



## STAFF REPORT

**TO:** Environment & Planning Subcommittee

**FROM:** Gary Rae – Consultant Planner

**REFERENCE:** RM070743 and RM070744

**SUBJECT:** **A TIDSWELL - REPORT EP07/12/01** - Report prepared for Hearing of 10 December 2007.

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### 1. APPLICATION DETAILS – RM070575

#### Proposal

To undertake a subdivision of land described as Lot 5 DP 10904, Lot 1 DP 13409, and Lot 4 DP 304288 (CT 150295 and includes a 1/5 share in Lot 13 DP 336741, being an access lot), into two allotments having an area of 2.43ha (Lot 1) and 4.28ha (Lot 2). Land use consent has also been applied for to site a residential dwelling on proposed Lot 1.

#### Location

162 Aranui Road, Mapua

#### Zoning

Proposed Tasman Resource Management Plan: Rural 1

#### Resource Consent Type

Subdivision - Discretionary Activity  
Land Use – Restricted Discretionary Activity

#### Submissions Received

- Thawley Orchard Co Ltd, C/- Jim Thawley, Mahana RD 1, Upper Moutere
- Helen Beere, 107 Aranui Road, Mapua
- Nelson/Tasman Royal Forest and Bird Protection Society, C/- Beth Bryant 49 Motueka Quay, Motueka
- Peter and Maureen Clinton-Baker, 130 Aranui Road, Mapua
- Roseanne Mary Earle Stephens, 156 Aranui Road, Mapua
- David Mitchell 107 Aranui Road, Mapua
- Mapua Districts Cycle and Walkways Group, C/- Sarah McLeod, Seaton Valley Road, RD 1 Upper Moutere.

## 2. INTRODUCTION

My name is Gary Rae. I am a Director within Incite, an environmental and resource management consulting firm. I have a Bachelor of Science degree (Geography) and a Diploma in Town Planning. I have 24 years experience in resource management, including the assessment of applications for subdivision and land use in Tasman District.

I have been engaged by Tasman District Council to prepare the Council's Officer Report, pursuant to Section 42A of the Resource Management Act 1991, on the subdivision application made by A Tidswell.

Council's subdivision officer Ross Shirley, and other Council officers, have assisted me in the preparation of conditions for the subdivision consent should it be granted.

## 3. SITE AND NEIGHBOURHOOD

The site is located immediately north of Mapua Leisure Park and is accessed from Aranui Road. It has frontage to both Tasman Bay and Mapua Inlet. The site consists of remnant dunes covered largely by mature pines and other exotic species. Although the Mapua Leisure Park has legal right to access, the park's practical access is by way of the Toru Street causeway. The site is the last allotment on a long right of way.

## 4. PROPOSAL

The proposal is to subdivide a 6.7211 ha block of land into two allotments. Proposed Lot 1 is on the inlet side of the property, containing some 2.43 ha of land on which it is proposed to erect a new residential dwelling.

Proposed Lot 2 comprises 4.28 ha, with frontage to Tasman Bay, and contains an existing dwelling and sleepout.

The new lots would have an equal 1/10 share in Lot 13 DP336741, the right of way allotment. The driveway would be extended along the northern boundary of proposed Lot 1 to provide access to the dwelling on Lot 2.

A number of volunteered conditions are included in the application, and these are referred to throughout this report.

## 5. NOTIFICATION AND SUBMISSIONS

The application was notified on 15 September 2007, and the period for submissions closed on 12 October 2007. Submissions were received from seven parties. One was in support, five were neither in support or opposition, but required specific conditions, and one was in opposition.

The submissions are summarised as follows:

### **Neutral:**

*Thawley Orchard Co Ltd, C/o Jim Thawley Mahana RD 1 Upper Moutere.*

Mr Thawley is expressed that no further users should be allowed beyond this subdivision for the access. The submitter does not wish to be heard.

*Helen Beere, 107 Aranui Road Mapua.*

Ms Beere wishes the Council to take an esplanade strip along the top of the sea wall for public access. The submitter has not indicated if she wishes to be heard.

*Nelson/Tasman Royal Forest and Bird Protection Society, C/o Beth Bryant 49 Motueka Quay, Motueka.*

The society wishes Council impose conditions for planting of eco-sourced plants along the estuary to enhance the habitat in this area. The Society would also like Council to consider prohibiting cats and dogs from the site by way of condition. The submitter does not wish to be heard.

*Peter and Maureen Clinton-Baker*

The submitter has concerns of right of way issues and that there may be a dust nuisance with regard to the access way. The submitter would like the right of way to be sealed from the Aranui School to the right hand dogleg.

The submitter wishes to be heard.

*Mapua Districts Cycle and Walkways Group, C/o Sarah McLeod Seaton Valley Road Mapua*

The Cycle and Walkways Group made a submission detailing several points they wish Council to consider if consent is granted, as follows:

- Esplanade Strip(seawall)
- Safety and maintenance (seawall)
- Beach access

The submitter wishes to be heard.

**Support:**

*Rosanne Mary Earle Stephens, 156 Aranui Road Mapua*

Ms Stephens requests that access from the beach to the stop bank be provided at the Leisure Park, Tidswell and Cunliffe properties, together with appropriate private property signage.

The submitter does not wish to be heard.

**Oppose:**

*Mr David Mitchell 107 Aranui Road Mapua*

Mr Mitchell has the following concerns:

- Additional residential housing within a sensitive coastal environment and in an area of coastal hazard,
- An undesirable precedent for further subdivision
- Additional effluent dispersed to land near the estuary,
- Lack of information with regard to earthworks,
- Earthworks undertaken without local Iwi consent, and
- Further traffic down Aranui Road.

The submitter wishes to be heard. Mr Mitchell has indicated that if the Council approves the application it should take esplanade reserves, provide access to the beach, and protect itself from claims in the event of sea intrusion onto the site.

## **6. STATUTORY PROVISIONS**

### **6.1 Status of Resource Management Plans**

The two relevant plans are the Transitional District Plan (Waimea County Section) and the Proposed Tasman Resource Management Plan.

However the Proposed Tasman Resource Management Plan (TRMP) has reached the stage where most of the references to the Environment Court about its contents have been decided. There are no outstanding references on the Rural 1 Zone rules. Therefore, in terms of Section 19 of the RMA, the relevant rules can, I believe, be treated as operative, and the rules in the Transitional Plan are no longer relevant.

### **6.2 Relevant Rules**

#### **Subdivision**

The site is zoned Rural 1 under the TRMP. Under Rule 16.4, the subdivision of land where one or more allotments of less than 4 hectare is created, including any balance allotments, adjacent to the coastal marine area, is a discretionary activity.

Subdivision assessment criteria are set out in Schedule 16.3A (which I refer to later). Chapter 16.4 deals with subdivision adjoining the coastal marine area, and such subdivision is a restricted discretionary activity with Council limiting its discretion to matters relating to esplanade provisions.

I note that the western side of the property, overlooking the inlet, does not have direct frontage to the coast by virtue of an esplanade reserve vested at the time that Lot 4 DP 304288 and adjoining allotments were created in 2001. Proposed Lot 2 fronts Tasman Bay, and the RMA anticipates esplanade reserves of 20m minimum widths alongside the coastal marine area. Lot 2 is in excess of 4ha in area and therefore compensation may be expected. The application provides for an esplanade strip rather than a reserve, due to coastal protection works recently undertaken in the area, and issues of ongoing liability and maintenance arising with ownership of that and adjacent land.

## Land Use

Under Rule 17.4.6 (b), dwellings erected on allotments less than 12 hectares are considered a restricted discretionary activity. Council has restricted its discretion to some 23 matters these are discussed throughout this report at length.

The rules for the Coastal Environment Area require that any new building in the Rural 1 zone is set back at least 100m from mean high water springs, and may be up to 6.5m in height. The proposed dwelling on Lot 1 will be set back at least 140m from MHWS, and will be limited to 5m in height (above any minimum floor level specified by Council).

The application site is also affected by the Coastal Hazards Area, which extends along the Tasman Bay frontage, and up to 120m into the property. The CHA affects buildings only, and not subdivision of the site.

Rule 18.12.2(c) requires that all new buildings are set back at least 25m inland of the CHA. The proposed new house site on Lot 1 is 200m inland from the CHA and its proposed effluent disposal bed is at least 120m inland. The existing dwelling is within the CHA, however any replacement dwelling would be readily sited so as to comply with the 25m set back requirement.

On site treatment and disposal of effluent can be provided for within Lot 1 in compliance with Rule 36.1.4 in the TRMP and 36.1.5, including the separation of any disposal field from the coastal marine area.

### 6.3 Sections 104 and 106 of the RMA

Section 104 of the Resource Management Act 1991 (RMA) provides that when considering an application for resource consent and any submissions received, the Council is required, subject to Part II, to have regard to:

- any actual and potential effects on the environment of allowing the activity,
- any relevant provisions of:
- a regional policy statement
- a plan or proposed plan, and
- any other matter that is relevant

The Council may disregard an adverse effect if the plan permits an activity with that effect.

Section 104B provides that the Council may grant or refuse an application for a Discretionary Activity, and if it grants the application it may impose conditions under section 108.

Section 106 states that the Council shall decline subdivision consent in situations whereby land is subject to undue risk from or the subdivision will accentuate the risk of natural hazards, or if practical access cannot be provided.

### 6.4 Part 2 RMA

Part 2 contains the purposes and principles of the RMA.

**Section 5** describes the purpose of the RMA as being to promote the sustainable management of natural and physical resources. 'Sustainable management' is defined, and the Panel will be familiar with that.

My assessment of the proposal is that it has elements of 'sustainable management of resources', as follows:

- The property has been in long-time ownership of the Tidswell family and will likely remain so as the new allotment and subsequent dwelling will be for the next generation of the family. However, if this allotment is later sold the proposal will provide for the economic well-being of the applicant, and any new owner who will reside on this additional rural lifestyle allotment.
- There will be no loss of the life-supporting capacity of air, water, soil and ecosystems from this activity.
- The site is Class G land on the Tasman District Land Capability Maps. This represents one of the lowest categories of productive land in the District. Given this, and the site's size, it is better suited for rural-residential use than for limited productive value.

Balanced against this is that the proposal will further fragment the land resource for rural-residential use.

**Section 6 Matters of National Importance.**

*The relevant matter in section 6, to 'recognise and provide for', is:*

- (a) the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use and development –**

In my assessment the proposal is not for 'inappropriate subdivision', when one considers the nature of the development, and the modified state of this coastal strip in Mapua. The proposal essentially extends the current pattern of development, and it is noteworthy that the proposed dwelling will be located approximately 290m from Tasman Bay and 180m the estuary, and with my recommended conditions for any grant of consent, there will be no adverse effects on the natural character of the coastal environment.

- (d) The maintenance and enhancement of public access to and along the coastal marine area, lakes and rivers.**

This is addressed later in this report, specifically in the attached memorandum from Community Services, by Rosalind Squire (refer to **Appendix 1**). In brief, the recommendation is that:

- a 20 metre wide esplanade strip be provided adjoining the coastal marine area within proposed Lot 2,
- the existing esplanade reserve adjoining the Waimea estuary be 'topped up' to 20

metres, and

- an easement for an access strip 5 metres in width in favour of Council be granted across the parts of the Thawley/Bone/Clinton Baker driveway right of way at 126 – 130 Aranui Road subject to the Tidswell easement, so that in the medium to long term planning horizon Community Services may provide a walkway/cycleway along the entire length of Seaton Valley Stream.

Rosalind Squire has commented on the suggestion by submitters that there should be a public access easement adjoining proposed Lots 1 and 2 to create an additional future link from the estuary to the beach. Whilst the suggestion has some merit, Ms Squire rightly points out there are issues of privacy and security for adjoining owners, and this may also expose the sensitive estuarine margins on the eastern side of the estuary to people and dogs. There are existing walkway links from Mapua Village to the coast already as explained in Ms Squire's memorandum.

Ms Squire will attend the hearing to discuss these matters further, including the issue of compensation for vesting of esplanades where this is applicable.

**(e) The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.**

There are no recorded archaeological sites on the application site, however discoveries have been made in the general area. The File Keeper has confirmed that there is a strong likelihood of unrecorded sites in the general area and potentially on the Tidswell property. The applicant has accepted the protocol that will need to be observed in relation to any possible find, as required by the Historic Place Act, and this will need to be reflected in an advice note should consent be granted.

**Section 7** contains 'Other Matters' for the Council to have particular regard to. The matters of most relevance to this application are as follows:

**(b) The efficient use and development of resources**

Although the site is located in the Rural 1 Zone it is in reasonably close proximity to the residential area of Mapua, the Mapua Leisure Park and an area of 'residentially deferred' zoning. As noted, the soils are classified as G land on the Tasman District Land Capability Maps, one of the lowest categories of productive land in the District. The further fragmentation of this 6.72 ha site will not greatly change the way the property is being used. The existing land use of this property will remain largely as it is now, that is rural-residential, and this is not an inefficient use of this land.

**(c) The maintenance and enhancement of amenity values**

**(f) Maintenance and enhancement of the quality of the environment**

The site has the natural attributes of:

- frontage to both Tasman Bay and the Mapua inlet,
- a broad expanse of large trees on the central part of the site.

These factors enable a limited form of development (i.e. one additional dwelling) to be established with minimal effect on amenity values already present in the area.

In addition, the applicant has volunteered conditions that include a maximum building height of 5.0 metres (above modified ground level). This, along with recessive exterior colours and landscape treatment in the form of a vegetative buffer along the rear of proposed Lot 1 for screening purposes, will result in visual amenity being retained in this area.

The applicant's consultant engineer has provided a report stating that a suitable on-site effluent system can be constructed. This can satisfactorily address the matter of ensuring that water quality, specifically within the adjacent estuarine environment remains high.

**Section 8** relates to principles of the Treaty of Waitangi.

There are no known Treaty issues affecting the site, and none have arisen from the public notification and submission process.

## **6.5 Tasman Regional Policy Statement**

The objectives of the Tasman Regional Policy Statement that are considered relevant to this application are as follows:

### **General Objectives**

*Objective 3.1 Maintenance and enhancement of the quality of the Tasman District Environment.*

*Objective 3.3 Avoidance, remedying or mitigation of the adverse effects on the environment and the community from the use, development or protection of resources.*

*Objective 3.4 Efficient use and development of resources.*

*Objective 3.5 Maintenance of economic and social opportunities to use, and develop resources in a sustainable manner.*

The issues raised in these General Objectives have largely been addressed in my discussion on Part 2 above.

### **Land Resources**

*Objective 6.1 Avoidance of the loss of the potential for land of productive value to meet the needs of future generations, particularly land with high productive values.*

*Objective 6.3 Avoidance, remedying, or mitigation of adverse cross-boundary effects of rural land uses on adjacent activities.*

*Policy 6.1 Council will protect the inherent productive values of land from effects of activities which threaten those values, having particular regard to:*



- (i) the effects of land fragmentation on productive values; and*
- (ii) the protection of land with high inherent productive values; and*
- (iii) the protection of significant natural or heritage values; and*
- (iv) the availability of water to support productive values.*

*Policy 6.2 The Council will ensure that subdivision and uses of land in the rural areas of the District, avoid, remedy or mitigate adverse effects on:*

- (i) productivity and versatility of land, particularly in areas of high productive value; and*
- (ii) provision of services including roading, access, water availability, wastewater treatment or disposal; and*
- (iii) amenity, natural and heritage values of sites, places or areas including landscape features such as karst terrain;...*

The productive potential of the land will not be affected by this subdivision, as noted earlier in the report.

### **Environmental Hazards**

*Objective 11.1 Reduced risks arising from flooding, erosion, inundation and instability and earthquake hazards.*

*Policy 11.1 The Council will seek to reduce risks to communities in relation to land use and development on floodplains that are also subject to flooding.*

Proposed Lot 2 fronts Tasman Bay. This lot contains the existing dwelling. The dwelling has been there since the 1950's without damage from storms and associated flooding. In recent years the applicant and their neighbours have undertaken extensive remedial works constructing a boulder sea wall to protect these properties from storm surges and other natural hazards.

The principal hazard with regard to proposed Lot 1 is inundation from king tides and storm surges from the Mapua Inlet and heavy rain draining down the Seaton Valley catchment. As noted earlier the proposed dwelling site is set back some 110m from the estuary margin. In his report on the building site the applicant's engineer has stated that the building site should be filled to 3.3m above MSL and the finished floor level of the dwelling should be 3.5 above MSL.

Eric Verstappen, TDC's Resource Scientist (River and Coast), has provided a report on this application (see **Appendix 2**). Mr Verstappen acknowledges the potential hazards, and comments on the seawall protection that has been put in place in this location. His report concludes that:

*"Notwithstanding the presence of these hazards, the proposal to subdivide to create an additional Lot 1 can be favourably considered from a hazard risk perspective. To adequately mitigate hazard risk to a prospective dwelling on the site, the building should be located on the higher ground on the eastern part of the site, on land/building platform having a minimum RL 3.50m amsl".*

## 6.6 Proposed Tasman Resource Management Plan

The following are, I believe, the most relevant objectives and policies with respect to this application:

### Chapter 5, Site Amenity Effects

#### *“5.1.0 Objective*

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

#### *Policies*

*5.1.1 To ensure that any adverse effects of... development on site amenity, natural and built heritage and landscape values, and... natural hazard risks are avoided, remedied, or mitigated.*

*5.1.4 To avoid, remedy, or mitigate effects of:*

- (a) Noise and vibration*
- (g) Vehicles*
- (h) Buildings and structures; beyond the boundaries of the site generating the effect*

There is likely to be a temporary effect of localised noise and vehicle movement on the right of way during the construction phase, but once this phase is complete the generally peaceful rural residential atmosphere should return. The closest residential activity to the site is on the adjacent property to the north. Mr and Mrs Cunliffe made no submission, however the visual effects to this property have been considered and I consider those effects can be mitigated through appropriate conditions such as screen planting, building height and colours.

It is likely that the proposed dwelling on Lot 2 will be seen from the residential neighbourhood across the estuary, specifically from residences on Morland Place and Iwa Street. However the dwelling site will be separated from this residential area by some 300m. Additionally, amenity planting on this western boundary will enhance estuarine outlooks from this residential area, whilst providing partial visual screening of the proposed dwelling.

The traffic generated from an additional dwelling using the right of way is estimated to be 6 - 8 vehicle movements per day. This does not significantly increase the existing traffic flows and the effect to the other users of the right of way is considered to be no more than minor, and was not the subject of any submissions in opposition.

The Council's Development Engineer (Dugald Ley) has recommended that the existing right of way is sealed from the end of the existing seal to the first 90 degree bend and around the bend, i.e. past the entrance to Lot 2 DP313820, to a width of 3.5 metres, and with passing bays over the length of the right of way at 100m intervals (refer to **Appendix 3**). Mr Ley will attend the hearing to discuss this recommendation further.

## **Chapter 7, Rural Environmental Effects**

### *7.0 Introduction*

*This chapter deals with the fragmentation of rural land, the availability of rural land for non-rural purposes, and the protection of the rural character and amenity.*

*The principal effect of land fragmentation is the cumulative reduction in opportunities for the productive potential of land to be taken account up, either within sites or over larger areas. As subdivision lots become smaller, and as new structures or services are established, the range of soil-based production activities that can be physically or economically undertaken, progressively reduces in scope. The reduction in productive potential of any land, together with the physical coverage of productive land, may reinforce the demand for further fragmentation...*

*The establishment of dwellings on rural land, without any productive use of the land, has been a significant cause of land fragmentation in the district. ...The prospect of residential development may increase the value of other rural land in the vicinity to the extent that soil-based productive activities are progressively rendered uneconomic... It is occurring predominantly near the larger settlements, where the demand for rural residential living is greatest...*

### *7.1.0 Objective*

*Avoid the loss of potential for all land of existing and potential productive value to meet the needs of future generations, particularly land of high productive value.*

### *Policies*

*7.1.2 To avoid, remedy, or mitigate the effects of activities which reduce the area of land available for soil-based production purposes in rural areas.*

*7.1.2A To avoid, remedy, or mitigate adverse actual, potential, and cumulative effects on the soil resource and the productive value of the land.*

*7.1.3 To require land parcels upon subdivision to be of a size and shape that retains the land's productive potential, having regard to the actual and potential productive values, the versatility of the land, ecosystem values, access, and the availability of servicing.*

The Explanation for these policies includes:

*“Subdivision below the threshold will be limited to that which supports the objective. The Rural 1 Zone comprises the most inherently productive land in the District. Threshold subdivision standards in this area provide flexibility for a range of productive uses to be made of the soil and land resource, while sustaining its long-term availability. Subdivision below the threshold will be limited to that which supports the objective”.*

The 12-hectare lot size threshold has been set as a ‘trigger’ to enable an assessment to be carried out, to determine whether any particular subdivision can meet the relevant policies and objectives in the Plan. Subdivisions less than 12 hectares in area are classed as discretionary activities in the TRMP, and they are to be assessed against the criteria in Schedule 16.3A.

Generally the soils in the Rural 1 Zone are described as *“the most inherently productive land in the District”* however as discussed earlier the soils in the immediate area are classed G on the Tasman District Land Capability Maps, which is of low productive value.

The site is 6.72 hectare in area, and is therefore acknowledged as being small for most primary productive farming activities.

Whilst this subdivision would result in further fragmentation of the Rural 1 Zone, it must be acknowledged that this is an unusual part of the wider Rural 1 Zone, characterised already by a level of rural-residential development, and this proposal will not significantly change the existing character and land parcel size in this area.

#### 7.2.0 Objective

*Provision of opportunities to use rural land for activities other than soil-based production, including papakainga, tourist services, rural residential and rural industrial activities in restricted locations, while avoiding the loss of land of high productive value.*

#### *Policies*

*7.2.1 To enable activities which are not dependent on soil productivity to be located on land which is not of high productive or versatile value.*

#### 7.3.0 Objective

*Avoidance, remedying or mitigation of the adverse effects of a wide range of existing and potential future activities, including effects on rural character and amenity values.*

#### *Policies*

*7.3.3 To provide for the maintenance and enhancement of local rural character, including such attributes as openness, greenness, productive activity, absence of signs, and separation, style and scale of structures.*

*7.3.4 To exclude from rural areas, uses or activities (including rural-residential) which would have adverse effects on rural activities, health or amenity values, where those effects cannot be avoided, remedied or mitigated.*

7.3.9 *To avoid, remedy or mitigate servicing effects of rural subdivision and development, including road access, water availability and wastewater disposal.*

I have discussed issues of rural character previously, and it is considered that the proposed subdivision is not contrary to the policies and objectives above.

## **6.7 Schedule 16.3A – Assessment Criteria for Subdivision**

The application is a discretionary activity under the proposed TRMP, and Schedule 16.3.A of the TRMP sets out the assessment criteria to be used when considering the application.

The matters that are considered relevant to this application are as follows:

- *The potential effects of the subdivision on the amenity values and natural and physical character of the area.*
- *The extent to which the effects of natural hazards will be avoided or mitigated.*
- *The potential effects of the subdivision on the natural character of the coastal environment, wetlands, lakes and rivers.*
- *The cumulative effects of the subdivision on the District's infrastructure and its efficient use and development, including the capacity and capabilities of the road network and utility services to meet the demands arising from the subdivision.*
- *The relationship of the proposed allotments and their compatibility with the pattern of adjoining subdivision and land use activities and access arrangements, in terms of future potential cross boundary effects*
- *Whether the treatment and disposal of wastewater and stormwater from the proposed allotments is likely to adversely effect water quality, public health or environmental health, or safety, taking into account the provisions of Schedule 16.3C and the powers under Section 220 (d) of the Act.*
- *Taking into account local land form, whether allotments are of a regular shape that will maximise the range and efficiency of potential activities that may take place on the land in the future*
- *The effects of existing or future buildings on an allotment in relation to natural hazards and effects on adjoining sites and whether future building or development should be limited to particular parts of the allotment, or minimum floor levels set.*

These matters have been generally discussed in the preceding assessment, and some further discussion is provided below on wastewater and stormwater.

## **Disposal of wastewater**

One of the main issues with this proposed subdivision is effluent disposal in close proximity to the coastal environment. The soils on this site are free-draining sandy soils and as such potentially may not retain effluent long enough for sufficient treatment.

The applicant has provided an engineering report from Tasman Consulting Engineers (dated 5 July 2007), which states that an improved septic tank with a filled area for the disposal field would provide good soakage rates in the sandy soils on this property.

Council's engineers have stated that a connection to the Tasman District Council reticulated system is not feasible, due to ground levels being too low to generate sufficient gravity flow to the reticulated scheme. This issue is addressed by the Tasman Consulting Engineers report, and the recommendation is that an Improved Septic Tank and appropriately sized disposal field is constructed, taking account of the potential inundation in the area of Lot 1.

## **Stormwater discharges**

Stormwater will be disposed via on-site soakage pits, specifically designed to the satisfaction of the Council's Engineering Manager.

## **Water Supply**

Mr Ley advises that no new water connections are available off Council's supply in this area. The applicant's propose to collect rainwater from the roof of the proposed dwelling on Lot 1 and store it on the site, sufficient for domestic potable and fire-fighting needs.

## **6.8 Criteria for Dwellings**

In considering the effects of the proposed new dwelling on Lot 1, Council has restricted its discretion to matters listed in Rule 14.4.6.

The relevant matters are paraphrased, and commented on below:

*Location of building and effects on productivity:*

The building will not impact on the availability, or limited productive potential, of the land.

*Servicing, wastewater, water supply, access and traffic safety:*

These matters have been addressed in the comments on the subdivision application.

*Effects on rural character and reverse sensitivity of existing productive activities:*

Effects on rural character have been addressed in the comments on the subdivision application, and this is not an area of rural productive activity.

*Effects of a higher building:*

The proposed house will comply with all relevant rules.

*Potential for shading on adjoining properties and roads:*

The setback and location of the house will avoid any effects of shading.

*Landscaping, existing planting or topography to mitigate the effect of an increase in height or extent of buildings:*

As stated, height is not an issue. The existing dwelling is separated from the proposed building site by some considerable distance, and also by large pine trees and other trees on the site.

*Effects of natural hazards:*

This has been addressed earlier. There is an existing sea wall protecting Lot 2, and a minimum floor level for the new dwelling on Lot 1 is recommended (refer to Eric Verstappen's report ).

*Nature of adjoining uses, buildings:*

The new dwelling site will be well spaced from adjacent sites and uses, and no submissions have been raised on these matters.

*Potential for cross boundary effects from drift of pesticides:*

*Detraction from openness and rural character:*

*Compatibility of building with existing development:*

All of these matters have been previously commented on.

*Potential for landscaping to maintain privacy:*

Planting is proposed to the rear of the house on Lot 1, and along the northern boundary of the new access to Lot 2, in order to maintain privacy and amenity for neighbours.

*Visual impact and appropriateness of colour and materials for buildings:*

The proposed dwelling will be sited near large trees, it will have restricted height, and will be required to have recessive colours.

*The degree to which views will be obscured:*

No views will be obscured from neighbouring properties, which are generally seaward of the building site location.

*Effects on natural character of the coast:*

This has been addressed in relation to separation of buildings from MHWS, and management of effluent disposal and stormwater.

*Financial contributions, bonds, and covenants for conditions:*

The recommendations, should consent be granted, are for the standard approach - i.e. financial contributions for provision of reserves at the standard, and for development contributions to be paid in accordance with the Development Contributions Policy in the Long Term Council Community Plan (LTCCP).

## **7. OTHER RELEVANT MATTERS**

### **7.1 Precedent**

The granting of smaller lot subdivisions in the Rural zone can lead to cumulative effects on rural character, land productivity and cross boundary effects, as well as inconsistent administration of the district plan.

This area is already characterised by residential and rural residential type development and this proposal is in keeping with that emerging trend.

A number of similar size subdivisions have now been granted in the Rural 1 Zone in the nearby area, such as at Ruby Bay Farm, Thawley Orchards, and the properties of Clinton-Baker and Bone.

Given that the TRMP sets up a mechanism for subdivisions like this to be assessed as discretionary activities, and given that this subdivision meets the relevant criteria for assessment, there is no credible risk of a precedent being set by approval to this application.

## **8. CONCLUSIONS**

The Rural 1 zone rules provide for lots of 12 hectares as a controlled activity and lots of less as a discretionary activity. As a discretionary activity Council is able to consider whether any adverse effects of the proposal on the environment can be avoided, remedied or mitigated.

The potential effects of this subdivision primarily relate to loss of productive land, amenity values, rural character, and the protection of the adjacent estuarine habitat. The issue of esplanade reserves and strips has also been a matter for discussion. As discussed above the site has limited productive potential due to its size and the soil types, which are of low fertility.

The amenity and character of this area has progressively become more residential/rural-residential in nature, including recent subdivisions in the immediate vicinity of the subject site, and so this proposal is not considered to be out of character with the surrounding environment. The proposed dwelling site on Lot 1 is well screened by existing trees, and it will be restricted in height, colour of cladding, and additional planting will take place on the site.

The requirement for a site-specific assessment by a wastewater specialist will ensure that the wastewater disposal system will be designed specifically for this site and that it meets the permitted activity standards and terms of Rule 36.1.4. This will be underpinned by the sewage disposal engineering report recommendations set out by Tasman Consulting Engineers. The assessment will take into account soil types and topography, and a



disposal system will be recommended that will produce a high quality effluent to ensure that land and groundwater will not be subject to contamination.

This will assist to achieve the Mapua and Ruby Bay cycleway walkway links, and an esplanade strip will be created along the seawall, and the esplanade reserve along the margins of the estuary will be 'topped up' to protect that important habitat.

The proposal is considered to be consistent with the relevant objectives and policies of the TRMP, and the effects can be mitigated by the attached conditions of consent.

The cumulative effects on rural character, land productivity and cross boundary effects, are considered to be no more than minor.

## 8. RECOMMENDATION

Having considered the application by A Tidswell for:

Subdivision of Lot 5 DP 10904, Lot 1 DP 13409, and Lot 4 DP 304288 (CT 150295, including a 1/5 share in Lot 13 DP 336741, being an access lot), into two allotments having an area of 2.43ha (Lot 1) and 4.28ha (Lot 2), and;

Land use consent to erect a dwelling on Lot 1,

It is recommended that Council **grants consent** to these applications pursuant to Section 104 & 104B of the Resource Management Act 1991, subject to the following conditions:

***(Note: The following are draft conditions of consent, and may be modified after hearing evidence to be presented at the hearing).***

### RM070743: SUBDIVISION CONSENT

#### General

1. The application shall be undertaken in general accordance with the information and reports included in the application prepared by Planscapes (NZ) Ltd, and plan entitled "Tidswell Aranui Road Mapua" Job No. 0022, dated 23/07/2007, submitted with the application for subdivision consent for A Tidswell.

#### Building Location and Building Platform

2. The building location area shown on the plan entitled "Tidswell Aranui Road" Job No. 0022, dated 23/07/2007, prepared by Planscapes (NZ) Ltd, and attached to this consent, shall be shown on the survey plan which is submitted for the purposes of Section 223 of the Act.
3. The building site shall be filled as necessary to provide a minimum finished ground level of 3.5 metres above mean sea level.
4. The raised building platform shall be of a sufficient size to contain a dwelling, and associated garaging.

5. Certification that the building site is suitable for the erection of a residential building shall be submitted from a chartered professional engineer or geotechnical engineer experienced in the field of soils engineering (and more particularly land slope and foundation stability). The certificate shall define on Lot 1 the area suitable for the erection of residential buildings.
6. Where fill material has been placed on any part of the building site, a certificate shall be provided by a suitably experienced chartered professional engineer, certifying that the filling has been placed and compacted in accordance with NZS 4431:1989. The engineer's report shall also confirm that the minimum 3.5 metres ground level has been achieved over all parts of the building site.

### **Servicing**

7. Full servicing for live underground power and telephone cables shall be provided to the boundary of Lot 1. The Consent Holder shall provide written confirmation to the Council's Engineering Manager from the relevant utility provider that live power and telephone connections have been made to the boundaries of the allotment. The written confirmation shall be provided prior to a completion certificate being issued pursuant to Section 224(c) of the Act.

### **Right-of-Way**

8. [Refer to Memorandum of Dugald Ley attached]

### **Commencement of Works and Inspection**

9. The Council's Engineering Department shall be contacted at least five working days prior to the commencement of any engineering works. In addition, five working days' notice shall be given to the Council's Engineering Department when soil density testing, pressure testing, beam testing or any other major testing is undertaken.

### **Engineering Works**

10. All engineering works shall be constructed in strict accordance with the Tasman District Council Engineering Standards and Policies 2004 or to the Council's Engineering Manager's satisfaction.

### **Engineering Certification**

11. At the completion of works, a suitably experienced chartered professional engineer or registered surveyor shall provide the Council's Engineering Manager written certification that the access to Lot 1 has been constructed in accordance the Tasman District Council Engineering Standards and Policies 2004.
12. Certification that the building platform and nominated building site on Lot 1 is suitable for the erection of the residential dwelling this shall be submitted from a chartered professional engineer or geotechnical engineer experienced in the field of soils engineering (and more particularly land slope and foundation stability). The Certification shall be in accordance with Appendix B Section 11 of the Tasman District Engineering Standards and Policies 2004.

## **Financial Contributions**

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

### **Advice Note:**

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

### **Advice Note:**

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

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

This consent will attract a development contribution in respect of roading on one allotment.

## **Public Walkways**

14. Refer to Memorandum of Community Services attached (Rosalind Squire)

## **Esplanade Reserve**

15. Refer to Memorandum of Community Services attached (Rosalind Squire)

## Easements

16. Easements are to be created over any services located outside the boundaries of the lots that they serve as easements in gross or appurtenant to the appropriate allotment.
17. An easement for public access shall also be created as referred to in the Memorandum of Rosalind Squire.
18. Reference to easements is to be included in the Council resolution on the title plan.
19. Existing vehicle easements for Lots 1 and 2 shall be relinquished over other land and all access shall be over Lot 13 DP336741 (as recommended in Dugald Ley's memorandum)

## RM070744: LAND USE (DWELLING)

### General

1. The application shall be undertaken in general accordance with the information and reports included in the application prepared by Planscapes (NZ) Ltd, and plan entitled "Tidswell Aranui Road Mapua" Job No. 0022, dated 23/07/2007, submitted with the application for land use consent for A Tidswell.

### Dwelling

2. The dwelling and any accessory buildings on proposed Lot 1 shall be a maximum height of 5 metres in height measured from the finished ground level at the time of the Completion Certificate pursuant to Section 224 of the Resource Management Act 1991.
3. The location of any new buildings on Lot 1 shall be located generally in the location shown on the plan entitled "Tidswell Aranui Road" Job No. 0022, dated 23/07/2007, prepared by Planscapes (NZ) Ltd, and attached to this consent. The building location area shall be shown on the survey plan which is submitted for the purposes of Section 223 of the Act.
4. The exterior of the dwelling and any building on Lot 1 shall be finished in colours that are recessive and which blend in with the immediate environment.
5. The dwelling on Lot 1 shall have a minimum floor level of at least 3.9 metres above mean sea level (**Note: this was required with respect to other consents in this area, e.g. RM040802 and RM05015, however Dugald Ley's recommendation is for 4.06m, and will need to be discussed at the hearing**).
6. The dwelling on Lot 1 shall have a maximum height not greater than 5.0m and any ancillary building shall have a maximum height not greater than 3.5m. These maximum heights shall be measured parallel from the ground level at the time of issuing the Completion Certificate pursuant to Section 224 of the Act.

## **Water Supply**

7. A water storage tank with a minimum capacity of 23,000 litres shall be installed on Lot 1. This water storage tank shall be equipped with appropriate fire fighting connections.

## **Effluent Disposal**

8. The on site wastewater treatment and disposal system for Lot 1 shall be designed, supervised and certified by a chartered professional engineer and shall take into account the contents of the report provided by Tasman Consulting Engineers dated 5 July 2007 and plans submitted with the application, and shall meet the relevant permitted activity standards in the TRMP, or otherwise a separate resource consent will be required.

## **Stormwater**

9. The dwelling and any accessory building shall be connected to a specific design of on-site stormwater soak pit. The design and capacity shall be to the satisfaction of the Tasman District Council Engineering Manager prior to installation.

## **Amenity Planting / Earth Bund**

10. The Consent Holder shall submit to the Council for approval a comprehensive landscape management plan detailing the following elements:
  - a) the earth bunds and landscape treatment to be undertaken on the site's northern boundary,
  - b) the planting to be undertaken on the site's boundary adjacent to the estuary,
  - c) the location of the water storage tank and details of the planting to be undertaken around this tank

Note: In general, plant species specific to the "*Tasman Sandy Coast Native Plant Restoration List*" and "*Tasman Estuaries And River Mouths Native Plant Restoration List*" shall be used (prepared for TDC by Shannel Courtney, June 2004, and available from the TDC offices).

## **GENERAL ADVICE NOTES**

### **Council Regulations**

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

## **Other Proposed Tasman Resource Management Plan Provisions**

2. Any activity not covered in this consent (e.g. earthworks) shall either comply with: 1) the provisions of a relevant permitted activity rule in the Proposed Tasman Resource Management Plan; or 2) the conditions of separate resource consent for such an activity.
3. Access by the Council's Officers or its Agents to the property is reserved pursuant to Section 332 of the Resource Management Act 1991.
4. Monitoring of this resource consent is required under Section 35 and 36 of the Resource Management Act 1991, and a deposit fee is payable at this time. Should monitoring costs exceed this initial fee, the Council will recover the additional amount from the resource consent holder. Monitoring costs are able to be minimised by consistently complying with the resource consent conditions.
5. Pursuant to Section 127 of the Resource Management Act 1991, the Consent Holder may apply to the Consent Authority for the change or cancellation of any condition of this consent.
6. Council draws your attention to the provisions of the Historic Places Act 1993. In the event of discovering an archaeological find during the earthworks (e.g. shell, midden, hangi or ovens, garden soils, pit depressions, occupation evidence, burials, taonga, etc) you are required under the Historic Places Act, 1993 to cease the works immediately until, or unless, authority is obtained from the New Zealand Historic Places Trust under Section 14 of the Historic Places Act 1993.

Gary Rae

**Consultant Planner**

Incite, 27 November 2007

**MEMORANDUM**  
**Environment & Planning Department**

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**To:** Environment and Planning Consents Committee

**From:** Rosalind Squire, Planner, Community Services

**Date:** 10 December 2007

**Subject:** RM070744 A Tidswell, 162 Aranui Road, Mapua.

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The report by the principal planner outlines the proposed subdivision. This memorandum summarises the issues with respect to the acquisition of reserves in relation to this subdivision proposal.

**Background**

The application involves the subdivision of a rural property which adjoins both the Waimea Estuary the coastal marine area at Ruby Bay. Proposed Lot 1 adjoining the estuary is 2.34 hectares in area and proposed Lot 2 adjoining the Ruby Bay foreshore is 4.28 hectares. Community Services staff visited the site on 31 August.

**Submissions**

There were seven submissions to the application. The following is a summary of the submissions which refer to reserves/walkway issues.

Submitter	Comments
Helen Beere	Requests that TDC accept as partial condition, the top of the seawall for public access way. She submits that while this section of the seawall would be currently in isolation, it is reasonable to expect that continuing access will be secured in due course through future subdivision or events adjacent to the Tidswell property.
Nelson Tasman Forest and Bird	Forest and Bird commend the setting aside of esplanade reserve and ask that a condition of consent require revegetation of the reserve with ecosourced plants.
R Stephens	Request that safe complying access from the beach to the stop bank be provided at each of the Leisure Park/Tidswell and Tidswell/cunliffe properties with appropriate private property signage attached.
D Mitchell	Submits that if Council approves the application, consent should be conditional on Council taking the full entitlement for esplanade reserve for both the beachfront and estuary and requiring a reserve strip on the southern side of both Lot 1 and 2 to give public access to the beach from the estuary.

Mapua Districts Cycle and Walkways Group	Support the creation of an esplanade strip adjoining the coastal marine area within proposed Lot 2, but note that access would be enhanced by the addition of a walkway along the length of the southern boundary of the Tidswell property boarding the Leisure Park which they submit would become a valuable alternative route for users of the Coastal walkway when the tide is high and provide a link, via the causeway to the Seaton Valley Stream Walkway. They submit that there are safety and maintenance issues with public access to the seawall which need to be addressed by the applicant.
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## Recommendation

Staff from the Community Department have visited the site, considered it in the wider context and make the following recommendations. These recommendations are made without prejudice, subject to Council approving the application.

### Esplanade strip adjoining the coastal marine area at Ruby Bay

It is recommended that a 20 metre wide esplanade strip be provided adjoining the coastal marine area within proposed lot 2. The presumption in favour of the vesting of esplanade reserves or creation of esplanade strips on allotments greater than 4 hectares is less than that for allotments less than 4 hectares. However, this site is close to a growing urban settlement and it is hoped will at some time in the future provide an important link in a coastal walkway around the coastline of Mapua/Ruby Bay. A 20 metre wide strip as opposed to a reserve will provide sufficient room to form a walkway at the top of the wall and ensure that continued public access is provided to the coastal marine area (the strip will move with the line of mean high water springs over time).

At this point in time Community Services does not favour the formation of stairs up and down the existing wall or signage. Although public access is available along the top of the wall once the instrument is registered, it is unlikely that Community Services will form a walkway until connections from the adjoining properties to the north and south of the site can be safely made.

### Top up of the existing esplanade reserve adjoining Waimea Estuary

It is recommended that the existing esplanade reserve adjoining the Waimea estuary be topped up to 20 metres in accordance with section 236 of the Resource Management Act 1991. This area is recognised as a sensitive estuarine environment and breeding area for wading birds, it may also be an important link in a future walkway around the coast. As such it is considered appropriate to enlarge the existing reserve to a minimum of 20 metres in order to enhance the estuarine environment through additional planting and accommodate a possible future walkway.

The Community Services Department does not oppose the submission made by Forest and Bird that the applicant undertake planting of the topped up esplanade reserve on the condition that the works be undertaken by the applicants at their cost and that a landscape plan be approved by the Reserves Manager prior to any plantings being undertaken.



### Public access easement across ROW at 126/128/130Aranui Road

The applicants have an easement over the Thawley/Bone/Clinton Baker driveway at 126 – 130 Aranui Road. Within the medium to long term planning horizon it is Community Services objective to provide a walkway/cycleway along the entire length of Seaton Valley Stream. This will provide an important link from residential areas to the south to the school and from residential sites to the north to the coastal marine area, village and wharf. It is anticipated that this link will be progressively achieved through the vesting of land on subdivision and/or by negotiation between landowners and Council.

The Community Services Department would like an easement over the right of way in favour of Tasman District Council linking the proposed reserve on the Clinton-Baker property to the Moreland Place Esplanade Reserve to the south (on the true right bank of Seaton Valley Stream). An easement over the right of way is able to be negotiated between Council and the owners of the right of way at any time. However, it is recommended that if consent is granted, it be subject to a condition that an easement for an access strip 5 metres in width in favour of Council be granted across the parts of the right of way subject to the Tidswell easement.

### Public access easement adjoining the southern boundary of proposed lots 1 and 2

The Community Services Department does not oppose the suggestion made by submitters that a public access easement be created adjoining proposed Lots 1 and 2. An easement would create an additional future link from the estuary to the beach. However, we are mindful of the privacy and security of the adjoining landowners and the need to minimise to some degree the number of people walking and taking dogs near sensitive estuarine margins adjoining the eastern side of the estuary.

There are already existing walkway links from Mapua village to the coast to the north of the site adjoining the school and to the south over the causeway and around the coastline adjoining Mapua Leisure Park below mean high water springs.

Rosalind Squire  
**Planner, Community Services Department**

Memorandum  
**Environment & Planning Department**

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**TO:** Gary Rae, Incite  
**FROM:** Eric Verstappen, Resource Scientist (Rivers and Coast)  
**DATE:** 27 November 2007  
**FILE NO:** RM 070743  
**RE:** **HAZARD RISK**

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### **Purpose**

The purpose of this memo is to comment on the hazard risks that the Tidswell property, and in particular proposed Lot 1, is exposed to and what, if any, mitigation measures are available to suitably manage these risks.

### Introduction

The Tidswell property is located adjacent to and immediately north of the Mapua Leisure Park (MLP). It has both a foreshore boundary to the open Tasman Bay coastline, as well as frontage to the inner Mapua estuary inland of the causeway that crosses the estuary to the MLP. The property lies on a relic sandspit formation and contains a series of irregular, remnant dune features progressing landward from the coast. These dune features are interspersed by areas of very low lying land. Information has been provided in the application that indicates land levels varying between 1.8m – 4.0m above mean sea level (amsl).

### **Assessment**

With respect to Lot 2, this foreshore lot has been subject to both seawater inundation and coastal erosion hazards. Coastal erosion hazard is persistent and significant along the Ruby Bay foreshore west of the MLP. This hazard has been mitigated by the construction of a privately funded rock revetment, including the foreshore of this property. The revetment has suffered failure at several locations, necessitating considerable ongoing maintenance rebuilding works. The revetment fronting this property was poorly constructed initially but has since been fully rebuilt to a proper design standard. The integrity of the revetment fronting Lot 2 probably exceeds that of the rest of the revetment to the west.

While maintenance of this structure will be required from time to time, particularly after prolonged or severe storm events coinciding with high tides, erosion hazard has been fully mitigated, other than for the most eastern end of the revetment adjacent to the MLP. The original revetment was curtailed in an area of accretion that has experienced an erosion phase in the last 2-3 years. Minor revetment maintenance and extension works to the MLP boundary will adequately deal with this issue.

In addition to erosion hazard risk, Lot 2 has also experienced seawater inundation hazard, most notably during Cyclone Drena in Jan 1997. During this event, which occurred prior to the existing revetment being constructed, the nearshore dune to the west of the property was both eroded and breached in several locations, causing extensive flooding of the low lying land behind. While extensive, the bach on Lot 2 (which sits close to the shoreline but on the top of the first dune) remained high and dry and other dwellings were not directly affected.

Inundation risk has been greatly reduced with the construction of the 1km long rock revetment along this shoreline. However, some small element of flooding risk remains, resulting from the potential for overtopping of the revetment structure in a severe storm event coinciding with high spring tides and storm surge. Such an event may also cause breaching of the revetment if the structure is not adequately maintained. However, it is fair to conclude that given adequate maintenance continuing in to the future, seawater inundation risk from the open coast has been very significantly reduced and extremely unlikely to affect the proposed rear Lot 1 at all.

With respect to proposed Lot 1, erosion hazard risk is slight, as it bounds an estuary arm inland of the MLP causeway. However, 60% or more of the Lot is very low lying and is presently subject to surface water ponding during intense rainfall events and tidal inundation during high spring tides, as noted in the application. Flood hazard can also arise from stormwater runoff during significant rainfall events in the Seaton Valley catchment, that discharges to the coast via culverts under the MLP causeway.

Council has undertaken some assessment of potential and future water levels inland of the MLP causeway arising from rainfall in the catchment, present and future development, present and future sea level rise and proposed drainage and causeway culvert upgrading. Probabilities of extreme event coincidence are extremely small. However, in the worst case scenario, present and future water levels may reach RL 2.5-2.8m amsl on the low lying land of Lot 1. This equates to a water depth of around 0.5-0.8m. This area of Lot 1 would be totally unsuitable for a house site, being essentially upper estuary margin. This low lying land functions (and should remain functioning) as upper estuary and floodplain. Infilling or floodwater exclusion from this area would only exacerbate flooding risk on adjacent low lying properties.

The eastern part of Lot 1, however, contains remnant dune features as earlier described and is the appropriate location for a building site. The contour plan in the application shows these features rising to around RL 4.0m amsl. A building site is most appropriately located on this higher ground. Council's Engineering Standards (currently under revision) propose certain minimum ground levels for development on land adjacent to the coast around the district. These levels take into account highest astronomical tide, storm surge, potential sea level rise and wave runup/river flooding effects. In Mapua, this results in a prospective minimum ground level of around RL 4.0m amsl. However, Lot 1 does not lie directly on the open coast, as the MLP causeway acts as a block and reduces tidal effects (and wave runup) in the upper estuary adjacent to the lot.

The causeway mitigates coastal hazard effects on Lot 1, as does its distance from the open coast, on account of Lot 2. Council modelling assesses future water levels in the upper estuary as reaching around RL 2.8m amsl. Allowing for some unforeseen future change and modelling uncertainty, plus allowance for freeboard above water level, an appropriate minimum **ground level** for the house site on Lot 1 should, in my opinion, be RL 3.50m amsl. This translates to a

minimum floor level of approximately RL 3.70m amsl. This can be readily achieved on the higher dune features within the Lot, or through additional infill placed on the site.

### **Summary and Recommendations**

The Tidswell property is located between the open coast of Tasman Bay and the upper Mapua estuary. It has been and remains subject to both erosion and inundation hazards that in the case of Lot 2, have been significantly but not totally mitigated. Lot 1 is not subject to erosion hazard, but contains a significant area of low lying land that is subject to present-day inundation hazard. This hazard is likely to get worse in the future, due to potential sea level rise and catchment development effects.

Notwithstanding the presence of these hazards, the proposal to subdivide to create an additional Lot 1 can be favourably considered from a hazard risk perspective. To adequately mitigate hazard risk to a prospective dwelling on the site, the building should be located on the higher ground on the eastern part of the site, on land/building platform having a minimum RL 3.50m amsl.

**TO:** Gary Rae, Environment & Planning  
**FROM:** Dugald Ley, Development Engineer  
**DATE:** 26 November 2007  
**REFERENCE:** RM070743  
**SUBJECT:** **A TIDSWELL, 162 ARANUI ROAD, MAPUA – SUBDIVISION CT150295 INTO TWO LOTS – ONE EXTRA USER ON ROW**

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### **Draft conditions of Consent**

#### **Right-of-Way**

The existing right-of-way from the end of the existing seal to the first 90-degree bend (and around the bend, ie past the entrance to Lot 2 DP313820) shall be sealed to a 3.5 m width.

Note this shall be a minimum 2-coat chip seal (grade 6 over a grade 4 chip. Passing bays over the length of the right-of-way should be formed at not more than 100metres apart (these can be incorporated into entranceways of properties.

Engineering plans of the right-of-way will need to be submitted for approval prior to a 223 certificate and complying with the TDC Engineering Standards. Vehicle easements for lots 1 and 2 shall relinquish their rights over other land and only have legal and physical access over Lot 13, DP336741.

Limit lines shall be painted on the right-of-way before the entrance to Aranui Road.

#### **Water**

No new water connections are available off Council's supply.

#### **Ground Levels**

The minimum ground level of the building site shall be RL 4.06 metres in terms of TDC datum.

Dugald Ley  
**Development Engineer**