



## STAFF REPORT

**TO:** Environment & Planning Subcommittee

**FROM:** Ross Shirley, Subdivision Officer

**REFERENCE:** RM050188

**SUBJECT:** **PARKER FARM TRUST – REPORT EP05/07/04** – Report prepared for 25 July 2005 hearing

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### 1. INTRODUCTION

The following is my assessment of a resource consent application to undertake a four lot subdivision and associated earthworks, which include the construction of a road and cutting through an historic embankment, and thence construct dwellings on the land, with a reduced setback from the legal road. The land is located at Port Puyonga within the Residential Zone.

### 2. LEGAL DESCRIPTION

The legal description of the land is Section 25 Town of Puyonga Port, being the land described in identifier NL 9C/823 containing 4,047 square metres.

Being ex-Crown land, the land is subject to various Acts, including the State Owned Enterprises Act, Petroleum Act, Atomic Energy Act, Geothermal Energy Act, Mining Act, Coal Mines Act, Conservation Act and Crown Minerals Act.

The registered proprietor of the land is O J and J A Thorp and M P Brown.

### 3. ZONING AND AREA OVERLAYS

The land is zoned Residential (Unserviced) under the Tasman Resource Management Plan.

The land is also within the Coastal Environment Area and in the Special Domestic Wastewater Disposal Area.

### 4. HISTORY AND PHYSICAL DESCRIPTION

The site is located within the beach settlement of Port Puyonga, which in turn is located towards the base of Farewell Spit, Golden Bay. Port Puyonga comprises approximately 35 residential sections, laid out in three blocks, two sections deep. The sections are generally uniform in size and shape, with an area of 1,012 square metres (one-quarter acre). Most of the sections contain existing holiday baches.

The application site is one of two larger sections remaining within the village. It is regular in shape, with dimensions of approximately 43 metres by 96 metres and area of 4,047 square metres (one acre).

The site has frontage to three roads: Ward Street, Pitt Street and Seddon Street. Ward Street is unformed, Pitt Street contains a grassed strip used as a vehicle access to several neighbouring properties and Seddon Street is part of the Collingwood-Puoponga Main Road.

The dominant feature of the application site is the remains of an old tramway embankment which was constructed in the early 1900s as part of what was the Puoponga Coal and Gold Mining Company's third tramway. The tramway was used from 1904 to 1943 to carry coal from the Puoponga Mine to the wharf. The remnant piles of the wharf are still evident in the estuary.

The embankment bisects the site longitudinally and was formed by sand excavated from each side of the embankment. This has resulted in low-lying areas either side of the embankments which are subject of shallow water ponding during wet periods.

The embankment has a base of 18 metres, tapering to a flat top 4-5 metres wide at a height of 3.5 metres. There is an existing cutting through the embankment towards the north of the site and the embankment is also cut by Ward Street and Seddon Street.

Vegetation at the site is kanuka, scrub and grasses.

Other than power and telephone, there are no reticulated services available in the area.

## **5. DESCRIPTION OF THE PROPOSAL, STATUS OF THE APPLICATION AND RELEVANT STATUTORY PROVISIONS**

### **5.1 Subdivision**

To subdivide the land to create four residential lots being Lot 1 of 1,047 metres, Lot 2 of 1,000 square metres, Lot 3 of 1,000 square metres and Lot 4 of 1,000 square metres.

Subdivision in the Residential Zone is a controlled activity, if, inter alia, every allotment without reticulated wastewater servicing has a minimum net area of 1,000 square metres (Rule 16.3.3(b)) and for subdivisions producing three or more allotments the average net area of each allotment is 1,200 square metres (Rule 16.3.3(f)).

The current application meets the minimum net area but not the average net area and therefore the application falls to be a discretionary activity (Rule 16.3.4). In considering such discretionary applications and determining conditions the Council will have regard to the criteria set out in Schedule 16.3A, as well as other provisions of the Plan and the Act.

## **5.2 Land Use**

To construct dwellings on Lots 1-4 in the Coastal Environment Area, with the dwellings on Lots 2 and 4 set back 2.0 metres from the Pitt Street road boundary.

### **Coastal Environment Area**

The construction of a dwelling in the Coastal Environment Area is a controlled activity if inter alia the dwelling is set back a minimum distance of 30 metres from mean high water springs (Rule 18.14.3(b)) and has a maximum height of 5 metres (Rule 18.14.3(d)).

With respect to the Coastal Environment Area, the construction of dwellings on the application site, once subdivided, is a controlled activity. Controlled activities must be approved by Council but may be subject to conditions relating to matters over which Council has restricted control. The relevant matters in the Residential Zone are limited to materials, landscaping and colour of buildings.

### **Setbacks**

Construction of a dwelling in the Residential Zone is a permitted activity if, inter alia, the dwelling is set back 5.5 metres from road boundaries (Rule 17.1.4).

The application seeks to construct the dwellings on Lots 2 and 4, with a setback of 2.0 metres from the Pitt Street road boundary. Therefore, the application with respect to setbacks falls to be a limited discretionary activity (Rule 17.1.5). The matters over which Council has reserved its discretion are numbered (8) to 16(a) under Rule 17.1.5.

### **Note:**

The original application showed all four lots encroaching into the 5.5 metre setback from the road frontage permitted activity rule. However, an amended application plan lodged on 21 June 2005 shows the buildings staggered, with the dwellings on Lots 1 and 3 located at the rear of the site and only Lots 2 and 4 encroaching into the 5.5 metre road frontage setback.

The applicant has advised they are seeking written approvals of the owners of Lots 1 and 3 DP 324119, who had provided written approvals to the original application but are now potentially affected by the amendment.

Formal consultation with those persons on the effects of the amendment is an important part of the process and needs to be addressed by the applicant at or prior to the hearing.

## **5.3 Earthworks**

To undertake earthworks associated with the formation of Pitt Street, cutting of access tracks through the embankment and localised filling of low areas.

The site is within Land Disturbance Area 1. Earthworks within Land Disturbance Area 1 are a permitted activity if, inter alia, the earthworks are not within 200 metres of the Coastal Marine Area and not more than 1,000 square metres in area within any 12 month period and not either visible from the Coastal Marine Area or adjoin any area with nationally important natural ecosystem values listed in Schedule 25.1F. The Puponga Inlet is such a listed area.

The earthworks therefore fall to be a restricted discretionary activity (land disturbance). The matters over which Council has restricted its discretion are listed under Rule 18.6.6.

### **Pitt Street**

The construction of a road is a permitted activity if it complies with, inter alia, the standards specified in Figure 18.10A. Figure 18.10A specifies such things as minimum/maximum carriageway width, depending on level of road in the roading hierarchy.

However, notwithstanding that Pitt Street is a legal and named road, it is not designated as part of the road area and therefore has no level of hierarchy. My conclusion is that the construction of Pitt Street is a discretionary activity and therefore subject to Rule 18.10.4. The important criteria under that rule is the adequacy of the carriageway width for the foreseeable traffic function of the road.

## **6. NOTIFICATION AND SUBMISSIONS**

The application was publicly notified in accordance with Section 93 of the Act on 16 April 2005 and attracted 11 submissions, nine in opposition and two conditional.

### **6.1 S and S Tellman – Oppose**

- Subdivision inconsistent with sections in surrounding neighbourhood.
- Allows buildings closer than normal to road.
- Destruction of native bush.
- Destruction of railway embankment.
- Two lots only would eliminate the need for another cut through the embankment.

### **6.2 Nelson-Marlborough District Health Board – Neither Supports Nor Opposes**

- Request public health issues relating to effluent disposal be considered.

### **6.3 E Halliwell – Opposes**

- The site is a significant historic and tourist area.
- Filling of low-lying areas will diminish character of the embankment.
- Houses will obliterate area's visual impact and character.
- Layout is out of character with the rest of the locality.
- The design negatively impacts on the wild and natural character of the area.
- A tarmac road is out of character with the area.
- The development is out of character with the old miner's cottage over the road.

#### **6.4 J and J Jellyman Trust – Oppose**

- Houses too close to road.
- Houses will encroach onto tramway embankment.
- Destruction of bush.
- Flooding of low-lying areas.
- Height of houses.
- Lack of screening of dwellings.
- Formation of Pitt Street.
- Solution may be three lots instead of four.

#### **6.5 R B and N J Wagner – Conditional Support**

- That Pitt Street be upgraded to recognise the existing number of users (nine) plus additional number of users (three).
- Cost of upgrade to be cost-shared between applicant and Council.

#### **6.6 T C Taylor – Opposes**

- Opposed to any interference with old railway embankment.
- Opposed to building of four houses.
- Subdivision out of character with the settlement of Port Puponga.

#### **6.7 J Ford – Opposes**

- Destruction of historic site.
- Subdivided into too many sections.
- Possible breach of height restrictions.

#### **6.8 Golden Bay Historical Society – Opposes**

- Subdivision of the tramway embankment.
- Building of houses on or near the embankment.
- Cuttings into or through the embankment.

#### **6.9 C and E Mintrom – Oppose**

- Request that road meets standards consistent with the actual and potential traffic on Pitt Street.

#### **6.10 J and J Taylor – Oppose**

- Proposed development has no respect or sympathy for the heritage values of the tramway embankment or for the character of the settlement.
- The embankment should be listed in the Tasman Resource Management Plan.
- The proposed earthworks will destroy the site.
- Removal of mature kanuka forest.
- Subdivision will destroy the special character of Puponga.
- Opposed to the upgrading of Pitt Street.

## 6.11 B J Cashman – Opposes

- Opposed to subdivision or alteration of the railway embankment in any way.

### Note:

1. The submission from B J Cashman was dated 17 May 2005 but was not received at Council. A copy was faxed to Council on 23 May 2005 by Staig and Smith Ltd.
2. In addition to the submissions received following public notification, written approval of persons likely to be affected were received with the application from:
  - J A Hunt;
  - B Rhodes;
  - J A Oakly and D F Power;
  - E Halliwell.

However, the amended application as discussed in paragraph 5.2 may potentially affect B Rhodes and J A Oakly and D F Power. As previously stated, it is important that they be provided with the opportunity to reconsider their position.

The written approval from E Halliwell was not signed, although the plan was. In any case, E Halliwell has now submitted in opposition, which signals that any approval previously given is now withdrawn.

6.12 My comments on these submissions are covered in the following parts of this report.

## 7. ASSESSMENT AND EVALUATION

### 7.1 Permitted Baseline

Section 104 of the Act provides for councils to disregard an adverse effect of an activity on the environment if the District Plan permits an activity with the same effect. This is what is commonly referred to as the “permitted baseline”. There are no permitted activity subdivisions allowed in the Tasman Resource Management Plan. However, Section 104 of the Act also requires councils to have regard to any matter that is relevant and reasonably necessary to determine an application. Comparison of the current application with the potential effects of a controlled activity subdivision therefore is a relevant consideration.

The subject land is zoned Residential Unserviced, for which a minimum area of 1,000 square metres is required to be a controlled activity, except for a subdivision creating three or more allotments the average areas is required to be 1,200 square metres. The subject land has a total area of 4,047 square metres and therefore could be subdivided as a controlled activity into three lots, each with an area of 1,349 square metres, thus complying with the minimum and average area requirements.

Alternatively, a series of subdivision applications could be lodged, all as controlled activities. Firstly, a two lot subdivision creating one lot at 1,000 square metres and a balance lot of 3,047 square metres, secondly, a subdivision of the balance area, creating one lot of 1,000 square metres and a balance area of 2,047 square metres, and thirdly, a subdivision of the new balance area creating Lot 1 at 1,000 square metres and a final balance area of 1,047 square metres.

The net result would be four allotments all created as a result of controlled activity subdivision, identical in layout and with the same environmental effects as the current proposal.

The controlled activity approach is not a fanciful or hypothetical comparison but rather a relevant and genuine consideration to which I attach considerable weight.

## **7.2 Heritage Values**

The application site is bisected by an old tramway embankment which was constructed in the early 1900s as part of what was the Puponga Coal and Goldmine Company's third tramway. The tramway was used from 1904 to 1943 to carry coal from the Puponga Mine to the wharf.

The embankment bisects the site longitudinally and was formed by excavating sand from either side of the embankment.

The embankment has a base of 18 metres, tapering to a flat top of 4.5 metres wide at a height of 3.5 metres and covers approximately 45% of the total site area. The embankment where it crosses the site is largely unmodified (apart from a cutting at the northern end), although it is somewhat camouflaged by the cover of kanuka. It is most visible at the cutting created by the construction of the Collingwood-Puponga Main Road.

The tramway embankment forms part of the Puponga mining landscape and has considerable historic value to locals and the Golden Bay generally. This fact is demonstrated the number of passionate pleas from submitters calling for its preservation and formal protection.

However, the embankment is not currently listed for its heritage values in the Tasman Resource Management Plan nor listed as a heritage structure or site with the New Zealand Historic Places Trust. Being constructed between 1902 and 1904 it falls outside the 1900 cut-off for protection of archaeological sites by the Historic Places Act 1993. Furthermore, an archaeological assessment of the site has been undertaken by Dr Charles P Sedgwick and on the basis of that assessment, the New Zealand Historic Places Trust has confirmed that an archaeological authority is not required for the earthworks associated with the subdivision.

As previously stated, up to 1,000 square metres of earthworks may be undertaken on the site within any 12 month period as a permitted activity. By staging the earthworks or the subdivision total destruction of the embankment could occur as a permitted activity.

It is with this background knowledge that I must assess the heritage values of the site and the impact the current proposal may have on them.

The existing embankment cuts through the middle of the site and occupies 45% of the land area. Therefore, any subdivision and resulting residential development will undoubtedly impact on the fabric of the embankment and its visual and landscape values.

However, the land is zoned Residential, which provides certain development rights and therefore the best that can be achieved is a balance between mitigating the effects of residential development and protecting heritage values. It is therefore proposed to restrict the house sites to the locations shown on the application plan. This will allow house foundations to be cut into or penetrate the embankment but without intruding into or destroying the top surface of the tramway. The height of the dwellings will be limited to 5 metres above the level of Pitt Street. Widening of the existing cutting and construction of a new cutting between Lots 1 and 2 will be undertaken under the design and supervision of a chartered registered professional engineer to ensure earthworks are minimised and to a standard that will not compromise the stability of the embankment.

It is proposed that covenants be registered on all new titles prohibiting any disturbance of the embankment other than that specified above.

During the course of this application the applicant has undertaken consultation with the New Zealand Historic Places Trust. The Trust considers that subject to the restrictions above being brought forward as conditions of consent the proposal achieves a balance heritage/development approach and provides for allotments that can be used and developed while preserving for the most part the historic tramway.

I attach considerable weight to the conclusions of the New Zealand Historic Places Trust.

### **7.3 Setbacks**

The Tasman Resource Management Plan provides for dwellings to be set back 5.5 metres from the road boundaries to be a permitted activity. The current proposal seeks dispensation of that permitted activity rule for the dwellings on Lots 2 and 4 to be set back 2.0 metres from the road boundary.

The purpose of the reduced setback is to encourage protection of the embankment while at the same time providing practical building sites. The extent to which intrusion into the boundary is necessary to allow more efficient, practical and pleasant use of the site is one of the matters to which Council has restricted its discretion. To that extent the proposed setbacks are not contrary to the intent of the District Plan.



The legal width of Pitt Street is 20.12 metres, which is a sufficient width for the proposed dwellings not to detract from the pleasantness, coherence, openness and attraction of the site as viewed from the street and adjoining sites. The 20.12 metre width of Pitt Street also provides for the construction of a carriageway 10 metres distant from the proposed dwellings, adequate parking and manoeuvring space for vehicles clear of the carriageway and dwellings.

Overall, I consider the reduced setback is a practical and sensible outcome, particularly now that the building sites are staggered so as not to result in a line of houses.

#### **7.4 Earthworks**

The proposed earthworks are associated with the formation of Pitt Street, cutting of access track through the embankment and proposed filling of low areas.

Land disturbance to some extent is associated with every subdivision or residential development. In the current proposal any assessment of land disturbance must be assessed against what can be undertaken as of right as a permitted activity. A certificate of compliance confirming that 1,000 square metres of earthworks can lawfully be undertaken on the application site was issued by Council on 5 July 2005.

Final engineering plans have not been prepared at this early stage of the application. However, it is anticipated the earthworks will only marginally exceed the 1,000 square metres allowed as a permitted activity, with the adverse effects being controlled by conditions as recommended in the engineering report lodged with the application.

The application contemplates some filling of localised low areas to accommodate the house building platforms and effluent disposal fields. I would normally expect such filling to be undertaken as part of the subdivision.

However, with the current application I believe a better environmental outcome can be achieved by the fill requirements to be undertaken by the individual house owners. This is because the house platforms and effluent fields are now staggered either side of the embankment but more importantly it will provide an opportunity to undertake site-specific earthworks to reduce destruction or damage of kanuka and other vegetation on the site.

The appropriate engineering outcomes for the fill can still be achieved by covenants registered on individual titles.

#### **7.5 Effluent Disposal**

The applicant site is located within a Special Domestic Wastewater Disposal Area (SDWDA). The SDWDA restriction on the site creates site limitations for on-site disposal of domestic wastewater and therefore careful design is required to minimise potential adverse effects. Of particular importance at this site is the potential adverse effects on the nearby coastal environment.

The Tasman Resource Management Plan contains a number of policies and objectives for contaminant discharges, which seek to avoid, remedy or mitigate any adverse effects, with special policies for domestic wastewater (Chapter 33). Additionally, Chapter 5 contains policies of specific relevance to the discharge of wastewater associated with subdivision and development. The applicant has proposed compliance with the requirements of the permitted activity Rule 36.1.5 for discharges of domestic wastewater in the SDWDA, therefore has not sought a resource consent for this activity. The applicant has suggested that consent notices will be necessary to ensure that future owners comply with these standards and this recommendation is supported.

The engineer's report (Swanney, 28 January 2005) identifies several limiting factors for on-site disposal of wastewater at the site, including low areas either side of the embankment, free-draining sand and high groundwater levels.

Several mitigating measures have been proposed to minimise potential adverse effects. In order to meet the separation distance to groundwater required by the New Zealand Standard for On-Site Wastewater Management (ASNZS 1547:2000) imported fill as part of an evapotranspiration system is recommended. An aerated wastewater treatment system is proposed to treat wastewater prior to discharge to the evapotranspiration beds. The engineer proposes that an aerated wastewater treatment plant in conjunction with a properly designed evapotranspiration system will be able to meet the required compliance conditions for a permitted activity at this location.

The engineer's report does not mention the inclusion of tertiary treatment within the treatment plant. However, this is required by the permitted activity rule to meet the 100 faecal per 100 millimetres discharge standard. Chlorination is not considered an appropriate method of tertiary treatment because it is a contaminant in its own right. Therefore, by proposing compliance with permitted activity requirements, tertiary treatment of wastewater is also proposed. Provided this requirement is accepted by the applicant and the engineer's recommendations ensure compliance with the requirements of Rule 36.1.5, the discharge of domestic wastewater may be undertaken at this property as a permitted activity.

The proposed allotments are not significantly smaller than those envisaged in this Residential Zone so the cumulative effects of discharge of domestic wastewater from the proposed dwellings would have been assessed as part of the creation of the SDWDA and compliance with these requirements should ensure that any potential adverse effects are adequately mitigated.

## **7.6 Amenity and Character**

The existing settlement is characterised by approximately 35 established sites, all regular in shape and with an area of 1,012 square metres. The current application proposes four sites, regular in shape and with an average of 1,012 square metres. Thus, the proposal is not out of keeping with that existing pattern of subdivision and development.

As stated previously, the application site is able to accommodate three new dwellings following a controlled activity subdivision. In that context one additional dwelling could be readily be absorbed into the area without any noticeable effects. Again, as stated previously, four sites could be created by variously staging the application.

The application site is within the Coastal Environment Area and therefore dwellings are subject to controls over materials, landscaping and colour. Such controls can be brought forward as consent notices on the titles of the new lots.

Overall, given the number of new dwellings that could be constructed as of right, the fact that the subdivision is within an existing settlement, inland of the road and other coastal vegetation and the dwellings will have a maximum height of 5 metres and be subject to controls over materials, landscaping and colour, the effects of the development on the amenity and character of the area will be no more than minor.

## **8. CONCLUSION**

Because the land is zoned Residential, residential development is contemplated by the District Plan. It is not possible to undertake that residential development without having an effect on the heritage values of the embankment, the existing bush cover and the amenity and character of the area. However, because of the way the Council's District Plan is structured, these effects are not deemed to be adverse effects that are more than minor.

With that in mind, my conclusion is that the proposal is not contrary to the policies and objectives of the District Plan or Part II of the Act and with conditions imposed adverse effects on the environment will be no more than minor.

## **9. RECOMMENDATION**

That Council grants consent to the proposal under Section 104 of the Resource Management Act 1991, subject to the following conditions:

## **10. CONDITIONS**

### **A SUBDIVISION**

#### **A1. Pitt Street**

That Pitt Street be designed and constructed to comply with the following specific standards and otherwise to comply with the streetworks standards of Council's Engineering Standards 2004:

- a) the construction works extend from the edge of the carriageway to Seddon Street to be opposite the north-west boundary of Lot 4;
- b) two x 2.5 metre traffic lane width finished with two-coat bitumen chip seal;
- c) flush concrete nib edge restraints;
- d) one x 1.4 metre asphaltic concrete footpath on north-east side of Pitt Street;

- e) two x grassed swales draining to an approved system;
- f) goby block turn-outs to proposed Lots 1-4 plus existing lots on the south-west side of the road;
- g) street lighting;
- h) adequate provision for control and discharge of stormwater;
- i) turning circle at Ward and Pitt Street intersection;
- j) be designed and constructed to protect as far as practical the existing stands of bush located on the road reserve.

Prior to undertaking any works, engineering plans prepared in accordance with Council's Engineering Standards 2004 be submitted to Council for approval. All works to be undertaken in accordance with the approved plans.

## **A2. Embankment Cutting**

That the existing cutting servicing Lots 3 and 4 and the proposed new cutting servicing Lots 1 and 2 be designed and constructed to provide a 6 metre wide cutting suitable for vehicle access to the rear of the sites.

Prior to undertaking any works, engineering plans prepared by a suitably qualified and experienced chartered professional engineer in accordance with Council's Engineering Standards 2004 to be submitted to Council for approval. The earthworks design is to have regard to the Swanney report dated 28 January 2005 to ensure that the effects of the earthworks are minimised and do not compromise the stability of the embankment.

The earthworks are to be undertaken under the supervision of the design engineer, who shall on completion of the works provide a certificate to Council confirming that all works are satisfactorily complied with.

## **A3. Power and Telephone**

That proposed Lots 1-4 be provided with underground power and telephone connections to the boundaries of the lots. Written confirmation is required from the relevant authorities.

## **A4. Easements**

Any services, including proposed rights-of-way, located outside the boundaries of the lots that they serve be protected by an appropriate easement referenced in Council's Section 223 recital.

## **A5. Financial and Development Contributions**

Payment of financial contributions in accordance with Chapter 16.5 of the Tasman Resource Management Plan assessed as follows:

## **Reserves and Community Services**

5.5% of the market value of three allotments. A revised valuation will be required if payment is not made within two years of granting of the resource consent.

### **Advice Note:**

Council will not issue the Section 224(c) certificate in relation to this subdivision until all relevant development contributions have been paid in accordance with the Council's Development Contributions Policy under the Local Government Act 2002. The power to withhold a Section 224(c) certificate is provided under Section 208 of the Local Government Act 2002.

The Development Contributions Policy is found in the Long Term Council Community Plan and the amount to be paid will be in accordance with the requirements which are current at the time the relevant development contribution is paid in full. This consent will attract a development contribution in respect of roading.

## **A6. Maintenance Performance Bond**

The applicant shall provide Council with a bond to cover maintenance of any roads or services that will vest in Council. The amount of the bond shall be \$1,000 per lot to a maximum of \$20,000, or a figure agreed by the Engineering Manager, and shall run for a period of two years from the date of issue of Section 224(c) certification for the subdivision.

## **A7. Consent Notices, Lots 1-4**

The following conditions are to be complied with on a continuing basis and are to be subject of consent notices issued under Section 221 of the Act, such notices to be prepared by the applicant.

- a) All dwellings to be located within the designated site shown on the resource consent application plan and to have a maximum height of 5.0 metres above the crown of Pitt Street opposite the proposed dwelling.
- b) That prior to the construction of any dwelling, the low-lying areas either side of the railway tramway be filled as necessary for the purpose of providing stable, flood-free building sites and an area to accommodate the on-site domestic wastewater systems. Finished ground levels are to be at least 50 millimetres above the crown level of Pitt Street opposite the site, with continuous fall towards the street. The minimum ground level of building sites is to be not less than 3.90 metres Tasman District Council datum. If filling obstructs the natural run-off from an adjoining property then provision shall be made for the drainage of that property.

All fill areas to be designed, supervised and certified by a chartered professional engineer having regard to the Swanney report dated 28 January 2005. The certification shall include the identification on each lot a site that is suitable for the erection of a residential building and that on the building site the fill has been placed and compacted in accordance with NZS 4431:1989.

Prior to undertaking any works, engineering plans prepared by the design engineer, in accordance with Council's Engineering Standards 2004 are to be submitted to Council for approval. All works to be undertaken in accordance with the approved plans.

- c) The top surface of the tramway embankment is not be damaged or destroyed.

**Note:**

The above condition provides for house foundations to be cut into the embankment, or in the case of pole foundations to penetrate into the embankment, without intruding onto or destroying the top surface of the embankment.

- d) That the on-site domestic wastewater disposal system be designed, supervised and certified by a chartered professional engineer having regard to the Swanney report dated 28 January 2005 and otherwise to comply with the conditions for a permitted activity for discharge of domestic wastewater for special areas under Rule 36.1.5 of the Tasman Resource Management Plan.
- e) That the materials, landscaping and colour of the dwellings be designed and constructed having regard to the amenity and natural character of the locality and the effects on natural features, landscape and seascape values, significant natural values and the nature of the existing development. All building consent applications to be accompanied by a report prepared by a person with an appropriate qualification with experience in landscape or urban design analysis certifying that the above condition has been complied with.
- f) That every dwelling be provided with on-site domestic wastewater storage not less than 23,000 litres, with the tank to be fitted with an accessible 50 millimetre Camlock coupling to enable connection with fire fighting equipment.

## **B. LAND USE**

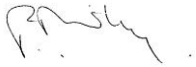
- B1.** That every building comply with the conditions for a permitted activity for the Residential Zone in matters relating to building coverage, maximum dwellings per site, outdoor living space, balcony, walls, building envelope – daylight over and around and setbacks. The setbacks are subject to Note 1 below.

**Notes:**

1. As per the amended proposal, the setback from legal road boundary for Lots 2 and 4 is a minimum of 2.0 metres.
2. The land use consent commences on date of deposit of survey plan of subdivision.
3. Matters relating to earthworks, stability, effluent disposal and building design are imposed as consent notices on the subdivision. This will provide a greater transparency and certainty of outcome.

## C. EARTHWORKS

There are no conditions attached to the earthworks consent. Rather, they have been imposed as conditions of subdivision consent to provide a greater transparency and certainty of outcome.



R D Shirley  
**Subdivision Officer**