



STAFF REPORT

TO: Environment & Planning Subcommittee

FROM: Mark Morris, Co-ordinator – Subdivision Consents

REFERENCE: RM070256

SUBJECT: **ROBINSON FAMILY TRUST - REPORT EP08/04/14** - Report prepared for 28 April Hearing

1. APPLICATION BRIEF

1.1 Proposal

The application is to subdivide a 4 hectare property into two allotments; Lot 1 being 1.1723 hectares and Lot 2 being 2.8488 hectares (containing an existing dwelling).

Please note that the application is for subdivision only. While there has been mention of the establishment of a winery/café on the site of the proposed Lot 1, no application has made for such an activity. This would be a Discretionary activity, with full details of the proposal required with including a car parking and traffic assessment. However this report assesses only what has been applied for, which is the subdivision consent.

1.2 Location, Legal Description and Background

The property is located at 71 Bronte Road East.

The legal description of the land is Part lot 2 DP 7391 and Section 17 Block II Moutere SD (CTs NL 3A/770 and NL 7A/560).

1.3 Zoning and Consent Requirements

The land is zoned Rural 3 under the Proposed Tasman Resource Management Plan.

The subdivision is considered to be a Restricted Discretionary Activity under Rule 16.3.9D of the Proposed Tasman Resource Management Plan in that the minimum lot size is less than the 50 hectares required under the controlled activity Rule 16.3.9C for Rural 3 zoned land.

2.1 The Application Site

The 4 hectare property is on the northern side of Bronte Road and most of the property slopes gently to the north with a small gully and amenity pond near the centre of the property. There is small knoll towards the north western end of the site which has been landscaped for a building site. An access has been formed from the proposed building site to Bronte Road, though no formal consent has been obtained from Council for the access crossing.

The applicants have lived on the property since 1966 and live in the existing dwelling on south eastern corner of the property. Until 1999 the property was mainly used for grazing by the applicant. In 1999 much of the property was planted in grapes and has been leased by the adjacent landowner, Rimu Grove Winery who have and agreement to lease the vineyard land (most of Lot 2) until 2019.

The property does not appear to have ever been used for orcharding.

3. NOTIFICATION, SUBMISSIONS and AFFECTED PARTIES CONSENT

The application was notified on 22 January 2008.

Four submissions were received.

1. Robert Williams

Opposed to the application, making the following the following points:

- The proposed building site is on a knoll that is extremely prominent when viewed from my property.
- There are inconsistencies in the application such as stating that any future development will require “its own water supply”, but then later on page 24 it states that underground water has been installed to the building site.
- The application states that negotiations over setting up a restaurant/café on the site have failed because of the Rimu Grove lease. However the lease does not affect proposed Lot 1.
- Any application to build a restaurant should be carried out with sensitivity to the landscape and the environment.
- The proposal is contrary to the landscape policies 9.2.3 and 9.2.5 in the TRMP.
- While the landscape report suggests that planting may mitigate the visual effects of the development, it is unlikely that anyone building for views and the sun, would want trees cutting out their views.
- If the Lot 1 is unfit for any horticultural use, why should it be put on its own title?
- The other blocks in Bronte Road can be used for horticultural purposes. One of the standards for Rural Subdivision must include the economic viability of a potential subdivision.
- If Council allows this subdivision to go ahead, it will set a precedent for other small holders to do the same.
- To allow a subdivision on a knob that the vendors created of their own free will and then claim they can't do anything with it, is misleading.

Wishes to be heard.

2. Cole Boyd Family Trust

Opposed to the application making the following points:

- Until June 2008 we own the block of land that looks directly over the proposed Lot 1 building platform.
- The end use of proposed Lot 1 is not clear from the application. The application alludes to establishing a commercial café/restaurant and to residential use, but little information is given on the proposed commercial use.
- If the application involves use as commercial site, then more information needs to be provided on the proposed use.
- More information needs to be provided of the building footprint for the proposed residential dwelling on Lot 1, including elevations and landscape plantings around the building envelope.
- The proposed subdivision is not a boundary adjustment and that the rules relating to subdivisions should apply.
- The landscape report is retrospective, in that the building platform has already been created.
- Our understanding is that dwellings on the highest part of the property do not meet the Council's design guidelines. The suggested plantings to mitigate the effect of the dwelling would have to be 7 metres high to obscure a 5 metre high dwelling and would take 20 years to reach maturity.
- More details should be provided of any proposed cut and fill associated with any residential or commercial development on the site. We would support the recessing of any proposed buildings into the natural landform, to make it less visible.
- The application lacks any adequate analysis of wastewater treatment by a wastewater engineer.
- There is no soil testing report on chemical residues in the soil.
- There is no traffic assessment report. The Bronte Road turnoff from the Coastal Highway is already dangerous and Bronte Road is narrow and has little in the way of a shoulder, leaving little room for two way traffic.

- The blocks on the northern side of Bronte road are quite different from the southern side, which is zoned rural residential. To approve this subdivision would set a dangerous precedent, which would lead to the erosion of what is left of the rural character that the Rural 3 Zone is seeking to preserve.

Wished to be heard.

3. John Richards

Opposed to the application for the following reasons:

- The proposal is contrary to the policies and objectives for Rural land as set out in the TRMP and will result in unacceptable land fragmentation and loss for future rural production purposes.
- The proposed is not a “minor boundary adjustment”, but is a subdivision.
- The property already contains a residential building and should not be further fragmented for commercial or residential development.
- Lot 1 should not be built on merely because it is unsuitable for viticulture.
- Bronte Road East is narrow and winding and not suitable for increased traffic.
- The intersection of Bronte Road and the Coastal Highway is a potential blackspot and it would be hazardous to inflate the volume of traffic using this intersection.
- The subdivision will create noise pollution from traffic and social events.
- Light pollution will be created from cars, windows and driveway lighting.
- Visual pollution from buildings that should not be placed on a hill top in the rural landscape.
- The applicant’s landscape report (Carter (2008)) does not take into account the visual effects on the Richards Family property (Audience Area D) which are in line-of-sight of the Lot 1 building site.
- The proposed mitigation measures do not mitigate the visual effects if a dwelling on Audience Area D.

Did not wish to be heard.

4. Alan Farndale

Opposed to the application for the following reasons:

- The proposed Lot 1 building site is in a visually prominent location.

- There is a lack of information on the intended development on Lot 1.
- The device of using a very small and more or less useless title is not consistent with Council's purpose in providing for boundary relocation subdivisions.
- The proposal is contrary to various objectives and policies in Chapter 7 of the PTRMP, which are concerned with amenity matters and protection of rural character, particularly in the Coastal Tasman Area.
- The proposal will lead to fragmentation of rural land.
- The construction of dwelling on Lot 1 will have an adverse effect on the rural character of the locality and the visual amenity that we currently enjoy.
- The proposal is not consistent with the Guidelines for Subdivision in the Coastal Tasman Area and is also contrary to the location specific guidelines (a), (d) and (e) for the Waimea Inlet- Bronte sub unit (9B) in Chapter 4 of Plan Variation 55.
- The proposal is contrary to the Principles and Purposes of the Resource Management Act as set out in Part II of the Act.

Wished to be heard.

Affected Parties Consent

The applicant has provided written approval from the following parties:

1. Patrick and Barbara Stowe
2. Peter and Clare Jones (76 Bronte Road East)
3. Gillian Knight (78 Bronte Road East)
4. Leslie and Suzanne McConchie
5. R and M Sowman (24 Bronte Road East)
6. Margaret Elliot and Tony Robinson (occupiers of the property)

4. PRINCIPAL ISSUES

The principal issues associated with the applications are:

- a) Is the proposed development consistent with the Rural 3 zone Design Guide is the scale of the development appropriate?
- b) Will the development be able to achieve and maintain an acceptable level of rural character and amenity that is in keeping with the surrounding area?
- c) Will the development have an adverse effect on the productive values or the productive potential of the site?

5. STATUTORY PROVISIONS

The application is a restricted discretionary activity in the Rural 3 Zone. The Council must consider the application pursuant to Section 104 of the Resource Management Act 1991.

The matters for the Council to address in Section 104 are:

- Part II matters;
- the actual and potential effects on the environment of allowing the activity (Section 104 (1)(a));
- relevant objectives and policies in the Tasman Regional Policy Statement, and the Proposed Tasman Resource Management Plan (Section 104 (1) (b));
- any other matter the Council considers relevant and reasonably necessary to determine the application (Section 104 (1)(c)).

Section 104C of the Resource Management Act 1991 (as amended) provides:

When considering an application for a resource consent for a restricted discretionary activity, a consent authority—

- (a) must consider only those matters specified in the plan or proposed plan to which it has restricted the exercise of its discretion; and*
- (b) may grant or refuse the application; and*
- (c) if it grants the application, may impose conditions under section 108 only for those matters specified in the plan or proposed plan over which it has restricted the exercise of its discretion.*

5.1 Resource Management Act Part II Matters

In considering an application for resource consent, Council must ensure that if granted, the proposal is consistent with the purpose and principles set out in Part II of the Act.

Section 5 sets out the **purpose** of the Act which 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 -

- sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*

- *avoiding, remedying, or mitigating any adverse effects of activities on the environment*

Sections 6, 7 and 8 set out the **principles** of the Act:

Section 6 of the Act refers to matters of national importance that the Council shall recognise and provide for in achieving the purpose of the Act. The matters relevant to this application are:

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

Section 7 of the Act identifies other matters that the Council shall have particular regard to in achieving the purpose of the Act. Relevant matters to this application are:

- 7(b) the efficient use and development of natural and physical resources
- 7(c) the maintenance and enhancement of amenity values
- 7(d) intrinsic values of ecosystems
- 7(f) maintenance and enhancement of the quality of the environment, and
- 7(g) any finite characteristics of natural and physical resources

Section 8 of the Act shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi). I understand that the applicant has consulted with iwi. I do not anticipate that there are any relevant issues for this application in respect of Section 8.

If consent is granted, the proposed activity must be deemed to represent the sustainable use and development of a physical resource and any adverse effects of the activity on the environment are avoided, remedied or mitigated.

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

5.2 Tasman Regional Policy Statement

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

Because the Proposed Tasman Resource Management Plan was developed to be consistent with the Regional Policy Statement, it is considered that an assessment under the Proposed Plan will satisfy an assessment against Policy Statement principles.

5.3 Tasman Resource Management Plan

The most relevant Objectives and Policies to this application are contained in:

- Chapter 5 "Site Amenity Effects";

- Chapter 7 “Rural Environment Effects”;
- Chapter 8 “Margins of Rivers, Lakes, Wetlands and the Coast”;
- Chapter 9 “Landscape”

These chapters articulate Council’s key objectives: To ensure land uses do not significantly adversely affect local character, to provide opportunities for a range of activities in rural areas while retaining the productivity of the land.

The most relevant Rules which follow from these imperatives are contained in:

- Chapter 16.3 ‘Subdivision’,
- Chapter 17.5A ‘Rural 3 Zone’,
- Chapter 16.2 ‘Transport’,

Matters Council has restricted its discretion are listed in Appendix 1. Details of the assessment of the proposed activity in terms of these matters are addressed through the assessment of actual and potential effects in paragraph 6.1 below and analysis and discussion on the relevant policies and objectives in paragraph 6.2 of this report.

5.4 County of Waimea District Planning Scheme 4

As the land is zoned Rural B within this Transitional District Plan and does not meet Ordinance 406, which requires a 15 hectare minimum lot size, the proposed subdivision constitutes a **non-complying activity** under the Waimea Scheme.

Weighting

Whilst the Rural 3 provisions of the Proposed Tasman Resource Management Plan have advanced through the hearing and decision processes, Section 19 of the Act directs that the Transitional District Plan cannot however be set aside entirely. As the subdivision constitutes a **non-complying activity** under this Transitional District Plan (*County of Waimea District Planning Scheme 4*), overall the development must be assessed as a **non-complying activity**.

However, due to the advanced stage of the Proposed TRMP through the statutory process, and I understand that there are no outstanding references on the Rural 3 zoning that might affect this property, I recommend that very little weight should be given to the Waimea District Planning Scheme in the assessment of this proposal.

6. ASSESSMENT

Pursuant to Section 104(1)(a) of the Resource Management Act, the following effects assessment has been set out:

6.1 Actual and Potential Environmental Effects

6.1.1 Permitted Baseline

Under Section 104 (2) of the Resource Management Act the Council may use the “permitted baseline” test to assess the proposal. Under this principle the proposal is compared with what could be done as permitted activities under the relevant Plan.

Subdivision

In terms of the subdivision there is no permitted activity rule in the Rural 3 zone so the permitted baseline test is not considered relevant for subdivision.

6.1.2 Rural Land Productivity

The Coastal Tasman Area, including the Rural 3 Zone, has been identified as an area where rural residential and residential development opportunities within the rural environment could be enabled, subject to protecting the productive values of the rural land resource, coastal and rural character, and amenity values, and avoiding, remedying and mitigating adverse effects on the environment, and encouraging low impact subdivision and development. To assist in this assessment a Design Guide covering the matters identified above and others has been developed; and a matter of discretion is the level of consistency with this Design Guide.

Where those living opportunities can be achieved without compromising productive values, natural character, rural character and amenity values, other significant values and avoid, remedy, or mitigate adverse effects on the environment it may be appropriate to grant consent.

The site's productive land values have been assessed by Council's Resource Scientist (Land), Mr Andrew Burton (attached as Appendix 2 of this report)

Classification System

The "Agriculture New Zealand Classification System for Productive Land in the Tasman District" is used to determine productivity potential of the land. The classification system ranges from "A" to "H", with "A" being land with the highest versatility being described as very flexible and "H" being land with the lowest versatility being described as inflexible for primary production activities.

Mr Burton has utilised this classification system and has identified the land as a combination of Class B and E land.

Land Class Assessments

Mr Burton's report states the proposed Lot 2 has gently rolling topography with average slopes of approximately five degrees and a favourable north facing aspect and this is mainly planted in grapes apart from the residential area for the existing Robinson house.

The proposed Lot 1 has approximately 50% of Class E land which has an average slope of about 16 degrees, which would be too steep for most horticultural crops.

The remainder of Lot 1 (mainly the proposed building site) also has a classification of Class B, but is such a small area, it would make it difficult to be used as part of a productive unit.

Assessment of Soils

Mr Burton states that the soils on Lot 2 have been mapped as Mapua Sandy Loams and have a Classification of Class B which is the second most versatile of the 7 class ranking system for the Tasman District. Class B soils make up the top 5% of productive soils in the Tasman District.

The majority of the Class B soils are within Lot 2 and will be unaffected by the subdivision.

All of the Class E soils are within Lot 1, thereby ensuring that the less productive soils are used for the residential allotment.

Land Productivity and Versatility

It is considered that the proposed subdivision will not have an adverse effect on the actual and potential productivity of the site, in that the existing productive area of the property will remain in productive use and will largely be unaffected by the subdivision.

6.1.3 Rural Character, Landscape and Amenity Values

"*Rural character*" is defined in the PTRMP (Chapter 2) as:

"the character of the land as shown by the predominance of rural productive activities and includes:

- (a) *a high ratio of open space to built features;*
- (b) *large areas of pasture, crops, forestry, and land used for productive end;*
- (c) *built features associated with productive rural land uses;*
- (d) *low population density;*
- (e) *predominant form of residential activity directly associated with a productive land use;*
- (f) *social and economic activity associated with productive land use;*
- (g) *cultural values associated with farming and living on the land."*

The current landscape of the immediate surrounding area comprises all of the aspects of "rural character", with high degree of open space, relatively intensive horticultural and viticultural activities present, a low population density and a relatively open landscape, in spite of the small size of the existing title.

Amenity Values

Amenity values, as defined in Section 2 of the Resource Management Act 1991, is set out below:

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

Amenity values arise from a number of qualities or elements that people value and are based on the natural and physical qualities and characteristics of an area. In relation to the rural locality they are most likely to include qualities such as:

- a sense of spaciousness (wide open spaces)
- expansive views of natural features such as hills, water, plains
- pleasant environment
- the presence of significant areas such as natural habitats.
- an environment with rural productive activities such as farming and horticulture
- privacy, peace and quietness, and absence of traffic and bustle
- an environment relatively uncluttered by structures and artificial features elements such as planting, topography, land use activities, waterways.

A number of the submitters are concerned about the effects of the subdivision on the existing rural amenity of the area.

Assessment of the Proposed Character

Design Guide for Subdivision and Development in the Coastal Tasman Area (The Guide)

The essence of the Coastal Tasman Design Guide as set out in Part II Appendix III of the TRMP recognises the potential for more residential development while still retaining its particular rural character and landscape values with the minimal loss of the productive and versatile qualities of the land.

To be consistent with The Guide the development will provide an acceptable level of rural amenity within and outside the developed area and still the retain the availability of productive land for productive uses.

The following table assesses the development against outcomes anticipated by The Guide:

The Guide	Robinson Proposal
3.1 High productive Land.	
(a) Land with highest productive values remains available for future productive uses.	The main block of productive land within Lot 2 will still remain available for productive use.
(b) Separate and/or buffer existing and future potential rural productive activities from residential land use activities.	A 30m separation has been provided from the adjoining vineyard block and there will be at least 30m separation from the existing vineyard on Lot 2. The applicant proposes landscape plantings to mitigate cross boundary effects.
(c) Seek to retain high productive land in unfragmented landholdings.	The main existing productive are of the property will not be fragmented by the subdivision.
3.2 Fresh Water Resources and the Coastline.	
(a) Seek to maintain and/or enhance riparian buffer strips along the coast.	N/A
(b) Seek to protect riparian margins and the coast from stock access.	N/A

(c) Avoid earthworks in close proximity to the coastline.

Unlikely that there will be any significant earthworks close to the coast.

(e) Seek to retain significant separation distance and/or buffer between any building development and margins of the coast.

The proposed building site is over 200m from the coast.

(f) Create esplanade reserves along the margins of Waimea Inlet.

N/A

3.3 Drainage and Stormwater

(a) retain the natural drainage characteristics of the landscape.

Unlikely that these will change as part of the subdivision.

(b) Avoid excessive earthworks.

Few earthworks involved in the subdivision.

(c) Use low impact stormwater design for stormwater management.

Very little stormwater runoff from subdivision. Stormwater will be need to be managed as part of any dwelling consent. This can be assessed at the dwelling consent stage as a storm water discharge consent would be required.

3.4 Access and Transport

(a) Design driveways to complement contours and minimise the need for significant earthworks.

Very few additional access ways, which should not require significant earth works.

(b) Keep roads and driveways to a minimum.

Roads and driveways kept to a minimum.

3.5 Wastewater

(a) Provide a wastewater management system for the treatment and disposal of domestic wastewater from each dwelling, adequate to avoid, remedy or mitigate any actual or potential effects on water quality.

This would need to be dealt with as part of the discharge consent associated with a dwelling consent.

(b) Ensure that the disposal field of the wastewater system is located on terrain that is suitable for disposal.

Proposed disposal area is suitable for effluent disposal, subject to more specific investigation and design at the discharge consent stage for the dwelling.

(c) Ensure that on-site disposal systems do not compromise the ability of high quality land to be used for rural productive uses.

Disposal field will be on the least productive part of the property.

(e) Ensure that the disposal system is large enough to assimilate the proposed long-term wastewater volume as well as incorporating sufficient reserve area.

There is sufficient area available for disposal including a reserve area.

3.6 Water Supply

(b) Collect and store rainwater from the roofs of buildings and impermeable surfaces.

Would be required as part of a resource consent for a dwelling.

(d) Provide on-site water storage for the purpose of fire fighting.

Would be required as part of a resource consent for a dwelling.

3.7 Recreation, Conservation and Open Space.

(a) Provide for public access alongside coastal margins.

N/A

3.8 Allotments

(a) Apply the matters relating to location specific guidance (Chapter 4) to the design and layout of allotments, when considering a pattern of allotments.

The following matters in 4.2.3 Waimea Inlet – Bronte (Sub Unit 9B) are relevant:

(a) The maintenance of the open rural character as seen and experienced from Bronte Road east.

(d) Ensuring that development on the north side of Bronte Road complements the existing pattern and nature of the landscape over the more visually prominent slopes.

(e) Limiting development on the north side of Bronte Road to small cluster developments inland and towards the Coastal Highway.

(b) Provide for a variety of allotments shapes and sizes, which are in keeping with the landscape values, the topography of the site, and the landscape character of the surrounding environment.

Not relevant with one additional allotment.

(c) Seek to determine allotment boundaries based on natural landscape contours and geographic features.

The lot layout has been based on the natural contours with a clear natural demarcation between the Lot 1 building site and Lot 2.

(d) Determine allotment boundaries with a view to minimising the potential for adverse cross boundary effects between current and future productive uses.

The elevated position of the Lot 1 building should minimise cross boundary effects. Landscaping and 30m building setbacks are also proposed to mitigate cross boundary effects.

(e) Seek to ensure that high-productive land is not fragmented

The main block of productive land that is within Lot 2 is not being fragmented.

3.9 Building Location Areas

(a) Seek to retain dwelling privacy and outlook to the rural and/or coastal landscape in the selection of building location areas.

The proposed landscaping and bunding for the Lot 1 building site should provide high level of dwelling privacy.

(b) Ensure that building location areas are in places that are not highly visible from the coast or public viewing points

The building location areas should not be highly visible from the coast or public viewing platforms.

(c) Develop an uncluttered pattern of building location areas on the landscape.

Difficult to assess with one additional lot, but in terms of the existing landscape and the proposed landscaping measures, the subdivision should not create a cluttered landscape.

(d) locate building location areas in positions that will avoid, remedy or mitigate the potential for adverse effects cross boundary effects with productive land uses.

Building location area on Lot 1, with the proposed building setbacks and landscaping should not cause adverse cross boundary effects.

(e) Avoid placing building location areas on land that has high productive values.

Building location area on Lot 1 is located away from the main productive are of the property.

(f) use the location specific guidance (in Chapter 4) to assist in determining appropriate location for building location areas.

The subdivision proposal is considered to be consistent with these guidelines.

3.11 Vegetation

(c) Use appropriate plantings to screen buildings and structures, and to visually anchor buildings within the landscape.

A landscaping plan is proposed to screen the proposed Lot 1 dwelling.

The applicant has provided a full landscape assessment report that has been prepared by the Landscape Architect, Mr Tom Carter.

Mr Carter's conclusion [39] in page 20 of his report states:

"Provided the landscape controls recommended in this report are implemented fully and maintained, the effects will be minor and over time no loss of rural [character] will arise from a granting of consent."

I would concur with Mr Carter's assessment. While it is clear that the knoll that the Lot 1 building site is located on, is visible from a number of properties, the proposed mitigation measures should ensure that the adverse effects on the rural landscape are no more than minor.

The change to Rural 3 zoning in 2003, anticipates that there will be some form of rural residential development, in this area, subject to the Rural 3 design guide and policies and objectives of the Plan.

The TRMP anticipates the Rural 3 zoning will enable rural residential development to occur in those zoned areas, while seeking to retain rural character and amenity. It is my conclusion that this will be achieved by this proposal.

6.1.4 Cross Boundary and Reverse Sensitivity Effects

The creation of small rural residential allotments in a productive rural environment has potential to create cross-boundary effects. The applicant has provided mitigation measures such as 30 metre building setback from adjoining horticultural crops and screening planting which will help mitigate the cross boundary effects such as spray drift.

6.1.5 Transport Effects

The proposed additional allotment will access on to Bronte Road East. Some of the submitters are concerned about the traffic effects of the additional allotment creating traffic on a narrow road with a dangerous intersection on to the Coastal Highway.

Council's Development Engineer Dugald Ley has provided an assessment of the traffic effects of the proposed subdivision which is attached to this report as Attachment 1. Mr Ley's conclusion is that the traffic effects on Council's infrastructure would be "minor" and that as the access to Lot 1 was already completed, no additional access conditions would be required.

6.1.6 Public Open Space and Esplanade reserves.

The subdivision does not provide any opportunity for public open space or esplanade reserves.

6.1.7 Ecological Values

It is considered the proposed subdivision will not adversely affect ecological values.

6.1.8 Contaminated Site Issues

The property is not one of the areas known to be in orchard in the 1970's and therefore is not considered to contain pesticide residues from DDT and lead arsenic.

6.1.9 Natural Hazards

According to Council records there are no known natural hazard issues on this site. The proposed building site on Lot 1 will have to be certified by the Chartered professional Engineer as being suitable for residential development.

6.1.10 Cultural Heritage Assessment

According to written advice to the applicant from the Department of Conservation there are no known archaeological sites on the property. However, because of the coastal location, an advice note is to be included in the decision advising of landowners' obligations under the Historic Places Act.

6.1.11 Servicing Effects

Water Supply

No specific water supply has been proposed for the subdivision, though it does anticipate on page 10 of the application, that 23,000 litres of water storage will be required for dwellings. This satisfies the Proposed Plan permitted activity criteria for the volume of potable water stored on the site.

Wastewater

The application states the soils of the site are Class 5 soils which would require 800m of dropper lines for the disposal field which would be contained in a special planted disposal field of approximately 2700m² which would be planted out in native trees and shrubs.

Council's Co-ordinator of Natural Resource consents; Dr Michael Durand, advises that there is sufficient area available for effluent disposal within Lot 1, but a more detailed soil analysis and design plans would be required as part of a discharge consent that would be required together with a land use consent for dwelling on Lot 1.

Stormwater

It is considered that there are no additional works required as part of the subdivision that will result in the requirement for a stormwater consent. However, a stormwater discharge consent will be required for any proposed dwelling on Lot 2, as there is no permitted activity rule for stormwater discharges in the Rural 3 zone.

An advice note will need to include in any decision to grant consent to the subdivision, stating that a stormwater discharge consent may be required together with any dwelling consent for dwelling on proposed Lot 2.

Power and Telephone

There do not appear to be any problems providing power and telephone servicing to the additional allotment.

Provided there are adequate legal instruments, such as Easements, which are recommended as conditions of consent if granted, the adverse effects of servicing are considered to be minor.

6.2 Relevant Objectives and Policies of the PTRMP

The following Policies and Objectives have been considered relevant for this proposal:

- Chapter 5 "Site Amenity Effects";
- Chapter 7 "Rural Environment Effects";
- Chapter 9 "Landscape";

6.2.1 Chapter 5: Site Amenity Effects

Issues:

- (a) Provision for appropriate protection, use and development of the District's resources so that activities at one site do not adversely affect the use and enjoyment of another site, or resource.
- (c) Amenity can be compromised in site development and site use.
- (d) Some localities exhibit special characteristics which people wish to retain.
- (e) Safety of people, property, and resources.

Objectives	Policies
5.1.0 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.	5.1.1 5.1.3 To limit the intensity of development where wastewater reticulation and treatment are not available 5.1.4 5.1.9 5.1.9A
5.2.0 Maintenance and enhancement of amenity values on-site and within communities, throughout the District	5.2.4 5.2.7 5.2.8 To avoid, remedy or mitigate the adverse effects of traffic on the amenity of residential, commercial and rural areas. 5.2.13
5.3.0 Maintenance and enhancement of the special visual and aesthetic character of localities	5.3.2 To maintain the open space value of rural areas. 5.3.5

Comment

The above objectives and policies selected by the writer confirm the need to protect amenity values and whilst Chapter 5 policies and objectives cover all zones, it is clear that rural and rural/residential amenity values have to be safeguarded from adverse environmental effects.

6.2.2 Chapter 7: Rural Environment Effects

Relevant Issues:

Tasman District's land resource is largely rural. Rural character, amenity values, and the productive use of rural land underpins the social, economic and cultural well-being of the people of the District.

An important aspect of managing rural environmental effects is recognising the qualities and character of rural areas, and the legitimacy of existing established activities and a range of potential future activities which involve the productive use of the land resource.

A main issue Council has to consider is how to provide for non-soil-based production uses in rural areas without diminishing the availability of the productive land resource and how to maintain an appropriate level of protection of rural character, ecosystems and amenity values.

Objectives	Policies
7.1.0 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.	7.1.1 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 7.1.3
7.2.0 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.	7.2.1 To enable activities which are not dependent on soil productivity to be located on land which is not of high productive value. 7.2.1A To enable sites in specific locations to be used primarily for rural industrial 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; (c) outstanding natural features and landscapes; (d) cross-boundary effects; (e) servicing availability; (g) transport access and effects; (h) potential for cumulative adverse effects from further land fragmentation

	(j) efficient use of the rural land resource; 7.2.2 7.2.4
7.2A Managing the pressure for residential development in the Coastal Tasman Area while protecting the productive values, rural character and amenity values.	7.2A.1 to 7.2A.16B inclusive 7.2A.21
7.3.0 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.	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 7.3.6 7.3.8 to 7.3.10

While it is clear that the policies and objectives in Chapter 7 seek to retain productive potential of rural and retain rural amenity, they also in seek to enable rural residential development to specific zoned areas (7.2.1A), of which Rural 3 is one of these zoned areas. The Rural 3 zone does not mean that rural residential development can occur anywhere in Rural 3, but instead sets out a process of assessment to ensure that rural character an amenity can still be maintained.

The proposed subdivision is considered to be in accordance with these policies and objectives in Chapter 7 of the Plan.

6.2.4 Chapter 9: Landscapes

Relevant Issues

The urbanisation of rural landscapes and managing the effects of subdivision in coastal landscapes are important issues in the Tasman District.

Objectives	Policies
9.1.0 Protection of the District's outstanding landscapes and features, from the adverse effects on natural landform, surrounding natural features and on visual amenity values.	9.1.5 to 9.1.7A
9.2.0 Retention of the contribution rural landscapes make to the amenity values and environmental qualities of the District, and the protection of those values from inappropriate subdivision and development.	9.2.1 to 9.2.5 To require subdivisions with more intensive subdivision than the plan permits to demonstrate consistency with design guides. To retain rural characteristics of the landscape within rural areas.

The proposed subdivision is considered to be in accordance with the landscape policies and objectives in Chapter 9 of the Plan.

7. SUMMARY AND CONCLUSIONS

- 7.1 The existing site is 4 hectares in size, mainly planted in grapes which are leased by a neighbouring vineyard.
- 7.2 The proposal seeks to create 1 additional residential building site on proposed Lot 1 which is already partially constructed together with a formed access.

- 7.3 The property is zoned Rural 3 under the Proposed Tasman Resource Management Plan and subdivision should be consistent with the Rural 3 Design Guide and policies and objectives of the Plan.
- 7.4 The Rural 3 zoning of the northern side of Bronte Road anticipates that there will be some form of rural residential development in the area, such as the matters of restricted discretion under rule 16.3.9D, including consistency with the Design Guide for subdivision and Development in the Coastal Tasman Area.
- 7.5 The proposal has sought to retain the site's main area of productive land in one unfragmented allotment, (Lot 2) which is anticipated with the Rural 3 Design Guide.
- 7.6 The main issue with this proposal is whether the existing rural character can be achieved by the development.
- 7.7 It is considered that the proposed subdivision together with the proposed mitigation measures, will still retain the rural character that is anticipated by the Rural 3 zoning under the Proposed Tasman Resource Management Plan.
- 7.8 The proposal is considered to be consistent with the policies and objectives of the Proposed Tasman Resource Management Plan, in particular those in relation to the Rural 3 zoning of the property.
- 7.9 The applicant has provided a comprehensive landscape analysis of the site, surrounding area and how the development complies with the Rural 3 Design Guide and site specific landscape sub unit requirements.

8. RECOMMENDATION

Subdivision consent (RM070256)

That pursuant to Section 104B of the Resource Management Act 1991 the Tasman District Council **APPROVES** consent to the application by Robinson Family Trust to subdivide part Lot 2 DP 7391 and Section 17 Block II Moutere SD into two allotments.

9. RECOMMENDED CONDITIONS

Subdivision Consent (RM070256)

If the committee were going to grant consent, I would recommend that approval include the following conditions:

RESOURCE CONSENT NUMBER: RM070256

Robinson Family Trust
(hereinafter referred to as "the Consent Holder")

ACTIVITY AUTHORISED BY THIS CONSENT:

To subdivide two existing titles comprising 4.0557 hectares into two allotments, Lot 1 being 1.1723 hectares and Lot 2 being 2.8488 hectares.

LOCATION DETAILS:

Address of property: 71 Bronte Road East.
Legal description: Lot 2 DP 7391 and section 17 Block II
Moutere SD
Certificate of title: CT NL7A/560
Valuation number: 1938070301

CONDITIONS

General

1. The subdivision shall be undertaken in general accordance with the information submitted with the application for consent and in particular with the plan John West Surveys Plan No: JWS723 dated May 2004 and attached to this consent as Plan A. 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 Area – Lot 1

2. The location of any new buildings on Lot 1 shall be contained entirely within the building location area shown on Plan B attached to this consent. The building location area shall be shown on the survey plan which is submitted for the purposes of Section 223 of the Act.

Easements

3. Easements shall be created over any services located outside the boundaries of the lots that they serve as easements-in-gross to the Tasman District Council for Council reticulated services or appurtenant to the appropriate allotment.
4. The survey plan which is submitted for the purposes of Section 223 of the Act shall include reference to easements.

Power and Telephone

5. The Consent Holder shall provide written confirmation from the relevant utility providers that power and telecommunication services are available to Lot 1.

Landscaping Plan

6. Within 3 months of the granting of this consent, a comprehensive landscape plan drawn by an appropriately qualified landscaping professional detailing excavation, mounding, plantings and maintenance of the landscape plantings, in order to screen the visual effects of buildings on Lot 1. The plan shall be to the satisfaction of the Council's Environment & Planning Manager.
7. The excavation and mounding shall be generally in accordance with the Tasman Carter Landscape Report dated 24 November 2006 and submitted with the application.

8. The landscaping plan set out in condition 6 shall be fully completed prior to the signing of the Section 224 certificate for this subdivision.

Access

9. The existing access crossing to each of the allotments are accepted.

Site Certification

10. Certification that the Building Location Area on Lot 1 is suitable for the erection of a residential building shall be submitted from a chartered professional engineer or geotechnical engineer experienced in the field of soils engineering (and more particularly land slope and foundation stability). The certificate shall define on Lot 1 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

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

Consent Notices

12. The following consent notices 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) That the construction of any buildings on Lot 1 shall be restricted to the building location area shown on Title Plan DPand buildings shall be fully contained within the area identified.
- ii) A resource consent shall be required for any dwelling on lot 1 and a discharge consent will be required for any on-site water system associated with the dwelling and a storm water discharge consent shall be required for storm water runoff from the dwelling and building site.

The resource consent for the dwelling will require a full assessment, by a suitably qualified landscape design professional, of the proposed dwelling and associated landscaping against the *Design Guide for Subdivision and Development in the Coastal Tasman Area, Tasman District* set out in Part II – Appendix 3 of the Proposed Tasman Resource Management Plan.

- iii) That the maximum height of any building on Lot 1 shall be 30.91 metres above mean sea level.

For avoidance of doubt this is 4.5 metres above the existing site level of 26.41 metres above sea level and would allow for 5 metre high dwelling providing that it is recessed into the building site by average vertical cut of 500 mm.

- iv) All buildings on Lot 1 shall be finished and maintained in recessive colours with exterior cladding/paint of low reflectivity (no more than 50%).
- v) The roof of any dwelling on the proposed Lot 1 shall be a curved roof.
- vi) All water tanks and structures associated with the effluent treatment and disposal system shall be screened with plantings so that within five years they will be screened from adjoining properties.
- vii) Any further subdivision of Lot 1 or Lot 2 shall be prohibited.
- viii) The landscaping plantings and earth mounds constructed as part of subdivision consent RM070256 shall be retained maintained by the landowner in perpetuity.

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.

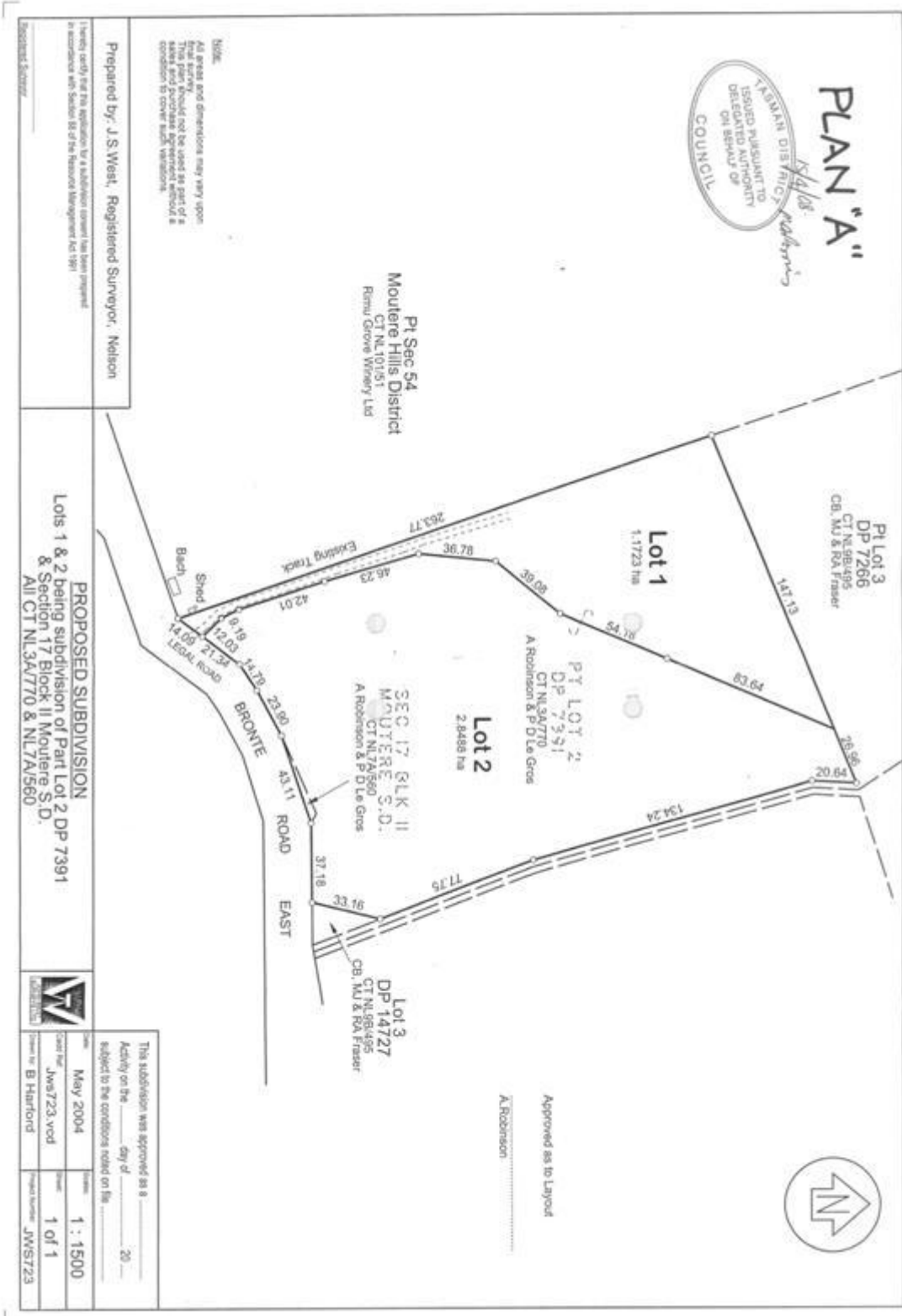
Other Proposed Tasman Resource Management Plan Provisions

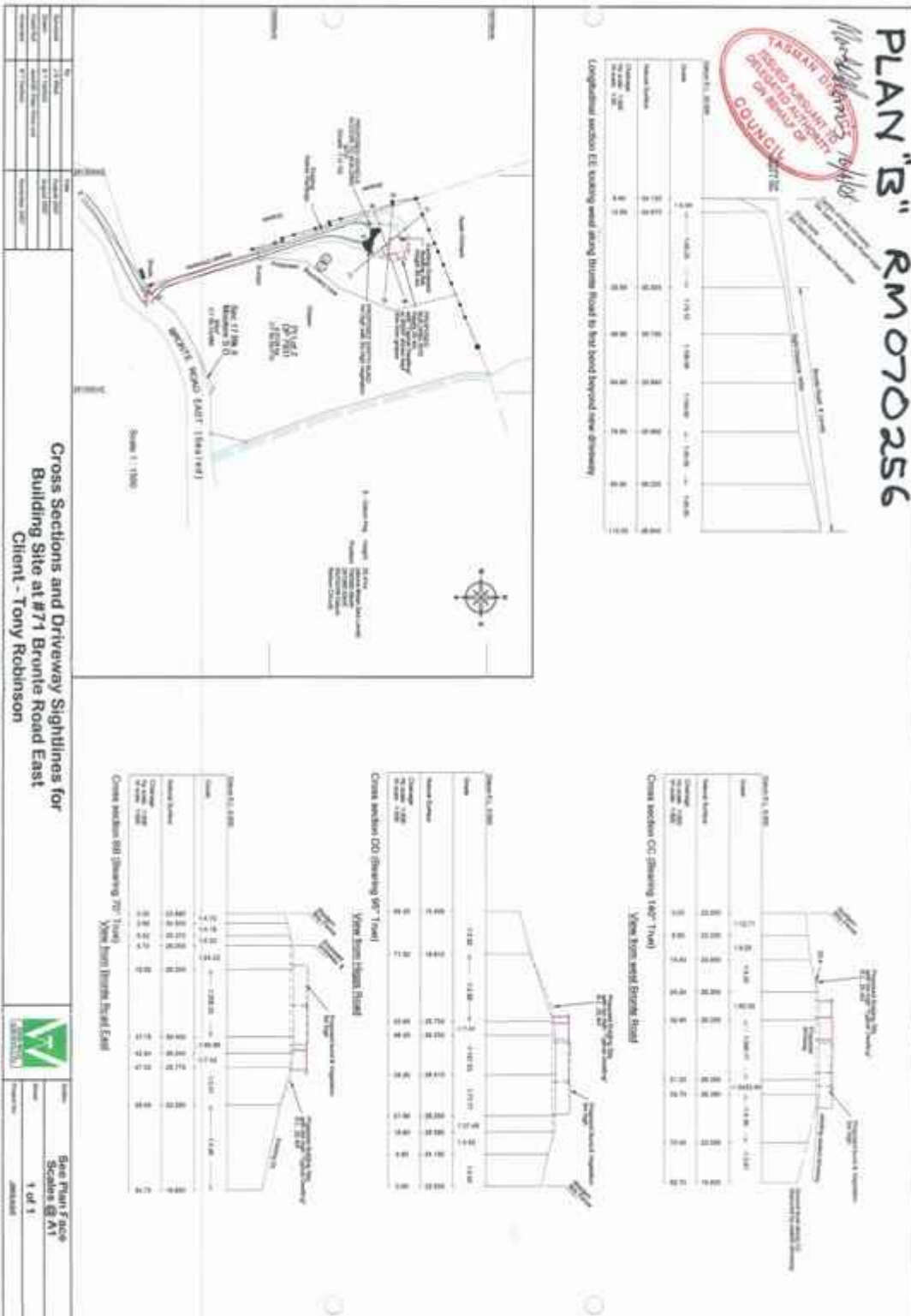
2. Any activity not covered in this consent shall either comply with: 1) the provisions of a relevant permitted activity rule in the Proposed Tasman Resource Management Plan; or 2) the conditions of separate resource consent for such an activity.
3. A resource consent is required for the construction of a dwelling on Lot 1.
4. A discharge consent will be required on any new on-site wastewater disposal system.
5. A stormwater discharge consent may be required for the stormwater runoff from new buildings on the allotments.
6. Access by the Council's Officers or its Agents to the property is reserved pursuant to Section 332 of the Resource Management Act 1991.
7. Monitoring of this resource consent is required under Section 35 and 36 of the Resource Management Act 1991, and a deposit fee is payable at this time. Should monitoring costs exceed this initial fee, the Council will recover the additional amount from the resource consent holder. Monitoring costs are able to be minimised by consistently complying with the resource consent conditions.
8. 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.
9. 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.

Mark Morris

Co-ordinator – Subdivision Consents

PLAN A
RM070256





TO: Mark Morris
FROM: Dugald Ley, Development Engineer
DATE: 3 April 2008
REFERENCE: RM070256
SUBJECT: **ROBINSON FAMILY TRUST – TWO-LOT SUBDIVISION,
BRONTE ROAD EAST**

1. INTRODUCTION

This application is to create a boundary adjustment from two existing titles, i.e. NL 3A/770 and NL 7A560 being 4.01 hectares and 83 m² respectively.

One of the lots will contain the existing dwelling and one will contain a new dwelling where the building platform and access have already been constructed.

2. BACKGROUND

The planner's report more precisely sets out the application and with the creation of an extra dwelling there is the potential for 6-8 extra vehicle movements per day. (If an additional winery/café is created, additional traffic movements are envisaged but unknown at this stage).

Bronte Road East is an Access road under Council's hierarchy and has a varying seal width of approximately 5.0 metres together with a speed environment between 50-70 km/hr. Bronte Road carries approximately 250-300 vehicles per day and enters/exits on to State Highway 60 at an intersection designed and constructed by Transit New Zealand some years ago as part of the coastal State Highway 60 upgrade.

There have been similar subdivisions as recently as 2004 across the road from this site (RM041427). In that application to create an extra allotment, the committee advised that "The existing carriageway of Bronte Road East was adequate to cater for the increased traffic associated with an additional allotment", however the applicant was required to undertake improvements to a roadside batter slope to improve vehicle sight lines.

Hoddy Road is also of a similar construction standard as Bronte Road and with similar traffic movements. In a recent subdivision application (RM060538) where four additional allotments were created, the committee advised that "The issue of the existing width of Hoddy Road and while it was acknowledged that the formation is substandard, the upgrade of the carriageway as recommended by Engineering staff was not considered to be fair and reasonable in terms of the scale of this subdivision." However the applicant was required to vest land for future corner improvements and vehicle sight lines.

It is therefore clear that Councillors require the general ratepayer to fund any future road upgrades in these locations as they are not included in Council's LTCCP programme, and hence no upgrades are required as part of this subdivision application.

At earlier meeting with the applicant, officers advised that they were unhappy with sight visibility especially to the west while exiting the access to the new lot/building site. That sight obstruction (plantings of pampas grass) have been substantially removed now giving over 90 metres of sight distance to the west (as long as the neighbour does not plant trees or building on the front boundary) and a similar distance to the east.

The private access on to Bronte Road from Lot 1 has been formed and sealed. The access does meet the Bronte Road carriageway at a "climbing grade" as opposed to the Council requirement of being "more or less level". Although not fatal to this application for one household unit, this could become an issue to other users/visitors to Lot 1 in that they will have to do a "hill start" and the access may lose sealing chip due to this movement.

3. SUMMARY

Considering the above factors, I believe the effects on Council's infrastructure would be minor and conditions normally imposed on an application of this size have already been completed and are accepted, albeit slightly less than Council's standard, i.e. grade of access meeting the Bronte Road carriageway. Therefore no Engineering conditions need to be imposed other than servicing the site with underground power and telephone.

Dugald Ley
Development Engineer

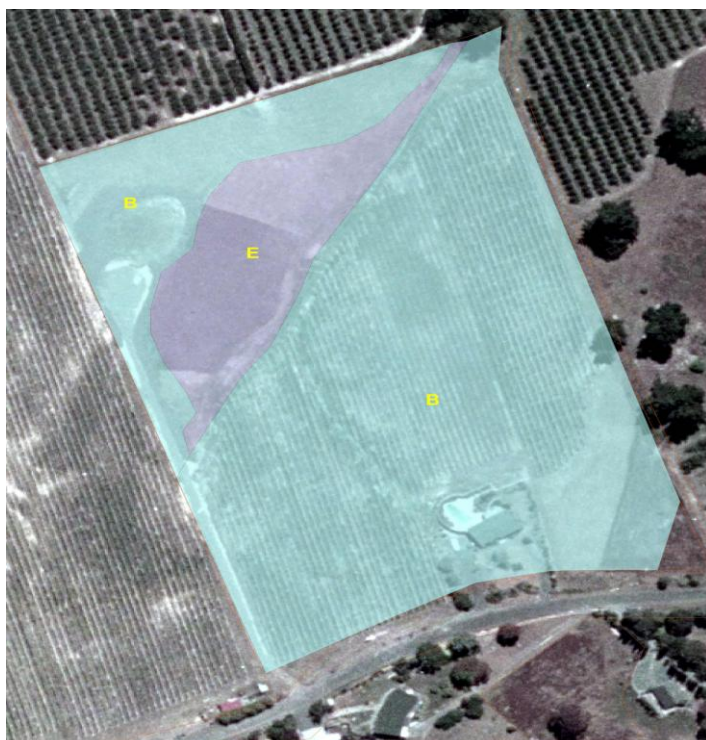
Robinson Family Trust, Bronte Road East

The application area, comprising of 4 hectares, is located at the coastal end of the Moutere Formation bordering the Waimea Inlet. The soil mapped on the application area is a Mapua sandy loam. This soil is generally found at the northern end of the Moutere Formation on slopes up to 20 degrees. Much of the pipfruit industry in this area is or was situated on this soil type. Increasingly, boutique vineyards and olive groves are being established on small pockets on the Mapua soils.

Lot 2 of the application area is currently developed in vineyard. The slopes average approximately 5 degrees and are north facing. Under the "Classification System for the Productive Land in the Tasman District" lot 2 is assessed as class B land. This class land is the second most versatile in a 7 class ranking system for the Tasman District. The classification report indicates that the crop range in class B is nursery, floriculture, orchards, market garden, cropping, pastoral and production forestry

Lot 1 is currently not used for any production purpose. Some reshaping of the land has occurred on this lot and a flat "house site" has been developed. Under the "Classification System for the Productive Land in the Tasman District" lot 1 can be divided into two distinct classes as indicated on map 1.

Map 1: Land Productivity Classification of the application area.



The area of class B land in lot 1 comprises of the flat "house site" and adjacent gently sloping land most of which is north facing. Soils are the same as those described for lot 2 although on the house site the soil will be highly modified.

An area of class E land covers approximated 50% of

Lot 1. This area has slopes that range from 10 to 17 degrees but with an average slope of approximately 16 degrees. Soils are mapped as Mapua sandy loams but it will be expected that they are shallower than those found on the gentler sloping class B land.

This class E land has a south east aspect which would affect productivity however slope is the major limiting factor to production as it is steeper than that accepted as safe for vehicle use. Slope and aspect are the main reasons why this area of the Robinson property has not been incorporated into the current viticulture enterprise. The crop range for Class E land is intensive and extensive pastoral and exotic forestry.

This area of class E land also impacts the usability of the remaining class B land in Lot 1. Effectively it isolates the class B land from similar land found on the existing title i.e. in lot 2. The size and shape of the block would severely restrict crop type and management of the block. This class B land is continuous with similar land to the north which is currently an apple orchard but of different ownership.

Andrew Burton
Resource Scientist (Land)