



## STAFF REPORT

**TO:** Environment & Planning Subcommittee

**FROM:** Laurie Davidson – Consents Planner, Golden Bay

**REFERENCE:** RM070991

**SUBJECT:** **R CARR and A EMMERSON - REPORT EP08/03/11** - Report prepared for hearing of 17 March 2008

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### PROPOSAL

To erect a dwelling at 59 Totara Avenue, Pakawau, on land described as Lot 13 Deposited Plan 6816, being land comprised in Certificate of Title NL Volume 3B Folio 616, zoned Rural 2 and located within the Coastal Environment Area. The proposed building does not meet the Proposed Tasman Resource Management Plan rules in relation to bulk and location as the dwelling is sited closer than 10 metres to the road boundary, closer than 5 metres to both of the internal boundaries and closer than 100 metres to the coast.

### LOCATION

59 Totara Avenue, Pakawau, Golden Bay

### ZONING

Proposed Tasman Resource Management Plan	Rural 2 Coastal Environment Area
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### RESOURCE CONSENT TYPE

Proposed Resource Management Plan	Restricted Discretionary Activity – Land Use
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### LIMITED NOTIFICATION

Council has chosen to process this application under the provisions of the Resource Management Act 1991 as a limited notification application, as there is only one land owner that has been deemed to be an affected party who has declined to provide written approval to the application. Council determined the affected parties in this case were the two adjoining neighbours and other properties on the opposite side of the road in Totara Avenue were unaffected.

Written approval pursuant to Section 94 of the Act has been provided by the owner/occupier of 57 Totara Avenue, the adjoining land owner to the north.

### SUBMISSIONS RECEIVED

- RD Slade and JES Carr

## **1. INTRODUCTION**

An application has been lodged by R Carr and A Emerson to erect a dwelling at 59 Totara Avenue on a parcel of land that is as an area of 809 square metres. The site is zoned Rural 2 and is located within the Coastal Environment Area (within 200 metres of Mean High Water Springs). The zoning restrictions that apply to that Zone and Area make it impossible for any building on the site to meet the Coastal Environment Area rules and in many cases impractical to meet Zone rules of the Proposed Tasman Resource Management Plan. As such, residential buildings at Totara Avenue become a Restricted Discretionary Activity. Council has opted to treat proposals to build in this area as non-notified applications, provided the applicant has obtained the written consent of those parties that Council deems to be affected. In this case the neighbour to the south has declined to give approval and Council has chosen to process the application as a limited notified application.

## **2. SITE DESCRIPTION**

The applicants' property is a title of 809 square metres in area that is located within the Rural 2 Zone at Totara Avenue. The property has a small bach located very close to the seaward boundary of the site, which has been in that position for a number of years. That building does not meet the standards prescribed by the Proposed Tasman Resource Management Plan or the Transitional District Plan (Golden Bay Section).

The land is generally characterised by the retention of many of the totara trees that are prevalent at Totara Avenue and this provides significant visual screening when viewed from the road. It is clear some of this vegetation will have to be removed to build the dwelling and this activity also requires consent under the Rural 2 Zone rules. A brush screen fence on part of the southern boundary provides some screening between the properties and there is no fencing on the northern boundary.

While the title indicates the land is 809 square metres, it is not clear whether the full area remains, as the effects of erosion have removed significant areas of land on the coastal margin. The esplanade reserve that was created at the time of subdivision appears to have been lost to the erosion effects and a substantial rock wall has been constructed on the eastern coastal margin to continue to manage those effects. The current bach on the property is located very close to the top of that rock protection and while there are no obvious signs of damage from the sea, the building may be at some risk from storm events. This would be particularly so if the rockwork was damaged, as the land in this area is generally a sandspit.

The application contains a reasonably detailed survey of the site and makes it easier to appreciate the contours of the site, that generally trends to the north and the east. The floor level of 4.300 places the building between 0.5 and 1.3 metres above ground level and this elevation provides some degree of protection, should the site suffer seawater intrusion in an extreme tide event. There are no obvious signs of any form of intrusion on this site.

It is also appropriate to look at the existing development at Totara Avenue and the compatibility of this proposal with the local environs. The area contains a range of buildings, including some two storey dwellings that are all located within the required setback from the coast. The current proposal is a reasonably large dwelling that will encroach the required setbacks on all boundaries, but is only likely to have some effect on the property to the south where the owner has lodged a submission relating to the proposal.

The Totara Avenue area contains some permanent residents but many of the dwellings are holiday homes. The area is served by a narrow sealed road, approximately 3.5 metres in width with vegetation close to the carriageway creating a rather unique environment. The properties are served by a private reticulated water scheme and waste water is treated typically by septic tank and on site disposal. An engineering investigation indicates the land is able to accept the wastewater generated on site, after treatment by an aerated waste water system.

### **3. NOTIFICATION AND SUBMISSIONS**

The application was notified as a limited notification on 6 December 2007. Submissions closed on 24 January 2008 and one submission was received. This submission opposes the application and asks that it is declined. The submitter wishes to be heard in support of the submission.

#### **3.1 RD Slade and JES Carr**

Ms Carr is the owner of 61 Totara Avenue, which is on the southern side of the subject site. She and Mr Slade have lodged a submission through their counsel, opposing the application, primarily on the grounds that the building will encroach the required setbacks for that zone and area. They consider the building will impact on the open space and privacy of their property and will have the effect of closing in on their site. They consider Council should be more rigorously enforcing the 100 metre setback from the coast for any new application and the 10 metre setback from the road in an effort to progressively obtaining compliance with those standards. They also consider the increase in the size of the dwelling will result in an increase in traffic on Totara Avenue and the mitigation measures of high level windows and vegetation retention may not be retained in the longer term. They consider the proposal is contrary to the principles of the Resource Management Act and offends the policies and objectives of the Proposed Tasman Resource Management Plan.

**Comment:** The siting of the proposed building and its relationship with the setback rules for the Rural 2 Zone and Coastal Environment Area is a matter that is addressed in some detail within this report. The enforcement of a 100 metre setback for this area is an impossibility as the actual sandspit is less than 100 metres in total width. In terms of traffic generation, there is no recognised standard to determine numbers of traffic movements in relation to the size of a dwelling and movements are typically averaged. While the Totara Avenue carriageway does not meet current TDC standards for a road classified as an Access Place, there is no indication the proposed dwelling would result in greater traffic movements or a potential traffic hazard. The mitigation measures identified (high level windows and retention of vegetation) are important issues and these are investigated further within this report in an effort to minimise any adverse effects of erecting a new dwelling on this site.

The policies and objectives of the Proposed Tasman Resource Management Plan are also addressed within this report, together with the actual and potential effects of allowing the activity. The avoidance, remedying or mitigation of the effects of allowing the activity relates directly to the purpose and principles of the Resource Management Act and is fundamental to making decisions on such applications.

#### **4. ASSESSMENT**

The application before the Committee is a Restricted Discretionary Activity in terms of the Proposed Tasman Resource Management Plan in relation to the Rural 2 Zone and Coastal Environment Area rules. The Transitional District Plan (Golden Bay Section) has virtually no relevance to the application any more. Section 19 of the Resource Management Act 1991 (as amended by the RMAA in August 2003) makes it very clear that where the provisions of a Plan have passed the point where they are beyond further challenge the rules become operative.

The Proposed Tasman Resource Management Plan has progressed through a major part of the Plan process and is essentially operational in relation to the Rural 2 Zone. The Proposed Tasman Resource Management Plan is the appropriate plan, when considering this application.

The Committee may grant or decline an application for a Restricted Discretionary Activity, pursuant to Section 104(C) of the Resource Management Act and if consent is granted, conditions may be imposed pursuant to Section 108. Any decision is restricted to those matters identified in Rule 17.5.6 of the Proposed Tasman Resource Management Plan.

In making such a decision, the Committee is required to first consider the matters set out in Section 104(1) of the Act, in addition to the matters set out in Section 7. Primacy is given to Part II of the Act, "the purpose and principles of sustainable management of natural and physical resources.

The decision should therefore be based, subject to Part II of the Act, on:

- i) The actual and potential effects on the environment of allowing the activity;
- ii) Any relevant provisions of national coastal or regional policy statements;
- iii) Relevant objectives, policies, rules or other provisions of a plan or proposed plan; and
- iv) Any other matters the Committee considers relevant and reasonably necessary to determine the application.

#### **5. RESOURCE MANAGEMENT ACT**

The purpose and principle of the Act is to promote the sustainable management of natural and physical resources. Sustainable management means:

“Managing the use, development and protection of natural and physical resources in a way, or at a rate, which enables people, and communities to provide for their social, economic and cultural well-being and for their health and safety while:

- a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations;
  - b) Safeguarding the life-supporting capacity of air, water, soil and ecosystems;
- and
- c) Avoiding, remedying, or mitigating any adverse effects of activities on the environment”.

## **5.1 Matters of National Importance**

The matters of National Importance are set out in Section 6 of the Resource Management Act. The matters that appear to have some relevance to this application are as follows; These matters are edited to be appropriate to this proposal.

- a) The preservation of the natural character of the coastal environment (including the coastal marine area) and the protection of it from inappropriate use and development;
- b) The protection of outstanding natural features and landscapes from inappropriate use and development;
- c) The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna.

The Totara Avenue area is significant in coastal terms and has particular importance in ornithological terms. The area is almost completely developed and the current proposal can be considered as a form of infill development. The totara trees add to the landscape values, but Totara Avenue is clearly a developed area when viewed from the Collingwood Puponga Road.

## **5.2 Other Matters**

Section 7 of the Resource Management Act sets out the other matters that any person exercising powers or functions must have regard to in relation to managing the use, development and protection of natural and physical resources. Matters that are relevant to this application are as follows;

- (b) The efficient use and development of natural and physical resources:
- (c) The maintenance and enhancement of amenity values:
- (f) Maintenance and enhancement of the quality of the environment:

- (g) Any finite characteristics of natural and physical resources:
- (i) The effects of climate change.

These other matters also have more direct relevance and in particular those relating to amenity values and the quality of the environment. These are reflected in the policies and objectives in the Proposed Tasman Resource Management Plan and other planning instruments.

## 6. STATUTORY PLANNING DOCUMENTS

### 6.1 Tasman Regional Policy Statement

The Tasman District Council has prepared a Regional Policy Statement in accordance with the provisions of the Resource Management Act and this became fully operative in July 2001. The Statement takes national policies and refines and reflects them through to the local area, making them appropriate to the Tasman District. Council is required to have regard to the Regional Policy Statement as an overview of resource management issues.

The policies that are considered relevant to this application are set out in Appendix A to this report.

### 6.2 The Proposed Tasman Resource Management Plan

The Proposed Tasman Resource Management Plan has been prepared and has progressed to the point that it is effectively operational in relation to this application.

The Plan sets out a range of policies and objectives that are pertinent to sustainable development and the coastal environment. The sections of the plan that relate to the margins of the coast, site amenity, landscape and discharges to land are particularly relevant to this application. These are fundamental to the protection of the amenity values for this part of Golden Bay.

The land use must be deemed to be in accordance with relevant objectives and policies pursuant to Section 104(1)(b) of the Act. The relevant Plan in this case is the Proposed Tasman Resource Management Plan and will be used in this assessment. Because this was developed to be consistent with the Regional Policy Statement, the assessment would also be considered to satisfy an assessment under the Regional Policy Statement.

The following summarises the most relevant plan matters and provides brief assessment commentary:

<p><i>Chapter 5 – Site Amenity Effects</i></p>	<p>Council must ensure the rural character and amenity values of a site and the surrounding environment are protected, and any actual or potential effects of the proposed land use should be avoided remedied or mitigated so they are minor.</p>
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<p><i>Objectives 5.1 5.2 and 5.3</i></p> <p><i>Policies: 5.1.1, 5.1.3, 5.1.7, 5.1.9, 5.2.1, 5.2.2, 5.2.3, 5.2.4, 5.2.6, 5.2.7, 5.3.2, 5.3.3, 5.3.5</i></p>	<p>Management of the effects of the proposed use must protect the use and enjoyment of other land in the area, including the provision for satisfactory on-site disposal of domestic wastewater and the amenity of the local area, while allowing a variety of housing types.</p>
<p><i>Chapter 7 – Rural Environment Effects</i></p>	<p>The use of the rural environment for activities other than productive land use can occur in certain locations, but it should be undertaken in a manner that does not compromise the rural character or amenity values. In this case the area has no real rural character and the land is subdivided to a residential standard.</p>
<p><i>Objective: 7.2</i></p> <p><i>Policies 7.2.1, 7.2.1A,</i></p>	<p>Allow for activities other than soil based activities to locate in rural areas on land that is not of high productive value. Any proposal is required to preserve the amenity and rural character of an area including wastewater disposal and access.</p>
<p><i>Chapter 8 – Margins of the Coast</i></p>	<p>The Plan contains a comprehensive list of policies for controlling development on the coast. Golden Bay has a distinctive coastline that has been recognised as a matter that is important to preserve.</p>
<p><i>Objective 8.2</i></p> <p><i>Policies 8.2.1, 8.2.2, 8.2.3, 8.2.5, 8.2.6, 8.2.7, 8.2.14, 8.2.15, 8.2.16</i></p>	<p>The policies relating to the management of the coast focus on the preservation of the natural character and amenity of the coast and its relationship with vegetation, buildings and uses.</p>
<p><i>Chapter 9 – Landscape Effects</i></p>	<p>The protection of landscape and natural features, particularly in rural areas and along the coast</p>
<p><i>Objective 9.1</i></p> <p><i>Policies 9.1.4, 9.1.6</i></p>	<p>The rural landscape in Tasman District is an important regional feature, particularly recognising the value of the non-urban areas. Development should not compromise that value.</p>
<p><i>Chapter 13 – Natural Hazards</i></p>	<p>Control of land that is subject to the effects of coastal erosion and inundation on the coast</p>
<p><i>Objective 13.1</i></p> <p><i>Policies 13.1.1, 13.1.1A, 13.1.2A, 13.1.5A</i></p>	<p>The natural hazards associated with building on the coast have to be considered and where there is potential risk through inundation, measures have to be considered to avoid or mitigate that risk.</p>

The objectives and policies that are considered relevant to this application are set out in Appendix B to this report.

## **7. RESTRICTED DISCRETIONARY ACTIVITIES**

The Proposed Tasman Resource Management Plan deems this proposal to be a Restricted Discretionary Activity under both the Rural 2 Zone rules and the Coastal Environment Area rules. The Plan determines that this application can be refused or conditions imposed, only in respect of the following matters to which Council has restricted its discretion.

### **7.1 Rural 2 Zone Rules**

- Location and effects of servicing, including wastewater disposal, water supply, access and traffic safety.
- The potential for landscaping, existing planting or topography to mitigate the effect of an increase in height or extent of buildings.
- The adverse effect of a building with reduced setbacks.
- The effects of natural hazards.
- The nature of adjoining uses, buildings and structures and any adverse effects of closer development on these.
- The extent to which the proposed building would detract from the openness and rural character of the locality.
- The extent to which the building would be compatible with existing development in the vicinity.
- The potential for landscaping to maintain privacy for neighbours.
- The visual impact and appropriateness of colour and materials for buildings and structures.
- Any effects on natural character or water bodies and the coast.
- Any effects on indigenous vegetation and habitats of indigenous fauna.

### **7.2 Coastal Environment Area Rules**

- The effects of the location, design and appearance of the building, including its scale, height, materials, landscaping and colour, on the amenity and natural character of the locality, including effects on:
  - (a) natural features;
  - (b) landscape and seascape values;
  - (c) significant natural values;
  - (d) the character of any existing development.
- The effects of natural hazards.



## **8. ACTUAL AND POTENTIAL EFFECTS OF ALLOWING THE ACTIVITY**

The application lodged by R Carr and A Emerson seeks consent to erect a dwelling on a parcel of land at 59 Totara Avenue which has a limited area available for building. The rules of the Proposed Tasman Resource Management Plan make it impossible to erect a building on this site as a Permitted or Controlled Activity. That is also the case with all the allotments at Totara Avenue as there is a requirement to be at least 100 metres from the coast in a Rural 2 Zone. The actual sandspit is barely 100 metres in width at its widest point and is bisected by the road.

Building on such a limited area of land has the potential to create actual and potential effects and consideration has to be given to whether these effects need to be avoided, mitigated or remedied. These matters are now discussed in more detail to assess their relevance to this application.

### **8.1 Permitted Baseline**

The land is zoned Rural 2 and the site is within the Coastal Environment Area. The Proposed Tasman Resource Management Plan makes provision for dwellings to be erected on Rural 2 land as a Permitted Activity, but the building is required to meet the required setbacks of 10 metres from a legal Road and 5 metres from internal boundaries. In relation to the Coastal Marine Area, dwellings are permitted as a Controlled Activity but are required to be 100 metres from the coast. In this particular case, the dwelling does not meet either of these standards, making it a Restricted Discretionary Activity.

As such, the permitted baseline has little relevance to this particular proposal, and the actual and potential effects of building with reduced setbacks need to be carefully considered. If effects are identified, thought should be given as to whether they need any mitigation measures to be imposed.

### **8.2 Scale and Intensity of the Proposal**

The application lodged is for a three bedroom dwelling that is some 168 square metres in area with decks of approximately 86 square metres on the eastern and western sides. The decking is designed to provide an outdoor/indoor living environment. The building is within the height restriction for building in the Coastal Environment Area, and does not exceed 5 metres in height.

While the site is not really a rural allotment, Totara Avenue is an anomaly when it is zoned Rural 2 but the allotments are of a residential character, much like the nearby Pakawau area. That zoning is historic and current rules do not place a restriction on the size of a dwelling to be erected on Rural 2 land. If a comparison was made with a Residential Zone, the site coverage is approximately 21 percent for the dwelling and the Plan excludes uncovered decks from site coverage. The Residential Zone rules permit up to 33 percent of a site to be covered with buildings as a comparison.

The comparison with setback from the coast does not meet the Residential Zone standard of 30 metres, but there are very few of the Totara Avenue dwellings that would meet this standard, due to the loss of the esplanade reserve through coastal erosion. As such, the intensity of the development is not considered excessive and apart from the coastal setback, the proposal would compare favourably with a similar development in a Residential Zone.

### **8.3 Reduced Setbacks in Rural 2 Zone**

As earlier mentioned in the site description section of this report, none of the development at Totara Avenue complies with the bulk and location requirements for the Coastal Environment Area and the in other cases, the Rural 2 Zone. To site the building in a complying position is impossible for this site. The reduced setback from the road boundary is mitigated to some extent by the area of road reserve between the carriageway in Totara Avenue and the property boundary. There is no proposal to widen the carriageway that I am aware of and it is unlikely the residents in this area would support such a move.

In relation to the side yards, the yard to the south is reduced to 3.6 metres to optimise the sunlight on the northern side of the building. While the adjoining neighbour to the south does not support this siting, the effects of the reduction from 5 to 3.6 metres is difficult to establish, given their dwelling is existing and the Coastal Environment Area Rules would permit an addition of up to 50% to the existing bach, providing it was no higher than that bach, and no closer to the coast. Existing screen fencing and some vegetation also help to some extent to mitigate the reduced setbacks in this case.

### **8.4 Amenity Values**

The addition of a further dwelling at Totara Avenue can have some effect on amenity of that area, particularly when there are reduced setbacks. This is dependent on the siting of the existing buildings, the design of the proposed building and what mitigating factors are involved. The Carr/Slade submission indicated there would be some effect on the amenity they enjoy at that location. This matter is not explained in detail but it is accepted a dwelling on the adjoining allotment, even if it was the required setback from the common boundary, could have some effect on the amenity of the area. The design of the building has a limited number of windows in the south facing wall, and two of these are at a higher level, reducing any intrusion.

The deck on the eastern side of the building is reasonably large and is continued to the southern edge of the dwelling, which could increase the potential for intrusiveness. If consent is granted to this application, it may be appropriate to address this issue by the inclusion of a solid screen, 1.8 metres in height along the southern edge of that deck.

While there is an existing brush fence on the southern boundary, the position of the deck and its elevation are not effectively mitigated by the fence. Vegetation in this area also assists with screening, but cannot be relied on as a permanent mitigation measure.

## **8.5 Off Street Parking**

The plans submitted with the application do not show any off-street parking as such and there may be some conflict with areas available for waste water disposal on site. The dwelling is required to have two off street parks and it is appropriate for these to be shown on a site plan to ensure this matter is addressed and vehicles are not encouraged to park on the legal road, which has very limited area available.

The proposal does not make provision for any covered car parking (a garage) and it is appropriate to point out that any future building may be difficult to accommodate under the current layout and allowing for complying waste water disposal.

## **8.6 Inundation**

The survey plan submitted with the application shows the levels on the site, but there is no relationship with either Mean Sea Level or TDC Datum. The siting of the dwelling on the higher part of the section and a floor level of FL 4.3 appears to address any potential risk of inundation and allows for any potential risk from sea level rise that may occur. As a matter of consistency, it would be appropriate to include a minimum floor level that addresses all the coastal issues that apply to the Totara Avenue area.

## **8.7 Water Supply**

The application has indicated no provision will be made for a water tank on the property and the property will rely on the Totara Avenue community water scheme. That proposal may well satisfy the domestic needs for a water supply, but it is clear it will not comply with the PTRMP requirement to have a supply of water for fire fighting purposes provided for each dwelling.

The Totara Avenue supply does make provision for some hydrants, but they are of very limited use as they are only a 40 mm bore and are not generally able to satisfy the needs of normal fire fighting appliances. While those hydrants are useful to deal with smaller vegetation fires, they are of limited value if a house fire was encountered.

As with other dwellings that have been granted consent in this area, if consent is granted in this case, a water storage tank of not less than 23000 litres should be required.

## **8.8 Wastewater Disposal**

The disposal of wastewater for this proposal is a matter that needs to be considered very carefully, given the limited area available for disposal and the proximity of the property to the coast. The applicant has engaged Tasman Consulting Engineers to investigate the site and design a waste water system that is appropriate for the site.

The proposed system consists of an aerated waste water system that treats effluent to a secondary standard and an area of LPD irrigation to discharge effluent on a dosed basis. The indicative system also shows a reserve area to the north east of the dwelling that does not meet the required setback from the coast, so the system will require some refinement.

The application rate of 10 mm per day is an acceptable rate of application and the LPD system will ensure it is dose loaded over a wide area rather than a concentrated discharge in a conventional field. As such there is a reduced risk of the effluent affecting any adjoining property. The use of the dwelling as a holiday home also provides periods of recovery time and avoids saturating the soil. The aerated system also provides effluent that is treated to a much higher standard than a conventional septic tank.

The established vegetation on the site will help with the uptake of wastewater and there is a degree of confidence that a system can be designed to dispose of the waste water within the limited areas available without creating adverse effects on the groundwater, the coastal marine area or any adjoining property. Such a system can meet the requirements of rule 36.1.4 of the Proposed Tasman Resource Management Plan.

## **8.8 Landscape and Natural Values**

The Totara Avenue area has rather unique landscape values through the vegetation that exists and through the presence of the Ruataniwha Estuary on the western side of the sandspit. The area is also renowned for the prolific bird life that is present. While the area is clearly developed when viewed from the Collingwood Puponga Road, it has retained a significant area of the totara trees that characterise the area.

The addition of the proposed dwelling will have a minor effect on these landscape values, but it is pleasing to see provision has been made to retain as much vegetation as is practicable, as this helps to mitigate the effects of the building when viewed from the coast.

The removal of vegetation from the property to construct the dwelling requires consent by Council as the trees on the property constitute woody indigenous vegetation that is located in the Coastal Environment Area. The application as lodged makes it clear that vegetation on the building platform is to be removed and that has been treated as part of the land use application.

While there are issues that affect the adjoining property to the south, overall, the erection of a dwelling on this property is unlikely to have any effect on the natural values of this area and any change to the landscape is likely to be very minor. The removal of the current bach that is very close to the top of the coastal rockwork will improve the amenity of the area when viewed from the coast. There is also the ability to control the materials and colours used on the building to ensure the structure is compatible with the Coastal Environment Area.

## **9. CONCLUSION**

The application lodged by R Carr and A Emerson to erect a dwelling at 59 Totara Avenue is a restricted Discretionary Activity as the site is zoned Rural 2 and the proposed building will not meet the required setbacks from the road boundary, both side boundaries and from the coast. This application is similar to all other applications to erect buildings in this area, as the allotments are generally of residential proportions and it is not possible to meet all setback requirements.

The proposal is a replacement of an existing building on the site and in this case the building will be further back from the coast, but will be significantly larger than the current building. The dwelling will be approximately 168m<sup>2</sup> in area with 86m<sup>2</sup> of decks. The dwelling will be provided with an aerated waste water treatment system and on site disposal of waste water via a LPD irrigation system.

The application is being evaluated under the Proposed Tasman Resource Management Plan which is the appropriate Plan for this proposal. The Plan is effectively operative in relation to this application with no outstanding appeals or references that could affect this application.

The application has been processed as a limited notified application and attracted one submission from the neighbour to the south that opposes the application and asks that it is declined. The submission has identified a number of areas of concern, which require further consideration when evaluating this application. The primary issues in this case relate to the amenity of this area and the protection of the environment from potential adverse effects. The location of the building that may result in intrusion affecting the adjoining property are also relevant.

There are some potential adverse effects from building in this location that may affect the enjoyment and privacy of the adjoining site to the south that has its living area facing the east. In particular, the deck on the eastern side of the main bedroom is considered to be intrusive when it is closer to the boundary than the plan permits. It also has a direct line of sight into the outdoor living area of the property to the south and this is not effectively mitigated by the brush fence currently on the boundary.

If the Committee consider consent should be granted in this case, I believe it is appropriate to require a visual screen to be erected on the southern edge of the eastern deck that is not less than 1.8 metres in height.

The proposed wastewater disposal system has been Engineer designed and is a sensible approach for such a limited site. The wastewater will be treated by a purpose designed aerated system before being discharged via a dosed LPD system with a low rate of application. There is some confidence such a system will operate without adverse effects for this site and the groundwater, coastal marine area and neighbouring properties will not be affected. The shown identified reserve area is not acceptable in the area shown as it is within 20 metres of Mean High Water Springs. Such a discharge would either need to be relocated to a complying position or be authorised by way of a discharge permit.

The policies and objectives of the Proposed Tasman Resource Management Plan provide a framework to assess the application. As such it is important to weigh the issues appropriately to determine how the proposal fits with the Plan. The policies and objectives that relate to the coast and site amenity are particularly relevant to the land use component of this application and those that relate to the on-site disposal of domestic waste water are relevant.

Given the very limited area available for development on this property, which retains a Rural 2 Zoning, the applicant has provided a proposal that can be considered a reasonable compromise in the circumstances.

Overall, the development of this property is unlikely to have an adverse effect on the environment at Totara Avenue and the proposal is not dissimilar to other properties in this location. The imposition of conditions to preserve the amenity of neighbouring properties and the general area are appropriate in this case. Accordingly, I consider consent can be granted subject to appropriate conditions.

## 10. RECOMMENDATION – LAND USE:

Pursuant to Section 104(C) of the Resource Management Act 1991, I recommend the application by R Carr and A Emerson to erect a dwelling at 59 Totara Avenue, Pakawau, on land described as Lot 13 Deposited Plan 6816, all land comprised in Certificate of Title NL 3B/616, being land zoned Rural 2 in the Coastal Environment Area is granted. If consent is granted, I recommend the following conditions are included;

### Land Use:

1. The proposed development shall be generally in accordance with the plans submitted with the application, attached as plans RM070991 (A – C) date (*date of granting consent*), and modified to conform with any additional conditions imposed. Where there is any conflict between the plans and the conditions imposed, the conditions shall prevail.
2. The dwelling shall have an overall height of not more than 5.0 metres above natural ground level, with a finished floor level of not less than 3.9 metres (TDC Datum).
3. The exterior of the building shall be finished in colours that are recessive and which blend in with the immediate environment. The consent holder shall submit to the Council's Consent Planner, Takaka for approval prior to applying for building consent the following details of the colours proposed to be used on the walls and roof of the building:
  - (a) the material to be used (e.g. paint, colour steel);
  - (b) the name and manufacturer of the product or paint;
  - (c) the reflectance value of the colour;
  - (d) the proposed finish (e.g. matt, low-gloss, gloss); and
  - (e) Either the BS5252:1976 (British Standard Framework for Colour Co-ordination for Building Purposes) descriptor code, or if this is not available, a sample colour chip.

The building shall be finished in colours that have been approved by the Council.

**Advice Note:**

The consent holder should engage the services of a professional to ensure the exterior cladding and colour selection are compatible with the long term durability of the building material in the subject environment and in accordance with the requirements under the Building Act 2004.

4. The proposed deck on the eastern side of the building shall include a screen along the southern edge, not less than 1.8 metres above the surface of the deck, to provide a visual barrier between the deck area and the property to the south.
5. The development shall incorporate two carparks, formed to an all-weather dust free metallised surface. Access from the existing carriageway to a point not less than 2 metres into the consent holders property shall be sealed with a two-coat chip seal. Any access beyond this point shall be finished to the same standard as the carparking.
6. Prior to lodging an application for Building Consent, the consent holder shall submit a landscaping plan for the development for approval by Council. The plan shall particularly address the area between the dwelling and the southern boundary, with a view to mitigating the encroachment into the normal Rural 2 Zone setbacks.
7. Stormwater from the proposed dwelling shall be disposed of to a purpose designed soakpit, located in a position where it will be well clear of any waste water disposal area.
8. Wherever practicable and subject to condition 12, mature Totara trees on the site shall be retained and managed to preserve the amenity of the local area.
9. As part of the building consent process, the consent holder shall submit a revised wastewater treatment and disposal system for the proposal that complies fully with the requirements of the Proposed Tasman Resource Management Plan. (Note: In the event the disposal area cannot comply fully with the siting requirements for on site disposal as prescribed by Rule 36.1.4, a discharge permit will be required)
10. The development shall incorporate an on-site water storage tank of not less than 23000 litres capacity, fitted with an accessible 50mm camlock coupling to allow connection with fire fighting equipment.
11. The configuration of the windows on the southern side of the building shall be limited to that shown on Plan RM 070991(C) dated (*date consent is issued*).
12. Consent is granted to remove the indigenous woody vegetation that currently exists on the building footprint and immediate environs, the access to the property and the area for carparking.

Laurie Davidson  
**Consents Planner (Land)**  
**Golden Bay**

Policies and objectives appropriate to this application are as follows:

**General Objectives**

- GO 1 Maintenance and enhancement of the quality of the Tasman District Environment.
- GO 2 Maintenance of the biological diversity and healthy functioning of land and ecosystems.
- GO 3 Avoidance, remedying or mitigation of the adverse effects on the environment and the community from the use, development or protection of resources.
- GO 4 Efficient use and development of resources.
- GO 5 Maintenance of economic and social opportunities to use, and develop resources in a sustainable manner.
- GO 8 Open, responsive, fair and efficient processes for all Resource Management decision-making.
- GO 9 Resolution of conflicts of interest in resource management between people in the community and within Council.

**Land Resource Objectives**

- Obj 6.2 Maintenance and enhancement of significant areas of indigenous vegetation, significant riparian lands, significant habitats of indigenous fauna and significant natural landscape and historic features of lands.
- Obj 6.6 Maintenance and enhancement of flood mitigation, habitat conservation, water quality, recreational and public access values and opportunities of riparian lands.

**Coastal Environment Objectives and Policies**

- Obj 9.5 Preservation of the natural character of the coastal environment, including the functioning of natural processes.
- Obj 9.6 Coastal land use and development that avoids, remedies or where appropriate mitigates adverse effects on:
  - i) public access to and along the coast; and
  - ii) amenity values; and
  - iii) heritage values; and
  - iv) Maori traditional associations with any coastal lands, waters sites, wahi tapu and other taonga; and
  - v) the natural qualities of coastal waters.



Pol 9.6 The Council will protect the natural character of the coastal environment by protecting:

natural features and landscapes, such as headlands and cliffs, coastal plains, estuaries, tidal flats, dunes and sand beaches;

habitats such as estuaries and wetlands;

ecosystems, especially those including rare or endangered species or communities, or migratory species;

natural processes such as spit formation;

water and air quality

Having regard to:

rarity or representativeness;

vulnerability or resilience;

coherence and intactness;

interdependence; and

scientific, cultural, historic and amenity values;

of such features, landscapes, habitats, ecosystems, processes and values

Pol 9.7 The Council will avoid, remedy or where appropriate mitigate adverse effects of subdivision, use or development of coastal land on:

coastal habitats, including wetlands, estuaries and dunes;

coastal ecosystems, especially those including rare or endangered species or communities, or migratory species;

natural coastal features and landscapes, including headlands, beaches, spits

sites of coastal processes;

public access to and along the coastal marine area;

water and air quality;

traditional associations of Maori with ancestral coastal lands, waters, sites, wahi tapu, turanga waka, mahinga maitai, taonga raranga and other taonga.

Having regard to:

rarity or representativeness;

vulnerability or resilience;

coherence and intactness;

interdependence; and

scientific, cultural, historic and amenity values;

of such habitats, ecosystems, features, landscapes, sites, values or taonga.

PROPOSED TASMAN RESOURCE MANAGEMENT PLAN

Policies and objectives appropriate to this application are as follows:

**Site Amenity**

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. *(Objective 5.1.0)*

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

To limit the intensity of development where wastewater reticulation and treatment are not available. *(Policy 5.1.3)*

To avoid remedy or mitigate the likelihood and adverse effects of the discharge of any contaminant beyond the property on which it is generated, stored, or used. *(Policy 5.1.7)*

To protect the natural character of coastal land from adverse effects of further subdivision, use or development, including effects on:

- a) natural features and landscapes, such as headlands, cliffs and the margins of estuaries;
- b) habitats such as estuaries and wetlands;
- c) ecosystems, especially those including rare or endangered species or communities;
- d) natural processes, such as spit formation
- e) water and air quality;

having regard to the:

- i) rarity or representativeness;
- ii) vulnerability or resilience;
- iii) coherence and intactness;
- iv) interdependence;
- v) scientific, cultural, historic or amenity value;

of such features, landscapes, habitats, ecosystems, processes and values. *(Policy 5.1.9)*

Maintenance and enhancement of amenity values on-site and within communities throughout the District. *(Objective 5.2.0)*

To maintain privacy for residential properties and for rural dwelling sites. *(Policy 5.2.1)*

To ensure adequate daylight and sunlight to residential properties, and rural dwelling sites. *(Policy 5.2.2)*

To promote opportunity for outdoor living on residential properties, including rural dwelling sites. (*Policy 5.2.3*)

To promote amenity through vegetation, landscaping, street and park furniture, and screening. (*Policy 5.2.4*)

To maintain and enhance natural and heritage features on individual sites. (*Policy 5.2.6*)

To enable a variety of housing types in residential and rural areas. (*Policy 5.2.7*)

Maintenance and enhancement of the special visual and aesthetic character of localities. (*Objective 5.3*)

To maintain the open space value of rural areas. (*Policy 5.3.2*)

To avoid, remedy or mitigate the adverse effects of the location, design and appearance of buildings, signs and incompatible land uses in areas of significant natural or scenic, cultural, historic or other special amenity value. (*Policy 5.3.3*)

To maintain and enhance features which contribute to the identity and visual and aesthetic character of localities, including;

- b) heritage
- c) vegetation
- d) significant landmarks and views (*Policy 5.3.5*)

### **Rural Environment Effects**

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. (*Objective 7.2.0*)

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

To enable sites in specific locations to be used primarily for rural industrial, tourist services or rural residential purposes (including communal living and papakainga) with any farming or other rural activity being ancillary, having regard to:

- a) the productive and versatile values of the land;
- b) natural hazards;
- c) outstanding natural features and landscapes and the coastal environment;
- d) cross boundary effects, including any actual and potential adverse effects of existing activities on future activities;
- e) servicing availability;

- f) the availability of specific productive natural resources such as aggregates or other mineral resources;
- g) transport, access and effects;
- h) potential for cumulative adverse effects from further land fragmentation;
- i) maintaining a variety of lot size;
- j) efficient use of rural land resource;
- k) cultural relationship of Maori to their land. (*Policy 7.2.1A*)

### **Margins of the Coast**

Maintenance and enhancement of the natural character of the margins of lakes, rivers, wetland and the coast, and the protection of that character from adverse effects of the subdivision, use, development or maintenance of land or other resources, including effects on landform, vegetation, habitats, ecosystems and natural processes. (*Objective 8.2*)

To maintain and enhance riparian vegetation, particularly indigenous vegetation, as an element of the natural character and functioning of lakes, rivers, the coast and their margins. (*Policy 8.2.1*)

To control the destruction or removal of indigenous vegetation on the margins of lakes, rivers, wetlands and the coast. (*Policy 8.2.2*)

To avoid, remedy or mitigate adverse effects of buildings or land disturbance on the natural character, landscape character and amenity values of the margins of lakes, rivers, wetlands or the coast. (*Policy 8.2.3*)

To ensure that the subdivision, use or development of land is managed in a way that avoids where practicable, and otherwise remedies or mitigates any adverse effects, including cumulative effects, on the natural character, landscape character and amenity values of the coastal environment and the margins of lakes, rivers and wetlands. (*Policy 8.2.6*)

To preserve natural character of the coastal environment by avoiding sprawling or sporadic subdivision, use or development. (*Policy 8.2.7*)

To manage the location and design of all future buildings in the coastal environment to ensure they do not adversely affect coastal landscapes or seascapes. (*Policy 8.2.14*)

To pursue and encourage restoration and enhancement of coastal and riparian areas where natural character has been degraded by past human activities. (*Policy 8.2.15*)

To avoid, remedy or mitigate adverse effects on natural coastal processes of the subdivision, use or development of land, taking account of sea-level rise. (*Policy 8.2.16*)

## **Landscape**

Protection of the District's outstanding landscapes and features from the adverse effects of subdivision, use or development of land and management of other land, especially in the rural area and along the coast to mitigate adverse visual effects. (*Objective 9.1*)

To ensure that structures do not adversely affect:

- a) visual interfaces such as skylines, ridgelines and the shorelines of lakes, rivers and the sea;
- b) unity of landform, vegetation cover and views. (*Policy 9.1.4*)

To promote awareness and protection of landscape (including seascape) values. (*Policy 9.1.6*)

## **Natural Hazards**

Management of areas subject to natural hazard, particularly flooding, instability, coastal and river erosion, inundation and earthquake hazard, to ensure that development is avoided or mitigated, depending on the degree of risk. (*Objective 13.1*)

To avoid the effects of natural hazards on land use activities in areas or on sites that have a significant risk of instability, earthquake shaking, flooding, erosion or inundation, or in areas with high groundwater levels. (*Policy 13.1.1*)

To assess the likely need for coastal protection works when determining appropriate subdivision, use or development in the coastal environment and, where practicable, avoid those for which protection works are likely to be required. (*Policy 13.1.1A*)

To avoid or mitigate adverse effects of the interactions between natural hazards and the subdivision, use and development of land. (*Policy 13.1.2A*)

To promote the maintenance and enhancement of coastal vegetation in areas at risk from coastal erosion. (*Policy 13.1.5A*)