



## STAFF REPORT

**TO:** Environment & Planning Subcommittee  
**FROM:** Hugh Briggs, Consultant Planner  
**REFERENCE:** RM070094  
**SUBJECT:** **R BROOKS ESTATE LIMITED - REPORT EP07/06/01** - Report prepared for Hearing on 11 June 2007.

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### 1. APPLICATION BRIEF

#### 1.1 Proposal

1.1.1 The application is for the following consent:

##### **RM070094 Subdivision**

To subdivide an existing 50.7ha title to create two new lots of 3.0ha (Lot 1) and of 47.7ha (Lot 2); the purpose of which is to create Lot 1 for a new dwelling, and to retain the existing dwelling and farm implement sheds in Lot 2.

1.1.2 My report will assess the subdivision consent application (RM070094). A brief engineering report provided by Dugald Ley, Development Engineer, is appended to this report as **Attachment 1**, a flooding assessment provided by Eric Verstappen, Natural Hazards Scientist, is appended as **Attachment 2**, and a soils and land productivity assessment provided by Andrew Burton, Resource Scientist (Land), also appended as **Attachment 3**.

#### 1.2 Location and Legal Description

1.2.1 The property is located at 1245 Motueka Valley Highway, Ngatimoti.

1.2.2 The legal description of the land is Lot 2 DP 361432 Certificate of Title 249870

#### 1.3 Zoning and Consent Requirements

1.3.1 The land is zoned Rural 2 under the Proposed Tasman Resource Management Plan. As there are no outstanding references on this Rural zoning of relevance, it is considered that the Rural 2 zoning is operative pursuant to Section 19 of the Resource Management Act 1991. Therefore no assessment is required under the Transitional District Plan.

1.3.2 The subdivision is considered to be a Discretionary Activity under 16.3.9 of the Proposed Tasman Resource Management Plan in that the minimum lot size is less than 50ha required under the controlled activity rule 16.3.8 for the Rural 2 zoned land.

## 2. INTRODUCTION

### 2.1 The Proposal

2.1.1 The applicant's wishes to subdivide their existing title into two allotments: Lot 1 being 3.0ha and Lot 2 being 47.7ha. The larger lot will contain the existing dwelling and farm sheds, whilst the new smaller lot is designed to provide for a new dwelling on a designated site.

### 2.2 Affected Parties Consent

2.2.1 The applicant has provided the written consent of the following parties:

1. Lot 1 DP 19576 G McMahon  
Property that adjoins on the eastern boundary of the site.
2. Lot 10 DP 17030 D Halliday  
Property that adjoins the south-eastern boundary of the site.
3. Sec 65 SQ3 A Vickers  
Property on the north-eastern boundary of the site.

## 3. NOTIFICATION AND SUBMISSIONS

### 3.1 Notification

3.1.1 The application was publicly notified on 3 March 2007, with a closing date of 30 March 2007. 6 submissions were received: 5 in opposition, and 1 from the NZ Fire Service requiring the "standard" conditions to be imposed. The following is a summary of those submissions received:

### 3.2 Submissions

#### Submitters

#### to be heard/not

#### **G and L Anderson (1243 Motueka Valley Highway)**

**Yes**

Opposed to the application for the following reasons:

- the land has already been subdivided and thus this will create increased fragmentation
- the subdivision is out of step with Rural 2
- the subdivision will adversely affect their privacy and amenity of the existing dwelling
- the subdivision will increase traffic over the shared right of way
- the subdivision will give rise to increased sensitivity over land use for production purposes
- the subdivision will give rise to further pressure for residential subdivision in the Rural 2 zone

#### **Dianne Yerbury (300 Westbank Road, Motueka)**

**No**

Opposed for the following reasons:

- there have been previous subdivisions, now below 50ha minimum
- small lot area used for deer grazing, thus will reduce overall area
- ample lifestyle blocks in Motueka valley slow to sell

- lack of visual privacy for neighbours
- no demonstrable benefits from subdivision

**Halcyon Days Ltd (R Anderson/C Tunnicliffe)**

**No**

Opposed for the following reasons:

- need to maintain separation of dwellings from each other in the enclave
- existing separation should not be compromised by further subdivision

**V & A Hall (2006 Motueka Valley Highway)**

**Yes**

Opposed for the following reasons:

- fragmentation of land creating a suburban quality in Rural 2 zone
- will limit use of land for rural activities
- set precedent for other sites

**L Hislop & S Bradshaw (RD1 Motueka)**

Opposed for the following reasons:

- impairment of rural amenity
- fragmentation of land resource

**NZ Fire Service (c/o Beca, Wellington)**

**Reserves right**

Requires condition for adequate fire fighting supply to be provided on sites to be imposed

## **4. STATUTORY CONSIDERATIONS**

### **4.1 Part II Matters**

4.1.1 In considering an application for resource consent, Council must ensure that, if granted, the proposal is consistent with the purpose and principles set out in Part II of the Act. The main principle is dealt with in Section 5, with the principle of *sustainable management* being defined as *managing the use, development and protection of the natural and physical resources in a way that enables communities to provide for their social, economic and cultural wellbeing, and for their health and safety, while (a) sustaining the potential of the natural and physical resources to meet the foreseeable needs of future generations, and (b) safeguarding the life supporting capacity of air, water, soils and ecosystems, and (c) avoiding, remedying or mitigating any adverse effects of activities on the environment.*

4.1.2 Other matters relevant to this case that have to be considered are:

Section 6 Matters of National Importance (*relationship with Maori and their culture*);  
 Section 7 Other Matters (*efficient use and development of natural and physical resources, maintenance and enhancement of amenity values, and of the quality of the environment*);  
 Section 8 Treaty of Waitangi (*recognition of Maori cultural values*).

4.1.3 These principles underpin all relevant Plans and Policy Statements, which provide more specific guidance for assessing this application.

4.1.4 If consent is granted, the proposed subdivision must be deemed to represent a sustainable use and development of the land resource. The main issues for this consent are:

- (a) what the potential effect of this subdivision and development could be on the productive potential of the rural land,
- (b) whether it would have adverse effects on the rural character and amenity of the immediate neighbourhood, and
- (c) whether it would be in accordance with or contrary to the principles of sustainable management, as outlined above.

## **4.2 Section 104**

4.2.1 Subject to those Part II matters above, Council is required to have regard to those matters set out in Section 104. Of relevance to the assessment of this application, Council must have regard to:

- (a) *any actual and potential effects of allowing the subdivision to go ahead (Section 104 (1)(a));*
- (b) *any relevant objectives and policies in the Tasman Regional Policy Statement (TRPS) and the Proposed Tasman Resource Management Plan (PTRMP) (Section 104(1)(b));*
- (c) *any other relevant and reasonably necessary matter(s) to determine the consent (Section (1)(c)).*

4.2.2 In respect of Section 104(1)(b), the PTRMP is considered the relevant planning document, given the operative status of the Rural 2 zone rules.

4.2.3 In Section 104(2), a consent authority may disregard an adverse effect of the activity on the environment if the Plan permits an activity with that effect (ie the “permitted baseline” test). This is now only discretionary and not compulsory, and thus it is one matter that can be taken into account, but should not be disregarded.

4.2.4 Section 104B sets out the framework for granting or declining consent based on the status of an activity as set out in the relevant Plan.

## **4.3 Section 106**

4.3.1 In Section 106(1), a subdivision can be refused if the authority considers that

- (a) *the land is likely to be subject to any material damage by erosion, subsidence, etc; or*
- (b) *use of the land will worsen the material damage to the land by those aspects; or*
- (c) *sufficient access has not been made available to each lot. In Section 106(2) conditions imposed must be for the purposes of remedying or mitigating the effects as in (1) above.*

4.3.2 Thus, any physical constraints on the subdivision have to be considered as to the possibility of them occurring and whether any measures can be used to mitigate any possible adverse effects.

## **5. PLAN CONSIDERATIONS**

### **5.1 Tasman Regional Policy Statement (TRPS)**

5.1.1 The Tasman Regional Policy Statement (RPS) seeks to achieve the sustainable management of land and coastal environment resources. Objectives and policies of the RPS clearly articulate the importance of protecting land resources from inappropriate land use and development.

5.1.2 Because the Proposed Tasman Resource Management Plan (PTRMP) was developed to be consistent with the TRPS, it is considered that an assessment under the Proposed Plan (PTRMP) will satisfy an assessment against TRPS principles.

## **5.2 Proposed Tasman Resource Management Plan (PTRMP) – Objectives and Policies**

5.2.1 The most relevant Objectives and Policies are contained in: Chapter 5 Site Amenity Effects and Chapter 7 Rural Environment Effects, whilst there are some relevant ones in Chapter 9 Landscape, Chapter 11 Land Transport and Chapter 13 Natural Hazards. All these Chapters articulate Council's key objectives, which are primarily to protect rural land from inappropriate subdivision and development and to ensure character and amenity values are maintained or enhanced. The key relevant objectives and policies in those Chapters are:

### **5.2.2 Site Amenity Effects (Chapter 5)**

*Objective 5.1.0 remedy/avoid/mitigate adverse effects from land use on the enjoyment of other land and on the quality of the natural and physical resources*

*Policy 5.1.1 ensure adverse effects of subdivision and development on site amenity, landscape values (amongst others) are avoided, remedied or mitigated*

*Policy 5.1.4 avoid/remedy/mitigate adverse effects from noise, vehicles, buildings and structures, etc beyond the boundaries of the site generating those effects*

*Objective 5.2.0 maintenance and enhancement of amenity values on site and in the communities*

*Policy 5.2.1 maintain privacy for rural dwelling sites*

*Policy 5.2.7 enable variety of housing in rural areas*

*Objective 5.3.0 maintenance and enhancement of special visual and aesthetic character of localities*

*Policy 5.3.2 maintain open space value of rural areas*

*Policy 5.3.5 maintain and enhance features which contribute to the identity and visual and aesthetic character of localities, including vegetation and landmarks and views*

### **5.2.3 Rural Environment Effects (Chapter 7)**

*Objective 7.1.0 avoid loss of potential for all land of existing or potential productive value.....particularly land of high productive value*

*Policy 7.1.1 avoid, remedy, mitigate adverse effects of subdivision of rural land, especially on land of high productive value*

*Policy 7.1.2 avoid, remedy, mitigate effects of activities which reduce area of land available for soil based production purposes in rural areas*

*Policy 7.1.2A avoid, remedy, mitigate adverse actual, potential and cumulative effects on the rural land resource*

*Policy 7.1.3 require parcels of land to be of size and shape to retain the land's productive potential, having regard to the actual or potential productive values*

Objective 7.2.0 *provision for activities other than soil based production, including tourist services, etc , whilst avoiding loss of land of high productive value*

Policy 7.2.1 *enable activities not dependent on soil productivity to be located on land not of high productive potential*

Policy 7.2.1A *enable sites in specific locations to be used primarily for rural industrial.... rural-residential...., having regard to varied factors, including (a) productive values; (d) cross boundary effects; (g) transport access and effects; (h) potential cumulative effects from further land fragmentation; (j) efficient use of land resources*

Policy 7.2.4 *non-productive activities not to be adversely affected by soil based productive activities*

Objective 7.3.0 *avoid adverse effects on rural character and amenity values*

Policy 7.3.1 *sufficient flexibility for wide range of productive uses while avoiding adverse effects*

Policy 7.3.3 *provide for maintenance and enhancement of rural character and amenity, including openness, separation, style and scale of structures*

Policy 7.3.6 *ensure adequate physical or spatial buffers for new exclusively residential allotments in rural areas so that productive land use opportunities are not compromised*

#### 5.2.4 Landscape Effects (Chapter 9)

Objective 9.1.0 *protection of outstanding landscapes for adverse effects of subdivision..., especially in the rural area... to mitigate adverse effects*

Policy 9.1.4 *ensure structures, buildings do not adversely affect visual interfaces such as ridgelines.... or unity of landform, vegetation cover or views*

Policy 9.1.7 *manage activities which may cause adverse visual impacts on the rural character*

Objective 9.2.0 *retention of contribution rural landscape makes to amenity values of District and protection from those of inappropriate subdivision and development*

Policy 9.2.1 *integrate consideration of rural landscape values into proposals for development more intensive than Plan permits*

Policy 9.2.3 *retain rural characteristics of landscape within rural areas*

Policy 9.2.5 *mitigate cumulative adverse effects of development on landscape values within rural areas*

#### 5.2.5 Transport Effects (Chapter 11)

Objective 11.1.0 *safe and efficient transport system, where adverse effects of subdivision are avoided, remedied or mitigated*

Policy 11.1.2B *avoid or mitigate adverse effects of traffic on amenity values*

Policy 11.1.3 *control design of access, so that there are no adverse effects on the safety and efficiency of the network*

## 5.2.6 Natural Hazards (Chapter 13)

Objective 13.1.0 *management of areas subject to natural hazards (eg flooding) to ensure that development is avoided or mitigated, depending on degree of risk*

Policy 13.1.1 *avoid effects of natural hazards on activities on ... sites that have significant risk of...flooding.....*

## 5.3 Proposed Tasman Resource Management Plan (PTRMP) – Rules

5.3.1 The most relevant Rules in the PTRMP are contained in Chapter 16.3 'Subdivision'. There are standards in 16.3.8 for controlled activity subdivisions; the relevant ones of which are set down below.

**Area:** minimum area is 50ha

**Frontage:** minimum frontage is 100m for front site

There are then the matters over which control is reserved:

- (1) *shape*
- (2) *access*
- (3) *availability and provision of services*
- (4) *location of building platforms*
- (5) *location and effects of earthworks*
- (6) *potential effects on rural amenity and character*

5.3.2 Additional assessment criteria are set out in 16.3A designed to guide Council evaluate the proposed subdivision. The ones most relevant to this case are:

### **General**

- (1) *productive value of the land*
- (2) *effects on amenity values and natural/physical character*
- (9) *relationship with pattern of adjacent subdivision, land use activities, and future cross boundary effects*
- (10) *adequate provision of water*
- (11) *effects of wastewater treatment on water quality*
- (13) *taking into account landform, maximisation of range and efficiency of uses on land*
- (15) *any landscaping proposed which will impact on traffic safety, enhance amenity*

### **Earthworks**

- (16) *extent of earthworks*
- (18) *visual impact of earthworks*

### **Buildings**

- (20) *ability of buildings to comply with provisions (including effects on ridges)*
- (21) *buildings affected by natural hazards*

### **Transport, Access and Roads**

- (26) *compliance with TDC standards*
- (26a) *safety of access*
- (28) *compliance with site access provisions*
- (42) *road safety effects if non complying*

5.3.3 These are assessed below.

## 6. ASSESSMENT AGAINST THE PLANS

### 6.1 Assessment of Plan (PTRMP) and Policy Statement (TRPS)

6.1.1 The subdivision and resulting land use activities must be deemed to be consistent with relevant objectives and policies pursuant to Section 104(1)(c) and (d) of the Act.

6.1.2 The Plan be used in this assessment is the PTRMP. Because this was developed to be consistent with the RPS, this assessment would also be considered satisfy an assessment under the RPS.

### 6.2 PTRMP Objectives and Policies

6.2.1 The following table summarises the most relevant PTRMP matters and provides a brief assessment on the objectives and policies. Further comments are included in the assessment of environmental effects in Section 7.

<b>Ch 5: Effects on Site Amenity</b>		Council must ensure that the rural character and amenity values of the site and surrounding environment are protected, and any actual or potential effects of the proposed subdivision must be avoided remedied or mitigated, including cross boundary effects. It is concluded from the analysis below that the rural character is not adversely affected by this proposal.
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Objective effects on enjoyment and quality of resources	5.1	As detailed in the assessment of effects below, there will be an effect of the proposed activity on the character and amenity values in this particular neighbourhood. It is considered that this effect will not be significant, particularly given the specific site landform characteristics and the proposed mitigation measures for landscaping and the location of the proposed building. The addition of one more dwelling in this rural landscape will not contribute to a loss of rural character and amenity in the area. The proposed dwelling will be well landscaped and will "sit" below the steep slopes behind, and will therefore also be in keeping with the immediately adjacent house, which itself is well screened by substantial planting around it.
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Policies	5.1.1, 5.1.4	There will not be significant effects on the local rural amenity from the advent of another dwelling on the site as located, below the "ridge" and with the appropriate landscaping around it. It will be similar in character to the immediately adjacent property.
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Objective amenity values on site and with- in community	5.2	Similarly, Council must ensure the maintenance of rural amenity and character in the area (such as privacy and outdoor living). This will be maintained with the location of the building and with appropriate planting around the dwelling.
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Policies 5.2.1, 5.2.7	There will be an appropriate level of privacy between this house and the nearest neighbouring dwelling, with both being (and to be) screened by amenity plantings.
Objective 5.3 visual and aesthetic character of localities	This refers to the “special” visual and aesthetic characteristics of localities. The presence of another well located and designed dwelling will not adversely impact on the present valley character. This character will be maintained (and even enhanced) with this development and its associated plantings.
Policies 5.3.2, 5.3.5	The presence of another dwelling in this particular location along the highway will not minimise the overall feeling of open space that these policies are designed to ensure is maintained.
<b>Ch 7 Effects on Rural Environment</b>	The productive potential of land resources must be protected, and used efficiently. Rural character and amenity values should be maintained or enhanced within the framework of the rural zoning pattern. It is concluded below that the loss of some not highly valued productive land is not significant, and that the rural amenity will not be adversely affected in this particular location.
Objective 7.1 loss of productive value	The Plan has a strong emphasis on ensuring the productive capacity of the soils in the district, but it does recognise that the Rural 2 zone does not have the highest quality soils but nevertheless can accommodate a number of productive uses on its varying quality soils.
Policies 7.1.1, 7.1.2, 7.1.2A, 7.1.3,	The emphasis is still on mitigating any adverse effects of subdivision and development on the productive potential, with any such lot being created being able to have some degree of productivity. In this case, it would be difficult for the smaller “house” lot to be a productive unit on a site of 3ha, although the presence of a house would not automatically prevent some productive use being made of the remnant area. The soil productivity report prepared by Council staff indicated that about 1.2ha on the lower flats would be “usable”, given the soil type and wetness of the land. The remaining area has limited potential for production.
Objective 7.2 provision for non-productive uses whilst protecting soil potential	Non-productive activities are permitted, although again there is an emphasis on the avoidance of loss of productive capacity. As indicated above, not all of this proposed smaller lot is very productive, and thus the loss of this portion of the block would not be significant.
Policies 7.2.1, 7.2.1A, 7.2.4,	Such non-productive activities are permitted particularly on land of limited productive value. This land is not of the highest productive potential, and thus its loss would not be significant.

Objective 7.3 This focuses on the avoidance of adverse impacts on rural reducing effects on character and amenity values. There is a degree of rural amenity openness along this part of the valley with the river terrace flats alongside the road, but there are some buildings (dwellings and rural buildings) in this locality, with which a new dwelling would fit. This locality thus has a mixed and varied character.

Policies 7.3.1 7.3.3, As indicated above, the actual adverse effect on productive 7.3.6. values is not considered to be significant. Rural amenity values may be affected by the additional residential activity in the area. This is discussed in more detail in the assessment of effects below. It is concluded though that this new development will not have an adverse impact on the particular landscape or rural character or impinge on the amenities of neighbouring properties.

**Ch 9 Landscape** Particular emphasis on protection of outstanding landscapes from adverse effects of subdivision and development, with some controls on structures and buildings in some areas.

Objective 9.1.0 The specific reference to outstanding landscape areas is not relevant in this case, although adverse visual impacts in the general rural areas are to be avoided. It is considered that the proposed new dwelling would not have an adverse visual impact on the general landscape character in this locality, as it is a mixed landscape.

Policies 9.1.4, The new dwelling would not impact on the skyline as it is on 9.1.6, 9.1.7 the middle terrace level, and thus below the ridge when viewed from the road, and planting around the site would ensure it "fitted" into the local landscape character.

Objective 9.2.0 Retention of the quality of the rural landscape would be maintained with this development, as it would not impinge on the present rural landscape.

Policies 9.2.1, The dwelling and site will have appropriate landscaping and 9.2.3, 9.2.4 and planting as part of a landscape plan to be submitted prior to 9.2.5 completion of the subdivision. This will ensure that it will be compatible with the adjacent roadside properties.

**Ch 11 Land Transport Effects** The actual and potential effects of the proposed subdivision on traffic safety must be avoided, remedied or mitigated.

Objectives 11.1 The emphasis is on ensuring the transport system/network is a safe and efficient one which will not be adversely affected by any new development

Policies 11.1.2B, Any new development must not increase the risk on the 11.1.3, 11.1.4A. network or create unsafe access points or generate excess traffic for the local roads. This will not be the case with this development, as the access is an existing one, albeit one that does not quite comply with the required safety sight distances. There will only be a limited increase in traffic movements.

**Ch 13 Natural Hazards** The objectives are designed to ensure that new development will not occur in areas subject to higher degree of risk, from situations such as flooding.

Objective 13	Areas that are subject to risks, such as flooding in this case, should be appropriately managed. The proposed house site will be well above any likely flood levels, as it is on the “middle” terrace level, and thus will not be subject to significant risk.
Policy 13.1	As indicated above, the proposed house site will not be affected by any likely flood from the river. The Council’s Hazards Officer indicated that there would be no flood hazard issues with the house site on that higher terrace.

### 6.3 PTRMP Rules

6.3.1 The following table assesses the proposal against the relevant rules and assessment criteria:

<b>Ch 16.2: Transport</b>	Permitted activity performance conditions that manage vehicle access, parking and road standards are contained in this rule. This is an existing access drive serving other properties, which does not quite comply with the sight line safety distances. However, the decision on the previous application indicated that it would be a safe access, as it was very close to the narrow bridge, which slowed traffic down in this vicinity.
<b>Ch 16.3: Subdivision</b>	This requires discretionary activity resource consent in the Rural 2 Zone subdivision, since it is creating allotments that will be less than 50ha. Assessment criteria set out in Rule 16.3.8 and 16.3A provide guidance in the assessment of the application. Key matters such as amenity values, soil productivity and rural character must be addressed when assessing this application. Matters most relevant to this application are addressed in the assessment of effects below as well as in section 7.
Assessment Criteria: 16.3.8 and 16.3A	

#### 6.3.2 Controlled Activity Criteria (16.3.8)

It is important that the controlled activity assessment criteria in 16.3.8 identified above are also assessed, even though this is a discretionary activity. These address a number of matters that are very relevant in this case.

- (1) *Shape* – the boundary between the two lots has been designed to follow the fence line along the top of the “ridge” (the upper terrace edge) to create the smaller lot down by the river and road. It is thus an appropriately shaped lot reflecting the landform.
- (2) *Access* – there is an existing access serving the house on the present lot and other adjacent properties. Whilst this does not quite comply with the required sight distances, it had been approved previously, since it was close to the narrow bridge on the corner to the north, which effectively slowed the traffic down in this proximity. Access to the new smaller front lot will be from this right of way at some 30m from the road intersection.

- (3) *availability and provision of services* – this new development will not have any impact on the provision of public services, and the site can appropriately accommodate waste disposal and stormwater runoff.
- (4) *location of building platform* – the building platform as shown on the site plan has been located to the south of the site, on the “middle” terrace, to be above any potential flooding area, and set away from the sight lines of the dwelling on the adjoining property (Anderson). With some additional planting around it, it will be well screened from that view, and also from the adjoining house to the south, which is well screened from views from this site and the road by its own planting (clearly shown on attached photos).
- (5) *location and effects of earthworks* – there will be minimal earthworks to create the drive or building platform as the site is virtually level.
- (6) *potential effects on rural amenity and character* – the rural character in this particular locality is a mixed one, with degrees of openness on both sides of the road from the sharp bend by the bridge southwards, but with plantings of various vegetation as well. This is shown on the photos attached to this report and those presented with the application.

These show the open, barren terrace slopes at the rear of the front lot, which are exposed and erosion prone. There is some substantial plantings along the riverside, around the northern side of the adjacent house and a substantial “copse” of bush on the hill slopes to the south of this site. There are some trees planted along the access drive to the rear of this property and around the Anderson’s house. The house to the south is partially visible from the road at a certain angle but is otherwise well screened from other views.

Whilst the proposed dwelling would introduce a new physical element into this landscape, it will not be out of character in this particular location. Immediately to the south is another house (as shown in the photos) which is only partially visible from the road, since it has plantings on its northern side which screen it from many viewpoints – and from the applicant’s proposed building site. With some appropriate planting and landscaping around this building platform, on the slopes above and below and on the terraces, the new dwelling would fit into this landscape as that one does.

The location of the building platform to the south of the lot will ensure that it will not be directly visible from the Anderson’s house, other than from the access drive and road when they approach their own house. Again, the landscaping and planting can be designed to minimise that impact if it is considered to warrant any form of “screening”.

### 6.3.3 Discretionary Activity Criteria (16.3A)

The following relevant criteria have been assessed.

#### **General**

- (1) *productive value of the land* – the soils report prepared for Council by Andrew Burton (a resource scientist with TDC) does indicate that there are some higher quality soils contained within the smaller lot. However, the areas are not large and there is an element of wetness. He estimated that only about 1.2ha (out of the

3ha site) would be “usable” for intensive land use. This area has been used for productive purposes in the past but it is a “worn” landscape, with some signs of erosion on the terrace slopes. He indicated that the remnant area (*“of hill country”*) has a *limited potential for production (with pastoral and forestry having main potential)*. Given the nature of the terrain, the soil condition and “wetness”, it is unlikely that it would ever be intensively used.

Thus, its use for a rural residential lifestyle block would not, in my opinion, be a significant “loss”. Such blocks can be more productive than underused pastoral areas like this. There is no requirement that such quality soils should be used intensively, and such use is dependent on the owner’s desire and ability to do so.

(2) *effects on amenity values and natural/physical character* – the “rural character” of this particular locality is created by a mix of elements (natural and physical), including varied landforms (river terraces, grassed “bare” hills, bush covered slopes, and the mountains in the background), and a mix of horticulture, riverside vegetation, dwellings (visible and partially visible), rural buildings and structures, and the river itself. It is this variety that makes up this character. There are no specific elements that dominate that would make another single new element, such as new house, incompatible in such a landscape.

The appearance of a new dwelling in the particular site chosen on the “middle” terrace without any attempt to plant around it would have greater visual impact than otherwise. The adjacent house to the south has a similar landscape context (with the bare slopes behind it), but it has substantial vegetation around some of its boundaries which “screen” it from many vantage points along the road and from adjoining properties. The new dwelling could be assimilated into its landscape context in the same way by similar, appropriate plantings.

The openness of the rural area is one of the (important) attributes of rural amenity as described in the PTRMP (and as identified by some of the submitters). The addition of another dwelling as it is to be located on the site will not destroy that feeling of openness in this locality. There will still be ample space between the nearest dwellings on adjacent sites, about 200-300m to the house to the south (as is clearly shown on the aerial photos). There are other elements and features around this location (eg vegetation, buildings, horticultural structures) that “intrude” into this openness, but are nevertheless an integral part of that character.

In my opinion, the loss of overall “amenity” that the submitters are concerned about will not occur. The physical appearance of this new dwelling will not have a detrimental impact on adjoining properties or on the wider rural scene. It can readily be made to fit in with its site and local context with appropriate landscaping and planting, in a similar manner to its nearest neighbour. It will not be close to any other dwellings, and thus the sense of open space will be retained. The new house, being elevated above the road level, will be more visible generally than if it were alongside the road (as is its neighbour to the south) but, with good building design, landscaping and planting, it will be an attractive feature in this particular open and bare landscape.

(9) *relationship with pattern of adjacent subdivision, land use activities, and future cross boundary effects* – There are already some smaller lots along this section of road, and along Waiwhero Road to the south, reflecting the irregular and scattered pattern of housing development along these roads. This is a very familiar pattern throughout the rural area in the Motueka River valley. The house immediately to the south is on a very small title, and there is another one just to the south of that one (to the south of the Yerbury property). Thus, the creation of this new smaller “front” lot (Lot 1) will not be totally out of character or contrary to the present pattern.

Its use as a rural-residential lot will not create any cross boundary effects, as it is not adjacent to any rural activity that has any reverse sensitivity issues, eg spraying or noise. It is “sheltered” by the landforms from that possibility, ie it will be well below the deer farming operation on Lot 2 above. The new dwelling will be located relatively close to the house to the south, but this one is well screened and only partially visible from some views along the road. Neither house will see or be seen from each other because of that planting and future plantings around the new building. The traffic generated by the new dwelling will only travel a short distance along the right of way shared by the Andersons, and thus not have much of an impact on them.

(10) *adequate provision of water*

Water will be provided for in the normal manner for such developments.

(11) *effects of wastewater treatment on water quality*

A suitable system will be designed to cater for the effluent from the new dwelling, which will not create any issues for the nearby river and its water quality, as recommended by the applicant’s waste water consultant. The effluent will be disposed of infield trenches in the lower terrace area.

(13) *taking into account landform, maximisation of range and efficiency of uses on land*

The landform on this front portion of the site lends itself to separation of uses across the lower terrace area. These different levels can be used for different activities. Thus, the use of one of these terraces (the middle one) for a dwelling does not mean that the lower one could not be used for some form of rural activity (even planting of some crops or trees, if the soils are appropriate for such use). The steeper slopes could not be used for much though.

(15) *any landscaping proposed which will impact on traffic safety, enhance amenity*

No landscaping proposals have yet been submitted with the application, given that it is for subdivision only at this stage. However, since the building site has been identified, I would think it appropriate that a landscaping/planting plan should be submitted prior to the submission of the building permit. This should ensure that there would be some screening and amenity planting around the house, along the drive and close to the road frontage, without reducing any sight lines.

## **Earthworks**

(16) *extent of earthworks*

no earthworks have been proposed for either the drive or building foundations, since the site is flat and the access drive to the house would not require any.

*(18) visual impact of earthworks*

There will be no works to create any impacts.

**Buildings**

*(20) ability of buildings to comply with provisions (including effects on ridges)*

The dwelling will comply with all bulk and location provisions, particularly with respect to skyline locations, as it will be on the middle terrace, well below the ridgeline when viewed from the road.

*(21) buildings affected by natural hazards*

The building platform is on the middle terrace, which is highly unlikely to be affected by any flooding, as was indicated in the assessment made by Eric Verstappen (Attachment 2)

**Transport, Access and Roads**

*(26) compliance with TDC standards*

Access into Lot 1 at the front will be from the existing, approved access serving Lot 2 and adjoining properties. Although it didn't meet the required sight distances in both directions, it was approved on the basis that at that point traffic was going more slowly after coming over the narrow bridge on the corner nearby.

*(26a) safety of access*

The access has proven to be safe to date, and as the increase in traffic generated is not significant (8-10vpd), it is not considered that there is a traffic safety issue.

*(28) compliance with site access provisions*

As above.

*(42) road safety effects if non complying*

As above.

**7. Assessment of Environmental Effects**

**7.1 General**

7.1.1 Pursuant to Section 104(1)(a) of the Resource Management Act, the following assessment of effects has been set out. Both subdivision and land use matters will be considered within the following assessment.

7.1.2 I consider that the following potential effects are the most critical in this case, given the requirements of the RMA and the PTRMP – rural land productivity; land use efficiency; land fragmentation; cumulative effects of further subdivision; rural amenity and character; reverse sensitivity; visual impact; and traffic impact. I have combined some of these together in the assessment below.

**7.2 Rural Land Productivity and Land Use Efficiency**

7.2.1 The land to be subdivided off the main block is located down close the road below the main rolling hills. It is located on old river terraces, and there are two level areas below the main, upper ridge, visible from the road.

- 7.2.2 The application material indicated that the soils were not of a high quality productive potential, and that it was difficult to grow pasture grass. The submitters contend that this land does have productive potential and could be more intensively used, as it had been in the past. The applicants indicated in the application that *both the Kaiteriteri soils units are very low natural fertility and it is a struggle to get good pasture growth, and even pinus radiata requires fertilisation. The land resource is clearly at the lower end of the scale.*
- 7.2.3 It was determined that a more detailed soil and productivity report should be prepared, and one was undertaken by Council's soils scientist, Andrew Burton. This states *the soils found on this lower part are suitable for a wide range of agricultural and horticultural activities - however, such activities would be restricted by the size of areas available, the presence of the terrace that runs through it, and possible soil wetness limitations.*
- 7.2.4 He goes on to say *that both of these soils (Kaiteriteri sandy loams) have very low natural fertility and are deficient in a number of trace elements. The soils are not well structured and prone to erosion under cultivation. Horticultural crops could be grown on some of the easier country provided the erosion potential is managed, but generally these areas are too small and disconnected, making intensive use difficult.*
- 7.2.5 It is therefore clear that the use of this part of the site is very marginal in terms of its productive capability, even as part of the overall land unit. This terrace area is only used for grazing, and as such there is only a small loss of grazing land out of the total land unit used for grazing. It would not likely be used for another "more intensive" crop on its own.
- 7.2.6 Its use as another small lifestyle block in this locality might appear to be a more "productive" use without detriment to the overall "parent" land unit. In the context of the overall Rural 2 zone, it is considered that the adverse effects of this subdivision on productive values are no more than minor.

### **7.3 Reverse Sensitivity**

- 7.3.1 There are no intensive farming uses immediately close by that would cause any reverse sensitivity issues – the hops and other horticultural crops are further south down the road. The deer farming undertaken on the adjacent lot would not be affected by the presence of this rural-residential lifestyle dwelling, as that land is up on the upper terrace and out of sight. Thus any residential activity on this lower site is "protected" by this landform.

### **7.4 Land Fragmentation and Cumulative Effects of Further Subdivision**

- 7.4.1 Land fragmentation is seen as being one of the most critical issues in the district, given the amount of pressure to create more rural-residential lifestyle blocks in areas where the productive potential is high. It has to be recognised that the PTRMP does enable some developments in the rural areas where the productive potential is not as high, such as in the Rural 2 zones.



7.4.2 In all cases, the relative merits of the proposal have to be looked in its context – both in the immediate area and in the wider locality (and zone). In every case, there will be differences that warrant individual consideration of that particular proposal. The general concern expressed in the PTRMP, and by the submitters, is that any approval of something that does not “fit” within the pattern as established in the PTRMP, or in the immediate locality, will (automatically) open the doors for further subdivisions.

7.4.3 With respect to the cumulative effect of more development in this area, the submitters have identified that this application is not the first one on this property, and that the previous approval has created the opportunity for this one. Whilst this has some bearing on this case, the proposal should be considered primarily on the effects that it could have on the immediate environment (ie the rural amenity and character) and on the wider locality. Thus, it is necessary to identify what makes up that character in this particular location. (This is addressed more fully in 7.6 below).

7.4.4 Part of that aspect of the local character is its mix of openness and enclosure created by varied vegetation patterns and the landform, as well as structures and buildings. There are a number of smaller lifestyle blocks along this section of the Highway, but this in itself does not give an appearance of closeness, since the dwellings are located in different positions on those sites and often not visible from the road because of the landforms.

7.4.5 The only ones that are readily visible from the road at the entrance to this site (as is shown on the photos in the application) is the house immediately to the south (Walker) and the Anderson’s lodge. This new dwelling would only be seen in the same view as these two fleetingly going round the corner.

7.4.6 This proposal has merits, in that it is within an enclosed piece of land, which is strongly separated from the “parent” block at the rear by the terracing and the ridgeline. This physically separates it from any dwellings to the rear, such as that of the applicant, the adjoining landowners (Andersons) and the other block to the south (Yerbury). The proposed house site is located relatively close (200-300m) from the Walkers site, but the view from their house is blocked by vegetation on the common boundary.

7.4.7 As indicated in 7.2 above, this area is not highly productive, and thus its “loss” from rural production is not as significant as might be in other situations.

7.4.8 I consider that in this case the “fragmentation” of the large block by taking another small portion from it will not create a precedent effect, encouraging others to do the same. In this case, there are some extenuating circumstances that make this case unusual. It has the physical boundary of the ridgeline separating this lower terrace area from the main block. There are already some other small “lifestyle blocks” in the immediate locality and thus this is similar to those in size and scope. It will not create a lessening of the rural amenity or detract from the present landscape character.

## **7.5 Land Suitability (Natural Hazards)**

7.5.1 In his report, Eric Verstappen stated *the low lying land adjacent to the Motueka Highway has been affected by flooding in 1983 and so part of the 3ha lot is regarded as unsuitable for building on unless flood mitigation measures are taken.* He noted that *there is land that is on the higher terrace 3-4m above the land adjacent to the*

*highway. If the dwelling and septic tank is sited on this higher land, then there are no flood hazard issues, other than access to/from the site, in a situation that could cut the road off from the site. (However, this would apply to all dwellings along this portion of road).*

7.5.2 He then goes on to state *I have no accurate idea how deep this floodwater may be in a Q50 – the 1983 event was a of a lesser magnitude, but would probably not make much difference to flood height in the end, due to the valley width being large.*

7.5.3 It thus stands that the proposed building platform is in a suitable location relative to the river flooding potential, and thus can be approved under Section 106 from that point of view.

## **7.6 Amenity Values, Rural Character and Visual Impact**

7.6.1 The Council's policies and objectives on the Rural Environment seek to protect the rural environment from the adverse effects of activities including subdivision and "urbanisation", thereby requiring the rural character and amenity values of the area to be maintained and/or enhanced.

7.6.2 Amenity values, as defined in Section 2 of the Resource Management Act 1991, means:

*"those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, cultural and recreational attributes."*

7.6.3 There is concern amongst the submitters about the adverse effects on the rural amenity in this locality of approving further small rural-residential allotments of the size proposed in this subdivision. They consider that this would lead to a significant alteration of the present rural character and impact on their own overall amenity. They described this as *a loss of the well separated nature of dwellings in this area, which is of importance to those immediately neighbouring and residing in the enclave*".

7.6.4 It is interesting to note that they called this locality "an enclave", which indicates that there are a number of residences in reasonably close proximity to each other. Whilst this might apparently appear to be so, taking into account the size of the lots and the placement of the dwellings viewed on an aerial photograph, it does not create that same impression on the ground. Many of the dwellings in this immediate locality cannot be seen by each other, due to their location on each site, hidden from each other by the rolling landforms.

7.6.5 This would not change substantially with the appearance of this new dwelling. It would not be seen by the Andersons, with the terrace slope preventing any view from their house, as it is set back along the terrace to the south. It would be seen from the road and from their drive up the ROW. It would not be seen by the Yerbury house which is set well back behind the hill slopes to the south. The only house that would have any possible view of it would be the Walker house immediately to the south, but this has the substantial planting on the common boundary between the two sites.

7.6.6 As I have indicated above, the rural character of this particular locality is mixed – with an open grassed area of this part of the terraces; the riverside plantings; parts of bush on hill slopes, “domestic” vegetation around the Walker house; the horticulture further to the south; and rural buildings and structures again further to the south; and glimpses of the Andersons lodge from the road.

7.6.7 Whilst this site is currently open, with its bare grassed terrace slopes, and very limited vegetation around, the erection of another dwelling and some new vegetation around it and in select locations on the terraces would make for an attractive feature in this landscape. I would recommend the inclusion of an appropriate landscape condition to provide some landscaping and plantings around the site for additional amenity.

7.6.8 I thus consider that the appearance of the development in this location would not have an adverse effect on the local rural landscape character or would reduce the level of amenity enjoyed by the existing residents.

## **7.7 Traffic Effects**

7.7.1 The proposed application involves the creation of one additional allotment that will create only a limited number of more traffic movements along the right of way off the Valley Highway.

7.7.2 A brief assessment of traffic effects is dealt with Dugald Ley’s report (as is appended to this report). His conclusion is that *the application is in essence only adding one more user to this access point. This point is located in a position that will have only minor effects on the functioning of the adjacent highway.... The single lane bridge controls traffic to low speeds and sight distances are appropriate for this ROW location.*

7.7.3 The effect of more vehicles along the ROW on the Andersons amenity would be limited, given that they would only be using the initial part of the ROW, well before the Andersons turnoff.

## **8. Statutory Assessment**

### **8.1 Part II Matters**

8.1.1 The proposed subdivision and associated land use activities are considered to be consistent with the purpose and principles of Part II of the Resource Management Act, as assessed below.

8.1.2 The main purpose of Part II is contained in Section 5 *promoting the sustainable management of the natural and physical resources. As the Committee knows, this means managing the use and development of those resources in such a way that enable the communities to provide for their social, economic and cultural wellbeing, whilst sustaining those resources for future generations... and avoiding adverse effects of activities on the environment.*

8.1.3 The site does not have great potential for more productive use as it is. Thus, Permitting a rural-residential development on this particular site may be a more sustainable use of the natural resource (ie the soil) than retaining it as it is. This would enable the local community to develop without detriment to the natural resource, and it could be achieved without detriment to the local rural amenity and character. It is considered therefore that the application is consistent with the Act's purpose of achieving the sustainable management of natural and physical resources.

8.1.4 The relevant matters in Section 7 are (c) "*maintaining and enhancing amenity values*", and (f) "*maintaining and enhancing the quality of the environment*". The approval of this subdivision and its subsequent development for a rural-residential dwelling will not in my opinion detract from the present amenity values associated with this locality, or detract from the quality of the local rural environment, for the reasons identified above.

8.1.5 With respect to the other relevant matter in Section 7 (g) "*any finite characteristics of natural and physical resources*", I would consider that the potential to use this soil resource more productively than at present would be limited. The proposal to permit the development of a small rural-residential lifestyle block in this particular location would not have a significant impact on the finite soil resource, which is in itself not of the highest quality, and not likely to be used for an intensive productive purpose.

## **8.2 Section 104**

8.2.1 Section 104(1) requires an assessment against the potential effects; the relevant objectives and policies of the various Plans; and any other relevant matters.

8.2.2 In this case, the proposal (the subdivision and the subsequent building of a dwelling) will not have adverse effects on the local environment more than minor, and thus can be approved. It does not offend the relevant objectives and policies of the Plan with respect to use of the resources, to the "fragmentation" of land in such a location by the creation of another smaller lot. It does meet the criteria contained in the rules relating to discretionary activities.

8.2.3 It thus meets the provisions of Section 104(1) and Section 104B.

## **8.3 Section 106**

8.3.1 There are no reasons why this site could be considered unsuitable in terms of Section 106. The building platform is well above the potential flood level, being on the middle terrace. The Council's Hazards Officer indicated that it was out of the flood reach. Access is gained from an existing access point from the highway (the ROW), which has previously been approved by the Development Engineer. There are therefore no issues with safety (building or traffic).

8.3.2 It has adequate area to accommodate on site disposal systems without creating any issues for the river.

## **8.4 Precedence and Cumulative Effects**

- 8.4.1 Precedence in itself is not an “effect” but the subsequent approval of this subdivision could lead to other similar applications from Rural 2 properties each wanting like treatment. This can lead to a cumulative effect that is very much a relevant adverse effect under Section 3 (d) of the Act.
- 8.4.2 However, balanced against that has to be the fact that every case has to be considered on its merits. Some cases may have some measure of difference or even a unique or unusual aspect that could enable Council to approve them when they might appear to be contrary to the overall objectives and policies relating to the protection of rural character and quality soils.
- 8.4.3 In resource management terms, the cumulative effect of establishing a pattern of consent decisions based on other applicants wanting similar outcomes can have adverse effects on significant resource management issues.
- 8.4.4 In this case, a key issue is the potential for a cumulative loss of rural character and amenity values associated with a more “intensive” pattern of rural-residential development in the rural landscape.
- 8.4.5 The erection of another dwelling in this general locality will not create a significant change of character, particularly if the site is well landscaped with appropriate plantings in keeping with the landscape. It will fit in well on this particular site, as located on the middle terrace, and thus be compatible with the present pattern of residential development in the immediate vicinity.
- 8.4.6 These special site characteristics and the landforms around the site which screen other neighbouring buildings create some unusual features for this site, which would be difficult to replicate elsewhere. As such I do not consider that this approval would set a precedent that would automatically need to be followed.

## **9. CONCLUSIONS**

- 9.1 The proposal is a Discretionary Activity under the Proposed Tasman Resource Management Plan (PTRMP).
- 9.2 The property is zoned Rural under the Proposed Plan.
- 9.3 The locality has a mixed rural landscape character, with mixed activities, vegetation patterns and locations of rural dwellings and other buildings. There is a small “enclave” of dwellings in this general vicinity.
- 9.4 An objective of the Proposed Plan seeks to avoid the adverse effects of fragmentation on productive values of all rural land (7.1.0). It is considered that where the soil qualities are not high, and the likelihood of those soils being more productively used is low, the use of such land for rural residential development will not be significant. The site is also within a small “enclave” of rural lifestyle blocks along this section of the Highway.

- 9.6 Another objective (7.3.0) seeks to avoid, remedy or mitigate the adverse effects of subdivision and associated development on rural character and amenity. It is considered that the proposed subdivision will not have an adverse effect on the present rural character. Furthermore, the proposed conditions for landscaping will ensure that it will more than adequately fit in with this rural landscape.
- 9.7 The proposed subdivision will not diminish the level of openness or character in this neighbourhood. The other neighbouring dwellings are not readily visible from this site, and the nearest one is well screened from this site.
- 9.8 It is considered that the proposal is not contrary to the policies and objectives of both the Regional Policy Statement and the Proposed Plan and, providing the recommended conditions are adhered to, the adverse effects on the environment will be no more than minor.
- 9.9 This proposal is considered to be in accordance with the principles of sustainable development of resources required under Part II of the Resource Management Act 1991.

## **10. RECOMMENDATION**

That pursuant to Section 104B of the Resource Management Act 1991, the Tasman District Council **approves** its consent to the application by R Brooks Estates Ltd to subdivide Lot 2 DP 361432 Certificate of Title 249870 into two proposed lots, Lot 1 of 3.0ha and Lot 2 of 47.7ha.

## **11. RECOMMENDED CONDITIONS**

If the Committee decides to grant consent, I would recommend that the following conditions be imposed:

### **GENERAL ACCORDANCE**

1. That the proposal shall be in general accordance with the plans and information supplied to Council as part of the application, and the subdivision plan attached as Appendix A of this consent. Where the following conditions are inconsistent with the application, the conditions shall prevail.

### **BUILDING AND ON SITE DISPOSAL LOCATIONS**

2. The dwelling shall be erected on the approved platform located as shown on the subdivision plan, to ensure that it will be on the middle terrace at a level above likely flooding, and that it will not be in direct sight from the dwelling on the adjacent site Lot 1 DP361432.
3. The on-site waste disposal field as proposed in the Lets Go Environmental report (4 December 2006) shall be identified on the subdivision plan prior to the approval of the Section 224© certification, to the satisfaction of the Development Engineer.

## LANDSCAPING

4. A comprehensive Landscaping Plan with a Maintenance Programme shall be submitted to the Manager Consents for his approval prior to the certification of the Section 224(c) certificate. This Plan shall indicate the type and size of species to be planted within the site, to provide some amenity plantings around the building platform and along the Highway frontage and along the ROW. Any such plantings along these frontages shall be limited in height and location to ensure adequate sight lines from the ROW are achieved.

## RIGHT OF WAY AND ACCESS

5. The right of way approved as part of Consent RM050386 shall be formed, with compacted base course, and surfaced to a minimum width of 4.5m, plus shoulders and side drains to the TRMP standards.
6. No other access will be permitted to Lot 1 from the Highway, other than from the approved ROW in Condition 5 above. Access to the site shall be from a point at least 40m from the site boundary with the Highway.
7. Access is to be sealed from the edge of the seal of the road carriageway to a point 10m into the site from the site boundary, and maintained to a surface standard that is not less than the standard of road that it adjoins.
8. A sign facing the Right of Way (as traffic exits the ROW) shall be erected stating "GIVE WAY TO BRIDGE TRAFFIC ON THE RIGHT". Such sign to be at the applicant's cost. In addition, "LIMIT" lines shall be painted on the ROW located 2m back from the Highway edge line.

## FINANCIAL CONTRIBUTIONS – RESERVES

9. Development impact levies as set down in 16.5.2.and 16.5.5 are required on one allotment. The following will apply:  
**Reserves and Community Services**  
Payment of a reserves and community services levy assessed at 5.5% of the total market value of a 2,500m<sup>2</sup> notional building site contained within Lot 1.

The valuation will be undertaken by Council's valuation provider within one calendar month of Council receiving a request for valuation from the Consent Holder. The request for valuation should be directed to the Consents Administration Officer at Council's Richmond office. The cost of the valuation will be paid by Council.

If payment of the financial contribution is not made within two years of the date of this consent and a revised valuation is requested as provided by Rule 16.5.5(d) of the Proposed Tasman Resource Management Plan, the cost of the revised valuation shall be paid by the Consent Holder.

## **EASEMENTS**

10. Easements are to be created over any services created outside the boundaries of the allotments that they serve as easements in gross to the Tasman District Council or appurtenant to the appropriate allotment. Reference to easements shall be included in the Council resolution on the title plan.

## **POWER AND TELEPHONE**

11. Live power and telephone connections shall be provided to each allotment and all wiring shall be underground to the standard required by the supply authority. Written confirmation from the supply authority and a copy of the supplier's certificate shall be provided to the Council.

## **ENGINEERING WORKS**

12. All works shall be constructed in strict accordance with the Tasman District Council's Engineering Standards and are to be to the Engineering Manager's satisfaction. The Tasman District Council Engineering Department shall be contacted at least 48 hours before the commencement of any engineering works on this application.

## **ADVICE NOTES**

### **COUNCIL REGULATIONS**

1. The consent holder shall meet then requirements of Council with respect to all Building and Health Bylaws, Regulations and Acts.

### **DEVELOPMENT CONTRIBUTIONS**

2. Council will not issue the Section 224(c) certificate in relation to this subdivision until all development contributions have been paid in accordance with Council's Development Contributions Policy under the Local Government Act 2002.
3. The Development Contributions Policy is found in the Long Term Council Community Plan (LTCCP) and the amount to be paid will be in accordance with the requirements which are the amount to be paid and will be in accordance with the requirements that are current at the time the relevant development contribution is paid in full.

This consent will attract a development contribution on roading.

### **PROPOSED TASMAN RESOURCE MANAGEMENT PLAN**

4. Any matter not referred to in the application for resource consent or otherwise covered in the consent and conditions must comply with the provisions of the Resource Management Act 1991 and the Tasman Resource Management Plan and its successors or further consent is required.



## **REASONS FOR SUBDIVISION DECISION**

### **ACTIVITY CLASSIFICATION**

1. This application seeks to create a small lot of 3ha from the original parent lot of 50ha. Lot 1 will be the front lot, with access taken from the Right of Way serving the original lot and other lots to the rear at a point about 40-50m from the Highway boundary. This lot (Lot 1) is bounded by the ridgeline on top of the terraces, and contains a proposed building platform located to the south of the site. Lot 2 will contain the existing dwelling and sheds, and the deer farming operation.
2. The creation of Lots within this Rural 2 zoned site is a discretionary activity, being below the 50ha minimum. The access from the ROW is below the minimum sight distances required but this was approved in 2005 with the previous subdivision.

### **PART II OF THE RMA**

3. With respect to Section 5 and sustainable use, this site does not contain highly productive soils and it does not have much potential for continued use, with the soils being marginal. Its use for rural-residential in this locality may be a more sustainable use of the natural resource in this particular locality. This development would not have detrimental effects on the local rural amenity, and thus Section 7(c) can be met.

### **OBJECTIVES AND POLICIES**

4. The development proposed does not offend the key objectives and policies relating to fragmentation and the loss of productive soils and rural amenity. Whilst this does constitute fragmenting a small portion of land from a larger block, that portion is neither productively used nor likely to be so, given its soil capability and its "isolated" location from the remainder of the block. Its use for another rural residential block in this small "enclave" of similar blocks would not be out of character within this locality, and the dwelling could be readily assimilated into this landscape, particularly with some amenity planting around it, as with the property immediately adjoining to the south.

### **LAND PRODUCTIVITY AND EFFICIENCY**

5. It has been established from soil tests that this portion of the overall site does not contain very productive soils, and its productive use would be very marginal. Its use for rural residential living could be more productive than if it were maintained in its present use, and would not be detrimental to the productivity of the parent block.

### **LAND FRAGMENTATION AND CUMULATIVE EFFECTS**

6. Land fragmentation cannot be supported in areas of highly productive soils, but this is not in such an area, as has been established above. It is also in an area of similar sized lifestyle blocks and thus is not out of character with this locality. Another dwelling in this particular location would not have an adverse effect on the rural amenity, ie openness of this neighbourhood. The immediate area has a mixed character with a variety of landscape and built features. This would not be

detrimental to that character. The site has sufficiently unique characteristics to warrant it being different to many others and enabling another dwelling to be located on it without creating an adverse cumulative effect.

### **LAND SUITABILITY**

7. The site for the dwelling is high enough above the most likely river flood plain level. It also has sufficient room to accommodate the wastewater disposal on site system field.

### **AMENITY VALUES**

8. The presence of another dwelling on this site will not have an adverse visual impact on the landscape character because there are a number of different built elements and natural features in this location. It will not detract from the apparent openness of the river valley as it will only be close to one dwelling (which is well screened for the shared views of each other) and other dwellings cannot see each other or this proposed site. The imposition though of a condition requiring a landscape plan will ensure that the dwelling is fully assimilated into this landscape.

### **TRAFFIC AND ACCESS**

9. The additional traffic generated will have no adverse effect on the traffic flows or increase the safety risk at that access point. Traffic is slow at that point due to the proximity of the one-lane bridge. The extra traffic will only be at the bottom of the ROW, which will not effect the neighbours on the ROW.

### **CONCLUSION**

10. The proposal does meet the requirements of the RMA. It will not be contrary to the purpose and principles of Part II (sustainable management). Nor is it contrary to the objectives and policies of the PTRMP. It will not create fragmentation of land of any significance, particularly as it is not on soils of a high enough quality to be of concern. It will neither adversely impact on the landscape quality, nor on the amenity of the neighbouring properties in an area with several other lifestyle blocks.

Hugh Briggs  
**Consultant Planner**

**ATTACHMENT 1  
ENGINEERS REPORT – D. LEY**

The following comments are offered:

The previous application outlined the situation in regard to traffic effects (RM050386) in clause 13 page 7. This application is in essence adding one more user to the access point. This point is located in a position that will only have minor effects on the functioning of the adjacent highway.

Motueka Valley Highway has approximately 700 vehicles per day and is generally 7.5m wide in most places. The single lane bridge controls traffic to low speeds, and the sight distances are appropriate for this ROW's location. Engineering would thus look favourably at the extra user at this existing access location, so long as there is no access other than by the ROW.

The standards set previously in the consent RM050386 should be reapplied to this application. This is a 4.5m carriageway (150mm min AP 40B/C) width, plus shoulders and side drains complying with the TRMP standards. Access is to be sealed from the edge of the road carriageway to 10m into the site. Conditions 5, 6, 7, 8, and 9 to be the same as RM050386. This should also include the Development Contribution for Roading.

With respect to road signage, a sign facing the ROW as traffic exits the ROW saying "GIVE WAY TO BRIDGE TRAFFIC ON THE RIGHT" and painted LIMIT lines located 2m back from the Highway edge line.

Dugald Ley  
Development Engineer