

MINUTES

TITLE: Environment & Planning Subcommittee
DATE: Friday, 15 January 2010
TIME: 9.00 am
VENUE: Council Chamber, 189 Queen Street, Richmond.

PRESENT: Crs T B King (Chair), G A Glover, S G Bryant

IN ATTENDANCE: Consent Planner (P Webby), Principal Resource Consents Advisor (J Butler), Executive Assistant (V M Gribble)

1. M P and RME STEPHENS, ARANUI ROAD, MAPUA - APPLICATION No. RM090634, RM090635

Subdivision Consent RM090634

To subdivide a 6.9843 hectare title (CT 150820) to create proposed Lot 1 of 2.19 hectares, Lot 2 of 2.48 hectares (containing an existing dwelling), Lot 3 of 2.12 hectares, Lot 4 of 1790 square metres to vest in the Crown as seabed; and Lot 5 of 800 square metres being a two-metre wide strip addition to the accessway. This application also seeks to have the number of users on the accessway increased from six to eight.

An esplanade strip is proposed along the line of Mean High Water Springs with its inland boundary aligned to the inland top bank of the existing seawall.

Land Use Consent RM090635

To construct a residential dwelling on proposed Lots 1 and 3 of the subdivision described above (Application RM090634).

The land is Rural 1 zoning according to the Tasman Resource Management Plan. The application site is located at 156 Aranui Road, being on the Mapua coastline, and legally described as Lot 2 DP 10904, Lot 1 DP 313820, Lot 2 DP 11197, Lot 4 DP 313820, Lot 13 DP 336741 (Access Allotment).

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 King / Bryant
EP10/01/01**

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

M P and RME STEPHENS

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
M P and RME STEPHENS	Consideration of a planning application	A right of appeal lies to the Environment Court against the final decision of Council.

CARRIED

**Moved Crs Bryant / Glover
EP10/01/02**

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

CARRIED

**2. M P and RME STEPHENS, ARANUI ROAD, MAPUA - APPLICATION
No. RM090634, RM090635**

**Moved Crs King / Bryant
EP10/01/03**

THAT pursuant to Section 104B of the Resource Management Act, the Committee GRANTS consent to M P and RME Stephens as detailed in the following report and decision.

CARRIED

Report and Decision of the Tasman District Council through its Hearings Committee

**Meeting held in the Tasman Room, Richmond on 15 January 2010
Site visit undertaken on 14 January 2010
Hearing closed on 4 February 2010**

A Hearings Committee ("the Committee") of the Tasman District Council ("the Council") was convened to hear the application lodged by M P and RME Stephens ("the Applicant"), to subdivide a title (CT 150820) to create three rural residential lots (one containing an existing dwelling), one lot to vest in the Crown as seabed; and one lot to allow widening of the access right-of-way. Consent is also sought to construct a residential dwelling on two of the rural residential lots. The application, made in accordance with the Resource Management Act 1991 ("the Act"), was lodged with the Council and referenced as RM090634 (subdivision) and RM090635 (land use).

HEARING COMMITTEE: Cr Tim King, Chairperson
Cr Glenys Glover
Cr Stuart Bryant

- APPLICANT:** Ms Victoria Chisnall (Counsel for Applicant)
Mr Mike Stephens (Applicant)
Ms Rose Stephens (Applicant)
Mr Ron O'Hara (Consultant Engineer)
Ms Jane Hilson (Consultant Planner)
- CONSENT AUTHORITY:** **Tasman District Council**
Ms Pauline Webby (Consent Planner, Subdivisions)
Mr Eric Verstappen (Resource Scientist, Rivers and Coast)
Mr Dugald Ley (Development Engineer)
Ms Ros Squire (Reserves Planner)
- SUBMITTERS:** Mr Simon Pascoe
Mr David Mitchell
Ms Helen Campbell (Nelson-Tasman Branch of the Royal Forest and Bird Protection Society Inc.)
- IN ATTENDANCE:** Mr Jeremy Butler (Principal Resource Consents Adviser) –
Assisting the Committee
Ms Valerie Gribble (Committee Secretary)

1. SUMMARY

The Committee has **GRANTED** resource consents, subject to conditions, to subdivide land at Ruby Bay and to build houses on the new residential lots.

2. DESCRIPTION OF THE PROPOSED ACTIVITY

Mr and Mrs Stephens have applied to undertake a subdivision of land described as Lot 2 DP10904 and Lot 1 DP 313820 comprised in CT 150292 and includes a 1/5 share on Lot 13 DP336741 (being an access lot), into five allotments each with an area as set out below:

- a) Lot 1 2.19 hectares;
- b) Lot 2 2.48 hectares (contains the existing dwelling);
- c) Lot 3 2.12 hectares;
- d) Lot 4 1790 square metres (sea bed to vest in Crown); and
- e) Lot 5 to be amalgamated into the access Lot 13.

Land use consent has also been applied for to construct a dwelling on each of Lots 1 and 3.

The application site is located at 156 Aranui Road, Mapua which fronts onto Ruby Bay which is widely recognised to be a coast exposed to erosive pressures. A substantial rock revetment is at the land-sea interface along the front of the subject property and also along the frontage of the adjoining properties. The site is largely made up of vegetated sand dune landforms. The vegetation is a mixture of native and exotic.

A number of other subdivisions have been undertaken in recent years although this is the first to create new lots on the frontage of the open ocean. Others have created new lots fronting the Mapua Inlet.

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 1
 Areas: Coastal Environment Area, Coastal Hazard Area, Land Disturbance 1, Cultural Heritage Site.

Activity	Relevant permitted rule	Applicable rule	Status
Subdivision in rural 1 Zone	Nil	16.3.5.2	Discretionary
Landuse First Dwelling	17.5.3.1	17.5.3.3	Restricted discretionary
Coastal environment Area	18.11.3.1	18.11.3.2	Restricted discretionary
Access more than six users	Nil	16.2.6.1(4)	Restricted discretionary
Cultural Heritage Site	16.13.6.1	16.13.6.3	Restricted discretionary
Esplanade strip	Nil	16.4.2.1	Restricted discretionary

Overall the proposal is a discretionary activity.

4. NOTIFICATION AND SUBMISSIONS RECEIVED

Prior to notification written approvals were received from:

- T Zondag
- JGR and J E Tidswell
- L H and A M Dunn
- Thawley Orchard Co Ltd
- P and M A Clinton-Baker
- P I Talley and J M Fitchett

The application(s) was notified on 27 November 2009 pursuant to Section 93 of the Act. A total of 14 submissions were received. The following is a summary of the written submissions received and the main issues raised:

Submissions in support

Submitter	Reasons
Thawley Orchard Co Ltd	No reason given
JEE & JGR Tidswell	No reason given
V and D Andrews	Improvement of the ROW access
D P Bastion	No reason given

Neutral submissions

Submitter	Reasons
New Zealand Fire Service Commission C/- Beca Carter Hollings & Ferner Ltd	The water supply for fire fighting purposes is less than the 45,000 litres capacity recommended by the NZFC Fire Fighting Water Supplies Code of Practice SNZ PAS 4509:2003. The NZ Fire Service Commission seeks that should consent be granted, a condition be imposed requiring compliance with the NZFC Fire Fighting Water Supplies Code of Practice SNZ PAS 4509:2003.
Tiakina te Taiao	Has provided comments on the Cultural Values of the application area and the significance of these. Conditions are recommended for the proposal to ensure the Cultural values associated with the land are protected.
P I Talley, J R Ryder, J M Fitchett	Conditional on the widening and sealing of Lot 13

Submissions in opposition

Submitter	Reasons
Ministry of Education	The effects and safety issues on foot and cycle traffic to Mapua School crossing the right-of-way at its intersection with Aranui Road arising from an increase of two users on the right-of-way.
S Williams	Increase in users on the adjoining right-of-way and the adverse effects that arise out of this increase.
S Pascoe	Loss of amenity in the coastal zone, fragmentation of rural 1 land.
Forest & Bird	Inappropriate development on this coastline, coastal hazards, public access, cultural values.
Mapua Dist Cycle & Walkway Group	Oppose subject to conditions
D and J Mitchell	Inappropriate development on this coastline, coastal hazards, public access, cultural values
W K Darling	The proposed lot size is less than the minimum in Rural 1 zone. The site has escalating erosion and inundation issues and any further residential development would be imprudent and create more problems in the future.

5. PROCEDURAL MATTERS

During the course of the hearing the matter of the dunes and the permitted earthworks rules were discussed. The applicant volunteered, subject to the formulation of appropriate wording, a condition which would limit the extent of damage that could be done to the dunes. We instructed Mr Butler and the applicant to liaise to find wording that would be acceptable to the applicant. Such a condition was volunteered and, as such, is considered as part of the application.

6. EVIDENCE HEARD

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

6.1 Applicant's Evidence

Ms Victoria Chisnall (Counsel for Applicant)

M Chisnall stated that the application site has a coastal frontage of in excess of 300 metres which is subject to erosion. She stated that the applicant is therefore responsible for a very large share of the costs of maintaining the structure and that the application is being made to split the maintenance costs in three.

Ms Chisnall stated that all adverse effects could be dealt with via conditions and that the concerns raised by Mr Verstappen that more owners would result in more change of inadequate maintenance of the revetment ignored the fact that the real estate was valuable and is unlikely to be abandoned.

Ms Chisnall stated that the Act is not a "no-risk" regime and that some awareness is needed by potential purchasers of land. She considered the risk to be acceptable. She also considered that the residents of the area would be the most affected and they had not submitted.

Ms Chisnall then addressed the New Zealand Coastal Policy Statement (NZCPS). She said that this development cannot be considered to be a sprawling or sporadic subdivision as the area is already predominately rural residential. She also considered that there are considerable positives resulting from the proposal, in particular the creation of an esplanade strip to enable legal public access along the top of the revetment.

With regard to the Rural 1 zoning, Ms Chisnall referred to Jennings v Tasman District Council which stated that rural residential subdivision is discouraged on land of high productive value but may be consented to elsewhere in the Rural 1 zone, depending on the locality and the extent to which the values identified in the objectives and policies of the plan are affected. She then stated that the objectives and policies are clearly not intended to prevent all subdivision of Rural 1 land in the Coastal Tasman Area (CTA).

Ms Chisnall addressed precedent and cumulative effect. She stated that it would be up to the Council to assess any future applications on their merits, and that it would be open to the Council to determine that any application for subdivision to the north does not fit with the settlement pattern of that particular neighbourhood. Further, she considered that there are unique features relating to this application that set it apart from future applications.

Ms Chisnall considered that relevant Part 2 matters to be Sections 6(a), 6(d) and 6(e). She stated that the Court has found that preservation of natural character is subordinate to the primary purpose of the promotion of sustainable management. She considered that Sections 7(c), (f) and (i) are relevant.

Ms Chisnall stated that the applicant accepts the conditions proposed by Tiakina te Taiao Ltd.

Mr Mike Stephens (Applicant)

Mr Stephens described the history of the property including the various stages of construction of the rock revetment. He said that as funds have allowed the wall has been improved and the quality of the materials used has also been improved.

Mr Stephens stated that the entire 300 plus metres of wall is too greater financial burden. They wish to stay on the land but must divest some of the coastal frontage.

Mr Stephens concluded by saying that the land is totally unsuitable for the production of food, they have the support of their neighbours, public access will be improved, and maintenance will be more manageable. He also stated that the new houses will be on higher ground and the rock wall has arrested coastal erosion.

Cr Bryant asked how much it actually costs to maintain the revetment wall. Mr Stephens said that some years nothing is spent. One year they paid \$8,400, but he said it is difficult to differentiate between what is upgrading and what is maintenance. He said that it is a different wall today than what was constructed in 2001.

Mr Ron O'Hara (Consultant Engineer)

Mr O'Hara confirmed that the site is suitable for the discharge of wastewater. He considered that the wastewater should be treated to a secondary standard prior to discharge at a rate of 10 millimetres per square metre. He said that the discharge locations should be as far back from the coast as possible.

Mr O'Hara also confirmed that the sites are suitable for the construction of new dwellings.

Mr O'Hara said that the Council's rules require 20 metres horizontal between wastewater discharges and potable water bores, and vertical separation of sufficient depth of soil between point of discharge and groundwater such that all pathogens are removed from water stream. Cr King asked what is the intention for provision of drinking water for the proposed titles. Ms Hilson said one lot will take the connection that the existing house currently enjoys, the existing house will take water from its existing bore (approximately 90 metres deep in a lower aquifer) and Lot 3 will have onsite collection and storage.

Ms Jane Hilson (Consultant Planner)

Ms Hilson set out the layout of the subdivision and stated that the access right-of-way would be sealed from the splash to the north-western boundary of Lot 2 DP 313820 (390 metres) to a width of 4.5 metres with passing bays every 50 metres where the width would be 5 metres. She confirmed that the subdivision will result in more than six users on the right-of-way.

Ms Hilson stated that the Rural 1 zoning is an anomaly as the soils are Class G and therefore the subdivision will not offend the objectives and policies of the TRMP which are aimed at protecting land of high productive versatility.

Ms Hilson cautioned us about giving weight to the Mapua Draft Structure Plan as it has yet to be released for public submission. The application must be assessed on the basis of the rules, policies and objectives that exist now.

Ms Hilson agreed with Ms Webby's assessment of the key issues. She said that the only difference of opinion they hold relates to coastal hazards and rural amenity. She confirmed that the productivity values of the land are insignificant and will not offend the objectives and policies of the plan. Just because the land is zoned Rural 1 is not a reason to automatically decline the application.

She said that public access along the coast will be ensured and that this is supported by some submitters. The public access across the right-of-way would not be guaranteed by this process (as other users must also agree). She said that an underpass is preferred to avoid conflict between vehicles and walkway users.

With regard to pedestrian safety at the start of the right-of-way Ms Hilson stated that the applicants are happy to do this work but cannot commit to vesting part of the road reserve as all users would have to agree. She considered it likely that some pedestrian protection works could be carried out within the existing road reserve.

Turning to the impacts on coastal landscape values and natural character, Ms Hilson did not consider the coast at this location to be significant requiring its preservation. She did not consider that the proposal will offend Policy 1.1.1 of the NZCPS as the coastline has been heavily modified by human influences.

Ms Hilson stated that it is significant that all of the property owners nearby support the subdivision. She considers that the proposal is in keeping with the objectives of the TRMP and with the rural coastal character. She stated that Ms Webby appears to concur that the effects will be no more than minor. While the TRMP may not anticipate lots smaller than 12 hectares on higher quality productive land, this site is not typical Rural 1.

Turning to the coastal hazard, Ms Hilson accepted that the Coastal Hazard Area overlay is no longer an accurate reflection of the risk from coastal erosion. She considered that the risk is to land and build resources rather than the health and safety of residents. The rock revetment has severely reduced erosion.

With regard to the conditions recommended by Ms Webby, she stated that a 20 metre radius for the building platform would be more appropriate and it should only apply to dwellings. She also recommended a number of other minor changes to the recommended conditions.

We raised concerns about the height and locations of future buildings on the new lots and also the possible fate of the natural sand dune formations close to the coast. Ms Hilson stated that if we are concerned about maximum building heights then maximum ground levels may also need to be imposed. She also said that a voluntary relinquishing of permitted activity rights that would allow the destruction of the dunes may also be considered by way of a consent notice if suitable wording could be agreed upon.

6.2 Submitters' Evidence

Mr Simon Pascoe

Mr Pascoe stated that this proposal is against the integrity of the TRMP as it creates lots smaller than the minimum specified. He considered that plenty of housing areas have been identified. He said that Rural 1 land needs to be protected for productivity purposes.

Mr Pascoe said that more houses will require a very substantial wall and this will have effects on the attractiveness of the coast.

Mr Pascoe sought that the application be declined.

Ms Helen Campbell (Forest and Bird)

Ms Campbell stated that the reason for the applicant seeking subdivision is entirely inappropriate.

She drew attention to the negative impact on the remaining sand dunes and natural features that are regionally rare and should be protected.

Ms Campbell felt that amenity values will be devalued if consent is granted and the proposed esplanade strip will do nothing for conservation values.

With regard to the coastal hazard, Ms Campbell did not consider it to be good planning to allow more houses in a hazard prone area. She referred to Section 106(1) and stated that the Council shall not grant a subdivision consent that is subject to specified natural hazards. (Although we note that the word "shall" is incorrect and the word "may" is what is used in Section 106).

She also stated that the site is important for the natural heritage of both Maori and European New Zealanders and should be preserved.

Ms Campbell sought that the application be declined.

Cr King said that his understanding of the land disturbance rules is that they could have conceivably flattened the whole property already or in the future, as has happened on the neighbouring property to the north.

Ms Campbell said they are concerned about the effects of what has happened next door. The dunes are a rare feature in the Nelson area and there were cultural heritage sites that were destroyed. She recognised that it may be that the plan is at fault in not addressing those coastal areas to the degree that it should. The right to do such earthworks has caused a reasonable amount of grief in the past.

Mr David Mitchell

Mr Mitchell stated that he and his family are frequent users of Mapua Beach.

He said that he opposes ad hoc and unplanned residential development close to the coastline. He said that he does not consider that a subdivision that is at risk from coastal hazards is compatible with the purpose of the Act. Also, he did not consider that adding more houses to the area would make for a more robust maintenance of the revetment.

Mr Mitchell then addressed public access. He said that access along the beach is very difficult due to the existence of the revetment. The revetment is much bigger now than when it was first constructed and is very dominant. Nevertheless, waves still overtop it. In his view the construction of the revetment has meant a significant loss of amenity along the coast.

Mr Mitchell referred to expert reports which have stated that the revetment may need to be higher and more substantial. He questioned the legitimacy of the revetment's existence and maintenance and stated that we cannot rely on the ongoing existence of the revetment as it was not properly authorised and cannot be relied upon in the future.

Mr Mitchell considered that the Council should take into account recent information on climate change and sea level rise. He said that the Council must allow for sea level rise of at least 0.8 metres as well as increases in the magnitude of storm-tide levels.

6.3 Council's Reporting Officer's Report and Evidence

Ms Pauline Webby (Consent Planner, Subdivisions)

Ms Webby stated that her focus is on TRMP policies and objectives for the Rural 1 Zone. She agreed that the proposal will have only minor effects and that access for the public via the esplanade strip will be a positive effect. She stated that she supported a restriction on recontouring forward of the foremost building line to avoid what has happened on Mr Talley's site to the north.

Ms Webby asked us to be careful about the maximum and minimum ground levels used as greater effects could result if ground levels were raised significantly.

Ms Webby then confirmed that amendments to Chapter 13 were updated this year to reflect July 2008 predictions of changes in sea level. Therefore the plan has changed between the Tidswell application being granted and this application such that significantly more risk is now identified. Ms Webby said the TRMP identifies several areas including Mapua and Ruby Bay as high risk of erosion.

Ms Webby said she is mindful that objectives and policies are seeking to limit development of coastal areas, but she is aware that the applicant's assessment has shown how this development could be accommodated with minimal effect. However, she still considers it to be inconsistent with TRMP policies.

Cr King asked if Ms Webby considers that the Council should change the zoning of this land to better reflect what it wants to achieve, rather than relying on Rural 1. Ms Webby agreed that would give clearer direction for both applicants and staff trying to articulate that position.

Mr Eric Verstappen (Resource Scientist, Rivers and Coast)

Mr Verstappen said that mitigation measures have taken place over time and the applicant is to be commended for acknowledging that things are different today from when the revetment was built in 2001. In a technical sense the revetment has failed on occasions but it may have prevented erosion and inundation from taking place had the revetment not been there. The present revetment is a much more robust structure than when it was first built. He said that all structures will require upgrading for climate change and the amount of maintenance and improvements required will be proportional to storm activity and the integrity of the revetment. The revetment is not as well built as, for example, the Marahau coastal protection but it will serve future lots adequately. He considered that landowners will be able to live there for some time, as long as the revetment is maintained, without inundation or erosion.

Cr Glover referred to Mr Mitchell's submission which referred to Council reports and asked if he believed the Council left the zoning as Rural 1 so it would protect the area from subdivision and protect the population from flooding and erosion hazards? Mr Verstappen agreed that the zoning may have been thought of as a crude way of slowing down subdivision of land.

Cr King noted the contention through the staff report that something has changed between this application and the Tidswell hearing. Mr Verstappen said the Ministry for the Environment guidelines have been upgraded from 2007 to 2009 and even with Richmond West we weren't considering latest MfE guidelines that considered effects of 0.8 metre sea rise. Mr Verstappen said the MfE guidelines are not automatically updated into the TRMP. It has to go through a process of consultation.

Ms Ros Squire (Reserves Planner)

Ms Squire stated that the Act introduced provisions for Councils to take esplanade strips where esplanade reserves have been lost to erosion. The purpose for recommending 20 metres (instead of 16 metres as suggested by the applicant) is that it will provide a buffer for the public access in the event that mean high water springs moves with localised accretion or erosion. She said that the cost of formation and maintenance of the walkway falls on Council.

With respect to the easement over the right-of-way, Council's planning and engineering staff have been looking at the options for constructing a bridge or box culvert to allow people to walk beneath the bridge. It would still be good to have an easement to allow people to pass over the right-of-way when the underpass is unusable.

Mr Dugald Ley (Development Engineer)

Mr Ley tabled a plan and spoke about the proposals for making pedestrian passage across the right-of-way safer. He recommended that 60 square meters at the start of the right-of-way be vested as road to accommodate a pedestrian refuge.

Cr King asked about the possibility of the refuge being moved onto existing road reserve. Mr Ley said it could be accommodated but wouldn't line up with pram crossings so they would have to be moved.

Mr Ley agreed that 4.5 metres with passing bays every 50 metres would suffice for the form of the right-of-way. He tabled a concept plan of a culvert that would likely be built under the road that people could use in up to a Q2 event. He said that Council is hoping to get it built within 12 months.

6.4 Applicant's Right of Reply

Ms Chisnall stated that she understands Ms Webby's position but she can only approach what is currently in the TRMP. The Rural 1 zone seeks to protect land against fragmentation to ensure productive values are not lost and also to enable rural/residential in appropriate locations. Any preference by the Council's policy staff for the area to be closed to development has not followed through into policies as yet. There is a Mapua Structure Plan which may increase caution when considering climate change in the Coastal Tasman Area, but it has not been notified yet.

She emphasised that Mr Ley had said that the Aranui Road entrance measures (pedestrian refuge) could be incorporated into road reserve. The pram crossings should be relocated at Council's cost as they are on private land now.

Ms Chisnall accepted a 20 metre esplanade strip.

Ms Chisnall said that the rock revetment is a far superior structure than that which was built in 2001. She said that they have the luxury of both depth and height of land that provide protection from coastal hazards. She considered it unlikely that any property owners will walk away from their investment. She said they are considering looking at some kind of body corporate structure for maintenance.

7. PRINCIPAL ISSUES AND OUR MAIN FINDINGS

The principal issues that were in contention and our main findings on these issues are:

a) To what extent will the new lots be exposed to coastal hazards?

The only expert evidence we heard on this matter was from Mr Verstappen. He stated that he was satisfied that the effects of coastal hazard and, to a large extent, climate change could be managed for many decades to come. Given the location and height of the proposed houses inundation is very unlikely to be a problem and, given the significant distance back from the revetment, erosion also should not be a problem. While we must be cautious we were reminded by Ms Chisnall that the Act is not a no-risk statute, and we agree. We are not in a position of removing all risk; some must be borne by future owners of the land.

Therefore, we find that, while present, the risk to the new lots from coastal hazards is minor and can be adequately managed into the future.

b) What effects will the proposal have on rural and coastal character?

The effects that the subdivision will have on the rural and coastal character depend largely on the restrictions that are put in place to minimise the impact of the new dwellings and other buildings when viewed from the top of the revetment where a coastal walkway will no doubt go. We are satisfied that with

appropriate conditions which restrict the location and height of the buildings there will be a minimal adverse effect on coastal character.

The other relevant consideration is the risk that is posed to the dune topography by the subdivision and sale of much of the land to new owners. While the vegetation on the dunes is largely exotic, we find that their natural form contributes significantly to the amenity and character of the coast. This is particularly evident given the contrast with the Talley land immediately to the north of the subject site where the land has been entirely filled to the level of the rock protection and is flat. Such works are currently a permitted activity (as long as they are done over several years). However, the applicant has volunteered a condition restricting the disturbance of the dunes to matters such as forming a boundary fence, forming a path to the sea, clearing exotic vegetation and other normal property maintenance. We are satisfied that the condition proposed will effectively prevent the destruction of the dune topography. This condition is, therefore, a consideration in coming to a decision on this matter as it will provide greater assurance that the rural and coastal character of the site will remain.

c) To what extent will the proposal have positive or negative effects on road safety where the right-of-way adjoins Aranui Road?

On one hand the number of vehicle movements will certainly be increased, on the other it is likely that some pedestrian refuge could be created within road reserve at the right-of-way entrance. We consider that a refuge will be a good improvement and will appropriately offset the risks posed by more traffic. It is unfortunate that the refuge cannot necessarily be constructed in the ideal location due to multiple legal users of the right-of-way, but from Mr Ley's comments we are satisfied that a refuge on the existing legal road will be effective, albeit our preference is still for the vesting of the 60 square metres of the right-of-way and construction of the refuge as originally proposed by Mr Ley.

d) What provision should be made for establishing an easement crossing for pedestrians where the Seaton Valley Stream crosses the right-of-way?

We are satisfied that the condition that was proposed by Ms Webby is the most appropriate way to move towards a secured crossing of the right-of-way. We are also minded that Council staff have initiated a plan to install a box culvert with access under the right-of-way. This appears to be a good solution to avoid conflict and safety issues with vehicles and to ensure the creation of a walkway that will be an asset to the local community.

e) To what extent is the proposal consistent with the Rural 1 zone provisions in the TRMP?

We agree with various people in the hearing who told us that it appears that the Rural 1 zone in this location appears to be a blunt tool to stop or limit development of the area. Some submitters told us that we should not grant the subdivision because the zone is Rural 1. However, the lack of productivity of the soil on the subject property is beyond question: it has next to no value for any productive purpose. Therefore the proposal does not offend the objectives and policies that seek to preserve productive Rural 1 land.

f) To what extent would a grant of consent for this subdivision compromise the integrity of the TRMP through creation of a precedent?

We acknowledge that granting this consent may enable other nearby landowners to seek resource consents to undertake similar developments. In this way, this decision may create a precedent for future applications. However, we must be clear that any precedent for any future application will be heavily dependent on the circumstances of this application compared to those of a future application. This proposal contains significant mitigation measures and positive effects.

If similar avoidance or mitigation of adverse effects can be achieved, along with positive effects, then we do not consider that future applications will compromise the integrity of the TRMP.

8. RELEVANT STATUTORY PROVISIONS

8.1 Policy Statements and Plan Provisions

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

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

8.2 Part 2 Matters

In considering this application, we have 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.

9. DECISION

Pursuant to Section 104B of the Act, we **GRANT** consent, subject to conditions.

10. REASONS FOR THE DECISION

Effects on the Environment

We are satisfied that the adverse effects on the environment are minor. This subdivision will not adversely affect the coastal character of the area and provides a significant positive effect of securing an esplanade strip along the coast which will enable public access. The volunteered condition restricting earthworks forward of the building site will help ensure that the dunes remain and coastal character is maintained.

The risk from coastal hazards is acceptable. Inundation is very unlikely to be a problem and coastal erosion is being adequately arrested by the existence of the rock revetment. We understand that the revetment may be having adverse effects on the amenity of the beach, but we, as a Committee, have no power over the existence of

the revetment. We are also satisfied that the Council will not be burdened by maintenance of this revetment.

We are satisfied that the potential adverse effects resulting from wastewater discharges and increased traffic are negligible. Further, any effects on cultural values are adequately addressed and water supply matters are also satisfactory.

Objectives and Policies of the TRMP

We agree with Ms Webby's assessment of the relevant objectives and policies of the TRMP in relation to rural character and amenity (Section 6.1 of her report). However, we disagree with her conclusion and find that, given the conditions imposed, the proposal will not be inconsistent with the stated objectives and policies. Also contributing to this finding are the changes to the application, specifically the acceptance by the applicant of a 20 metre esplanade strip and a consent notice preventing destruction of the dunes.

With regard to access and traffic we consider the proposal to be consistent with the relevant objectives and policies on the basis that some kind of pedestrian refuge is formed.

Based on Mr Verstappen's evidence and the height and setback of the building sites involved we are satisfied that the natural hazard risk is such that a prohibition of any further development is not necessarily warranted. Objective 13.1.2 refers to the "degree of risk" and we consider that not taking a "no-risk" approach is appropriate in this case.

With regard to the fragmentation of rural land, servicing, cultural values and archaeological sites, and public access issues raised by Ms Webby we agree with her assessment.

With regard to the location of rural residential and lifestyle development (Section 6.8 of Ms Webby's report) we do not consider that the proposal will be inconsistent with the stated policies. This site has not been formally identified as one which is necessarily restricted from further development. Its Rural 1 zoning does not explicitly protect it from such development, particularly as the productivity of the land is so low.

This decision may set a precedent but it will not be a firm one. The consent is granted on the basis of circumstances such as the height and location of the building sites, the lack of productivity of the land (despite its Rural 1 zoning), the commitment to screening of the new dwellings and the commitment to maintaining the coastal amenity of the dune topography. We do not consider that the consent granted will cause the integrity of the TRMP to be compromised due to further subdivision of Rural 1 land due to these circumstances.

Other Matters

The applicant's stated purpose for applying for the subdivision is to share the costs of the maintenance of the rock revetment. For the record, we consider that it is worth commenting on this matter. We consider that the applicant is entitled to apply for resource consent for whatever reason it chooses. However, we are clearly and entirely barred from considering such matters in making our decision under Section 104. As such, we had no regard to this stated purpose in reaching our decision.

Purpose and Principles of the Act

Adopting a broad overall judgement approach to the purpose of the Act, we are 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

Conditions have been imposed which restrict all buildings to the Building Location Areas (BLAs). However, the size of the BLAs has been increased. Ms Hilson sought that the BLAs be increased in size and only the dwellings be required to be constructed within them. We consider that a 20 metre radius is appropriate, but that this be for all buildings to be within. It is important that, in this location, there be some restriction on what could normally be done as of right in the Rural 1 zone (very large and extensive buildings) to retain the rural and coastal amenity and character.

12. LAPSING OF CONSENT(S)

Pursuant to Section 125(1) of the Act, resource consents, by default, lapse in five years unless they are given effect to it before then.

Section 125(2) of the Act makes particular provision for the lapsing of subdivision consents. In the case of the subdivision consent (RM090634), this consent is given effect to when a Survey Plan is submitted to the Council for the subdivision under Section 223 of the Act. Once the Survey Plan has been approved by the Council under Section 223 of the Act, the consent lapses three years thereafter unless it has been deposited with the District Land Registrar as outlined in Section 224 of the Act.

Land Use Consent RM090635 to construct dwellings will lapse five years after the issue of each of the certificates of title for the respective allotments (Lots 1 and 3). This is a pragmatic approach to ensure that delays with the subdivision do not compromise the effective 'life' of the land use consent for the dwellings to be erected on the titles created by the subdivision.

13. EXPIRY OF CONSENT(S)

Pursuant to Section 123 of the Act, land use consents have no expiry provided they are given effect to within the lapse period provided.

Issued this 17th day of February 2010



Tim King
Chair of Hearings Committee



RESOURCE CONSENT

RESOURCE CONSENT NUMBER: RM090634

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

M P and RME Stephens
(hereinafter referred to as “the Consent Holder”)

ACTIVITY AUTHORISED BY THIS CONSENT:

To subdivide CT 150292 into four lots and to widen Lot 13 DP 336741

LOCATION DETAILS:

Address of property: 156 Aranui Road
Legal description: Lot 1 DP 313820 and Lot 2 DP 10904
Certificate of title: 150292
Valuation number: 1938023000
Easting and Northing: 2518508E 5995627N

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

CONDITIONS

General

1. The application shall be undertaken in general accordance with the information and reports included in the application prepared by Planscapes (NZ) Ltd and as set out below:

Plan prepared by Planscapes (NZ) and titled “*Lots 1-7 being proposed subdivision of Lot 1 DP313820, Lot 2 DP10904, Lot 2 Dp11197 and Lot 4 DP 313820*” Job No. 0170 dated 06/08/2009, submitted with the application for subdivision consent for M and R Stephens and attached to this consent as Plan A - RM090634.

Plan prepared by Tasman Consulting Engineers (TCE), titled “*Site Plan- building site and waste water system - Lot 1*”, File 08260, dated 06/10/2008, submitted with the application for subdivision consent for M and R Stephens and attached to this consent as Plan B - RM090634.

Plan prepared by Tasman Consulting Engineers (TCE), titled "*Site Plan- building site and waste water system - Lot 3*", File 08260, dated 06/10/2008, submitted with the application for subdivision consent for M and R Stephens and attached to this consent as Plan C - RM090634.

Report by Tasman Consulting Engineers (TCE), dated 28/09/2009 and titled "*Certification for on-site wastewater disposal- Lots 1 and 3*".

Report by Tasman Consulting Engineers (TCE), dated 26/09/2009 and titled "*Engineering Site certification - Lots 1 and 3*".

Advice Note:

Plans attached to this consent are reduced copies and therefore will not be to scale and may be difficult to read. Originals of the plans referred to are available for viewing at the Richmond Office of the Council.

Amalgamation

2. That Lot 5 (legal access) hereon be transferred to the owners of Lot 13 DP 336741 to be held as to four undivided one fifth shares by the owners of Lot 3 DP 10904 and Lot 2 DP 304288 (150291), Lot 2 DP 10904 and Lot 1 DP 313820 (150292), Lot 2 DP 313820, Part Lot 4 DP 10904 and Lot 3 DP 304288 (150294) and as to two one tenth shares by Lot 1 DP 414200 (453184) and Lot 2 DP 414200 (453185) as tenants in common in the said shares and that individual computer registers be issued in accordance therewith

Easements

3. Easements shall be created over any services located outside the boundaries of the allotments that they serve as easements in gross to the appropriate authority or appurtenant to the appropriate allotment. The survey plan which is submitted for the purposes of Section 223 of the Act shall include reference to easements.
4. Easements shall be created over any right-of-way and shall be shown in a Memorandum of Easements on the survey plan submitted for the purposes of Section 223 of the Act. Easements shall be shown on the land transfer title plan and any documents shall be prepared by a solicitor at the Consent Holder's expense.
5. The survey plan that is submitted for the purposes of Section 223 of the Act shall include reference to easements.

Vesting of Ownership

6. The survey plan which is submitted for the purposes of Section 223 of the Act shall show Lot 4 as shown on amended plans prepared by Planscapes titled "Lots 1-7 being proposed subdivision of Lot 1 DP313820, Lot 2 DP10904, Lot 2 DP 11197 and Lot 4 DP 313820" Job No. 0170 dated 06/08/2009,, attached as Plan A; and said Lot 4 shall vest in the Crown as seabed.

Financial Contributions

7. The Consent Holder shall pay a financial contribution for reserves and community services in accordance with following:
 - a) The amount of the contribution shall be 5.5 per cent of the total market value (at the time subdivision consent is granted) of a notional 2,500 square metre building site within Lots 1 and 3.
 - b) The Consent Holder shall request in writing to the Council's Consent Administration Officer (Subdivision) that the valuation be undertaken. Upon receipt of the written request the valuation shall be undertaken by the Council's valuation provider at the Council's cost.
 - c) If payment of the financial contribution is not made within two years of the granting of the resource consent, a new valuation shall be obtained in accordance with (b) above, with the exception that the cost of the new valuation shall be paid by the Consent Holder, and the 5.5 per cent contribution shall be recalculated on the current market valuation.

Advice Note:

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

Advice Notes:

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

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

This consent will attract a development contribution in respect of roading for two allotments (Lots 1 and 3).

Building Sites for Lots 1 and 3

8. The identified Building Location Areas (BLAs) for Lots 1 and 3 shown on Plans B and C – RM090634 attached to this consent, shall be at the peg centre (20 metre radius) of the proposed building sites shall be shown on the Section 223 title plan submitted to Council for approval. (Volunteered by Applicant)

Advice Note:

For the avoidance of doubt, Plans B and C referred to in this condition show 15 metre radius BLAs. In granting the consent the Committee extended the size of the BLAs to a 20 metre radius circle. However, they have required that all buildings be retained within these BLAs.

Engineering Works

9. All engineering works, including construction of the vehicle crossing, shall be constructed in strict accordance with the Council's Engineering Standards & Policies 2008 or else to the Council's Engineering Manager's satisfaction.

Advice Note

The owners of Lot 13 DP 336741 will need to give their written consent for prior to any work on the on the right-of-way being approved or undertaken.

Engineering Plans

10. Engineering plans detailing all services for the subdivision are required to be submitted to the Council's Engineering Manager for approval prior to the commencement of any works. All engineering details are to be in accordance with the Council's Engineering Standards & Policies 2008 or as approved by the Council's Engineering Manager. All necessary fees for engineering plan approval shall be payable.

As-built engineering plans for services shall be provided at the completion of works and approved by the Council's Engineering Manager prior to the issue of the Section 224(c) certificate.

Commencement of Works and Inspection

11. The Council's Engineering Department shall be contacted at least five working days prior to the commencement of any engineering works. No works shall commence until the engineering plans have been signed by the Council's Engineering Manager.

Engineering Certification

12. At the completion of works, a suitably experienced chartered professional engineer or registered professional surveyor shall provide the Council's Engineering Manager with written certification that the works have been constructed in accordance with the approved engineering plans, drawings and specifications and any approved amendments.
13. Certification that a site has been identified on each new allotment suitable for the construction of a residential building shall be submitted from a chartered professional engineer practicing in civil engineering or geotechnical engineer. This certificate shall define on Lots 1 and 3 the area suitable for the construction of residential buildings and shall be in accordance with NZS 4404:2004 Schedule 2A. Any limitations identified in Schedule 2A shall be noted on a consent notice pursuant to Section 221 of the Act prior to the issue of the Section 224(c) certificate. This consent notice shall be prepared by the Consent Holder's solicitor at the Consent Holder's expense and shall be complied with by the Consent Holder and subsequent owners on an ongoing basis.

Power and Telephone

14. Full servicing for live underground power and telephone cables shall be provided to the boundaries of Lots 1 and 3. The Consent Holder shall provide written confirmation to the Council's Engineering Manager from the relevant utility provider

that live power and telephone connections have been made to the boundaries of the allotment. The written confirmation shall be provided prior to a completion certificate being issued pursuant to Section 224(c) of the Act.

Advice Note:

It is also recommended that either fibre optic cabling be installed to the property boundary, or alternatively appropriate underground piping be installed to accommodate the future installation of fibre optic cables.

Water Supply

15. Prior to the issue of a completion certificate pursuant to Section 224(c) of the Act the one connection currently available to the Council's Mapua Water supply shall be connected to the boundary of either proposed Lot 1 or 3 with metering as required by the Council.

Cultural Values

16. Prior to any earthworks associated with the subdivision, development of building sites and foundations of Lots 1, 2 and 3 being undertaken an iwi monitor shall be engaged.

Archaeological Values

17. In the event of Maori archaeological sites (e.g., shell midden, hangi or ovens, garden soils, pit depressions, occupation evidence, burials, taonga) or koiwi (human remains) being uncovered, activities in the vicinity of the discovery shall cease. The Consent Holder shall then consult with the New Zealand Historic Places Trust's Central Regional Office (PO Box 19173 Wellington, telephone (04) 801 5088, fax (04) 802 5180), and shall not recommence works in the area of the discovery until the relevant Historic Places Trust approvals to damage, destroy or modify such sites have been obtained.

Advice Note:

The discovery of any pre-1900 archaeological site (Maori or non-Maori) which is subject to the provisions of the Historic Places Act needs an application to the Historic Places Trust for an authority to damage, destroy or modify the site.

Access (Lot 13 DP 336741)

18. Subject to the approval of the other right-of-way owners, The Consent Holder shall upgrade the existing access on Lot 13 DP 336741 in accordance with Plan D (attached) and as follows:
 - a) The survey plan which is submitted for the purposes of Section 223 of the Act shall show an area of approx 60 square metres at the Aranui end of the right-of-way vesting as road.
 - b) Form a raised traffic Island/pedestrian refuge as shown on the attached concept plan and pram crossings.

The Consent Holder shall keep records of its efforts to seek the approval of the other right-of-way owners and shall supply these records to the Council upon request.

In the event that agreement for vesting of part of the right-of-way cannot be obtained from all right-of-way owners then the Consent Holder shall provide plans of a pedestrian refuge that is entirely located within the legal boundaries of Aranui Road. The plans shall be to the approval of the Council's Engineering Manager and shall be constructed at the Consent Holder's cost. In the event that tram crossings require moving to achieve alignment with the refuge then this shall be done at the cost of the Consent Holder.

All work required to be done by this condition shall be in accordance with the Council's Engineering Standards and Policies 2008 or else as approved by the Council's Engineering Manager.

19. The Consent Holder shall seal the existing access on Lot 13 DP 336741 from the end of the existing seal approximately 400 metres to, and just around the 90° corner to a width of 4.5 metres with 5 metre width passing bays at 50 metre intervals plus gravel shoulders and side drains.

All work required to be done by this condition shall be in accordance with the Council's Engineering Standards and Policies 2008 or else as approved by the Council's Engineering Manager.

Esplanade Strip

20. The survey plan submitted to Council under Section 223 shall show a 20 metre wide esplanade strip on Lot 1, 2 and 3 adjoining the coastal marine area.

Advice Note:

The purpose of this esplanade strip is to enable public access to and along the coastal marine area and to enable public recreational use of the strip and the coastal marine area. All the prohibitions of Clause 2 of the Tenth Schedule apply to the strip, with the exception of subsections (e); there is no provision for fencing (Clause 3) or closure (Clause 7).

Consent Notices

21. The following consent notices shall be registered on the respective certificates of title pursuant to Section 221 of the Resource Management Act. The consent notices shall be prepared by the Consent Holder's solicitor and submitted to Council for approval and signing. All costs associated with approval and registration of the consent notices shall be paid by the Consent Holder.

Building Site Location (Volunteered)

- a) All buildings on Lots 1 and 3 DP ... are to be designed to be within, and located within, the Building Location Areas (BLA) shown on the survey plan, except that the BLAs shall have a radius of 20 metres from the centre point (rather than 15 metres).

Building Platform

- b) The building platform of any dwelling constructed on Lots 1 and 3 DP ... shall have a minimum ground level of 4 metres above mean sea level.

Building Heights (Volunteered)

- c) The minimum floor level of any dwelling constructed on Lots 1 and 3 DP ... shall be no less than 4.6 metres above mean sea level.
- d) The maximum height for any buildings on Lots 1 and 3 DP ... shall not exceed 11.5 metres above mean sea level.

Advice Note:

11.5 metres allows a maximum building height of 6.5 metres above a nominal maximum GL of 5 metres above mean sea level.

Building Design

- e) Any dwellings built on Lots 1 and 3 DP ... shall have a timber pile or similar foundation and be sufficiently modular in design, so as to allow the structure to be practically relocatable away from the site.

Dune Topography

- f) The following restriction applies to the part of Lots 1 and 3 DP ... that is to the seaward side of a line that is parallel with the rear (road access) boundary and approximately perpendicular with the side boundaries and is positioned at the closest point of the Building Location Areas to the coast. On this land the owners of the lot shall not excavate, cover nor otherwise destroy or allow to be destroyed the natural sand dune topography or native plants existing on the sand dunes. However, this restriction does not prohibit the owner from undertaking minor works forward of the described line for the purpose of maintaining a seawater inundation detention area immediately behind the rock revetment, forming a discrete footpath to the coast, undertaking planting with native coastal plants that enhance the natural coastal character of the sites, undertaking normal property maintenance, constructing a boundary fence or other such minor works that do not destroy or damage or substantially alter the integrity, structure or coastal character of the dune topography.

Advice Note:

This consent notice was volunteered by the consent holder.

Landscaping for Individual Allotments (1 and 3)

- g) Prior to the issue of a building consent for any buildings on Lots 1 and 3 DP ..., the owner of that lot shall submit to the Council's Co-ordinator Compliance Monitoring a landscape plan for the particular lot and building curtilage area. The landscape plan shall be prepared by a qualified landscape architect. The purpose of the plan shall be to demonstrate that proposed dwellings on Lots 1 and 3 are not visible from the coast and if they are, show how appropriate landscape plantings will buffer the visibility of the new dwelling from the coastline. The plan shall include details of species, height, soil preparation, and an ongoing maintenance schedule. All landscaping required by the landscape plan shall be completed within two years of the grant of building consent.

At least 75% of the plant species used shall be from the "Tasman Sandy Coast Native Plant Restoration List" and "Tasman Estuaries and River Mouths Native Plant Restoration List" shall be used (prepared for the Tasman District Council by Shannel Courtney, June 2004, and available from the Council offices).

All landscaping vegetation planted in accordance with the landscaping planting plan shall be retained and maintained at all times by the allotment owner to provide for the screening of the dwelling from the coast.

Dwelling

- h) Any dwelling to be constructed on Lots 1 and 3 DP ... shall comply in all respects with the conditions specified in resource consent RM090635. Resource consent RM090635 has restrictions in respect to the height, location, and appearance of the dwelling.

Public Access

- i) That the registered proprietor(s) and their successors in title of Lots 1, 2 and 3 DP ... shall, in regard to the registered proprietor(s) share in access Lot 13 DP 336741, when required by the Tasman District Council, do all acts, matter, deeds and things and sign all documents as may be required to enable the Tasman District Council to establish a pedestrian/cycleway link across Lot 13 DP 336741 to join the existing and proposed walkway along the Seaton Valley Stream.

Advice Note:

It is acknowledged that this Condition will not take effect unless and until the agreement of all other access lot owners of Lot 13 DP 336741 has been obtained to the use of walkway access across Lot 13, and with those landowners' approval to the design of the walkway access from a safety perspective.

Sea Wall and Inundation Risk

- j) That the registered proprietors of Lots 1, 2 and 3 DP ... and successors in title shall maintain the function and integrity of the sea wall on Lots 1, 2 and 3 DP ... to a satisfactory standard to avoid or mitigate any adverse effects of inundation of the property from storm surge and/or wave run-up and that the future maintenance of the function and integrity of the sea wall shall take into consideration any effects from climate change and/or sea level rises.

Building Restrictions

- k) The construction of buildings on Lot 1 and 3 DP ..., shall be subject to any recommended conditions resulting from the Engineering Reports required under Conditions 14 of resource consent RM090643.
- l) Waste water disposal for lots 1 and 3 DP ... shall be in accordance with the design standards and recommendations contained within the report by Tasman Consulting Engineers (TCE), dated 28/09/2009 and titled "Certification for on-site wastewater disposal- Lots 1 and 3 "

Water Supply

- m) Whichever of Lots 1 or 3 DP ... does not have a connection to the Mapua water supply shall be provided with a water storage tank with a minimum capacity of 23,000 litres at the time of building consent for the new house. The water storage tank shall be equipped with a camlock coupling to enable connection with fire-fighting equipment.

Advice Note:

All water to be used for human consumption is required to achieve a potable standard (as defined in the current New Zealand Drinking Water Standards). Details confirming the availability of an adequate potable water supply will be required with the building consent application for the water tank on this lot.

GENERAL ADVICE NOTES

1. This resource consent 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.
2. This consent is granted to the abovementioned Consent Holder but Section 134 of the Act states that such land use consents “attach to the land” and accordingly may be enjoyed by any subsequent owners and occupiers of the land. Therefore, any reference to “Consent Holder” in the conditions shall mean the current owners and occupiers of the subject land. Any new owners or occupiers should therefore familiarise themselves with the conditions of this consent, as there may be conditions that are required to be complied with on an ongoing basis.
3. Any activity not covered in this consent (e.g. earthworks) shall either comply with:
 1. the provisions of a relevant permitted activity rule in the Proposed Tasman Resource Management Plan; or
 2. the conditions of separate resource consent for such an activity.
4. Access by the Council’s Officers or its Agents to the property is reserved pursuant to Section 332 of the Resource Management Act 1991.
5. Council draws your attention to the provisions of the Historic Places Act 1993. In the event of discovering an archaeological find during the earthworks (e.g. shell, midden, hangi or ovens, garden soils, pit depressions, occupation evidence, burials, taonga, etc) you are required under the Historic Places Act, 1993 to cease the works immediately until, or unless, authority is obtained from the New Zealand Historic Places Trust under Section 14 of the Historic Places Act 1993.

Issued this 17th day of February 2010



Tim King
Chair of Hearings Committee



RESOURCE CONSENT

RESOURCE CONSENT NUMBER: RM090635

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

MP and RME Stephens
(hereinafter referred to as “the Consent Holder”)

ACTIVITY AUTHORISED BY THIS CONSENT:

To construct a residential dwelling on each of proposed Lots 1 and 3 of the subdivision authorised by Resource Consent RM090634.

LOCATION DETAILS:

Address of property: 156 Aranui Road
Legal description: Lot 1 DP 313820 and Lot 2 DP 10904
Certificate of title: 150292
Valuation number: 1938023000
Easting and Northing: 2518508E 5995627N

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

CONDITIONS

General

1. The application shall be undertaken in general accordance with the information and reports included in the application prepared by Planscapes (NZ) Ltd and as set out below:

Plan prepared by Planscapes (NZ) and titled “*Lots 1-7 being proposed subdivision of Lot 1 DP313820, Lot 2 DP10904, Lot 2 DP 11197 and Lot 4 DP 313820*” Job No. 0170 dated 06/08/2009, submitted with the application for subdivision consent for M and R Stephens and attached to this consent as Plan A - RM090634.

Plan prepared by Tasman Consulting Engineers (TCE), titled “*Site Plan- building site and waste water system - Lot 1*”, File 08260, dated 06/10/2008, submitted with the application for subdivision consent for M and R Stephens and attached to this consent as Plan B - RM090634.

Plan prepared by Tasman Consulting Engineers (TCE), titled "*Site Plan- building site and waste water system - Lot 3*", File 08260, dated 06/10/2008, submitted with the application for subdivision consent for M and R Stephens and attached to this consent as Plan C - RM090634.

Report by Tasman Consulting Engineers (TCE), dated 28/09/2009 and titled "*Certification for on-site wastewater disposal- Lots 1 and 3*".

Report by Tasman Consulting Engineers (TCE), dated 26/09/2009 and titled "*Engineering Site certification - Lots 1 and 3*".

Commencement Date and Lapsing of Consent

2. The commencement date for the land use consent shall be the issue date of the certificate of title for the respective allotment.
3. This consent lapses five years after the issue of the certificate of title for the respective allotments unless given effect to.

Dune Topography and Landscaping

4. The following restriction applies to the part of Lots 1 and 3 that is to the seaward side of a line that is parallel with the rear (road access) boundary and approximately perpendicular with the side boundaries and is positioned at the closest point of the Building Location Areas to the coast. On this land the owners of the lot shall not excavate, cover nor otherwise destroy or allow to be destroyed the natural sand dune topography or native plants existing on the sand dunes. However, this restriction does not prohibit the owner from undertaking minor works forward of the described line for the purpose of maintaining a seawater inundation detention area immediately behind the rock revetment, forming a discrete footpath to the coast, undertaking planting with native coastal plants that enhance the natural coastal character of the sites, undertaking normal property maintenance, constructing a boundary fence or other such minor works that do not destroy or damage or substantially alter the integrity, structure or coastal character of the dune topography.

Advice Note:

This condition was volunteered by the consent holder.

5. Prior to the issue of a building consent for any buildings on Lots 1 and 3, the owner of that lot shall submit to the Council's Co-ordinator Compliance Monitoring a landscape plan for the particular lot and building curtilage area. The landscape plan shall be prepared by a qualified landscape architect. The purpose of the plan shall be to demonstrate that proposed dwellings on Lots 1 and 3 are not visible from the coast and if they are, show how appropriate landscape plantings will buffer the visibility of the new dwelling from the coastline. The plan shall include details of species, height, soil preparation, and an ongoing maintenance schedule. All landscaping required by the landscape plan shall be completed within two years of the grant of building consent.

At least 75% of the plant species used shall be from the "Tasman Sandy Coast Native Plant Restoration List" and "Tasman Estuaries and River Mouths Native Plant Restoration List" shall be used (prepared for the Tasman District Council by Shannel Courtney, June 2004, and available from the Council offices).

All landscaping vegetation planted in accordance with the landscaping planting plan shall be retained and maintained at all times by the allotment owner to provide for the screening of the dwelling from the coast.

Dwellings and Accessory Buildings

6. Buildings shall be designed and located to be within the Building Location Areas (BLA) shown on the survey plans for Lots 1 and 3, except that the BLAs shall have a radius of 20 metres from the centre point (rather than 15 metres).
7. The building platform of any dwelling constructed on Lots 1 and 3 shall have a minimum ground level of 4 metres above mean sea level.
8. The minimum floor level of any dwelling constructed on Lots 1 and 3 shall be no less than 4.6 metres above mean sea level.
9. The maximum height for any buildings on Lots 1 and 3 shall not exceed 11.5 metres above mean sea level.

Advice Note:

11.5 metres allows a maximum building height of 6.5 metres above a nominal maximum GL of 5 metres above mean sea level.

10. Any dwellings built on Lots 1 and 3 shall have a timber pile or similar foundation and be sufficiently modular in design, so as to allow the structure to be practically relocatable away from the site.
11. Waste water disposal for lots 1 and 3 shall be in accordance with the design standards and recommendations contained within the report by Tasman Consulting Engineers (TCE), dated 28/09/2009 and titled "Certification for on-site wastewater disposal- Lots 1 and 3".
12. Whichever of Lots 1 or 3 does not have a connection to the Mapua water supply shall be provided with a water storage tank with a minimum capacity of 23,000 litres at the time of building consent for the new house. The water storage tank shall be equipped with a camlock coupling to enable connection with fire-fighting equipment.

Advice Note:

All water to be used for human consumption is required to achieve a potable standard (as defined in the current New Zealand Drinking Water Standards). Details confirming the availability of an adequate potable water supply will be required with the building consent application for the water tank on this lot.

13. 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, Richmond 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, Colorsteel®);
- 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 buildings 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.

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

Colour Group*	Walls	Roofs
Group A	A05 to A14 and reflectance value ≤50%	A09 to A14 and reflectance value ≤25%
Group B	B19 to B29 and reflectance value ≤50%	B23 to B29 and reflectance value ≤25%
Group C	C35 to C40, reflectance value ≤50%, and hue range 06-16	C39 to C40, reflectance value ≤25%, and hue range 06-16
Group D	D43 to D45, reflectance value ≤50%, and hue range 06-12.	Excluded
Group E	Excluded	Excluded
Finish	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.

Prior to any earthworks associated with this land use consent, i.e. development of building sites and foundations and associated access, an Iwi monitor shall be engaged by the Consent Holder.

GENERAL ADVICE NOTES

1. This resource consent 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.

2. This consent is granted to the abovementioned consent holder but Section 134 of the Act states that such land use consents "attach to the land" and accordingly may be enjoyed by any subsequent owners and occupiers of the land. Therefore, any reference to "consent holder" in the conditions shall mean the current owners and occupiers of the subject land. Any new owners or occupiers should therefore familiarise themselves with the conditions of this consent as there may be conditions which are required to be complied with on an ongoing basis.
3. Any activity not covered in this consent (e.g. earthworks) shall either comply with:
 - a) comply with all the criteria of a relevant permitted activity rule in the Tasman Resource Management Plan (TRMP);
 - b) be allowed by the Resource Management Act; or
 - c) be authorised by a separate resource consent.
4. The on site wastewater treatment and disposal system will need to meet the relevant permitted activity standards in the TRMP, or otherwise a separate resource consent will be required.
5. The dwelling and any accessory building should be connected to a specific design of on-site stormwater soak pit. The design and capacity should be to the satisfaction of the Tasman District Council Engineering Manager.
6. A land disturbance consent may be required if the area of any earthworks is greater than 1,000 square metres.
7. Access by the Council's Officers or its Agents to the property is reserved pursuant to Section 332 of the Resource Management Act 1991.
8. Monitoring of this resource consent is required under Section 35 and 36 of the Resource Management Act 1991, and a deposit fee is payable at this time. Should monitoring costs exceed this initial fee, the Council will recover the additional amount from the resource consent holder. Monitoring costs are able to be minimised by consistently complying with the resource consent conditions.
9. Council draws your attention to the provisions of the Historic Places Act 1993. In the event of discovering an archaeological find during the earthworks (e.g. shell, midden, hangi or ovens, garden soils, pit depressions, occupation evidence, burials, taonga, etc) you are required under the Historic Places Act, 1993 to cease the works immediately until, or unless, authority is obtained from the New Zealand Historic Places Trust under Section 14 of the Historic Places Act 1993.

Issued this 17th day of February 2010



Tim King
Chair of Hearings Committee

PLAN A

DIAGRAM NOT TO SCALE



Notes:
 This Subdivision was approved as a Activity on the ...city of ...20... subject to the conditions noted in this file.
 SUBDIVISION OFFICER
 Applicant: M & R Stephens
 Consent #: CT 10205, N. 16/128 & 2807
 The Lot 11 (3000m²) to be held as three individual one (1) lots to be the owners of each - 3 shown as proposed consent into and shown as the individual certificate of title data.
 Pt Lot 13 DP 336741 subject to drainage easement by 114622
 AMALGAMATION CONDITION:
 That Lot 6 is to be transferred to the owners of Lot 13 DP 336741 and individual Certificates of Title be issued.
 Warning
 This Resource Consent is for the purpose of resource consent only. It does not constitute a guarantee of any kind. It is subject to the Resource Management Act 1991 and any other applicable legislation. It is not to be used as a basis for any other consent or approval. It is not to be used as a basis for any other consent or approval. It is not to be used as a basis for any other consent or approval.



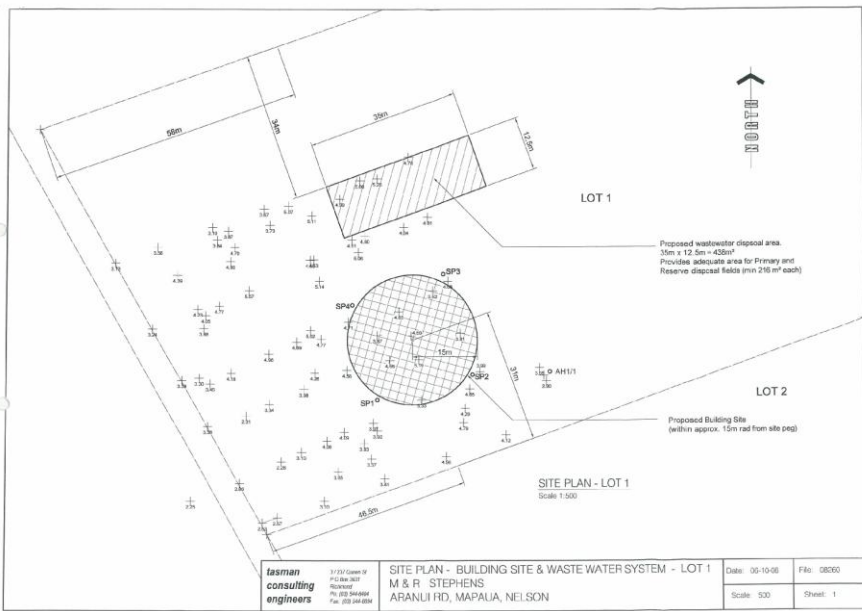
Job Title	
M & R Stephens	Arana Road
Mapuru / Nelson	
Resource Consent Application Plan	
Scale	@ A3+ 1:2000
Lot No	1 of 1
Issue No	09/08/2009

Lots 1 - 7 being Proposed Subdivision of Lot 1 DP 313820, Lot 2 DP 10904, Lot 2 DP 11197 & Lot 4 DP 313820

PLAN A
RM090634



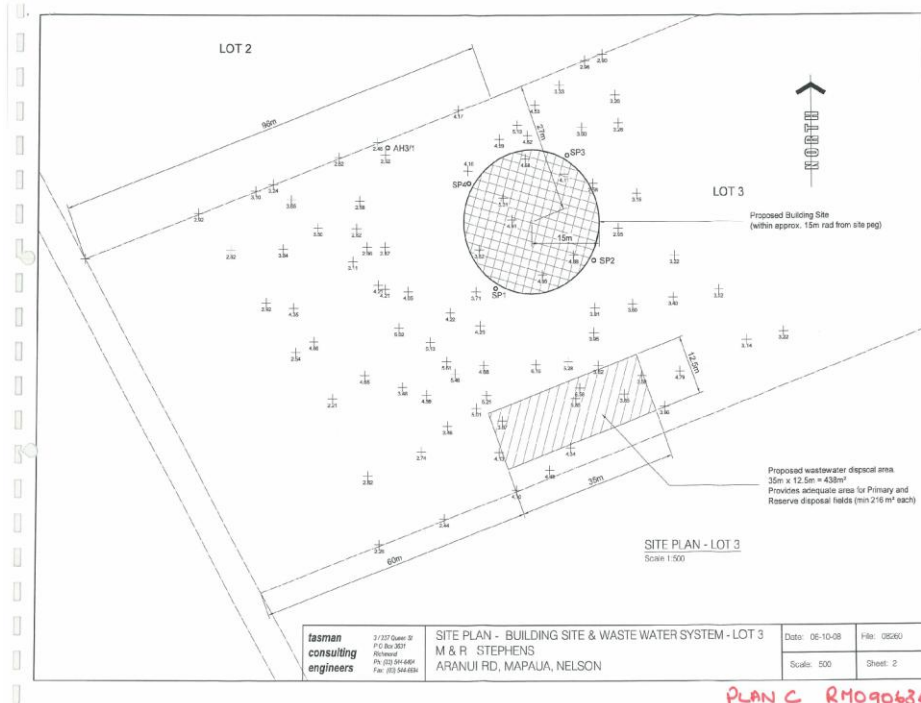
PLAN B



tasman consulting engineers 117/11 Corner of PG Ave 307 Mapuru Ph: 03 546 6666 Fax: 03 546 6666	SITE PLAN - BUILDING SITE & WASTE WATER SYSTEM - LOT 1 M & R STEPHENS ARANUI RD, MAPALIA, NELSON	Date: 09-10-08	File: 0800
		Scale: 500	Sheet: 1

PLAN B RM090634

PLAN C



PLAN C RM090634

PLAN D



21/12/2009 **DISCLAIMER:**
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Date Confirmed:

Chair: