



STAFF REPORT

TO: Environment & Planning Subcommittee

FROM: Gary Rae, Consultant Planner

REFERENCE: RM070970

SUBJECT: **R and D FOX - REPORT EP08/03/10** - Report prepared for Hearing of 10 March 2008.

1. APPLICATION DETAILS – RM070575

Proposal

To undertake a subdivision of land described as Lot 2 DP 323686, comprised in CT 95445, having an area of 5.4860 hectares to create two allotments of 1.4765 hectare (Lot 1), and 4.0085 hectares (Lot 2).

Location

Corner of Pigeon Valley Road and Golf Road, Wakefield.

Zoning

Proposed Tasman Resource Management Plan: *Rural 2*

Resource Consent Type

Discretionary Activity

Submissions Received

- Vicki Jane Eggers, Golf Road Pigeon Valley, Wakefield
- Russell Edwin Kiddle, 77 Covent Drive, Stoke

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 R and D Fox.

Council's subdivision officer Mark Morris, 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 on the corner of Pigeon Valley Road and Golf Road, west of Wakefield township. It is roughly rectangular in shape, with approximately 332 metres of frontage on Golf Road and approximately 167 metres of frontage to Pigeon Valley Road. The land is open pasture and contains a scattering of mature *totara* and willow trees. The site is bisected into upper and lower terraces by a small ephemeral watercourse that is dry most of the year.

There are a number of buildings on the site including a kiln, barns and an existing dwelling recently constructed on the proposed Lot 2.

There is a dairy farm located adjacent to the site, and the Totaradale Golf Club is on the opposite side of Golf Road from the site. Rural-residential properties, and some larger farms occupy the balance of the area.

This site was subject to a previous subdivision in 2002 (O Baigent, RM020546). This created a 1.33 hectare allotment containing an existing dwelling, and a new lot of 5hectare was created (Lot 2 DP 323689), this being the land that is now subject to this subdivision by Mr Fox. That application was processed under delegated authority by Council staff as a non-notified consent.

4. PROPOSAL

The proposal is to undertake a subdivision of land described as Lot 2 DP 323686, comprised in CT 95445, having an area of 5.4860 hectares to create two allotments of 1.4765 hectare (Lot 1), and 4.0085 hectares (Lot 2). The application states that Lot 1 is proposed as a new residential lot and Lot will retain the balance area and existing dwelling.

No building site has been nominated for the proposed Lot 1.

5. NOTIFICATION AND SUBMISSIONS

Notification

The application was notified on 10 November 2007, and the period for submissions closed on 7 December 2007. Submissions in opposition were received from two parties, summarised as follows:

Submitters

Vicki Jane Eggers, Golf Road, Wakefield

Ms Eggers resides diagonally across Golf Road from the application site.

She has concerns that:

- the extended views across Pigeon Valley will be interrupted if substantial screen planting is undertaken as part of the subdivision.
- the Tasman District water allocation scheme has failed on occasions in the past, and

- the proposal would set an undesirable precedent and would encourage continued subdivision in the area.

The submitter does not wish to be heard.

Russell Edwin Kiddle, 77 Covent Drive, Stoke

The submitter has concerns that the proposal will set an undesirable precedent, and will lead to a change in character of the area.

Mr Kiddle wishes to be heard.

Written Approvals

The written approvals of six parties in the vicinity of the site were submitted with the application, including the Totaradale Golf Club, and immediate neighbours on Golf Road and on both sides of Pigeon Valley Road.

As the Panel will be aware, any effects on these properties cannot be taken into consideration, under Section 104(3)(b) of the RMA.

Of note however, is that in discussions with Paula Morris (the owner of Lot 1 DP 323686 adjacent to the east of the site), the applicant wishes to volunteer conditions of consent to ensure a dwelling on Lot 1 will be sited no closer than 100 metres from her boundary, and that screen planting will be provided along the common boundary. I have included at the end of my report conditions relating to this.

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 2 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

The application for subdivision is a Discretionary Activity in terms of the TRMP.

Rule 16.3.8 (a) requires that the minimum lot size for consideration as a Controlled Activity subdivision in the Rural 2 Zone is 50 hectares. This proposal is for a subdivision to create allotments of 1.4765 and 4.0085 hectares.

Rule 16.3.9 requires that subdivision in the Rural 2 Zone that does not comply with the standards and terms for a Controlled Activity is a Discretionary Activity. This application is therefore a Discretionary Activity.

The relevant assessment criteria are set out in Schedule 16.3A (which I refer to later).

6.3 Section 104 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

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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.

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 proposed activity is that it has elements of 'sustainable management of resources', as follows:

- The proposal will provide for the economic well-being of the applicant, in the sense that it allows for income from the proceeds of selling of an additional rural-residential lifestyle allotment that is on land that has limited capability for productive uses (as addressed in the Duke and Cooke report attached to the application).
- There will be no loss of the life-supporting capacity of air, water, soil and ecosystems from this activity.

Balanced against this is that the proposal will further fragment the land resource for rural-residential use, and there may be adverse visual and landscape effects from an additional dwelling and associated buildings. Additionally, there may be adverse cumulative effects, as a continuation of historical subdivision into rural-residential allotments in the Pigeon Valley area. These matters are discussed further below.

Section 6 contains matters of national importance. In my assessment none of these matters are relevant to this application or to this site. It has no coastal margins, wetlands or lakes. There are no “outstanding natural features”, areas of significant indigenous vegetation or significant habitats of indigenous fauna (other than few remnant *totara* on Lot 2 which will be protected as discussed later in my report). The site is highly modified from its natural state, as is the land around it that is used for farming, rural-residential and exotic forestry.

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

The further fragmentation of this 5.486 hectare property will not in my view 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 with some stock grazing. In that sense, and with an additional dwelling an expected outcome, this is a more intensive use of the land resource, but it will be for rural-residential use rather than for rural use in accordance with its zoning.

I will comment on this in more detail later in this report.

(c) The maintenance and enhancement of amenity values

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

This part of Pigeon Valley is characterised by an undulating open area of generally smaller farm and rural-residential properties on the south-western side of Pigeon Valley Road, with larger farm blocks on the opposite side. There is a small concentration of rural-residential activity in this area, up to the Totaradale Golf Club is located directly north-west of the application site. The site is near the fork in the road (i.e. Pigeon Valley Road and Watkins Lane), and from thereon the land use pattern returns to more intensively developed mostly rural-residential allotments going up Pigeon Valley proper.

My impression in this locality is that the southwest side of the road in the valley has a more rural residential character, and the northeast side of the road has a more open, rural, feel to it.

This proposal would result in an additional dwelling on the southwest side of the road. This, in my view will consolidate the existing development in this enclave, and will add in a minor way to the sense of development in the area, particularly on this southwest side.

In the overall scheme of things I do not consider this effect is much more than minor, however I would recommend that a building site for a future dwelling on Lot 1 be nominated above the dry stream channel, so that it is set back further from views from the road, and is partly screened by some established trees.

This would require the allotment boundaries be changed, so as to move the common boundary of Lot 1 and Lot 2 toward the south-west by some 38 metres. I will discuss this in more detail later in the report, but from my discussions with the applicant’s agent, I understand they may not be opposed to this suggestion.

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;...*

These matters are discussed in the assessment of the TRMP objectives and Policies, and have been addressed previously in this 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 is level and is well elevated from neighbouring properties and would have no issues of natural hazard such as overland flows or inundation. Proposed Lot 1 is on a lower terrace and has an ephemeral watercourse running through it parallel to Pigeon Valley Road. This watercourse represents no significant hazard even during heavy rain events as any proposed dwelling on Lot 1 could be sited away from its obvious flow path. My first site visit was made in October 2007, and whilst this month was particularly wet, no flowing water was observed.

Whilst the Council's has no records of flood hazards in this area, it is possible there may be a potential for some flooding from Pigeon Valley Stream. However, a subdivision was approved as recently as 2002 for this site without any concerns at potential flooding, and appropriate building sites are available on the upper terraces. (See further comments under section 7.5 below)

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

The proposed subdivision in itself will not give rise to any site amenity effects of significance. I am also conscious that most of the neighbouring property owners, including all adjoining neighbours, have provided written approvals to this application and so amenity effects on them cannot be considered. However, the Panel is able to consider the effects from subsequent development of the lots in a wider sense, including any visual effects and effects on rural character arising from an additional dwelling and buildings, and associated traffic generation, noise.

In terms of wider visual effects, the proposal would essentially be an infill, as it would be located between the existing house and existing dwellings on the adjacent properties to the southeast. This enclave is bordered by Golf Road and the golf course to the north-west, and substantially larger properties to the south-west and across Pigeon Valley Road to the east.

I note that the landowner to the north (VJ Eggers) has raised amenity concerns in her submission. The submitter stated *“To screen any dwelling will substantially shorten our views across Pigeon Valley”*. In my opinion, the immediate area already has rural residential uses, and the current level of amenity would not be reduced substantially with an additional dwelling and out buildings. However, this potential effect will be lessened if a dwelling on Lot 1 is sited further back from Pigeon Valley Road on the high terrace, and this could be achieved by relocating the boundary back towards the south-west.

In terms of traffic effects, Proposed Lot 2 has existing access from Golf Road. The proposal is to utilise an existing vehicle crossing for Lot 1. In terms of traffic safety sight distances from these existing access points are considered adequate and can comply with Figure 16 2C of the PTRMP. There is a concern with sight distances at the Golf Road/Pigeon Valley Road intersection, as outlined in Dugald Ley’s report (see attached).

An additional dwelling can be expected to generate on average an extra 6 – 10 car movements per day to the site. Pigeon Valley Road is sealed, and Golf Road is sealed for this section, and is capable of accommodating the traffic from the additional dwelling.

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 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 2 Zone comprises land of more limited inherent productive and versatile values [than the Rural 1 Zone], and the subdivision size threshold is thus larger".*

The 50 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 50 hectares in area are classed as discretionary activities in the TRMP, and they are to be assessed against the criteria in Schedule 16.3A.

It is quite evident that the Pigeon Valley area is becoming increasingly under pressure for rural-residential living, as there have been several subdivisions that have occurred in recent years. It is now at the stage that the valley, in particular the land near the road frontage, bears little resemblance to other parts of the Rural 2 Zone in the wider district. The Rural 2 rules do however enable each application for subdivision (less than 50 hectares) to be assessed on its merits, and in this particular case I am able to conclude the subdivision does not compromise the zone objectives regarding fragmentation and loss of land for productive purposes.

The subject property is 5.48 hectares in area, and is therefore acknowledged as being small for most primary productive farming activities. It also has soils that have limited potential for productive purposes, as recognised in Mr Bennison's report for the applicant. This has also been accepted by Council's decision to grant the Baigent subdivision of this site, which stated:

"Whilst the property is in close proximity to the Wai-iti flood plain, in terms of soil productivity, it has more in common with the upper Pigeon Valley soils, hence its Rural 2 zoning. In this case the property is not considered to be highly productive and the effect on productive values should be no more than minor".

The site has been used to graze sheep and cattle for the past 30 years, mainly on a part time basis in conjunction with other land. It is now being used to graze horses and other stock and tobacco hay crops have been harvested previously, but the lack of irrigation availability is seriously hampering the ability to grow crops now. The proposal to split it into 2 allotments will further reduce the potential for farming only marginally in my view as a planner.

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.

These provisions are given effect to through specific rural-residential zones throughout the District (e.g. the Rural 3 Zone in Mapua/Tasman) and by assessing discretionary activity subdivision consents elsewhere in the rural zones.

The Environment Court in the case *Jennings v Tasman District Council (RMA0350/02)* provided some very useful analysis of these policies. Whilst that case was for a subdivision in the Rural 1 zone in Teapot Valley, the Court found that *"Although the site is not of high productive value, neither Objective 7.1.0 nor Policy 7.1.2A is limited to land of that quality. We hold that a rural-residential subdivision of land of lower productive quality might still be contrary to that objective and policy"*.

This is an important point, because, notwithstanding the Rural 2 Zone in Pigeon Valley, it removes the notion that non-productive rural land can simply be subdivided for rural-residential use, without some consideration of the fragmentation effect, and the effect on rural character. I concur with the points raised by the submitters in this respect.

However, from my own experience in having reported to Council on the subdivision applications by Tapper and Stott in 2004 for subdivision of a Pigeon Valley property of 3.7 hectares into two allotments of 2.89 hectares and 1.48 hectares (consent refused), and more recently the application in 2007 for subdivision by Randall for three allotments of 7.43 hectares, 3.04 hectares and 5.98 hectares in the upper Pigeon Valley, I am of the view that approval for the Fox subdivision proposal would not be inconsistent with Council's decision making for those and other subdivisions in the area.

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 and roading previously.

This area of Pigeon Valley is serviced by a reticulated water supply from the Wakefield urban area. The Council's Development Engineer, Dugald Ley, advises that one extra restricted water supply connection would be available to the new lot.

Wastewater disposal will be via approved on-site effluent facilities.

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 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
- 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

These matters have been discussed in the preceding assessment, and some further discussion is provided below in the assessment of actual and potential effects.

7. ACTUAL AND POTENTIAL EFFECTS

7.1 Ecosystems

The site does not contain any extensive areas of significant indigenous vegetation, or significant habitats of indigenous fauna, identified in the proposed plan. Therefore the adverse effects of the subdivision on native flora and fauna would not be more than minor.

I note however that the applicant has volunteered to protect by consent notice the mature *Totara* trees on Lot 2 (there are no *Totara* remaining on Lot 1). I would support this as an important measure to retain the character in the valley afforded by such trees.

7.2 Effluent Disposal and Stormwater

This part of Pigeon valley is part of the reticulated water supply in Wakefield. Stormwater can be disposed on-site. On-site wastewater disposal can be provided for on Lot 1. Therefore there will be no impacts in terms of servicing this subdivision.

Michael Durand Natural Resources Co-ordinator for the Council has provided the following comments:

Wastewater Discharges

"The proposed allotments are not serviced by reticulated sewerage so any dwellings on the site would need to be serviced either by on-site wastewater treatment and disposal systems (i.e. on each allotment) or a small decentralised cluster treatment and disposal system (i.e. servicing all allotments). The proposed subdivision does not appear to provide any large wastewater disposal areas that would be required as part of a cluster system, so I assume the intention is for each allotment to be serviced by an on-site system.

Factors determining the feasibility of on-site systems on any given allotment include the volume of water to be treated and discharged, physical factors including the soil type and groundwater depth, and the extent of available land (determined by topography, allotment size and other factors). In the present case, each proposed title is intended for use as a residential unit, and therefore each on-site wastewater system would need to service a dwelling plus any minor outbuildings such as workshops, studios or sleepouts (typically approximately 1000-1600 litres per day). Many proprietary wastewater systems can be purchased to provide treatment and disposal for this volume of wastewater. The soil on the site is thought to be Dovedale gravelly loam and this is concurred by Council's database. Such soils sit within the mid-range of those considered suitable for on-site wastewater disposal. Typically, on a gravelly loam soil, a wastewater disposal area (including reserve area) consisting of trenches or beds would require approximately 200 square metres (20 m x 10 m). More area (approximately 600 square metres) may be required if the discharge was proposed via dripper line irrigation. The proposed allotments are sizable and it is reasonable to suggest that a suitable wastewater disposal area could be located on each. Given a suitable design for each system, and a suitable

location for the disposal, it is likely that wastewater discharge to land would be a permitted activity on each allotment, according to rule 36.1.4 of the TRMP. However, each system design would be assessed in detail at the building consent stage”.

Stormwater discharges

The proposed allotments are not serviced by a reticulated stormwater system, so the diversion and discharge of stormwater must be adequately managed on site. In the Rural 2 Zone, discharges and diversions of stormwater are permitted activities if they meet criteria (a)-(k) of rule 36.4.2 of the TRMP. Critically, under this rule, the discharge must be into the same catchment as that where the diversion arose, and any ground soakage system must meet criteria (k) (i)-(v). These involve the location of the soakage system relative to unstable ground, depth to groundwater, and the adequate sizing of the soakage system. It appears that all the criteria of rule 36.4.2 can be met and therefore stormwater diversion and discharge on the proposed Lot 1 can be properly managed as a permitted activity. However, a detailed assessment of stormwater management proposals will be made at building consent stage.

7.3 Water Supply/Fire fighting

The application states that domestic water supply is provided to the existing dwelling from a low flow rural extension from the Wakefield urban area. A further restricted connection would be available for Lot 1 to this supply line.

An additional 5 m³ per day of water for domestic animals can be taken from a well or bore as a permitted activity.

For the purposes of fire fighting requirements the applicant has offered 35,000 litres of on-site storage capacity. The TRMP in Rule 17.5.4(h) sets a standard of 23,000 litres minimum water storage.

7.4 Archaeological Sites

The subject site is not identified as being an area of archaeological significance. The proposed plan does not identify any archaeological features or sites of significance to iwi within the subject site, and no submission was received from iwi in this respect.

7.5 Natural Hazards, Land Stability and Disturbance

As discussed earlier in this report the site's topography is generally flat consisting of two terraces. The lower terrace does contain an ephemeral watercourse.

I have discussed this with Eric Verstappen, Council's Rivers and Coast Resource Scientist, and he has advised that the Council's flooding maps do not extend to this area. His view is that the creek is likely to carry water during heavy rainfall, and Pigeon Valley Stream has the potential to flood over to this site in periods of extended deluge.

His view is that the part of the property that may be subject to periodic flooding is not considered an impediment to subdivision, as an appropriate flood free building site is available on the upper terrace.

Provision of suitable building sites can be imposed as a condition of consent to subdivide.

7.6 Soils/Productive Land Values

The potential effects on productivity have been discussed in the policy assessment sections above.

In summary, the subject property is already well below the threshold size for permitted subdivision in the Rural 2 Zone. The site has limited size or versatility for a range of crops or horticultural enterprises. Subdivision will introduce additional residential structures to the property, but in overall terms will not significantly further diminish its limited potential for productive use.

7.7 Air Resources

The subdivision itself will not lead to any increase in airborne contaminants, particularly as there is not expected to be any increased need to establish roads or other significant earthworks.

7.8 Rural Character and Amenity Values

As previously discussed the lower Pigeon Valley has a distinctive character influenced by fairly close development along the road, primarily on the southwest side. It does however retain a rural character on the north side.

The immediate area is characterised by rural residential activities with dwellings, barns and other outbuildings associated with small-scale domestic livestock keeping.

The proposal will result in an additional dwelling within this enclave. As noted a dwelling on Lot 1 will be essentially an infill, and will be slightly more apparent as new development at the Golf Road Pigeon Valley Road intersection. By relocating the subdivision boundary between Lot 1 and 2, as suggested earlier in this report, a building site can be set aside back from the ephemeral watercourse transecting Lot 1 to minimise any visual effect from Pigeon Valley Road.

The Totaradale Golf course is located immediately to the north of Golf Road. The golf course serves several important functions beyond its obvious recreational use. It serves to maintain and enhance the rural and open nature of the area and it also serves as an effective barrier to incremental subdivision in this immediate area.

In my assessment the effects to the rural character and amenity of the area will be no more than minor given the development that has already occurred in the vicinity, particularly within this enclave on the southwest side of Pigeon Valley Road.

7.9 Traffic and Access Effects

Golf Road is sealed, and the existing vehicle crossing will be utilised for Lot 1. I consider that the traffic aspects of the proposal are considered satisfactory.

The Council's Development Engineer (Dugald Ley) has viewed the application and has some concerns regarding safe sight distances at the Golf Road/Pigeon Valley Road intersection (see attached report).

The proposed subdivision, and further subdivision and development in the general area, will eventually require that the road network be upgraded. One of the recommended conditions of consent for this subdivision is a standard condition for subdivisions requiring that a development fee be paid for roading purposes.

7.10 Effects on Adjacent Properties

As noted, the neighbour (Vicki Eggers) opposite the site on Golf Road has lodged a submission in opposition. *“To screen any dwelling will substantially shorten our extended views across Pigeon Valley”*.

Extensive screen planting should not be necessary along Golf and Pigeon Valley Roads with regard to integrating any new buildings within this rural residential environment. As stated earlier the area is part of an enclave of residential development and one more dwelling here, set back on the terrace land as I have recommended, will not be out of character.

The submitter also comments on there being a lack of potable water in this area at times. The area is serviced by Council’s reticulated system and the engineering advice is that an additional connection will be provided to the site.

The applicant has obtained the written approval of several adjacent neighbours and there are no other cross-boundary issues of significance.

8. OTHER RELEVANT MATTERS

Precedent

By way of background, there have been two recent applications for subdivisions in the Pigeon Valley, as follows:

NB and BA Randall (RM070575)

The Hearings Committee granted the subdivision on 10 September 2007. This subdivision created three allotments of 7.43 hectares, 3.04 hectares and 5.98 hectares. This subdivision is located on Pigeon Valley West Branch Road in the upper Pigeon Valley.

Tapper and Stott (RM040823)

This was an application for subdivision of a Pigeon Valley property of 3.7 hectares into two allotments of 2.89 hectares and 1.48 hectares. This application was declined.

What sets this Fox subdivision proposal apart from the Tapper and Stott decision are:

- it is in the lower Pigeon Valley (closer to the Wakefield urban area) where the indicative settlement pattern is clearly more rural residential than rural,
- the site is within an existing enclave which has closer separation distances with regard to dwellings,

- there is little prospect of an incremental 'creeping' effect as a result of this subdivision, as the Totaradale Golf Course bounds the site to the north-west and there are larger farm blocks to the south-west and east, and
- the application site itself has been recently subdivided (Baigent application).

I am however concerned that, Lot 1 as proposed at only 1.47 hectares is very small, and consent to the application as lodged may set a new 'benchmark' and could encourage re-subdivision of other properties in Pigeon Valley.

I would consider it a better outcome if Lots 1 and 2 were reconfigured to ensure they were both greater than 2 hectare, which I consider an absolute minimum area for allotments in this area. This would be achieved by relocating the subdivision boundary as I have recommended earlier in my report, to achieve two lots of approximately 2.4 hectare and 3.1 hectare. This would also have the advantage of enabling a future dwelling on Lot 1 to be set back further from Pigeon Valley Road, to assist in maintaining the rural residential amenity as viewed from these roads.

9. CONCLUSION

I acknowledge that this is a difficult application to determine, particularly as it involves small lot sizes in the Rural 2 Zone.

Whilst the subject site at 5.48 hectares is small, I accept it has very limited application for productive farming purposes, and provided the scheme plan was amended to show two lots of approximately 2.4 hectares and 3 hectare as I have recommended, this proposal would not be inconsistent with the pattern of subdivision in the general area.

In my assessment the addition of one more dwelling, in a location set back further from Pigeon Valley Road, will not result in adverse effects on rural character in this area.

10. RECOMMENDATION

THAT pursuant to Section 104B of the Resource Management Act 1991, the Tasman District Council:

- 4.1. Grants consent to the application by R and D Fox (RM070970) to subdivide Lot 2 DP323686, to create an additional allotment, further described in the application from Davis Ogilvie dated 10 October 2007, and the attached plan;

Should the Council decide to grant consent to the application as lodged, I recommend that the following conditions are included on the consent.

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RESOURCE CONSENT

RESOURCE CONSENT NUMBER: RM070970

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

Rodney and Donna Fox
(hereinafter referred to as "the Consent Holder")

ACTIVITY AUTHORISED BY THIS CONSENT: To subdivide an existing title comprising 5.4860 hectares into two titles.

LOCATION DETAILS:

Address of property: 27 Golf Road, Wakefield
Legal description: Lot 2 DP323686
Certificate of title: CT 95445
Valuation number: 1937006100

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

CONDITIONS

General

1. The subdivision shall be undertaken in general accordance with the information submitted with the application for consent, and the plan entitled "Proposed Subdivision, Mr R Fox" Project No. 24530, dated 03/07/2007, prepared by Davis Ogilvie, but with an amended location for the boundary between Lot 1 and 2 so that it generally follows the fence line which runs across the site, approximately 149 metres back from Pigeon Valley Road [an amended plan should be attached to the consent]. If there is any conflict between the information submitted with the consent application and any conditions of this consent, then the conditions of this consent shall prevail.

Building Location and Building Platform – Lot 1

2. The location of any new buildings on Lot 1 shall be located generally at the south-western end of the site, on the terrace above the ephemeral water course, and in a location no closer than 100m to the north-western boundary of the adjoining property, Lot 1 DP323686 [show location on approved subdivision plan]. The building location area shall be shown on the survey plan which is submitted for the purposes of Section 223 of the Act.

Easements

3. Easements shall be created over any right-of-way and shall be shown in a Schedule of Easements on the survey plan submitted for the purposes of Section 223 of the Act. Easements shall be shown on the Land Transfer title plan and any documents shall be prepared by a Solicitor at the Consent Holder's expense.

- The survey plan which is submitted for the purposes of Section 223 of the Act shall include reference to easements.

Advice Note:

Any services located within the Council's road reserve will require a License to Occupy to be obtained.

Power and Telephone

- 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.

Water Supply

- A water storage tank with a minimum capacity of 35,000 litres shall be installed on Lot 1 at the building consent stage for a dwelling (as volunteered by the applicant). This shall be imposed as a consent notice registered on the title of Lot 1. The water storage tank(s) shall be equipped with appropriate fire fighting connections.

Right-of-Way Access to Lot 1

- The right-of-way shown as "ROW A" on the plan entitled "Proposed Subdivision of Lot 2 DP 323686" Job No. 24530, Sheet #1 dated 3 July 2007, prepared by Davis Ogilvie, and attached to this consent shall be formed to the following specifications:

Right-of-Way Specifications and Formation Standards					
Right-of-Way	Allotments	Surface width	Shoulders	Side Drains	Legal Width
Right-of-Way A	Lots 1 and 2	4.5 metres	2 x 500 millimetres	2 x 1.0 metre	7.50 metres

- The right-of-way referred to in Condition 7 shall be formed and surfaced with a minimum requirement of a 150 millimetre depth AP40 compacted base course with the formation of side drains to convey stormwater runoff away from the right of way carriageway.
- A sealed access crossing shall be provided for the Right-of-Way A entrance. For the purposes of this condition, "sealed" shall mean a surface that has, as a minimum, a Grade 4 Chip first coat, overlain by a Grade 6 void fill second coat.
- The access crossing shall be sealed and constructed in accordance with the Diagram 1 Schedule 16.2C of the Proposed Tasman Resource Management Plan with the sealing extending at least 5 metres inside the boundary."

The access crossing width shall be at least 4.5 metres at the property boundary.

Safe Sight Distance (conditions recommended by Dugald Ley)

11. The boundary fencing on proposed Lot 1 at the intersection of Pigeon Valley Road and Golf Road which is obstructing sight lines for vehicles waiting to turn out of Golf Road onto Pigeon Valley Road, shall be relocated some 2 metres back, and this setback area is to be vested as road reserve at no cost to Council.

Advice Note: Vegetation along the golf course frontage is obstructing visibility to the west for vehicles exiting onto Pigeon Valley Road from Golf Road. It is suggested the consent holder make contact with the owner of that property with a view to removing/trimming back vegetation and obtaining agreement from that owner. Signage and pavement markings will be required at the intersection as either a "STOP" or "GIVE WAY" requirement depending on the outcome of the matter noted above.

Engineering Works

12. All engineering works, including construction of the right-of-way for the access to Lot 1 referred to in Condition 7, shall be constructed in strict accordance with the Tasman District Council Engineering Standards and Policies or to the Council's Engineering Manager's satisfaction.

Commencement of Works and Inspection

13. 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 Certification

14. 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 right of way and access to Lot 1 referred to in Condition 15 have been constructed in accordance with the consent conditions and the Tasman District Council Engineering Standards and Policies.
15. Certification that the building platform and nominated building site on Lot 1 is suitable for the erection of residential buildings 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 within the building location area, the area suitable for the erection of residential buildings and shall be in accordance with Appendix B Section 11 of the Tasman District Engineering Standards and Policies 2004.

Financial Contributions

16. 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 sites 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. Payment shall be made within two years of any new 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 on one allotment in respect of roading.

Consent Notices

- 17. The following consent notices shall be registered on the certificate of title for Lot 1 pursuant to Section 221 of the Resource Management Act. The consent notices shall be prepared by the Consent Holder's solicitor and submitted to Council for approval and signing. All costs associated with approval and registration of the consent notices shall be paid by the Consent Holder.
 - i) That the construction of buildings on Lot 1 shall be restricted to the building location areas shown on the Title Plan (which will reflect Condition 2 above) and buildings shall be fully contained within the area identified.
 - ii) Reticulated power and telephone services to any buildings on Lot 1, where provided, shall be located underground from the property boundary of the property to the building.
 - iii) Lot 1 shall be required to install water storage tanks in accordance with Condition 6 in association with any dwelling on the property.

- iv) Screen planting shall be carried out on Lot 1 along the boundary of the adjoining property, Lot 1 DP323686, of a dense growing species, which at maturity will grow to a height of not less than 2 metres and which shall be trimmed below that height. (Note: this condition volunteered by applicant).
18. The following consent notice shall be registered on the certificate of title for Lot 2 pursuant to Section 221 of the Resource Management Act. The consent notices shall be prepared by the Consent Holder's solicitor and submitted to Council for approval and signing. All costs associated with approval and registration of the consent notices shall be paid by the Consent Holder.
- i) No mature *totara* tree shall be physically removed, cut or damaged other than for safety reasons or for the health of the tree. (Note: this condition volunteered by applicant).

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 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.

A resource consent is required for the construction of buildings on the new allotment.

In respect of stormwater discharges on Lot 1, the criteria of Tasman Resource Management Plan Permitted Activity Rule 36.4.2 must be complied with or, alternatively, a resource consent (discharge permit) is obtained for the stormwater discharge.

3. In respect of effluent disposal on Lot 1 the criteria of Tasman Resource Management Plan Permitted Activity Rule 36.1.4 must be complied with or, alternatively, a resource consent (discharge permit) is obtained for the stormwater discharge.
4. Access by the Council's Officers or its Agents to the property is reserved pursuant to Section 332 of the Resource Management Act 1991.
5. 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 can be minimised by consistently complying with the resource consent conditions.
6. 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.

7. 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 (Nelson) Limited, 26 February 2008

Memorandum
Engineering Services

TO: Consent Planner
FROM: Development Engineer, Dugald Ley
DATE: 18 February 2008
REFERENCE: RM070910
SUBJECT: TWO-LOT SUBDIVISION, CORNER OF PIGEON VALLEY ROAD AND GOLF ROAD

INTRODUCTION

The above application is to create two lots at the corner of Golf Road and Pigeon Valley Road, Wakefield.

BACKGROUND

The application will create one additional dwelling house which will place an addition of approximately six traffic movement son both Golf Road and Pigeon Valley Road.

Golf Road presently serves a number of lifestyle blocks and carries approximately 100 vehicles per day. The carriageway is sealed to a width of approximately 5 metres.

The applicant is proposing that all access for the two lots comes off Golf Road and this is confirmed as the most practical location providing adequate sight distance in both directions. This access is shown via Right-of-Way A to Lot 1 and the existing access already formed for Lot 2.

The access and Right-of-Way A will require the standard formation requirements as specified in Council's TRMP. The intersection of Golf Road and Pigeon Valley Road shows that improvements are required for the increased vehicle usage.

CONCERNS

Engineering's concerns are as follows:

1. Boundary fencing at the intersection on proposed Lot 1 blocking sight lines for vehicles waiting to turn out of Golf Road on to Pigeon Valley Road, i.e. looking east. Relocation of the fence line some 2 metres back and subsequent vesting of the land as road reserve at no cost to Council.
2. Vegetation encroachment (i.e. visibility to the west) along the golf course frontage. It is suggested the applicant make contact with the owner of that property with a view to removing/trimming back vegetation and agreement from that owner required to the approval if the application is consented.

3. Signage and pavement markings at the intersection which will require either a "STOP" or "GIVE WAY" requirement depending on the outcome of 2 above.

RECOMMENDATION

As the application stands there may be more than minor adverse effects should the application be approved with no conditions of consent imposed in relation to sight distance improvements at the Golf Road/Pigeon Valley Road intersection.

- These improvements will on the one hand require an amended scheme plan showing a relocation of the boundary fence lines and vesting an area of land for road reserve.
- Secondly, the applicant will need to have agreement with a third party for removal or harsh trimming back of vegetation potentially located on private property.
- The installation of intersection controls (i.e. pavement marking and signage).

Dugald Ley
Development Engineer