conditions:

## CONDITIONS

1. The proposed development shall be generally in accordance with the plans submitted with the application, attached as Annexure 1 dated 16 February 2009, and modified to conform with any additional conditions imposed. Where there is any conflict between the plans and the conditions imposed, the conditions shall prevail.
2. The dwelling shall have a height above natural ground level of not more than 5.0 metres above natural ground level, as defined by the TRMP.
3. The exterior of the buildings shall be finished in colours that are recessive and which blend in with the immediate environment. The consent holder shall submit to the Council’s Consent Planner, Takaka for approval prior to applying for building consent the following details of the colours proposed to be used on the walls and roof of the building:
  - a) the material to be used (e.g. paint, colour steel);
  - b) the name and manufacturer of the product or paint;
  - c) the reflectance value of the colour;

- d) the proposed finish (e.g. matt, low-gloss, gloss); and
- e) 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 building shall be finished in colours that have been approved by the Council.

**Advice Note:**

The consent holder should engage the services of a professional to ensure the exterior cladding and colour selection are compatible with the long term durability of the building material in the subject environment and in accordance with the requirements under the Building Act 2004.

- 4. The development shall incorporate two carparks, formed to an all-weather dust free metalled surface. Access from the existing carriageway to a point not less than 2 metres into the consent holder's property shall be sealed with a two-coat chip seal.
- 5. The wastewater system shall be consistent with Annexure 1 – Plan D dated 8 July 2009 (attached). In particular the wastewater treatment unit shall be positioned such that no totara tree is removed nor any major roots of totara trees severed.

For the avoidance of doubt it is a condition of this consent that tree number 5 identified in Annexure 1 be retained.

- 6. Stormwater from the proposed dwelling shall preferentially be disposed of to a purpose designed soakpit or trench under part of the dwelling, such as under the deck between the piles (subject to approval under the Building Code).

If it can be demonstrated that this discharge method is not practicable or will not meet the requirements of the Building Code then a non-point source method of discharging stormwater in locations that will not result in the loss of further vegetation or damage to the roots of any trees and in locations that are well clear of any waste water disposal area shall be used.

- 7. The development shall incorporate an on-site water storage tank of not less than 23,000 litres capacity, fitted with an accessible 50mm camlock coupling to allow connection with fire fighting equipment. The tank shall be installed in a position that is consistent with Annexure 1 – Plan D dated 8 July 2009 (attached)

**Vegetation Management**

- 8. The consent holder shall submit to the Council's Environment and Planning Manager a Vegetation Management Plan (VMP) for certification. The VMP shall be prepared by an appropriately qualified and experienced ecologist in accordance with the requirements of Conditions 9 to 11 below. No work shall begin on-site until the VMP has been certified by the Manager. The VMP shall be consistent with the evidence of Ms Hall, Mr O'Hara, Mr Carter, Mr Conway and Mr Lile provided in the hearing held on 13 July 2009. In particular, the VMP shall be consistent with the draft VMP attached as Annexure 2.
- 9. Notwithstanding the above the VMP shall be prepared and used in accordance with the following points:

- The VMP shall be provided with any tender documents issued for the project;
  - The VMP Supervisor shall be appropriately qualified or experienced in New Zealand native ecology and/or restoration practices.
  - All forest duff within the rigid perimeter shall be collected and stored. The duff shall be respread over the disturbed area around the house following its completion.
  - All plants that, in the opinion of the ecologist who prepared the VMP, can be successfully dug up from the area inside the rigid perimeter fence, stored on-site and replanted following the completion of the building shall be identified. Provision shall be made for this successful transplanting process along with measures to keep the plants in good health. The only plants that shall be chipped shall be those that cannot be transplanted.
  - The replanting of the transplanted plants shall be in a layout to be determined by the VMP Supervisor to achieve the following:
    - a natural forest understory character
    - a layout which maximises the survival prospects for the plants in consideration of the wear of the site through human occupation; and
    - to maximise the number and survival of any rare, significant or bird food source plants.
  - The VMP shall include measures and a maintenance schedule for restoring the disturbed area around the house following completion. Maintenance shall be undertaken regularly to ensure that the understory vegetation around the house successfully re-establishes.
  - A weed management plan shall be included in the VMP. Weed management shall include regular weed control inspections.
10. The consent holder shall engage an appropriately qualified and experienced ecologist to undertake the following inspections and, in each case, to provide a brief to the Council's Coordinator Compliance Monitoring a report which contains the details of the inspection, the ecologist's level of satisfaction with the work undertaken, recommendations for improvement and any other matter that the ecologist considers is reasonable to include. The inspection schedule shall be as follows:
- After installation of the rigid perimeter fence and all preparation work (e.g. collection of duff and transplanting and storage of plants) but before building work commences;
  - Immediately following post-building restoration work (i.e. after respreading of duff around the building and replanting of transplanted plants);
  - Five years after the completion of the post-building restoration work.

Any recommendations included in the ecologist's reports that are reasonably necessary to achieve the outcomes of the VMP (see below) shall be implemented by the consent holder and written confirmation of the implementation of the recommendations shall be provided to the Council's Coordinator Compliance Monitoring.

11. The VMP shall, in the professional opinion of the ecologist engaged to write the VMP, achieve the following outcomes. Certification of the VMP will be provided by the Council's Environment and Planning Manager if the following outcomes are achieved:
  - Negligible damage is done to the canopy, sub-canopy or forest floor vegetation outside of the rigid perimeter fence;
  - The trees identified and numbered in disturbed area around the building (Area 3 on the draft VMP provided in Annexure 2) are not damaged in more than a very minor way from which they will recover in the short term and suffer no long term harm;
  - The sub-canopy and forest floor vegetation in the disturbed area around the building (Area 3 on the draft VMP provided in Annexure 2) is removed, stored and effectively re-established in the area;
  - The sub-canopy and forest floor vegetation in the footprint of the house site is removed, stored and effectively re-established in the disturbed area around the building (Area 3 on the draft VMP provided in Annexure 2);
  - The plants and layout used in the disturbed area around the building (Area 3 on the draft VMP provided in Annexure 2) shall be done with a focus on restoring a forest under-story character and to maximise the number and survival of any rare, significant or bird food source plants;
  - Weeds are suppressed and the disturbed area around the building (Area 3 on the draft VMP provided in Annexure 2) is maintained in a weed free state until the restored vegetation has recovered and re-established (five years);
  - Appropriate native plants from Totara Avenue seed stock are planted in the additional planting areas (Area 2 on the draft VMP provided in Annexure 2) to increase screening of the property from adjacent lots; and
  - Appropriate native plants from Totara Avenue seed stock are planted in the additional coastal planting area (Area 1 on the draft VMP provided in Annexure 2) to increase the protection of the forest from coastal winds and to increase the level of screening from the coastal marine area.
  
12. The Consent Authority may, at any time until the completion of the construction of the dwelling and during the month of February each year thereafter, review the conditions of this resource consent pursuant to Section 128 of the Act for any of the following purposes:
  - a) To deal with any adverse effect on the environment which may arise from the exercise of this resource consent and which is appropriate to deal with at a later stage;

- b) to require any amendments to the VMP that may be reasonably necessary;
- c) to allow further visits, inspections or reports to the Council for monitoring purposes; and/or
- d) to require consistency with any relevant Regional Plan, District Plan, National Environmental Standard or Act of Parliament.

**ADVICE NOTE(S)**

**Council Regulations**

- 1. This is not a building consent and the Consent Holder shall meet the requirements of Council with regard to all Building and Health Bylaws, Regulations and Acts.

**Proposed Tasman Resource Management Plan**

- 2. Any activity not referred to in this resource consent must comply with either:
  - 1. a relevant permitted activity rule in the Tasman Resource Management Plan (TRMP);
  - 2. the Act; or
  - 3. the conditions of a separate resource consent which authorises that activity.

As part of the building consent process, the consent holder shall submit a revised wastewater treatment and disposal system for the proposal that complies fully with the requirements of the Tasman Resource Management Plan. (Note: In the event the disposal area cannot comply fully with the siting requirements for on site disposal as prescribed by Rule 36.1.4, a discharge permit will be required)

**Consent Holder**

- 3. This consent is granted to the abovementioned Consent Holder but Section 134 of the Act states that such land use consents “attach to the land” and accordingly may be enjoyed by any subsequent owners and occupiers of the land. Therefore, any reference to “Consent Holder” in the conditions shall mean the current owners and occupiers of the subject land. Any new owners or occupiers should therefore familiarise themselves with the conditions of this consent, as there may be conditions that are required to be complied with on an ongoing basis.

**Interests Registered on the Certificate of Title**

- 4. The Consent Holder should note that this resource consent does not override any registered interest on the property title.

**Colour**

- 5. As a guide, the Council will generally approve colours that meet the following criteria:

<b>Colour Group*</b>	<b>Walls</b>	<b>Roofs</b>
Group A	A05 to A14 and reflectance value ≤50%	A09 to A14 and reflectance value ≤25%

Group B	B19 to B29 and reflectance value $\leq 50\%$	B23 to B29 and reflectance value $\leq 25\%$
Group C	C35 to C40, reflectance value $\leq 50\%$ , and hue range 06-16	C39 to C40, reflectance value $\leq 25\%$ , and hue range 06-16
Group D	D43 to D45, reflectance value $\leq 50\%$ , and hue range 06-12.	Excluded
Group E	Excluded	Excluded
<b>Finish</b>	Matt or Low-gloss	Matt or Low-gloss

\* Based on BS5252:1976 (British Standard Framework for Colour Co-ordination 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.

Issued this 30<sup>th</sup> day of July 2009



Cr Noel Riley  
**Chair of Hearings Committee**



Tree No.	Species	DBH	Age
1	Totara	23.5	113
2	Totara	12	81
3	Totara	19.5	104
4	Totara	1	77
5	Totara	15.5	83
6	Five finger	13	113
7	Totara (double stemmed)	27.5	120
8	Totara (double stemmed)	23	103
9	Diace	10.5	95
10	Totara (double stemmed)	16	98
11	Totara (double stemmed)	17	98
12	Totara (double stemmed)	19.5	104
13	Totara	19.5	104
14	Totara	18.5	102
15	Totara	19	103
16	Totara	14	89
17	Totara	17	98
18	Totara	27.5	120
19	Totara	12.5	83
20	Totara	13	85
21	Totara	23	113
22	Totara	23	110
23	Five finger	11	98
24	Totara (double stemmed)	17	98
25	Totara (double stemmed)	14	89
26	Totara	13	81
27	Totara	10.5	77
28	Totara	21.5	109
29	Kanuka	16.5	90
30	Totara	15	90
31	Totara	12.5	83
32	Totara	18	100
33	Totara	27.5	120
34	Kanuka	20	100
35	Kanuka	17.5	94
36	Totara	14	89
37	Totara	19.5	104
38	Totara (triple stemmed)	16.5	96
39	Totara (triple stemmed)	26	125
40	Totara (triple stemmed)	28.5	135
41	Totara	15.5	93
42	Diace	13	91
43	Totara	16.5	105
44	Totara (double stemmed)	14	89
45	Totara (double stemmed)	11	85
46	Totara	18	100
47	Kanuka (double stemmed)	13	85
48	Kanuka (double stemmed)	11.5	81
49	Totara (double stemmed)	20.5	115
50	Totara (double stemmed)	28	121
51	Totara (multi stemmed)	55	133
52	Totara (multi stemmed)	49.5	125
53	Totara (multi stemmed)	75.5	168
54	Totara (multi stemmed)	25.5	105
55	Totara (multi stemmed)	13	77
56	Totara (multi stemmed)	32	127
57	Totara (multi stemmed)	29.5	123
58	Totara (multi stemmed)	25.5	121
59	Pohutukava	13.5	87
60	Kanuka	20	100
61	Totara	44	147
62	Lemonwood	19	94
63	Five finger	14	89
64	Pohutukava (multi stemmed)	14	89
65	Totara	23.5	113
66	Totara	27.5	120
67	Totara	20.5	115
68	Totara	21	108
69	Five finger	11	98
70	Kanuka	10.5	95
71	Totara	31	128
72	Kanuka (double stemmed)	15	94
73	Kanuka (double stemmed)	14	89
74	Kanuka (multi stemmed)	14	89
75	Kanuka (multi stemmed)	10.5	77
76	Kanuka (double stemmed)	13	85
77	Totara	14	89
78	Totara	26.5	134

**RESOURCE CONSENT**

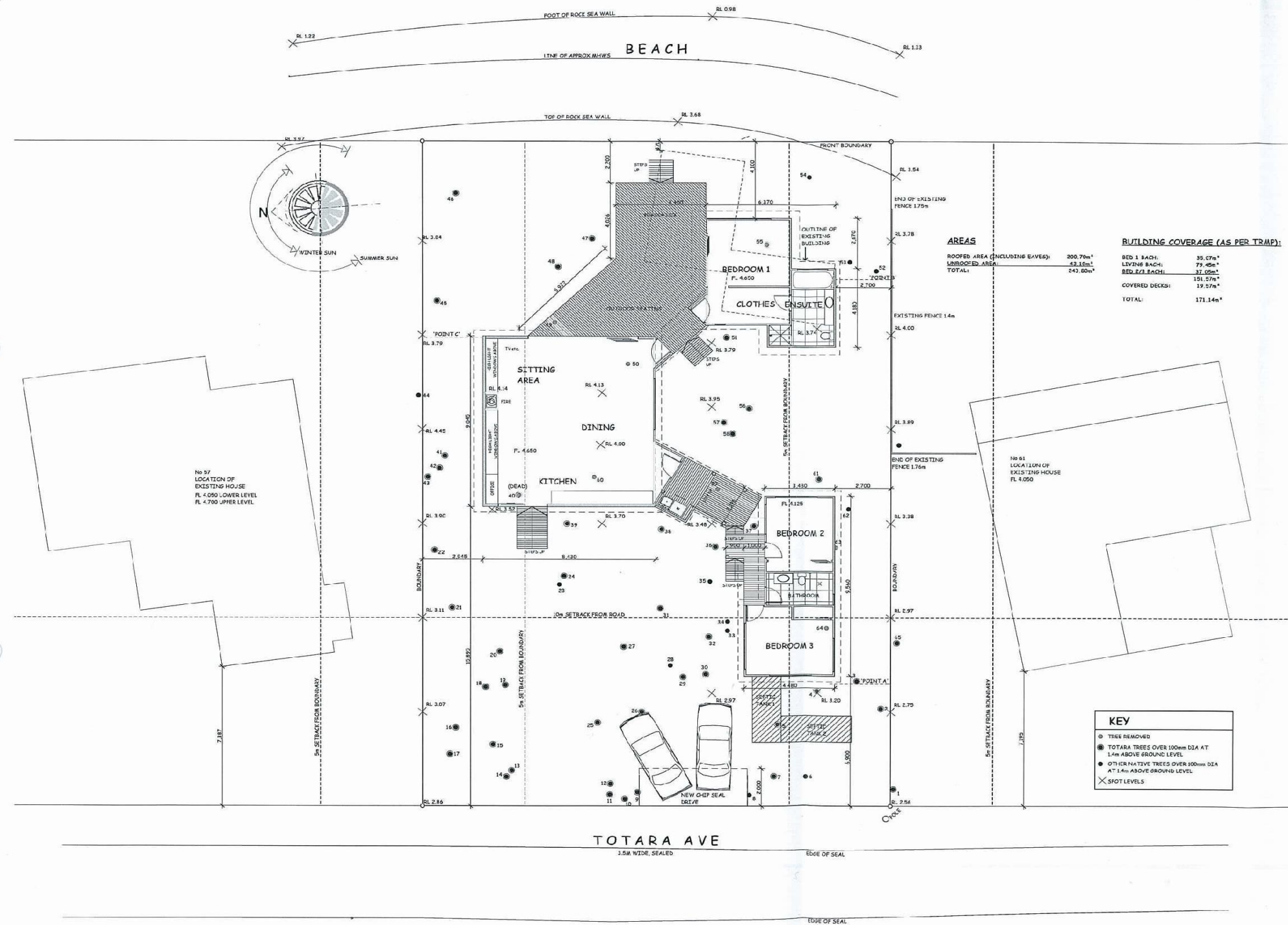
NOTE:  
READ IN CONJUNCTION WITH STRUCTURAL AND JOINERY DRAWINGS AND SPECIFICATION. CONFIRM ALL DIMENSIONS ON SITE PRIOR TO CONSTRUCTION.

No.	DATE	REVISION
 <b>arthouse</b> architecture ltd Ph (03) 5466664 Fax (03) 5466692 PO Box 1325 Nelson		
CONSULTANTS:		
CARR/EMERSON HOLIDAY HOUSE 59 TOTARA AVENUE GOLDEN BAY		
EXISTING PLAN		
SCALE - 1:100 @ A1 / 1:200 @ A3		
DRAWN: SH CHECKED: JH		
DATE: 09/07/09		
JOB No	SHEET	REV
894.1	A01	

EXISTING PLAN

1:100





PLAN

1:100

**RESOURCE CONSENT**

NOTE: READ IN CONJUNCTION WITH STRUCTURAL AND JOINERY DRAWINGS AND SPECIFICATIONS. CONFIRM ALL DIMENSIONS ON SITE PRIOR TO CONSTRUCTION.

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A 13/2/09 BED 1 EACH REVISED  
 No DATE REV:SON

arthouse  
 architecture ltd  
 Ph (03)5466664 Fax (03)5466692  
 PO Box 1325 Nelson

CONSULTANTS:

CARR/EMERSON  
 HOLIDAY HOUSE  
 59 TOTARA AVENUE  
 GOLDEN BAY

PLAN

SCALE - 1:100 @ A1 / 1:200 @ A3  
 DRAWN: SH CHECKED: JWH  
 DATE: 16/02/09

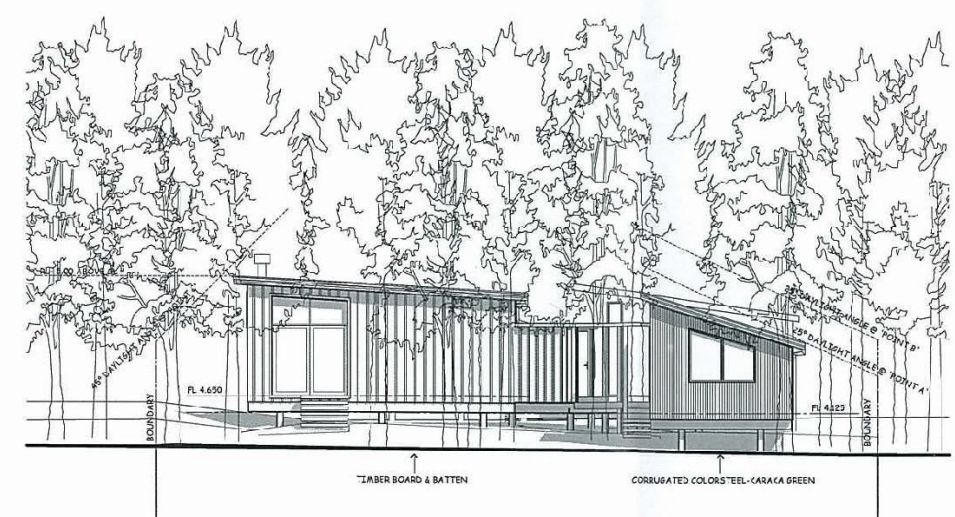
JOB No	SHEET	REV:
894.1	A02	A





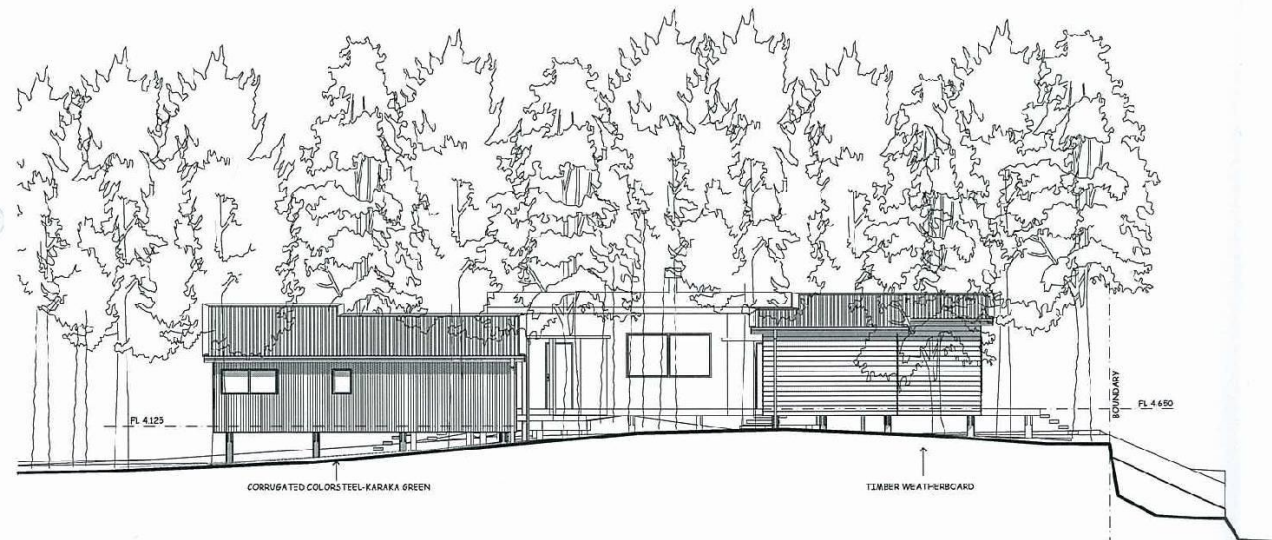
NORTH ELEVATION

1:100



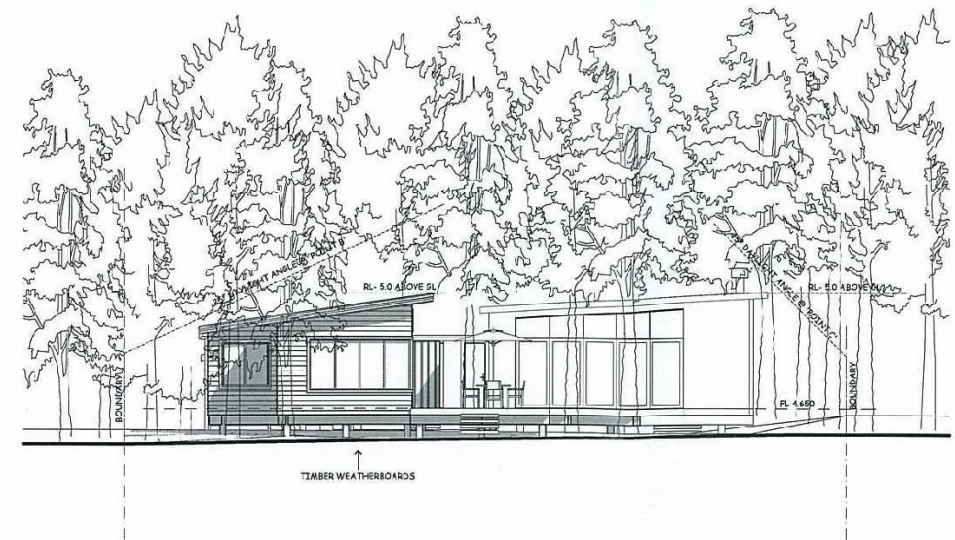
WEST ELEVATION

1:100



SOUTH ELEVATION

1:100



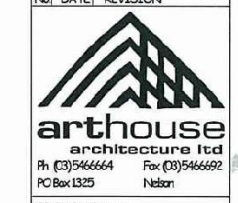
EAST ELEVATION

1:100

RESOURCE  
CONSENT

NOTE:  
READ IN CONJUNCTION WITH  
STRUCTURAL AND JOINERY  
DRAWINGS AND SPECIFICATION  
CONFIRM ALL DIMENSIONS ON  
SITE PRIOR TO CONSTRUCTION

A 13/2/09 BED 1 BACH REVISED  
No DATE REVISION



CONSULTANTS:

CARR/EMERSON  
HOLIDAY HOUSE  
59 TOTARA AVENUE  
GOLDEN BAY

ELEVATIONS

SCALE - 1:100 @ A1 / 1:200 @ A3  
DRAWN: SH CHECKED: JWH  
DATE: 13/02/09

JOB No	SHEET	REV:
894.1	A03	A

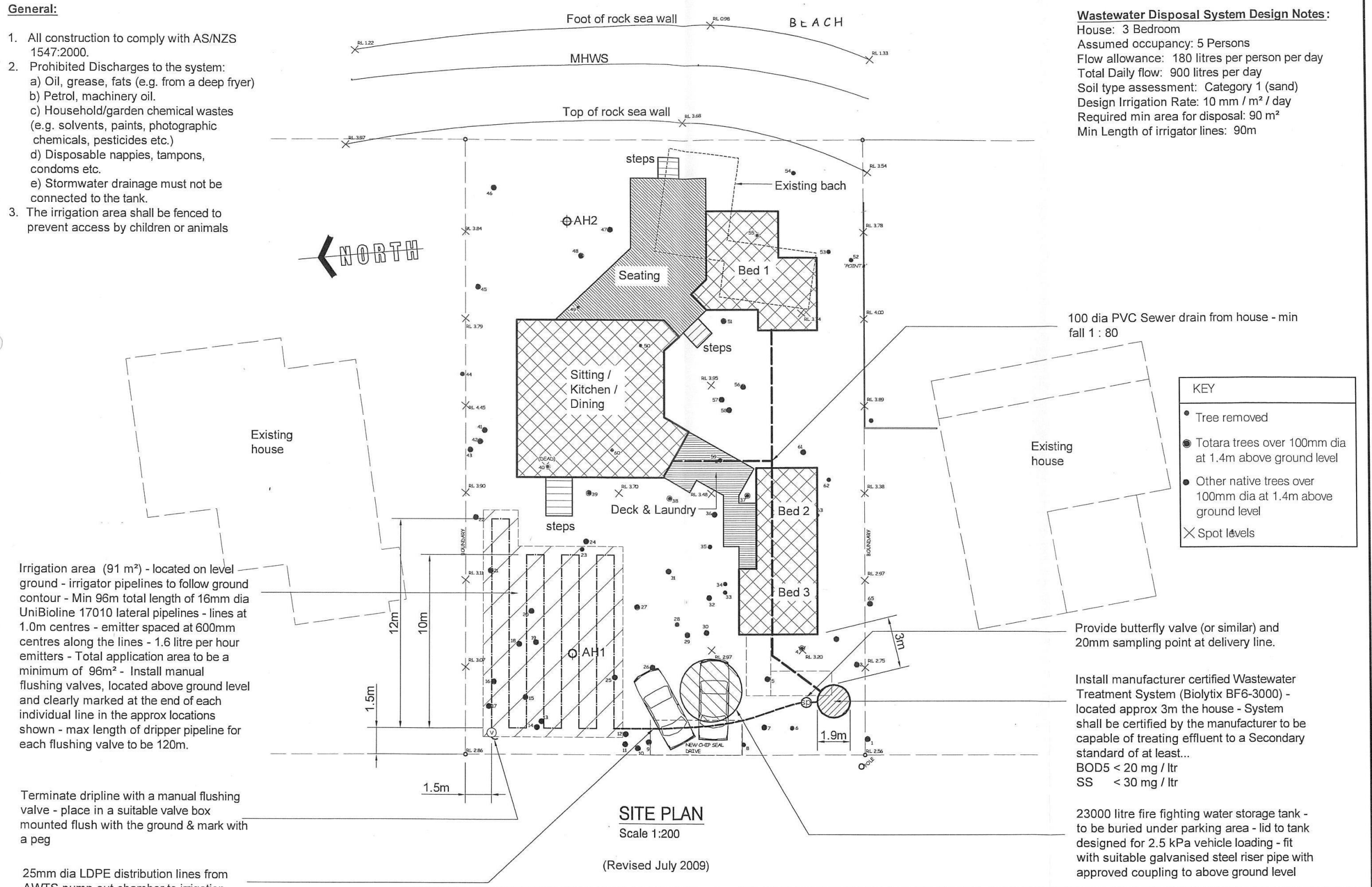


**General:**

1. All construction to comply with AS/NZS 1547:2000.
2. Prohibited Discharges to the system:
  - a) Oil, grease, fats (e.g. from a deep fryer)
  - b) Petrol, machinery oil.
  - c) Household/garden chemical wastes (e.g. solvents, paints, photographic chemicals, pesticides etc.)
  - d) Disposable nappies, tampons, condoms etc.
  - e) Stormwater drainage must not be connected to the tank.
3. The irrigation area shall be fenced to prevent access by children or animals

**Wastewater Disposal System Design Notes:**

House: 3 Bedroom  
 Assumed occupancy: 5 Persons  
 Flow allowance: 180 litres per person per day  
 Total Daily flow: 900 litres per day  
 Soil type assessment: Category 1 (sand)  
 Design Irrigation Rate: 10 mm / m<sup>2</sup> / day  
 Required min area for disposal: 90 m<sup>2</sup>  
 Min Length of irrigator lines: 90m



Irrigation area (91 m<sup>2</sup>) - located on level ground - irrigator pipelines to follow ground contour - Min 96m total length of 16mm dia UniBioline 17010 lateral pipelines - lines at 1.0m centres - emitter spaced at 600mm centres along the lines - 1.6 litre per hour emitters - Total application area to be a minimum of 96m<sup>2</sup> - Install manual flushing valves, located above ground level and clearly marked at the end of each individual line in the approx locations shown - max length of dripper pipeline for each flushing valve to be 120m.

Terminate dripline with a manual flushing valve - place in a suitable valve box mounted flush with the ground & mark with a peg

25mm dia LDPE distribution lines from AWTS pump out chamber to irrigation area. Extend down the side of irrigation area to the last irrigator line.

Provide butterfly valve (or similar) and 20mm sampling point at delivery line.

Install manufacturer certified Wastewater Treatment System (Biolytix BF6-3000) - located approx 3m the house - System shall be certified by the manufacturer to be capable of treating effluent to a Secondary standard of at least...  
 BOD5 < 20 mg / ltr  
 SS < 30 mg / ltr

23000 litre fire fighting water storage tank - to be buried under parking area - lid to tank designed for 2.5 kPa vehicle loading - fit with suitable galvanised steel riser pipe with approved coupling to above ground level

**SITE PLAN**  
Scale 1:200

(Revised July 2009)

**tasman consulting engineers**  
 237 Queen St  
 PO Box 3631  
 Richmond NELSON  
 Ph: (03) 544-6404  
 Fax: (03) 544-6694

**SITE PLAN - WASTE WATER SYSTEM**  
**CARR & EMERSON**  
 59 TOTARA AVE, PAKAWAU, GOLDEN BAY

Date: 08-07-09 File: 07335

Scale: 1 : 200 (at A3) Sheet: 1









VEGETATION MANAGEMENT PLAN



- key**
- ① AREA 1  
ADDITIONAL PLANTING TO COASTAL MARGIN. REFER PLANT LIST
  - ② AREA 2  
ADDITIONAL PLANTING TO MAXIMUM HEIGHT 3.0m. REFER PLANT LIST
  - ③ AREA 3  
ACCESS PERIMETER FENCE AND EXISTING BUILDING
  - ④ AREA 4  
NO CHANGE

Revisions:  
 20061009 RevA corrected position of tree # 54  
 230209 RevB floor plan change

**LANDSCAPE ARCHITECTS**  
**tasmancarter**  
 LIMITED

288 Halsey Street Nelson New Zealand ph 041 546 7847 mob 0274 184 133

Project: Carr / Emerson Application  
 Site: 59 Totara Avenue  
 Waikato (Golden Bay)  
 Sheet title: Planting Plan  
 Sheet 2

Scale: 1:50 at A1; 1:100 at A3  
 Date: 23 February 2009  
 Design: Tom Carter  
 Drawn: Ant

Note:  
 Plans indicative only.  
 All site and dwelling information is from Arhousa  
 Architecture Ltd and Tasmancarter Consulting Eng'g Ltd.  
 For resource consent application.

Sheet: **2 revB**

T O T A R A A V E N U E

TOP OF ROCK SEA WALL

FRONT BOUNDARY

END OF EXISTING FENCE 1.76m

END OF EX FENCE 1.75

EXISTING

ER SUN

OROLE



## ANNEXURE 2 – Draft Vegetation Management Plan

### *Annexure B.*

In respect of proposed Consent Condition A:

#### Introduction

The following is intended to provide a documentation format for the Vegetation Management Plan.

If consent is granted and the committee are minded to impose recommended Condition A the following plan is intended to form a guide for the drafting of the plan.

#### **VEGETATION MANAGEMENT PLAN**

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##### 1.0 Preliminary

##### 1.1 Purpose

- The purpose of the Plan is to protect during construction native vegetation on the site that forms a part of a larger important coastal totara forest. The impact on that vegetation shall be minimised.
- It is advisable that the plan be included with any tender documents issued for the project so that the steps and process required by the plan are fully recognised by the person(s) responsible for the construction works. They have a specific role in the implementation of the plan.
- The Plan includes and should be read in conjunction with Sheets 1 & 2 of Annexure B, which show an indicative approach to the mapping of site features and their management.
- Sheets 1 & 2 show that a two pronged approach is required that being:
  - ❖ Management during construction and;
  - ❖ Remedial work post construction including monitoring.

##### 1.2 Supervision

- An experienced person: the Vegetation Management Plan Supervisor (Plan Supervisor) such as an Arborist or Landscape Architect shall be appointed to approve the Vegetation Management Plan and to supervise the vegetation protection measures on site and to monitor the vegetation on site following completion.
- The Applicant shall pay for the services of the Plan Supervisor.

## ANNEXURE 2 – Draft Vegetation Management Plan

### 1.3 Issues and Solutions

- Trees are sensitive within their root zone to land use activities that lead to:
  - ❖ Compaction caused by vehicles and storage of materials;
  - ❖ Ground level changes (excavation), both cut and filling;
  - ❖ Removal of in this case, forest duff;
  - ❖ Changes in site hydrology;
  - ❖ Chemical contamination; paint, concrete and the like;
  - ❖ Physical damage to stems and branches.
- Implementation of the following Plan is intended during the construction phase to minimise or avoid such activities.
- This is essentially achieved by:
  - ❖ Restricting access (using rigid barriers) to areas of the site that are not critical for the construction of the dwelling;
  - ❖ Stipulating activities that can take place within areas that can be accessed;
  - ❖ Implementation of a replanting programme;
  - ❖ Monitoring the above to ensure compliance, and;
  - ❖ Control over the design of any landscaping.

### 2.0 Elements for inclusion in the Plan

#### 2.1 Drafting the plan

- The Plan supervisor shall approve the Plan prior to construction starting.

#### 2.2 Protection from Construction

##### 2.2.1 Vehicle access

## ANNEXURE 2 – Draft Vegetation Management Plan

- Areas designated for vehicle access, parking and storage of materials shall be positioned within the building and deck perimeter.
- Vehicle access to the site, vehicle manoeuvring areas and material storage areas shall be identified and fenced.

### 2.2.2 Set out and Barriers

- The building shall be set out according to the plans. Within the perimeter of the building all vegetation shall be removed, chipped and a quantity of the chip stored off site for recovering areas disturbed during the construction phase. As an alternative to this some plant material within the building perimeter can be lifted, bagged for replanting following construction completion.
- At the outset a rigid, access perimeter fence shall be erected between 1.5 and 2m beyond the building perimeter. The area between the building and the access perimeter fence shall not have vegetation cleared. That is an area within which the builder must agree with the Plan Supervisor what vegetation shall be removed and what shall be kept. Accordingly vegetation shall be marked with dazzle.
- Any trees that are located within the access perimeter fence and that are to be kept shall have their stems wrapped in hessian or similar material approved by the Plan Supervisor. This is to protect the stems and bark from physical damage that may occur during construction. The Draft VMP indicates that trees 3,4,6,33,34,35,36,39,53,61 & 62 will require wrapping protection.

### 2.2.3 Excavation and trenching

- Any excavation shall be minimal. Spoil (eg. from pile holes) shall be removed off site.
- The sewer line runs close to trees 4,37,38,56 and 61. All trenches should be hand dug and in the unlikely event of striking large roots the pipes should be laid underneath them.
- Any trenching for service pipes (including supplying power to the site) shall be either located within the building perimeter or in a location approved by the Plan Supervisor. Port-a-loo type facility and not a long drop shall provide site ablutions.
- The disposal of any chemical, including concrete truck flushing, paint residue on the site or nearby is prohibited.
- A dispersal system for the disposal of Stormwater on the site shall be designed. That system should avoid a point load of storm water to any single point.
- The pipes with the effluent disposal field shall be laid just below the surface.
- The Plan Supervisor shall approve the location of the effluent treatment tanks (to be buried).



## ANNEXURE 2 – Draft Vegetation Management Plan

### 2.3 Planting and Site Remediation (post construction)

- Any areas trampled or disturbed by the building activity shall have respread on them the plant material chipped during the original site clearance.
- The area within the access perimeter fence, the south amenity buffer shall have compaction relieved using an approved method and be replanted with shrubs from appropriate sections of the plant list.
- Plants to be used shall be grown from seed collected from Totara Avenue stock.

### 2.4 Post Completion Monitoring

- For one year following completion the Plan Supervisor shall 3 monthly monitor the site and take appropriate remedial actions as necessary.

### 3.0 Planting

1	Botanical name	Common name	3	1	2	4
	<i>Trees</i>		<i>Planting area (refer sheet)</i>			
*	Corynocarpus laevigatus	karaka		No	Yes	
*	Griselinia lucida	puka				
*	Macropiper excelsum	kawakawa,				
	Melicope simplex	poataniwha				
*	Melicytus ramiflorus	mahoe, whiteywood				
*	Pennantia corymbosa	kaikomako				
*	Podocarpus totara	totara				
*	Pittosporum tenuifolium	kohuhu				
*	Pseudopanax crassifolius	horoeka, lancewood				
*	Rhopalostylis sapida	nikau				
	Myoporum laetum	Ngaio				
	<i>Shrubs</i>		3	1	2	4
	Coprosma propinqua ssp.	mikimiki				
	Coprosma rhamnoides	bucks-horn coprosma				
	Coprosma tenuicaulis	swamp coprosma				
	Coprosma repens	Taupata				
	Hebe stricta var. atkinsonii	koromiko				
	Leucopogon fasciculatus	mingimingi				
	<i>Ground covers / Ferns</i>		3	1	2	4

## ANNEXURE 2 – Draft Vegetation Management Plan

	Asplenium gracillimum	graceful spleenwort				
	Asplenium oblongifolium	shining spleenwort				
	Astelia fragrans	ground lily				
	Blechnum filiforme	climbing hardfern				
	Blechnum minus	swamp kiokio				
	* Cyathea dealbata	ponga, silver fern				
	* Cyathea medullaris	mamaku, black				

1. Plants available in larger grades. (Note potential conflict with item 2.3)

**Date Confirmed:** \_\_\_\_\_

**Chair:** \_\_\_\_\_