

# MINUTES

**TITLE:** Environment and Planning Subcommittee  
**DATE:** Monday, 11 October 2010  
**TIME:** 11.00 am  
**VENUE:** Tasman District Council, 78 Commercial Street, Takaka

**PRESENT:** Crs N Riley (Chair), B W Ensor, S G Bryant

**IN ATTENDANCE:** Principal Resource Consents Advisor (J Butler), Executive Assistant (V M Gribble)

## 1. J KEMP, ROCKLAND ROAD, GOLDEN BAY - APPLICATION No. RM090404

The application seeks to gain retrospective consent for three dwellings and two sleep-outs that are more than 20 metres from the main dwelling on a title of land that is zoned Rural Residential and 1.48 hectares in area.

The application site is located at 14 – 20 Rocklands Road, Golden Bay, being legally described as Part Section 285, Takaka District. All land contained in Certificate of Title NL6B/958.

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 / Bryant**  
**EP10-10-01**

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

**J Kemp**

**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:**

<b>General subject of each matter to be considered</b>	<b>Reason for passing this resolution in relation to each matter</b>	<b>Ground(s) under Section 48(1) for the passing of this resolution</b>
J Kemp	Consideration of a planning application	A right of appeal lies to the Environment Court against the final decision of Council.

**CARRIED**

**Moved Crs Ensor / Bryant**  
**EP10-10-03**

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

**2. J KEMP, ROCKLAND ROAD, GOLDEN BAY - APPLICATION No. RM090404**

**Moved Crs Riley / Bryant**  
**EP10-10-03**

**THAT pursuant to Section 104B of the Resource Management Act, the Committee GRANTS consent to J Kemp as detailed in the following report and decision.**  
**CARRIED**

## **TASMAN DISTRICT COUNCIL**

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

**Meeting held in the Golden Bay Council Offices Meeting Room on 11 October 2010**  
**Site visit undertaken on 11 October 2010**  
**Hearing closed on 11 October 2010**

A Hearings Committee (“the Committee”) of the Tasman District Council (“the Council”) was convened to hear the application lodged by **Jocelyn Kemp** (“the Applicant”), to authorise a second dwelling on the property and to authorise a sleep-out that is more than 20 metres from the principal dwelling. The application, made in accordance with the Resource Management Act 1991 (“the Act”), was lodged with the Council and referenced as RM090404.

**HEARING COMMITTEE:** Cr Noel Riley, Chairperson  
Cr Brian Ensor  
Cr Stuart Bryant

**APPLICANT:** Mr Nigel McFadden (counsel)  
Ms Jocelyn Kemp (applicant)  
Mr Rory Langbridge (Landscape Architect)  
Ms Jane Bayley (Consultant Planner)

**CONSENT AUTHORITY:** **Tasman District Council**  
Laurie Davidson (Consent Planner, Land)

**SUBMITTERS:** Mr David and Mrs Anne Sarll (38 Rocklands Road)  
Mr John and Mrs Susan Snelgrove (21 Rocklands Road)

**IN ATTENDANCE:** Mr J Butler (Principal Resource Consents Adviser) - Assisting the Committee  
Mrs V Gribble (Committee Secretary)

## 1. SUMMARY

The Committee has **GRANTED** a resource consent, subject to conditions, to authorise a second dwelling on the property and to authorise a sleep-out that is more than 20 metres from the principal dwelling.

## 2. DESCRIPTION OF THE PROPOSED ACTIVITY

The application lodged by Ms Kemp seeks land use consent to authorise two buildings as dwellings on the property in Rocklands Road and to have one sleep-out that is more than 20 metres from the primary dwelling. The buildings are existing and this application seeks retrospective consent for them as they were existing at the time the property was purchased, although in a different form. It appears unauthorised work was carried out by the previous owner and by the applicant since purchase.

The applicant's land is a parcel of land zoned Rural Residential that is some 1.4812 hectares in area and adjoins the Grove Scenic Reserve at Clifton. The property has a number of limestone outcrops and a variety of well established vegetation on the site.

There are six buildings on the site:

The Main House and West Wing: These together form the principal dwelling on the site. They are joined by a deck and are therefore considered to be one building.

The Gingerbread Cottage: A two storey (but with three internal levels) building that was authorised as a "serviced sleep-out" as it was to have tea making facilities.

The Hex Cottage: An artist's studio which at one point had facilities installed but these have now been removed.

The Sewing Cottage: A sleep-out that is 23 metres from the main house.

The Honeymoon Cottage: A sleep-out that has now had all facilities removed and will be used as a reading/retreat room.

A garage and garden shed building: For storage and/or parking

The Main House is a substantial building with an attached wing (the West Wing) that was added in 2001. This provides additional bedrooms, ablutions and a living area that provides a degree of independence, but remains as part of the dwelling. There is a building known as the "Gingerbread Cottage" which was consented as a serviced sleep-out, but is used as an independent residential unit. There is also another building that is known as the "Hex Cottage" that was consented as a studio for an artist. The applicant originally applied to have this cottage also consented as a third dwelling but this aspect of the application has been withdrawn and the Hex Cottage must remain as an artist's studio.

The sleep-outs (the Sewing Cottage and the Honeymoon Cottage) were accessory buildings that have been upgraded to enable them to be used for habitable purposes

and this work was also undertaken without the required consent. Again the applicant sought consent for the two sleep-outs greater than 20 metres from the principal dwelling but has amended the application to only seek consent for the Sewing Cottage as a sleep-out.

The Rocklands Road area is in a rural residential zone stretching from the flats of Clifton to some reasonably elevated land that is part of the Pikiiruna Ranges on the eastern side of the Takaka Valley. The area is characterised by a range of lifestyle properties that vary in size from as small as 1.3 hectares to over 17 hectares with a variety of topography. The area has a microclimate that allows a variety of subtropical species to be grown.

The area has no services as such, other than a local water scheme that is sourced from the land to the east of the area. Houses in this area depend on septic tanks to treat domestic waste water. The existence of karst formation in this area makes this aspect important.

### **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 Residential  
Area(s): Land Disturbance Area 1

The proposed activity breaches the following rules of the TRMP:

- 17.8.3.1(b) Construction of more than one dwelling (permitted activity)
- 17.8.3.1(e) Construction of a sleep-out more than 20 metres from the principal dwelling (permitted activity)

Accordingly, the proposal is a Restricted Discretionary Activity under Rule 17.8.3.2 of the TRMP.

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

The application was lodged on 9 July 2009 and is therefore not subject to the provisions of the Resource Management (Simplifying and Streamlining) Amendment Act 2009.

The application(s) was limited notified on 18 March 2010 pursuant to Section 93 of the Act. A total of 3 submissions were received. The following is a summary of the written submissions received and the main issues raised:

#### **S and J Snelgrove**

Susan and John Snelgrove are Rocklands Road residents who live opposite the Kemp property and they have lodged a submission opposing the proposal. They consider the proposal contravenes the Act, is not consistent with the policies, objectives and rules of the TRMP and that the application is factually incorrect and lacks essential information. They do not support the concept of gaining retrospective consent for work that was carried out without the required consents and consider

granting consent would undermine the public's confidence in consistent TRMP administration.

They have asked that the application be declined.

### **Sarll Family Trust**

David and Ann Sarll are Rocklands Road residents who adjoin the applicant's land to the south east and they have also lodged a submission opposing the application. They consider that granting consent will alter the rural residential character of this part of Rocklands Road and that the increased value of the property will have a flow on effect to other properties in the area. They have selected some of the policies from the TRMP that they consider are at odds with the applicant's proposal. These relate to the use of rural land and landscape values. They state they regret giving approval for the "Gingerbread Cottage" when the previous owners approached them for written approval and they now object to the location of the building and the dominant effect it has on their property.

They have also asked that the application be declined.

### **A R and R M MacGibbon**

Mr and Mrs MacGibbon are Christchurch residents who have a holiday home on the eastern side of Rocklands Road and they have lodged a submission in support of the Kemp application. Their submission is not detailed and they merely state they think the application is a good idea.

## **5. PROCEDURAL MATTERS**

There were no procedural matters that required consideration or a ruling.

## **6. EVIDENCE HEARD**

We 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**

#### **Mr Nigel McFadden (counsel)**

Mr McFadden confirmed his opinion that there is no prejudice to anyone resulting from the applicant amending the application prior to the hearing. Mr McFadden made the point that the application is now for a considerably lesser departure from the permitted standards of the TRMP than what was previously applied for.

Mr McFadden also said that the existing situation will not change and that we can see what the current and future environment is and will be.

Mr McFadden considers that there will be no land fragmentation as a result of the proposal. He said that a subdivision would be difficult and no more land will be taken out of production as a result.

Mr McFadden then volunteered a number of restrictive conditions for the applicant.

### **Mr Rory Langbridge (Landscape Architect)**

Mr Langbridge examined the landscape and found that the structures are not prominent within it. From the Sarlls' perspective he still considered this to be the case: he found that the building was limited in its visibility and he did not consider the effect to be particularly adverse.

He said that the Gingerbread Cottage appears different to the bulk of the other structures because it is two storied. However he said that it is not overly tall. Mr Langbridge said that the site has a reasonably high absorption capacity due to the tall trees and karst outcrops that surround it. That is, the site is such that it is able to visually absorb the Gingerbread Cottage into the landscape.

Mr Langbridge said that he sees no need to undertake further planting to specifically screen the Gingerbread Cottage from the partial views that currently exist from outside of the applicant's property. In addition he suspects that the soil in the immediate vicinity of the cottage is very shallow and underlain by limestone. Nevertheless, Mr Langbridge provides a brief landscape plan which he suggested could be implemented if necessary to mitigate perceived adverse effects.

Mr Langbridge found that the shed on the applicant's property could be better screened from the Sarlls' land by extending the existing hedge.

### **Ms Jane Bayley (Consultant Planner)**

Ms Bayley confirmed that the applicant intends to continue taking guests but within the permitted limits in the TRMP i.e. no more than 4 guests at a time. If consent is granted it will not change the B&B activity but will allow permanent residents in the Gingerbread Cottage.

Ms Bayley said that second dwellings are not unusual in the area. She also said that the second dwelling shares the septic tank system with the principal dwelling making subdivision unlikely.

Taking the conditions that had been volunteered and the landscape assessment of Mr Langbridge, Ms Bayley supported the application from an effects point of view.

Ms Bayley also said that she considers the effects of the activity to be in line with what the TRMP considers as acceptable activities within the amenity and character of the Rural Residential Zone.

## **6.2 Submitters' Evidence**

### **Mr David and Mrs Anne Sarll**

Mr Sarll said that they have the longest private adjoining boundary with the applicant. He said that his main concern is that a sleep-out is now proposed to be a dwelling.

Mr Sarll agreed that he had given his approval to the original construction of the Gingerbread Cottage but without seeing complete plans or site layout. He recognised that this was a mistake. He said that he was horrified when the karst landscape was

blown away and a tower was constructed. Mr Sarll said that the building is on the highest point of the property, on bare rock and with no screening. It overlooks his vegetable garden and regenerating forest. Music played from the Gingerbread Cottage is audible over much of his property.

Mr Sarll said that the Gingerbread Cottage seriously detracts from the amenity value of his property. The building was only ever approved as a two-storey sleep-out with facilities. Granting dwelling status to this building would legitimise a permanent loss of privacy and amenity for parts of our property. Sleep-out status means that the intrusions would only be temporary.

Mr Sarll said their first preference would be removal of the building to a less intrusive part of the property. Second, he sought a reduction in height, and third preference was restriction to use as a sleep-out.

### **Mrs Susan and Mr John Snelgrove**

Mrs Snelgrove said that the land is productive and the level of development on the site is substantial which has limited the productive area.

Mrs Snelgrove said that they live in a rural area and seek peace, space and quiet along with low density housing and little traffic. She said that the surrounding rock amplifies noise and means that even low to moderate noise travels to neighbouring properties.

Mrs Snelgrove also outlined her concerns about the message that is sent by allowing illegal work to be retrospectively authorised. She stated that they would like all buildings on the property to be returned to their legal status. Use of the Gingerbread Cottage as a sleep-out would have less impact than as a dwelling.

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

Mr Davidson confirmed that the application, as it now stands, is not about construction or retention of a building, it is about the use of a building that is already consented under the Building Act and also has resource consent under the Resource Management Act. He said that facilities were discussed at the time of application and the applicants were adamant that it was for tea making facilities for sleep-out guests.

Mr Davidson discussed the effects of using building as a dwelling versus a sleep-out. He said that use of the building as a sleep-out can, like a dwelling, still result in loud music being played.

Mr Davidson said that if the Gingerbread Cottage is to be used as a dwelling then some control on numbers on the property is needed. He suggested an upper limit of 11 people.

Mr Davidson said that a "no subdivision" covenant as proposed by Mr McFadden is essential in his opinion.

Cr Bryant asked what would happen to the Gingerbread Cottage if the consent is not granted. Mr Davidson said that another abatement notice would need to be issued to return it to the status it holds resource consent for, which is a serviced sleep-out.

Mr Davidson said that in a Rural Residential zone, the bulk and location of building is controlled by rules in the plan which allows a building up to 7.5 metres high and total site coverage of up to 20%. He said that a larger building could be constructed in place of the Gingerbread Cottage.

On the basis of the change in the application Mr Davidson said that he could now support the application for two dwellings and a sleep-out three metres further away from the dwelling.

#### 6.4 Applicant’s Right of Reply

Mr McFadden said that the application has become easier to consider as it has become more focussed on just the Sewing Cottage and Gingerbread Cottage.

Mr McFadden said that it is most unlikely that the change of use of the Gingerbread Cottage will detract from the amenity value of the Sarlls’ property. To address the concerns about the number of people on the property Mr McFadden volunteered an condition that a maximum of 11 people (including the owners) be accommodated on the property unless a resource consent is sought and granted allowing a greater discharge of wastewater than what is permitted.

Mr McFadden said that since the land is zoned rural residential it is wrong to do a comparison of the use of the land with say the Rural 1 or Rural 2 zones.

### 7. PRINCIPAL ISSUES AND OUR MAIN FINDINGS

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

- a) **What is the difference in effects between the Gingerbread Cottage being used as a dwelling versus being used as a serviced sleep-out? How significant are these effects on the Sarlls and the Snelgroves?**

Identifying the difference in effects from the status quo on one hand to what has actually been applied for on the other is critically important in this case. Figure 1 attempts to explain these differences in effect diagrammatically. The letters “A” to “E” relate to the effects of the indicated changes in circumstances.

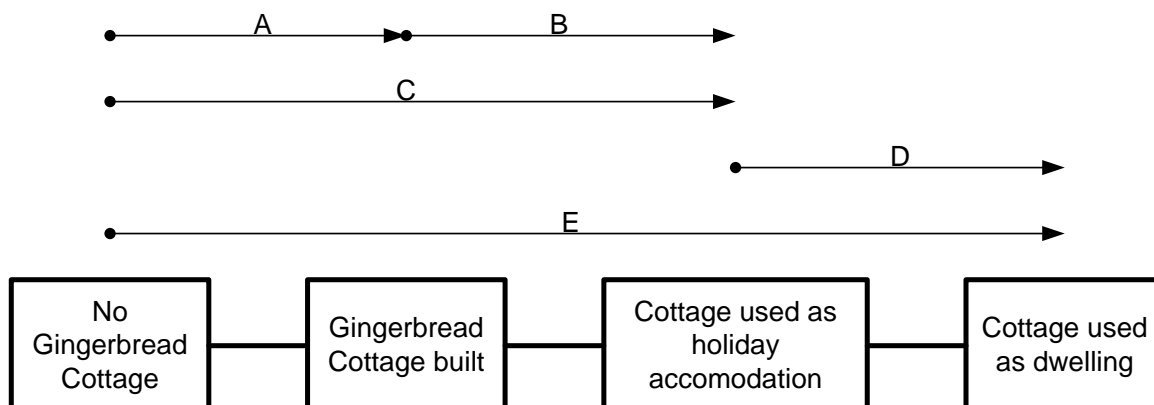


Figure 1: Stages of Gingerbread Cottage development and use.



From the evidence put to us, the Gingerbread Cottage is authorised in its existing form (Effect A) and can legitimately be used for holiday accommodation for up to three months at a time as a permitted activity in the TRMP (Effect B). Therefore Effect C as indicated in Figure 1 cannot be considered by us in our decision. We are restricted to looking at the change in use that is identified as Effect D.

Mr Sarll, in particular, told us that the effect of using the Gingerbread Cottage as a dwelling is greater than it being used as accommodation since, with the latter, a break is experienced. He said that residents will tend to play music and have more vehicle movements on an ongoing basis. Mrs Snelgrove said that music from the gingerbread house can be heard widely.

The applicant however, said that the building is authorised and there is very little difference between it being used for a dwelling and for accommodation, particularly because it is currently authorised to have facilities and can have holiday makers for up to three months at a time.

We can understand both of these arguments and we have found it difficult to make a finding. In the end we have found that the effect of the change in use from accommodation to a dwelling will have some effects (particularly vehicles, music and constant inhabitation) but that these effects are only visited on a small part of Mr Sarll's land (principally the area identified in Mr Langbridge's evidence). On this basis we do not consider the additional effects as a result of authorising its use as a dwelling to be more than minor.

**b) To what extent does the application adversely affect the amenity of the Rocklands Road rural residential area?**

We understand that the bulk of the Gingerbread Cottage is within what could be built on the site as of right. At seven metres high it is not overly tall but it is the two or so metres rise in ground level beneath the building that makes it seem so.

The authorisation of the Gingerbread Cottage as a dwelling will also increase the number of people that can practicably be located on the property by approximately three as the applicant will in addition to having tenants in the cottage, be able to maintain the four paying guests.

Overall, given the rural-residential nature of the location we do not consider that the Gingerbread Cottage has a particularly adverse effect on the wider amenity of the area.

**c) What landscaping is appropriate to address any effects stated in (a) and (b) above?**

Mr Langbridge told us that there are some options for landscaping open to us but that they would be of limited efficacy in obscuring the Gingerbread Cottage. Mr Langbridge himself did not consider that the steps were necessary but left it to us to decide whether we consider fit to impose them (in the event that the consent is granted).

We certainly consider that extending the hedge along the boundary past the applicant's shed is a worthwhile step. Investigating specimen planting is

also appropriate.

**d) To what extent does the application adversely affect the productive potential of the land?**

We do not consider that the productive potential of the land is a relevant consideration although it was discussed by submitters. While land may be productive there is no obligation on any person to use their land productively. In short, a landowner cannot be forced to use land productively.

In this case the Gingerbread Cottage and the Sewing Cottage are built on hard limestone. Therefore the current application is not covering productive land and there is nothing in the application which prevents the rest of the property from being used productively in that manner that the Sarlls and Snelgroves are laudably doing. The other buildings such as the Hex Cottage are authorised and there is no application to change that.

## **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) Tasman Regional Policy Statement (TRPS); and
- b) 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**

By far the main effect that we are considering in this case is the change in use from the holiday accommodation to a situation where it can be used year round by tenants as a dwelling (Effects D in Figure 1). The change does not alter the number of people that can be accommodated within the building but arguably does make it more likely that children/teenagers may live in the cottage.

We do not see this change in effect as particularly significant given the Rural-Residential zoning of the location and the separation distances between dwellings. There will be some effect on Mr Sarll when he is working in the most affected area adjacent to the boundary, however this is only a small part of his property and therefore we do not see the effect on him from the change in use as being significant.

While we may consider the overall effect of going from no building at all to a second dwelling (Effect E in Figure 1) as being significant – as no doubt the Sarlls and Snelgroves also find - we simply do not have the jurisdiction to address this.

Overall, when we take the other effects into account (namely the matter of productivity, the amenity of the wider area, and the increase in people on the property) and balance this against the restrictions that have been volunteered by the applicant and imposed as conditions (e.g. the restriction on numbers and the “no further additions”), we find that the effects are appropriately mitigated and are acceptable.

We see no adverse effects arising from the location of the Sewing Cottage being 23 metres from the principal dwelling. None of the submitters raised any particular concern about it.

### **Objectives and Policies of the TRMP**

We agree with the Objectives and Policies that Mr Davidson considers appropriate:

Objective 5.1.2 Avoidance, remedying or mitigation of adverse effects from the use of land and enjoyment of other land on the qualities of the natural and physical resources.

Policy 5.1.3.9 To avoid, remedy or mitigate effects of:

noise and vibration;  
buildings and structures;

beyond the boundaries of the site generating the effect. (*Edited*)

Objective 5.2.2 Maintenance and enhancement of amenity values on site and within communities throughout the District.

Policy 5.2.3.1 To maintain privacy in residential properties and for rural dwelling sites.

Objective 5.3.2 Maintenance and enhancement of the special visual and aesthetic character of localities.

Policy 5.3.3.3 To avoid, remedy or mitigate the adverse effects of the location, design and appearance of buildings and incompatible land uses in areas of significant natural or scenic, cultural, historic or other special amenity value.

Overall we consider that the proposal is consistent with these objectives and policies. It is arguable whether Policy 5.2.3.1 is offended. The policy is clearly directed towards either residential properties (which the Sarlls' is not) or rural dwelling sites. The policy therefore only protects privacy of the Sarlls' dwelling and curtilage. While the privacy of part of the Sarlls' property will be adversely affected it is only a relatively small part and we do not consider this to be sufficient to offend the policy.

### **Other Matters**

The discharge of wastewater is a related matter but one which is not directly related to consideration of the second dwelling. It is clear that the wastewater system needs to be checked to gauge its adequacy.

Mr Davidson (in considering the original application that is no longer on the table) refers to the wrong message being sent by granting consent. In a sense this issue still remains since the Gingerbread Cottage has been converted into a dwelling and the Sewing Cottage has been used as a sleep-out without consent. However, we consider that Mr Davidson's recommendation and the (possibly related) retraction of some of the application has corrected this situation. With the removal of the greatest effects that arose from the original application we are satisfied that no "wrong message" will be sent from the granting of the application as it now stands.

### **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**

The applicant has volunteered many of the conditions that have been included in the consent below. These volunteered conditions are important to give certainty about the effects and changes that may otherwise occur in the future.

We have imposed Condition 4 in an amended version to that which Mr McFadden volunteered. We see it as problematic to intertwine restrictions on a land use activity with the wastewater volumes and we consider it appropriate to put some more substantial limitation on the number of people accommodated on the site (whilst allowing the applicant the normal freedoms to have friends, relatives and visitors on the site).

We see no good reason for the second vehicle crossing from Rocklands Road to the Hex Cottage to remain. As far as we can tell the second crossing is not authorised and would likely require resource consent and a vehicle crossing dispensation were it to remain. We also note that the Hex Cottage crossing has been allocated a separate address (14 Rocklands Road) and we believe that this separate address should be removed to eliminate arguments for future subdivision or further dwellings. The second entranceway is not justified and therefore a condition has been imposed requiring that it be removed.

We see the planting of specimen trees as suggested by Mr Langbridge to be desirable to mitigate the effects on Mr Sarll. We expect that there is a high likelihood that the specimen trees part of Condition 12 will be able to be complied with if the right species and location is chosen.

Issued this 29<sup>th</sup> day of October 2010



Noel Riley  
**Chair of Hearings Committee**



## RESOURCE CONSENT

**RESOURCE CONSENT NUMBER:** RM090404

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

**Ms Jocelyn Kemp**  
(hereinafter referred to as “the Consent Holder”)

**ACTIVITY AUTHORISED BY THIS CONSENT:** To authorise a second dwelling on the property and also to authorise a sleep-out that is more than 20 metres from the principal dwelling

### LOCATION DETAILS:

Address of property:	20 Rocklands Road, Clifton
Legal description:	Pt Sec 285 Takaka Dist
Valuation number:	1871008700
Easting and Northing:	2499117E 6036971N

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

## CONDITIONS

### Buildings and Use

1. The buildings as they exist at the time this consent is granted shall not be added to either by way of bulk or footprint. For the avoidance of doubt the buildings that currently exist are:
  - The principal dwelling and the west wing;
  - the dwelling referred to as the “Gingerbread Cottage”;
  - the sleep-outs referred to as the “Sewing Cottage” and the “Honeymoon Cottage”; and
  - the studio referred to as the “hex studio”.

#### **Advice Note:**

The intent of this condition (i.e. that there be no further extensions to buildings) was volunteered by the consent holder.

2. The Honeymoon Cottage shall not be used as a habitable building.

**Advice Note:**

This condition was volunteered by the consent holder.

3. The Hex studio shall be used for an artist's studio as per building consent and shall not be used as a residential building or sleep-out. The studio shall not contain a kitchen, cooking or sleeping facilities.

**Advice Note:**

This condition was volunteered by the consent holder.

4. The maximum number of people accommodated on the site shall not exceed 11 (including the owners and family) at any one time unless a resource consent is obtained for a specific event.

**Advice Note:**

The intention of this condition is that in the normal course no more than 11 people are accommodated on the site. However this should not prevent friends and/or family occasionally staying for short periods such as over the Christmas/New Year period. In this case the number of guests should be reduced to compensate.

5. The maximum number of people accommodated in the Gingerbread Cottage shall not be more than four.

### **Subdivision**

6. The approval of the Gingerbread Cottage for use as a dwelling shall not be used as a basis for the subdivision of the property.

**Advice Note:**

At the time of granting it is clearly anticipated that subdivision will not occur as a result of the use of the Gingerbread Cottage as a dwelling. The assessment of any future subdivision should not give any recognition to the existence of the two dwellings as a reason or justification for subdivision.

**Advice Note:**

This condition was volunteered by the consent holder.

### **Access and Roding**

7. Access to the property shall be limited to one access point from Rocklands Road, being the access to the main house / Gingerbread Cottage. The access to the Hex Cottage shall be decommissioned and made unusable within three months of the date that this consent commences (when legal effect can be given to the consent).
8. The access to be used shall be upgraded to provide a portion from the Rocklands Road carriageway to point 5 metres inside the road boundary that is formed to a two coat chip sealed surface. This shall include the existing parking area on road reserve if it is to be retained.
9. On-site parking shall be provided for not less than four vehicles, with the area formed to an all-weather surface if it is not within a garage.

## **Wastewater**

10. The consent holder shall, within three calendar months of this consent becoming effective, obtain a report on the effluent disposal system serving the Gingerbread Cottage and the main dwelling. The treatment and discharge components of the system shall be investigated and the report shall be written by an appropriately qualified and experienced wastewater professional who is accredited by the Council to undertake site and soil assessments. The assessment shall be done to assess the existing system under AS/NZS1547:2000 and the rules of the Tasman Resource Management Plan.

The report shall assess the efficacy of the existing system to meet current standards and shall provide any recommendations for upgrade.

A copy of the report shall be provided to the Council's Co-ordinator Compliance Monitoring and the recommendations of the report shall be implemented by the consent holder within a further three months of the report being received.

## **Fire Fighting**

11. Provision shall be made for the storage of not less than 23,000 litres of water for fire fighting purposes in a water tank fitted with a 100mm female thread coupling to enable connection with fire fighting equipment. The tank shall be located in a position where it can provide fire fighting resources to both dwellings.

## **Landscaping**

12. The recommendations that are shown on the Rory Langbridge Landscape Architects plan labelled "Site Plan & Photo points", Sheet RC – SP – 1B and dated November 2010 shall be implemented in the first planting season after the granting of this consent.

Notwithstanding those recommendations, the establishment of up to two specimen trees is required in the locations identified on that plan unless, in the opinion of an appropriately qualified or experienced person, the substrate and conditions are such that the establishment or long-term survival of the specimen trees is seriously compromised.

## **GENERAL ADVICE NOTES**

1. The Consent Holder is liable to pay a development contribution in accordance with the Development Contributions Policy found in the Long Term Council Community Plan (LTCCP). The amount to be paid will be in accordance with the requirements that are current at the time the relevant development contribution is paid.
2. This resource consent only authorises the activity described above. Any matters or activities not referred to in this consent or covered by the conditions must either:
  - 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.
3. The Consent Holder should meet the requirements of the Council with regard to all Building and Health Bylaws, Regulations and Acts. Building consent will be required for these works.
  4. Officers of the Council may also carry out site visits to monitor compliance with resource consent conditions. Access by the Council or its officers or agents to the property is reserved pursuant to Section 332 of the Resource Management Act.
  5. All reporting required by this consent should be made in the first instance to the Council's Co-ordinator Compliance Monitoring.
  6. Council draws your attention to the provisions of the Historic Places Act 1993 that require you in the event of discovering an archaeological find (eg, shell, midden, hangi or ovens, garden soils, pit, depressions, occupation evidence, burials, taonga) to cease works immediately, and tangata whenua, the Tasman District Council and the New Zealand Historic Places Trust should be notified within 24 hours. Works may recommence with the written approval of the Council's Environment & Planning Manager, and the New Zealand Historic Places Trust.

Issued this 29<sup>th</sup> day of October 2010

A handwritten signature in black ink, appearing to read 'Noel Riley', written over a light grey rectangular background.

Noel Riley  
**Chair of Hearing Committee**





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

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