



## STAFF REPORT

**TO:** Environment & Planning Subcommittee

**FROM:** Jane Hilson, Consultant Planner

**REFERENCE:** RM070722, RM070723, RM070737, RM070742, RM080027

**SUBJECT:** **AROHAUI RESORT LTD - REPORT EP08/05/02** - Report prepared for 19 May 2008 Hearing

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**1. APPLICATION DETAILS – RM0707022, RM070723, RM070737, RM070742, RM080027**

### Proposal

To subdivide a 2.89 hectare property to create 18 residential allotments of between 510 m<sup>2</sup> and 1260 m<sup>2</sup> in area, a 500 m<sup>2</sup> non-residential allotment to be used for boat parking, 1.2 hectares of wetland and/or revegetated open space reserve, and 3100 m<sup>2</sup> of new road to vest in Council - (RM070722)

To construct dwellings on Lots 1-18 within 10 metres of road boundaries and 5 metres of internal boundaries, and to construct dwellings on Lots 1-3 within the Coastal Environment Area – (RM070723)

To re-contour the application site for the purpose of subdivision, involving cut and fill of over 1 hectare and more than 1 metre in height or depth, and with part of the works within 200 metres of the Coastal Marine Area – (RM070737)

To undertake works in the bed of a watercourse as part of the wetland enhancement on the application site – (RM070742)

To discharge soil material into a watercourse as part of the wetland enhancement works – (RM070742)

To divert water from a modified watercourse to provide continuous flows of freshwater to the modified wetland – (RM080027).

(Note: The application as publicly notified included consent to discharge stormwater from the subdivision (both during the subdivision and post-construction) to the wetland located on the subject property. It has now been determined that the discharge of stormwater is a permitted activity for reasons that are outlined in discussion of the Plan rules later in this report, and accordingly stormwater management will need to be addressed through conditions of subdivision consent if granted).

### Location

Martin Farm Road, Kaiteriteri.

## **Zoning**

Proposed Tasman Resource Management Plan: Rural 2

## **Areas**

Proposed Tasman Resource Management Plan: Coastal Environment Area  
Land Disturbance Areas 1 and 2

## **Resource Consent Type**

Subdivision Consent, Land Use Consent, Discharge Permit and Water Permit - Discretionary Activity

## **Submissions Received**

Priest Family Trust, Bethany Park Trust Board, The Auld Family Trust, L E Byatt, DWY and J M Ryder, I and L Cross, G R Westley, A T Nixon, J and G St John, A Schultz, J Wallace, B K Dean, R and V Westley, D F Glaser (Kimi Ora Spa Resort), B Thornalley, Royal Forest and Bird Protection Society (Nelson/Tasman Branch), Nelson Marlborough Health Board (Health Protection), Director General of Conservation

## **2. INTRODUCTION**

My name is Jane Hilson and I am a Director of and Resource Management Consultant with Planscapes (NZ) Ltd. I have a Bachelor of Regional Planning (Hons) degree, and I am a member of both the New Zealand Planning Institute and the Resource Management Law Association. I have 18 years experience in resource management and planning practice, the past 15 years in the Nelson-Tasman region, and I have been processing resource consents for Tasman District Council on a contract basis since mid 2007. I have been involved in the assessment of subdivision and land use applications, with associated regional consents, in the Tasman District throughout my time in the region. I have a sound working knowledge of the Proposed Tasman Resource Management Plan (PTRMP).

I have been engaged by Tasman District Council to prepare the Council's Officer Report, pursuant to Section 42A of the Resource Management Act 1991, on this application by Arohanui Resort Ltd for consents relating to its residential subdivision of land in Martin Farm Road, Kaiteriteri.

Council's Coordinator Subdivision Consents Mark Morris, Coordinator Natural Resources Consents Michael Durand, and other Council Officers, have assisted me in the preparation of conditions for the various consents relevant to this application, should they be granted. Copies of reports from Messrs Ley, Verstappen, Burton and James are appended to this report as Annexures A-D.

## **3. SITE AND NEIGHBOURHOOD**

The site is located in Martin Farm Road, at the top end of the Kaiteriteri estuary, between Kimi Ora Spa Resort and Bethany Park Holiday Camp. All access is via Martin Farm Road, approximately 800 metres from the Riwaka-Kaiteriteri Road intersection and 1.2 kilometres from the Kaiteriteri Store.

The application site comprises 2.89 hectares of land and is legally described as Lot 1 DP 359544 in CT 242508.

The property is rural in character, but its amenity is influenced by large volumes of un-engineered clean fill deposited across the site in anticipation of an earlier subdivision proposal. It is understood that, on Council request, this filling ceased in 2004. The fill area is sparsely vegetated, and varies from hummocky to flat in appearance and with steep batters along its northern side.

The application site was subject of a subdivision proposal (RM020163) in 2002, but following the close of submissions and in the face of opposition from residents, that previous application was withdrawn.

The western area of the property is low hill slope, orientated east and with an outlook towards Kaiteriteri Beach. That land is moderately to gently inclined (13 – 20 degrees) and comprises Separation Point Granites. Vegetation cover on that hillside is dominated by gorse and bracken.

The site lies at the base of three stream catchments which feed into modified watercourses or drains to the north (along the Bethany Park boundary) and south (from Kimi Ora and the forested catchment) of the site. A third drain flows through the centre of the site. The lowest parts of the site have impeded drainage, possibly caused by poorly maintained drains, diversion of stormwater and constrained also by the fill, and a wetland of recent origin has developed where wet pasture would have historically covered this area. The wetland is dominated by freshwater plant species as outlined in the Applicant's ecological assessment.

The site is vacant of buildings.

Due to existing development, notably Bethany Park and Kimi Ora Spa Resort, the area has a peri-urban character. The nature and density of built form within those local businesses means that they tend not to be visually obtrusive from the application site, although the Resort is clearly visible from the main Kaiteriteri foreshore area. The hillslopes to the west are planted in pine trees, and form a backdrop to the development and the estuary as viewed from Kaiteriteri.

The site is also within the coastal environment. Its eastern most land lies 125 metres from the estuary saltmarsh.

Martin Farm Road is no-exit, and the application site will access off the top end of that. The road is an Access Place in Council's road hierarchy, and its standard of construction is outlined in Mr Ley's report appended.

#### **4. PROPOSAL**

Arohanui Resort Ltd proposes a comprehensive residential subdivision of a 2.88 hectares property to create a new residential environment within a re-vegetated open space setting.

The subdivision will create 18 fully serviced residential lots, ranging from 510 m<sup>2</sup> to 1260 m<sup>2</sup> in area, with access to Martin Farm Road via a new cul-de-sac (Lot 104) providing frontage to all sections except Lots 1 and 2.

As a result of concern expressed by Council's Engineering Department staff about inheriting a road on land that the Applicant's own geotechnical advisor suggests will be subject to on-going settlement in the order of 5 mm-10 mm per year, the scheme plan of subject has been amended to show Lot 104 as private road within an access lot. It is assumed that the residential lot owners will have an equal share in that road, to be amalgamated with their titles.

The new road will be of 11.4 metre legal width, 5 metre wide sealed carriageway, kerb, footpath on one side, lighting at the intersection, and car parking at intervals along its length. Low level bollard type reflective lighting is proposed along its length.

The proposal includes rehabilitation and enhancement of an existing wetland area on the property, and framework planting, involving some 1.2 hectares of land (Lots 100-103). This is a key feature of the subdivision. Open space will extend into the residential subdivision to create discrete clusters of housing (ie Lots 1-4, Lots 5-7 and 15-18, and Lots 8-14), and boardwalks are proposed across the wetland. The wetland is not naturally occurring, but due to recent land disturbance and filling on the application site. Various consents are required in respect of this, for earthworks and diversion of water to sustain the wetland by improving its hydrology.

The Applicant has obtained an ecological assessment for the wetland, and it is proposed that a restoration and management plan be prepared for that area prior to section 224 approval for the subdivision. This will detail the extent of excavation, and cover zones for restoration, planting timeframes, densities and inspections, appropriate plant species, weed management, structures, monitoring and maintenance, management structure and contributions. Implementation of that plan, in construction of the wetland, connection of stormwater outlets and initial plantings, will also occur prior to section 224 approval.

The wetland and open space areas will be enhanced and planted (using fast-growing local native species) as part of the subdivision, but will in the longer term to be managed and maintained by a Residents Association, in which all owners of Lots 1-18 will have an equal share. The Applicant's ecologist has recommended that the wetland be afforded long-term protection via consent notice or covenant, and that revegetation be monitored and maintained at least annually for five years following completion.

Earthworks consent is sought to re-contour the site as part of the subdivision construction. This will involve a cut quantity of some 7000 m<sup>3</sup>, approximately 20% of which will be unsuitable for structural fill and will be used in wetland construction. The balance will be used and compacted in accordance with NZS4431:1989 as structural fill. No removal of soil or import of fill is anticipated.

Unless required for roading purposes, or on flatter sections in creating a stable building foundation in conjunction with earthworks associated with the wetland, the application does not cover earthworks within Lots 1-18 for building purposes. This will be left to future residential owners of those sections, once they intend building. All hillslopes will be left with a grade of not greater than 1 in 2.5 as part of the site development works.

The application volunteers that a construction management plan will be prepared and approved by Council prior to any earthworks on the site. This will cover methods of construction and mitigation measures in regard to hours of operation for site works, noise, sediment control, and mud tracking onto public roads.

The Applicant has engaged Tonkin and Taylor to advise on geotechnical issues associated with the site and development. Their report contains a number of development recommendations, which should be reflected either as conditions of consent if granted (ie those requiring specific engineering design and falling to the developer in forming the road, wetland, sections etc) or consent notices on the new residential titles (ie where relevant to future earthworks in residential construction).

Stormwater will be managed on site, during and post construction. This will discharge to the wetland or existing open roadside drains in Martin Farm Road. Stormwater runoff within the subdivision will be collected in the road (including as house sites will divert to this, unless below the road in which case roof water will discharge direct to the wetland), where sumps will trap solids before the flow is discharged to the wetland via pipes or stabilised channels. Duplication of the existing 1200 mm culvert under the Bethany Camp driveway is proposed as part of the development, to improve flow to the estuary.

The application states that the subdivision has been designed with building types and orientation in mind. The lie of the land is such that the sections will all be orientated north to east. Lots 1-10 will have planted frontage to and a view over the wetland, and Lots 11-18 being generally more elevated with a view towards Kaiteriteri Beach.

Consent is sought to enable use of Lots 1-18 for residential purposes, to bulk and location standards typical of the Residential Zone and defining the building platform (Boffa Miskell Plan 3 in the application) and maximum footprint (200m<sup>2</sup>) of buildings on any one site. Consent notices are volunteered, allowing not more than one dwelling per site and setting a minimum habitable floor level of 3.2 metres RL.

Development restrictions and guidelines are proposed on each allotment to ensure appropriately designed and located buildings. The application is accompanied by a Design Guideline (dated July 2007). This defines development potential according to wetland houses, seaview houses and landscape design for individual residential properties, and includes guidelines on such matters as building materials and glazing, horizontal or vertical form, decking and orientation, and discourages boundary fencing.

The design guideline will be implemented privately, initially by the developer and subsequently by a "design panel" appointed by the Residents Association, rather than as something in which the Council will have an ongoing interest or responsibility, so that it can respond to the interests of residents within the subdivision. This will need to be reflected by covenant on the new titles. The Applicant has advised that land owners will be required to use a registered Architect and demonstrate reference to the Design Guidelines in design of any new dwelling or ancillary structures, including landscape treatment.

Lot 19 in the subdivision is to be retained for non-residential use, for boat storage, in the ownership of the Applicant. Screening walls may be established, but no enclosed buildings. It is stated that Lot 19 will not be connected to urban services, and that if used in the future for residential purposes that would be controlled by a condition requiring land use consent.

The Applicant proposes marking 300 metres of footpath alongside Martin Farm Road, within the existing sealed road.

## 5. NOTIFICATION AND SUBMISSIONS

### Written Approvals

The applicant has provided copies of signed letters from J and D Ryder and Kimi Ora Spa Resort in which written approval to the proposal is suggested. However both approvals are conditional, which is contrary to the advice notes on Council's written approval form, and Mr Glaser for Kimi Ora Spa Resort has by subsequent letter to the Applicant recorded his objection to the number of allotments in the development. Both parties have also submitted on the application. It is considered that neither of these parties are deemed to have given their approval within the scope intended by Section 104(3)(b) of the Act – *"a consent authority must not...when considering an application, have regard to any effect on a person who has given written approval to the application."*

### Notification

The application was publicly notified pursuant to Section 93 of the Resource Management Act 1991, and a total of 18 submissions were received by the closing date of 25 February 2008.

### Submissions

The names of the submitters, their local property interest if applicable and evident from Council's rating base, their position on the application, and their desire to be heard by the Committee, is outlined in the table below:

<b>Name:</b>	<b>Property Interest:</b>	<b>Support/Opposition:</b>	<b>Wish to be Heard:</b>
Priest Family Trust	108 Martin Farm Road	Oppose	Yes
Bethany Park Trust Board	63 Martin Farm Road	Neutral, conditions required	Yes
The Auld Family Trust	45 Martin Farm Road	Oppose	Yes
L E Byatt		Oppose	Yes
DWY and J M Ryder	84 Martin Farm Road	Neutral, conditions required	No
I and L Cross		Neutral, conditions required	No
GR Westley	47 Martin Farm Road	Oppose	No
AT Nixon	39 Martin Farm Road	Support, conditions required	Yes
J and G St John		Oppose	Yes
A Schultz		Oppose	Yes
J Wallace	31 Martin Farm Road	Neutral, conditions required	No
B K Dean	49 Martin Farm Road	Oppose	No
R and V Westley	47 Martin Farm Road	Oppose	No
D F Glaser (Kimi Ora	99 Martin Farm Road	Oppose	No

Spa Resort)			
B Thornalley	55A Martin Farm Road	Oppose	Yes
Royal Forest and Bird Protection Society, Nelson/Tasman Branch		Neutral, conditions required	Yes
Nelson Marlborough Health Board (NMHB) – Health Protection		Neutral, conditions required	Yes
Director General of Conservation		Neutral, conditions required	No

A summary of the content of submissions is outlined below, categorised according to their opposition or support of the proposal. Some comment is provided where not otherwise addressed under the main evaluation of the proposal later in the report.

The Applicant has advised of further consultation with submitters, in the interests of resolving certain issues raised by them if possible. The outcome of that consultation was largely unknown at the time of writing this report, and it is expected that the Applicant will present further detail on this and any volunteered conditions of consent at the hearing.

In opposition:

The **Priest Family Trust** owns land immediately adjoining the application site, and notes that the proposed activity is a significant departure from the type of activity anticipated of the Rural 2 Zone. The Trust states however that although not opposed to the proposal in principle (*“the development has some good design features”*), it will adversely affect their quality of life and the reasonable use and enjoyment of their property. The submitter notes specific concerns regarding view corridor lots, the height of dwellings, fencing and the design guideline, for which the Trust seeks clarification and control through conditions:

- The Trust refers to land between Lots 7 and 8 and 14 and 15 as the view corridor lots. While these will protect views from the submitters’ land, the Trust seeks to ensure that these sites cannot be built on or used for camping or storage and clarification as to how they may be planted (detailed landscape plan).
- The Trust is concerned that earthworks may have the effect of elevating building platforms above existing ground level, impacting on views.
- The Trust has an interest in fencing, particularly along its property boundary, in terms of materials and height, and recommended that the Design Guideline provide such detail to include low visual impact fences such as post and wire.
- The Trust supports the need for design guidelines provided these are effectively implemented, monitored and enforced by Council.

*Comments:* The submitter's more general concerns relating to zoning of the application site and effects on rural amenity will be evaluated later in this report, however the matters for which conditions are sought do generally appear reasonable. It is proposed that an overall planting plan for the open space area occur prior to section 224 approval but in light of the submitter's concern it would be appropriate if more detail on the content of that in relation to the Priest land is actually provided at the hearing.

The Applicant has also confirmed that earthworks for which consent is sought is restricted to site works for the subdivision, and that any earthworks required on individual sites to enable building construction will fall to future owners. The definition of building height and land disturbance rules in the Plan, and any consent issues associated with that, will allow appropriate attention to be afforded the issue at that time. The design guidelines assume that the sea view houses will minimise destruction of natural landforms by use of small building platforms (200 m<sup>2</sup> maximum building footprint has been suggested by the Applicant) however this may have the effect of increasing the vertical form of structures stepped up the slope.

If having heard the evidence the Committee determines that protection of views for the Trust's land is worthy of additional mention, it may be appropriate to add this to the design guideline. That guideline (which also discourages boundary fencing), and its implementation, is inherent to the quality of the development, and the Applicant proposes that this be achieved through use in house design of a registered architect and approval of individual house plans by Arohanui Resort Ltd or the future Residents Association. If reflected on the land use consent for residential use and by consent notice on the title for each allotment, the design guideline should be implemented as proposed.

**The Auld Family Trust** queries the implementation and enforcement of the conditions, consent notices, development restrictions and guidelines stated in the application, and the quality of the traffic impact assessment. The Trust seeks that the application be declined until the safety of pedestrians and cyclists is ensured.

*Comments:* Traffic impacts will be assessed later in this report, and in Mr Ley's memorandum attached. The Committee has available to it a range of methods with which to ensure environmental outcomes are achieved, and adequately maintained if relevant, as part of the subdivision consent prior to section 224 approval or, if of on-going relevance to future landowners, by condition / consent notice on land use consents and/or discharge permits. Administration of a building design guide would typically be left to the developer or in this case the Residents Association, with confidence that the Association is best placed to implement and monitor the guidelines under the watchful eye of all 18 residential property owners who will buy into the development seeking quality not just in their own properties but those throughout the subdivision.

**LE Byatt** raises concern about noise conflict between Bethany Park, Kimi Ora and the residential subdivision, and fire risk due to nearby DOC or forestry estate, with associated impacts on existing businesses and activities; the future use and ownership of Lot 19; the precedent for further residential subdivision of Rural 2 land; part of the new road appears to overlap private right of way; the need for a footpath in Martin Farm Road between Bethany Camps, and a walking track through the subdivision; dust and odour nuisance; and glare from lights.



*Comments:* I refer to an emanations easement in respect of Bethany Park Trust Board's submission below, but note that neither DOC nor the forest owners have lodged submissions concerned about fire risk to their assets. Future use and ownership of Lot 19 can be controlled by consent notice, and this will have a bearing on appropriate servicing of that lot. The Applicant has indicated that it will be for residents' boat parking only, a service provided under the ownership of Arohanui Resort Ltd. Once a new title is issued for that land then technically residential use of it is permitted as of right under the Rural 2 rules of one house per title, unless prevented by consent notice. That is appropriate in the circumstances of the application as presented. The new intersection does on its south-western taper extend into the right of way, and this has been amended on Cardno TCB Plan T06029 CS01E as no works may occur on private land outside the application site without the agreement of that party. This amendment does not compromise the use of that intersection as a vast majority of traffic will approach it from the north. Issues of precedent, pedestrian access and rural amenity will be addressed later in the report.

**G R Westley** states that the road already has a safety issue in that it is too narrow and has blindspots. He seeks the application be declined. If consented, Mr Westley seeks upgrading of the road, kerb and channel along the footpath, and a 30 km/hr speed limit.

**J and G St John** and **A Schultz** are also concerned about road safety and seek that the application is declined. If consented, they suggest widening, provision of a footpath, and/or a speed reduction in Martin Farm Road.

**B K Dean** and **R and V Westley** oppose the application for road safety reasons, and they provide some detail (including photographs) of existing road conditions and associated safety issues. Both submitters request that the Council upgrades the road for vehicles and pedestrians.

*Comments:* The Council cannot be required to upgrade the road as a consequence of demands or effects arising from a resource consent application. Rather the persons seeking consent must avoid, remedy or mitigate the adverse effects of their proposed activities. The existing state of the road, and any upgrading of that fairly and reasonably falling to the Applicant, is addressed in Mr Ley's report.

**DF Glaser** is owner of Kimi Ora Spa Resort and, citing the various breaches in Plan rules giving rise to the application, he seeks that consent be declined. He is concerned that the land remain rural in use, consistent with its zoning, that birdlife in the resort's own bush and wetlands would be at risk from cats and dogs from the residential development, and that existing flooding of and deposition of topsoil on the resort's tennis courts is the result of land fill that has already occurred on the application site.

*Comments:* It is understood that the flooding this submitter alludes to results from choking of the existing roadside drain along Martin Farm Road fronting the application site, leading to overland flows across the road. The subdivision allows for remedy of this, but diverting the stream into the wetland and upsizing the culvert under the road below the site. The application allows for better management of drainage patterns and stormwater runoff than has to date occurred with uncontrolled placement of fill on the site and poor maintenance of the road side drain.

**B Thornalley** is opposed to the loss of natural land and wetlands to development, and increased traffic and noise. He seeks that consent is declined. If consent is granted, Mr Thornalley seeks sections of at least 1500 m<sup>2</sup> in area.

Neutral, With Conditions:

**Bethany Park Trust Board** operates Camps 1 and 2 either side of the application site. It supports consent to the application, but is concerned about flooding onto Martin Farm Road and from the northwest creek (noting that the existing waterway beneath the fill causes back up of water along the creek and runoff from the hill overloads the culvert, and with concern about the finished height of land in the application site relative to the Camp land). The Board alludes to additional vehicle and pedestrian use of Martin Farm Road. It also seeks to ensure that activities at the camp not be restricted as a result of noise and other effects of their activities experienced by new residents to the subdivision.

*Comments:* The Committee could impose an easement, similar to the rural emanations easement now used regularly in rural subdivision consents, against each of the new lots in the subdivision and in favour of activities and effects arising from use of Bethany Park. Flooding and traffic effects are to be addressed later in this report.

The **Director General of Conservation (A Morrison)** supports the restoration, enhancement and ongoing management of the wetland habitats and associated native species, and seeks that if consent is granted it contain conditions relating to the following matters being:

- Plant species for wetland rehabilitation and residential gardens are selected from a list attached to the submission, which has been developed specifically for the Kaiteriteri area;
- Plant material for restoration and amenity planting is eco-sourced, and planting of potentially invasive species (eg Agapanthus) is avoided;
- The keeping of cats is prohibited, either by consent notice or covenant on each residential allotment;
- The wetland restoration and management plan should, in addition to matters identified in the application, include detail of the hydrological regime (eg seasonal water levels and flows) for the wetland and controls or management required in achieving that;

- The aforementioned plan should be prepared by a suitably qualified and experienced wetland ecologist, and should be submitted to and approved by Council (possibly with peer review) prior to the commencement of works;
- Conditions should be imposed to ensure the aforementioned plan is prepared and implemented as proposed;
- Culverts at the inlet and outlet of the wetland should allow fish passage.

*Comments:* The Director-General's conditions are supported. Most can be required through conditions of consent, but with any prohibition on cats (relevant to Lots 1-18) and ongoing management of the wetland restoration plan and maintenance of plantings (relevant to Lots 100-103) by consent notice on the new titles.

The **Royal Forest and Bird Protection Society** supports enhancement of the remaining wetland but has suggested an esplanade strip of 20 metres or building setback of 20 metres from the wetland, control over soaps and detergent reaching the wetland with washing of cars and boats, and use of appropriate plant species, control over water levels in the wetland, and prohibition on cats and dogs (see comments to the Director-General of Conservation's submitter above).

*Comments:* An esplanade strip is inappropriate in the context of a wetland developed internal to and for the benefit of residents in the development, however a building setback may be necessary for amenity, engineering and maintenance reasons. Boffa Miskell Plan 3 shows the building envelopes sited 8 metres from the wetland in those lots adjoining Lot 100. Cardno TCB Drawing DE01 D shows the edge of the building platform at RL 3.2 metres, 5 metres back from and with the residential lots including the bank down to the water's edge. The discrepancy between these plans should be clarified at the hearing. For ease of maintenance it is considered that the bank of the wetland, and a potential service access atop that if vehicle access cannot be achieved across the bank, should remain with land in Lot 100. For amenity purposes, any buildings should then be set back a minimum of 3 metres from any boundary with Lots 100-103. Control over contaminants (soap and detergents) reaching the wetland is primarily a matter of education and an issue which the Residents Association could take a role. However it is noted that the development provides for a boat park (Lot 19) and therefore it is assumed that any washing of boats would most likely occur on that. To facilitate the controlled collection and disposal of water and any associated contaminants from washdown activities, Lot 19 should have connection to the sewer for that facility.

While seeking that consent is granted to the application, **J Wallace** is concerned about traffic safety on Martin Farm Road. She seeks that cats be banned from the subdivision, that building development be controlled so in keeping with Kimi Ora, and that earthworks be more specific and submitters notified of any variations.

*Comments:* The Applicant has developed its own building design which it states reflects its rural edge context and is appropriate for the setting in terms of building scale, location and type (see Purpose of the Design Guidelines). This can be achieved without necessarily replicating existing built form or styles. The Applicant has clarified the extent of earthworks necessary as part of the subdivision. Any earthworks required of individual building sites will, particularly on the hill lots, require resource consent and the Act sets out the process (including notification procedures) that section owners and the Council must follow in any such application.

**Nelson Marlborough Health Board (Health Protection)** has submitted to raise awareness and ensure there are adequate mitigation measures for insect control association with the wetland. The Board supports retention and enhancement of the wetland, but notes that this can create an environment for potential breeding of nuisance insects such as mosquitos and midges. The Applicant's wetland restoration plan makes no mention of insect control. This needs to be reflected in the consent if granted, in the design and management of the wetland.

*Comments:* As management of the wetland is to remain with the Residents Association they should logically have an interest in avoiding nuisance to its shareholders.

By email of 3 April 2008 the Applicant volunteered a condition of consent to address the submitters concerns:

*"That the Wetland Restoration and Management Plan be prepared by a suitably qualified and experienced ecologist and recognise and provide for those matters identified in the Ecological Assessment and those other matters noted below including:*

- *Zones for restoration*
- *Planting timeframes, densities and inspections*
- *Appropriate plant species for both wetland rehabilitation, and for residential gardens drawn from the species list supplied by the Department of Conservation*
- *Weed management*
- *Structures*
- *Monitoring and maintenance*
- *Management structure and contributions*
- *Hydrological regime*
- *Fish passage*
- *Insect control."*

The NMHB (Public Health Service) has responded that the further information provides "*adequate mitigation measures to reduce the actual or potential effects on the community from nuisance insect breeding*". The Service no longer wishes to be heard, but is still a submitter in proceedings.

**DWY and J M Ryder** and **L and I Cross** are concerned that the subdivision will compound deficiencies in and the safety of Martin Farm Road. If consent is granted, they ask that Martin Farm Road be upgraded to allow safe passage of vehicles and pedestrians.

In Support:

*AT Nixon* supports the subdivision but wishes to see cats banned, damage to the estuary avoided, speed restrictions, signage and upgrading of pedestrian access along Martin Farm Road, and review of the subdivision layout so that it is a sympathetic backdrop to Kaiteriteri Beach.

## **6. STATUTORY AND PLAN PROVISIONS**

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

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

However the Proposed Tasman Resource Management Plan (TRMP) has reached the stage where most of the references to the Environment Court about its contents have been decided. There are no outstanding references on the Rural 2 Zone rules. Therefore, in terms of Section 19 of the RMA, the relevant rules can, I believe, be treated as operative, and the rules in the Transitional Plan are no longer relevant.

### **6.2 Relevant Rules**

The application site is zoned Rural 2 under the TRMP.

To set some context to the application site, land to the immediate south (Bethany Park and Kimi Ora) is zoned Tourist Services, residences along Martin Farm Road towards the beach are zoned Residential, and land bordering on the west, north and east boundaries of the property is zoned Rural 2.

The application requires a suite of resource consents under the TRMP, and rules relevant to those are as follows. Although the proposal is overall a discretionary activity, the matters of discretion for individual components of that are outlined in that this assists in defining the rationale for consent and may guide any assessment of effects on the environment to follow.

Subdivision:

Rule 16.3.8 (a) requires that the minimum lot size for consideration as a Controlled Activity subdivision in the Rural 2 Zone is 50 hectares. This proposal is for a subdivision to create allotments of between 210 m<sup>2</sup> and 1.07 hectares in area.

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

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

Earthworks:

Rule 18.6.2(l) limits recontouring to no more than one metre in height or depth and no more than 1 hectare in area within any 12 month period.

Rule 18.6.2(ia) limits earthworks within 200m of the coastal marine area (CMA) that is more than 1000sqm in area, within any 12 month period and in a location either (ii) visible from the CMA or (iii) adjoining an area with nationally or internationally important natural ecosystems listed in Schedule 25.1F.

The earthworks will be over 1 hectare in area, and will be visible from the CMA. It is a restricted discretionary activity under Rule 18.6.6 of the TRMP. Council has restricted its discretion to matters of timing, extent and duration of bare ground, the location, timing, design and density of earthworks, re-vegetation, the disposal and stabilisation of waste material or fill, loss or damage to soil, damage to riparian vegetation, damage to animal or plant communities or habitats in water bodies and coastal water, effect on river or stream flows, sedimentation effects, slope instability, visual effects, damage to cultural heritage sites or areas, damage to natural habitats or features, duration of consent, timing of review, and financial contributions or bonds.

#### Residences:

Rule 17.5.2 sets out the standards for dwellings in the Rural 2 Zone, including (f) relating to minimum boundary (5 metres) and road (10 metres) setback requirements. The application seeks consent to Residential Zone bulk and location standards for Lots 1-18. Under Rule 17.5.6, this is a restricted discretionary activity. Council has restricted its discretion to matters including the location of the buildings and their effects on availability of productive land, location and effects of servicing, effects on amenity and rural character and including impacts for existing productive activities adversely affected by complaints from new residential activities (cross-boundary effects), any adverse environmental effects of a building with reduced setbacks, effects of natural hazards, the nature of adjoining used and buildings and any adverse effects on closer development on them, the extent to which buildings are compatible with existing development or would detract from the openness and rural character of the locality, potential for landscaping to maintain privacy, the visual impact and appropriateness of colour and materials, the degree to which views are obstructed, effects of natural character, indigenous vegetation and habitats, natural rural landscape and ridgelines, and on-site low impact management of stormwater.

Lots 1 – 3 and development of those also falls within 200m of mean high water springs, within the Coastal Environment Area (CEA). Rule 18.14.3 provides for buildings of not more than 6.5 metres in height within 100 metre-200 metre of m.h.w.s. as a controlled activity. The Applicant has not suggested such limitation on development of Lots 1 – 3, assuming therefore that the normal Rural 2 height limit of 7 metre would apply, and accordingly those buildings would be a restricted discretion activity under Rule 18.14.4. Council has restricted its discretion to the effects of the location, design and appearance of buildings, including heights, scale, landscaping and colour, on the amenity and natural character of the locality, effects of natural hazards, and effects on sites of cultural significance to Maori.

#### Discharge of Sediment and Debris from Land Disturbance Activities:

Rule 36.2.4(b) in the Plan states that no soil or debris is to be placed directly into a water body. The definition of “water body” under the Act includes wetlands. This aspect of the proposal is a discretionary activity under Rule 36.2.8 in the TRMP.

### Disturbance to Watercourses:

That section of the TRMP dealing with activities in the beds of rivers, streams and lakes is yet to be completed. Under Section 13(2) of the Resource Management Act, disturbance to the bed of a watercourse, in this case to divert water into and enhance the wetland, is only permitted if expressly allowed by a resource (land use) consent. Under Section 77C(1)(a) of the Act, such activity is deemed a discretionary activity.

The diversion water is a regional consent issue, covered by Rules 31.1.2 – 31.1.6 in the TRMP. The application site is in the Abel Tasman Water Management Zone. Rule 31.1.2 and Figure 31.1A provide for a maximum permitted diversion of up to 5 cubic metres per day in that zone. The zone is not one covered by Figure 31.1E (controlled activity), and accordingly the diversion of water to the wetland is a restricted discretionary activity under Rule 31.1.6. Figure 31.1F does not specify an allocation limit, however the matters over which Council has restricted its discretion refer to effects on other water users, aquatic and riparian ecosystems, fish and eel passage, water flows in estuaries, and efficient water use or conservation.

### Discharge of Stormwater:

Rule 36.4.2 states that the discharge of stormwater into water, where the stormwater may enter water, is a permitted activity where the point of discharge or diversion is within any Rural 2 Zone, providing it meets conditions a)-k) in that rule.

The reason that this matter was included in the public notice for the application was that Council Officers were at that time without sufficient information to determine that the discharge would not cause or contribute to flooding in the catchment (Condition (b) in Rule 36.4.2). Mr Verstappen has since been satisfied that with appropriate design this will not occur, and accordingly the discharge of stormwater is a permitted activity. Notwithstanding that, stormwater management is a matter for consideration under Schedule 16.3A in relation to the subdivision and appropriate conditions of consent can be imposed through that process.

### Summary:

The application is overall a discretionary activity under the Proposed Tasman Resource Management Plan.

## **6.3 Section 104 of the RMA**

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

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

application.

The Council may disregard an adverse effect if the plan permits an activity with that effect (section 104(2)). This is commonly referred to as the permitted baseline test.

The application seeks residential subdivision and use in a rural zone, one with the most stringent permitted subdivision standards in the district. The range of permitted activities is limited in the Rural 2 Zone, including building coverage for farm related activities. The application also relates to a site more sensitive to development based on its coastal location and wetland values, and that is related in the permitted rules in the TRMP. Earthworks could be undertaken progressively so as to comply with the permitted depth and area per 12 month period, however this could be considered fanciful given that the investment in the earthworks relates to end use of this property.

The landowner could build a single house as of right on the property, beyond the Coastal Environment Area and therefore without attention to design or landscape treatment, road upgrading and with no restriction over its floorspace. Farm or ancillary buildings could also be sited, providing not more than 5% and not greater than 2000 m<sup>2</sup> coverage of the site results. These buildings and activities could occur without restoration of the wetland, and involving only minor earthworks such that permitted provisions are not breached. Rule 17.5.2(b) limits industrial or commercial use of those buildings, other than visitor accommodation for not more than 6 visitors at any time within the main dwelling or occupying not more than 75m<sup>2</sup> floorspace as a home occupation. However the environmental effects of buildings and use of the property under single ownership would be significantly less than would occur as a result on this proposal. It is considered that there is little to be gained in the permitted baseline argument.

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

#### **6.4 Section 106 of the Act**

Section 106 states that a consent authority may refuse to grant a subdivision consent, or may grant it subject to conditions, if it considers that the land in respect of which consent is sought or any structure on that land is or is likely to be subject to material damage by erosion, falling debris, subsidence, slippage or inundation from any source, or any subsequent use of the land is likely to accelerate, worsen or result in such risks, or if there is insufficient provision made for legal and physical access to each allotment in the subdivision.

The application site is in parts low-lying and is within the coastal environment, and the development has been designed around a wetland that is to be fed by water directed from the wider catchment in order to flush and sustain the wetland. Any issues associated with potential sea level rise or inundation from the wetland during extreme storm events can in Mr Verstappen's opinion be addressed through minimum ground and floor levels within the development.



Based on Tonkin and Taylor's report submitted with the application, Mr Ley has in his report expressed concern about potential damage to the road pavement and underlying services as a result of on-going settlement of fill material on or in which this infrastructure will be sited and potential liquefaction of the same under severe earthquake shaking. For that reason, he has recommended that the new cul-de-sac (Lot 104) and services within the application site remain in private ownership, with associated risks borne by its residents and not the Council. This will also allude potential purchasers to associated constraints of the site so that they can make an informed decision in buying into the development. Certification of building sites as a condition of subdivision consent, and consent notices covering the specific development controls for each, will provide a satisfactory level of control over this matter in respect of individual site development subsequent to title.

The private way, and Martin Farm Road for Lots 1 and 2, will provide practical and legal access to each of the allotments in the subdivision.

It is considered that the Committee need not exercise its discretion under section 106 of the Act to decline subdivision consent, but rather can address any potential concerns about site stability and access by way of conditions of consent.

## 6.5 Part 2 RMA

Part 2 contains the purposes and principles of the RMA.

**Section 5** describes the purpose of the RMA as being to promote the sustainable management of natural and physical resources. 'Sustainable management' is defined as *"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; and*
- (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."*

It is considered that the proposal will promote the 'sustainable management of resources' to the extent that:

- It will provide for the economic well-being of the Applicant, in the sense that it allows for income from the proceeds of selling sections on land that otherwise has limited capability of productive use.
- It will provide for the needs of existing and future generations in their access to housing opportunity, within a development concept in itself quite unique and with a high standard of amenity.
- There will be no loss of the life-supporting capacity of air, water, soil and ecosystems from this activity, and in fact the proposal should enhance the natural and ecological values of the wetland.

- The high standard of visual amenity and integration of built and natural form can be achieved in provision of open space, landscaping and building guidelines.

Balanced against this is that the proposal will further fragment rural land resources under urban use, with loss of the rural character and open space values of the locality and additional traffic conflicts on the local road network. These may be adverse cumulative effects, compounding traffic problems and impacting on what little rural character remains at the end of Martin Farm Road as a consequence of existing land use and development in this environment. The sustainable management of resources is of particular interest at the rural-urban fringe because of the environmental effects of spatial expansion of settlement patterns.

**Section 6** contains matters of national importance. In my assessment there are no outstanding natural features or landscapes, areas of significant indigenous vegetation or significant habitats of indigenous fauna, coastal or riparian access issues, or heritage values associated with the application site itself. The site is highly modified from its natural state, both in bulk earthworks as a past cleanfill site and in its vegetation cover.

The site is however part of the coastal environment, in its location near the estuary and with integration of visual catchments and drainage patterns. Section 6(a) refers to *“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.”*

The Kaiteriteri coastline and estuary is not listed in Schedule 25.1F – Areas with Nationally or Internationally Important Natural Ecosystem Values – in the Plan.

The Council’s *“Coastal Tasman Character Assessment”* (2005) states that while the Kaiteriteri area has become more urban in character, the wider area around Kaiteriteri still retains relatively high levels of natural character. Although the assessment does not have any regulatory basis, it does define the regional (but not the national) significance of this coastal landscape, and suggested even that further planned growth could be accommodated between Toko Ngawa Point and Tapu Bay.

In considering the natural character of this locality it is necessary to take into account existing development patterns (including existing businesses in the area and modification of the estuary edge by Martins Farm Road), the relationship of the application site to the built up area of Kaiteriteri, and aspects of the proposal itself which will enhance the natural character of the wetland.

The proposal will not in my opinion offend any of the matters in section 6 of the Act.

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

- (b) *The efficient use and development of natural and physical resources;*
- (c) *The maintenance and enhancement of amenity values;*
- (d) *The intrinsic values of ecosystems;*
- (f) *Maintenance and enhancement of the quality of the environment;*
- (i) *The effects of climate change.*

Providing any adverse effects of the proposal can be avoided, urban land use that enables people to provide for their residential needs on rural land without noticeable productive capability may constitute the efficient use of resources. However the efficient use of resources will not be achieved if, as a result of approval to this subdivision, there are additional pressures on infrastructure (ie the roading network and services) or Council is to inherit infrastructure over which it can expect extra-ordinary future maintenance obligations.

Amenity values are 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. The application site currently has low amenity value. Even as open space, it is untidy, covered in weed plant species, and with a modified landform and drainage patterns. The integration of houses, roads, open space and wetlands within the development will enhance the amenity values of the site.

The intrinsic values of wetland ecosystems will ultimately be enhanced under this proposal. Disturbance during construction, and in diverting the watercourse to sustain the hydrology of the wetland, will be temporary. Providing stormwater discharges can be managed to avoid contamination of the wetland as a receiving environment, its ecological values will be positive.

The proposal will erode the open space values that local property owners may enjoy of an undeveloped site. However the end of Martins Farm Road is already peri-urban in character. The application site is served by a short no-exit road from within Kaiteriteri settlement, and with quite significant tourist accommodation businesses either side and/or overlooking the property. There is a house and rural residential property to the rear of and completing the boundaries with the application site, and this distinguishes it spatially from the wider rural area. The application proposes a cluster of residences, with more intensive built form than typical of existing development, however this need not degrade the quality of the environment given the high level of building and landscape design proposed by the Applicant. When viewed from the main beach road at Kaiteriteri, across the estuary, the proposal will not be out of keeping with the pattern of development and presence of buildings on more elevated land either side of that vista.

The effects of climate change in terms of the risks from rising sea levels and associated mitigation measures are addressed by Mr Verstappen.

**Section 8** relates to principles of the Treaty of Waitangi. There are no known Treaty issues affecting the site, and none have arisen from the public notification and submission process. The Regional Archaeological Association Filekeeper and Tiakina te Taiao Ltd were consulted during the course of the application and they have confirmed that there are no recorded archaeological sites on the property. There is however a midden on the Bethany Park site, and for that reason Iwi have asked for their standard advice note on any consent, alluding Consent Holders to their responsibilities and protocol in the event that archaeological material is unearthed during construction.

## 7. OBJECTIVES AND POLICIES IN RELEVANT PLANNING DOCUMENTS

### 7.1 New Zealand Coastal Policy Statement

In its influence on policy throughout the Plan, and particularly Chapter 8, the New Zealand Coastal Policy Statement (NZCPS) contains policies to achieve the purpose of the Resource Management Act in relation to the coastal environment of New Zealand. The application site clearly falls within that environment. It is part of the visual catchment of, and ultimately any runoff from the development will drain into, the estuary behind Kaiteriteri. It is separated from the main Kaiteriteri coastline.

Relevant principles under the NZCPS include:

- 2) *The protection of the values of the coastal environment need not preclude appropriate use and development in appropriate places.*
- 7) *The coastal environment is particularly susceptible to the effects of natural hazards.*
- 10) *It is important to maintain biological and physical processes in the coastal environment in as natural a condition as possible, and to recognise their dynamic, complex and interdependent nature.*
- 11) *It is important to protect representative or significant natural ecosystems and sites or biological importance, and to maintain the diversity of New Zealand's indigenous coastal flora and fauna.*
- 12) *The ability to manage activities in the coastal environment sustainably is hindered by the lack of understanding about coastal process and the effects of activities. Therefore an approach which is precautionary but responsive to increased knowledge is required in coastal management.*
- 13) *The function of sustainable management in the coastal environment is to identify the parameters within which persons and communities are free to exercise choices.*

The Applicant has engaged engineering advice to better understand and respond to potential uncertainties in hazards and stormwater management on a site closely linked to the coast. Providing the Committee is satisfied that appropriate buffering from the estuary exists, that the wetland will perform a role in stormwater detention, and any road upgrading works will avoid, remedy or mitigate any adverse effects on the estuary, the proposal will achieve these principles by allowing appropriate development and choice for people to live in Kaiteriteri without degrading the coastal resources inherent to its setting and character.

Policy 1.1.1 in the NZCPS states that *"it is a national priority to preserve the natural character of the coastal environment by:*

- (a) encouraging appropriate subdivision, use and development in areas where the natural character has already been compromised and avoiding sprawling or sporadic subdivision, use or development in the coastal environment;*
- (b) taking into account the potential effects of subdivision, use or development on the values relating to the natural character of the coastal environment, both within and outside the immediate location; and*

(c) *avoiding cumulative adverse effects of subdivision, use and development in the coastal environment.*

This matter has to an extent been addressed in discussion of Section 6 of the Act above.

The proposal will influence the coastal character of the immediate environment, however on balance it is considered that the proposal will accord with Policy 1.1.1 in that the application site is in an area where natural character has already been compromised. Rehabilitation of the wetland will contribute to the natural values of the area (it accords with Policy 1.1.5 – to rehabilitate the natural character of the coastal environment where appropriate), and assist in managing stormwater runoff effects. Residential settlement will be consolidated inland of the existing settlement and the estuary, in a location that will not detract from the more natural character inherent to the north-western margin of the estuary, and without significant cumulative adverse effects on a coastal environment already largely dominated by urban settlement patterns including residential development further down Martins Farm Road.

Policies 1.1.2 – 1.1.4 deal with protection of significant indigenous vegetation, significant habitats of indigenous fauna, and associated ecosystems including wetlands, important landscapes, seascapes, landforms and areas of cultural or heritage significance, and the integrity, functioning and resilience of processes and values of the coastal environment. The site is not an outstanding natural feature or landscape. It is considered that the building design guidelines and planting programme for the development are sensitive to its landscape values and coastal context, including as much of the built development will be wetland rather than more elevated seaview houses.

The ecological assessment that accompanies the application states that *“the site is heavily modified, the wetland area is of recent origin and consists of common exotic and native wetland plants.”* From that it can be concluded that it is not currently a wetland of particular local significance, let alone an area of national priority for restoration. However it will be managed through improved water flows, weed and pest control and targeted restoration planting in a way that will improved its habitat values for aquatic and bird species, its biodiversity, visual amenity and water quality, and that will ultimately have a positive effect for the local / coastal environment. Wetlands are however vulnerable to human activity, and its long-term success depends on how well it is integrated and managed during construction and as part of the overall development. For that reason, Council’s specialist on wetland issues, Mr Trevor James, has reviewed the ecological assessment provided as part of the application, has provided comments for the Committee through Annexure C, and has had input to the draft conditions appended to this report.

There are no issues in respect of public access to and along the coastal marine area (3.5 in the NZCPS) associated with this subdivision. Martins Farm Road provides this function, and well as being a buffer to the site relative to mean high water springs.

Chapter 3 deals with subdivision, use or development in the coastal environment, and contains policies that relate to such matters as the enhancement and maintenance of amenity values, managing adverse effects, and natural hazards, for example:

Policy 3.2.2: *Adverse effects of subdivision, use or development in the coastal environment should as far as practicable be avoided. Where complete avoidance is not practicable, the adverse effects should be mitigated and provision made for remedying those effects to the extent practicable.*

Policy 3.2.4: *Provision should be made to ensure that the cumulative effects of activities, collectively, in the coastal environment are not adverse to a significant degree.*

Policy 3.2.5: *Subdivision, use and development in the coastal environment should be conditional on the provision of adequate services (particularly the disposal of wastes)...*

Policy 3.4.5: *New subdivision, use and development should be so located and designed that the need for hazard protection works is avoided.*

Mr Verstappen has addressed potential hazards from inundation and sea level rise, and recommends minimum ground and floor levels to mitigate that risk.

The NZCPS anticipates appropriate use and development within the coastal environment, with any adverse effects on the environment (and in particular its natural character) avoided as far as practicable. The proposal is considered to accord with the New Zealand Coastal Policy Statement.

## **7.2 Tasman Regional Policy Statement**

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

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

*Objective 3.2 Maintenance of the biological diversity and healthy functioning of land, freshwater, coastal and marine ecosystems.*

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

*Objective 3.4 Efficient use and development of resources.*

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

These objectives arise largely in response to matters in section 7 of the Resource Management Act, and have been addressed in discussion of Part 2 above. They acknowledge the need to manage growth of the district and the impacts of that on natural and physical resources in a sustainable and balanced manner.

The Proposed Tasman Resource Management Plan has been formulated to be consistent with the Tasman Regional Policy Statement, and therefore the following discussion is limited in favour of the Plan.

Sections of the RPS relevant to this application are 5 (Urban Development Issues), 6 (Land Resources), 9 (Coastal Environment), 10 (Contamination and Waste), 11 (Natural Hazards) and 12.3 (Transport Issues).

Although located on a rurally zoned property the application seeks consent to urban development, a feature of the density and servicing of the proposed residential sections and their relationship to Kaiteriteri.

Issues 5.1 and 6.1, concerning the allocation of high quality peri-urban land and sustainable management of high quality land resources, have given rise to input from Council's Resource Scientist (Land), Mr Burton. Interestingly the property comprises the highest quality and productively most versatile Class A land on the Tasman District Land Capability Maps. Mr Burton has however concluded that the presence of the spoil dump, the wetland, and the topography of the hill block, although with the small size and isolation of the site from other areas in pastoral or forestry use, means that the likelihood of the application site ever being used productively is negligible.

For those same reasons, and on account of existing land use activities being of a residential and urban quality, and not productive rural activities giving rise to spraying, odour, noise and other nuisances, the management of urban / rural boundary conflicts (Issues 5.4 and 6.4) are not considered of particular relevance to this proposal.

Issue 5.5 (Coastal Development) identifies Kaiteriteri as a highly value landscape and recreational resource which needs to be protected from urban encroachment. Coastal values are one of several constraints to urban development noted under Objective 5.2:

*“Avoiding, remedying or mitigation of the adverse effects arising from urban development locating or expanding in:*

- (i) hazard prone areas; and*
- (ii) coastal areas; and*
- (iii) areas where the amenity standards for adjacent rural activities would not be accepted in an urban context; and*
- (iv) areas of natural character, outstanding natural features and landscapes ....; and*
- (v) wetlands, lakes, rivers and their margins.”*

The proposal does not in my opinion offend this objective, subject to appropriate conditions of consent.

The Coastal Environment is also addressed under Chapter 9 of the RPS, and its policy content reflects the NZCPS. On a regional level, the RPS notes that the Kaiteriteri coastline is of major scenic importance, and that regenerating bush and estuaries are a particular feature of the wider Able Tasman coastal character and at threat from coastal settlement and contaminant discharges. It is considered that the proposal is an appropriate use in this locality given that it is inland of the main Kaiteriteri settlement, development will be serviced, and it will not result in significant change in the visual or natural appearance or displace natural habitat values of the estuary coastline.

Issue 5.7 seeks the maintenance and enhancement of the quality of the urban environment in terms of open space and integrated design. Objective 5.5 refers to the amenity values and character of small towns in achieving this. The proposal is responsive to this, achieving a quality urban environment for residents through the design and appearance of buildings and open spaces, vegetation, pedestrian opportunities and internal traffic management, and attention to the landscape context of the site.

The effects of land transport and urban development are addressed through Objectives 5.4 and 12.2. Urban development can have adverse effects on the efficiency and safety of the road network, and this issue has formed the basis of many of the submissions and is addressed in Mr Ley's report.

The RPS directs consideration to land resources generally (Chapter 6). Land fragmentation may impact on values not just in a productive sense, but may also result in loss of rural character, loss of open space, degradation of natural ecosystems, discharge of contaminants such as run-off and sedimentation from urban development and construction activities affecting water and soil quality, loss of visual landscape qualities, and increased need for services and road access. It is considered that in the context of this application these effects will either be no more than minor and/or can be managed through design of the development and conditions of consent if granted.

Chapter 10 is only relevant to the extent that the Committee must be satisfied that point source discharge of stormwater can be appropriately managed within the design of the subdivision. This is reflected in the conditions of consent recommended later in the report.

Natural hazards (Chapter 11) associated with this proposal may include sea level rise, inundation arising from extreme stormwater runoff events, and land instability and structural risk from slope or ground failure. The former two have been addressed in Mr Verstappen's report appended. The Applicant has engaged geotechnical advice on earthworks within the subdivision, building foundation stability, and access or roading. The recommendations in Tonkin and Taylor's reports should form part of any earthworks and subdivision consent that may be granted for the application and, in so far as the Applicant does not propose forming building platforms on the hill sections, on-going geotechnical input is imperative for future earthworks and building foundation design beyond subdivision. This can be registered as a consent notice on the new titles. Notwithstanding this, the Council Engineering Department is opposed to Council inheriting Lot 104 (road to vest) and associated services in the face of ongoing settlement of land in the order of 5mm-10mm a year. The road is to be located on a major area of fill, on what is now swampy ground. The Applicant has agreed the Lot 104 will be a private road, held in an equal undivided share by each of the residential property owners and its upkeep falling to the Residents Association. This accords with Policy 11.2 in the RPS, where it is acknowledged that Council may allow activities at risk from land instability providing that the risk is not to other people or land, the Consent Holder and future owners are aware of the risks, and they carry responsibility for and the costs of risk management.

### **7.3 Proposed Tasman Resource Management Plan**

The application has, in Appendix 6, set out the objectives and policies in the Proposed Tasman Resource Management Plan (TRMP) relevant to this proposal. I generally agree with that list as it identifies the main resource management issues pertaining to the application – productive land values (Chapter 7 and the rural zoning of the land), coastal margins and wetlands (Chapter 8), land transportation effects (Chapter 11) and land disturbance effects (Chapter 12). However Chapters 5 (Site Amenity Effects, as a feature internal and external to the development), 6 (Urban Environment Effects, and in particular issues and policies for Kaiteriteri), 13 (Natural Hazards), 14 (Reserves and Open Space), 30 (relating to the diversion of water) and 32 (Discharges to Land and Fresh Water) are also relevant.



Chapter 5 – site amenity effects – is relevant to certain submissions received. Objective 5.1.0 seeks the “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”. Supporting policies seek “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 avoid, remedy, or mitigate effects of (a) noise and vibration; (b) dust and other particulate emissions; (c) contaminant discharges; ... (g) vehicles; (h) buildings and structures;... beyond the boundaries of the site generating the effect” (Policy 5.1.4) and “to avoid, remedy or mitigate adverse effects of urban use and development on rural activities at the interface between urban and rural areas.” (Policy 5.1.9A). These policies relate more to off-site amenity effects. As stated earlier in the report, it is considered that the rural character of this locality is influenced by existing urban activities, and the proposal need not unreasonably compromise the amenity of that for existing property owners or visitors. Amenity effects or nuisances arising from construction will be temporary and/or can be controlled by conditions.

Objective 5.2.0 seeks to maintain and enhance amenity values on site and within communities. I believe that a high standard of amenity will be achieved within the development and for neighbours in terms of privacy, access to daylight, outdoor living opportunity, landscaping and screening, notwithstanding any loss of open space values. This is a feature of design controls within the subdivision, as well as the orientation of development and influence of topography on surrounding properties. The proposal will also add to the variety of housing types and opportunities at Kaiteriteri (Policy 5.2.7).

I acknowledge that the proposal will not maintain the rural open space values of the site (Policy 5.3.2), however the sections will be of a size and with generous on-site open space that is sympathetic with the medium density residential character of Kaiteriteri (Policy 5.3.1), involving careful consideration of the location, design and appearance of buildings (Policy 5.3.3) and not detracting from the visual and aesthetic character of this locality (Policy 5.3.5).

The subdivision will have the effect of adding to the urban area of Kaiteriteri. Occupants of the development will relate to that as their place of residence. Chapter 6 is concerned with urban form, and in particular urban growth that minimises the loss of the most productive and versatile land in the district, avoids natural hazards, can be cost-effectively and sustainably serviced, is sensitive to the character of coastal locations, and provides for livable and sustainable community environments.

As far as the Council is encouraging sustainable urban design, it is considered that the development will generally promote Objective 6.1A.0 and its supporting policies. The development will have a sense of place and identity, is responsive to the natural values of the site, connects well with the local road network (but noting some capacity issues with Martin Farm Road), provides for wetland enhancement and planting as a significant feature of the development, and manages stormwater runoff to low impact design methods and within the site where possible.

The proposal will not result in loss of land of high productive value (this is relevant also to Objective 7.1.0 and supporting policy).

Objective 6.2.0 seeks sustainable urban growth that is consistent with the capacity of services and has access to necessary infrastructure such as water supply, roading, wastewater and stormwater systems. Mr Ley has expressed concern about certain infrastructural issues in his report. Retention of Lot 104 as private road, and services within the site as privately owned, will address his interest on behalf of the Engineering Department in its role in asset management. The new lots will otherwise be reticulated for water and sewer, and stormwater runoff will be managed with the site to avoid adverse downstream effects.

The application site is within the Kaiteriteri water and stormwater urban drainage areas (UDAs) but not the wastewater UDA. The Applicant proposes however to extend the sewer to the site, in sustaining a development of this density. This is relevant to financial contributions under the Council's LTCCP.

In respect of Objective 6.3.0 – containment of urban subdivision, use and development and associated effects on the coastal environment – the proposal will add to rather than create a new settlement area, will provide for growth inland rather than along the coast, and will avoid sprawling or sporadic subdivision (Policies 6.3.1 – 6.3.3).

The Plan contains specific policies for Kaiteriteri in 6.13. Those of relevance include (f) protection of natural features such as wetlands and (g) consolidation of development within existing urban boundaries. Relevant policies include:

*6.13.3 To control land use activities and subdivision to avoid any adverse environmental effects in terms of sedimentation, erosion, instability and loss of visual amenity.*

*6.13.7 To encourage the efficient use of land and infrastructure within Kaiteriteri, including development of a large area of residentially zoned land between Stephens Bay and Little Kaiteriteri.*

This proposal is contrary to policy aimed at the efficient use and infill of development opportunity within the existing residential zone at Kaiteriteri.

Chapter 7 (Rural Environment Effects) deals with the fragmentation of rural land, the availability of rural land for non-rural purposes, and the protection of the rural character and amenity.

The principal effect of land fragmentation is the cumulative reduction in opportunities for the productive potential of land to be taken up, either within sites or over larger areas. The establishment of dwellings on rural land, without any productive use of the land, has been a significant cause of land fragmentation in the district.

Objective 7.1.0 seeks to “*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.*” Supporting policies include:

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

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

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

The Rural 2 Zone covers land areas which do not have the highest productive values, and which may have varying productive value (Methods of Implementation 7.1.20(a)(i)). This accords with Mr Burton's assessment of the application site.

The Explanation for these policies includes: "*Subdivision below the threshold will be limited to that which supports the objective. The Rural 2 Zone comprises land of more limited inherent productive and versatile values [than the Rural 1 Zone], and the subdivision size threshold is thus larger*".

The 50 hectare lot size threshold has been set as a 'trigger' to enable an assessment to be carried out, to determine whether any particular subdivision can meet the relevant policies and objectives in the Plan. Subdivisions less than 50 hectares in area are classed as discretionary activities in the TRMP, and they are to be assessed on their merits and against the criteria in Schedule 16.3A.

On the basis of Mr Burton's conclusions as to the productive potential of land in the application site, and noting the land use character of this area now bearing little resemblance to other parts of the Rural 2 Zone in the wider district, I am satisfied that the subdivision does not compromise the Plan's objective regarding fragmentation and loss of land for productive purposes.

Objective 7.2.0 seeks to provide "*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.*" Supporting policies include:

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

*7.2.4 To ensure that activities which are not involved or associated with soil-based production do not locate where they may adversely affect or be adversely affected by such activities.*

Objective 7.2.0 does not refer to residential activity on rural land, and does not in my opinion contemplate residential use of an urban character as proposed.

Objective 7.3.0 seeks to manage the effects of existing and future activities on rural character and amenity values. As these anticipate and provide for "rural activities", relevant policy is limited:

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

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

*7.3.6 To ensure that adequate physical or spatial buffers or other techniques are applied when allowing new allotments or buildings primarily or exclusively for residential purposes in rural areas, so that productive land use opportunities are not compromised.*

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

*7.3.10 To ensure the maintenance or enhancement of natural drainage features within rural catchments, and to avoid, remedy or mitigate any adverse effects of stormwater runoff.*

The rural character of this area is influenced by existing tourist accommodation opportunities, more typical of land at an urban fringe than the wider rural area. The location and spatial extent of those businesses, and quality of land opposite and to the rear of the application site, means that there are no productive rural land use activities in vicinity of the development that could give rise to the need for buffering. The subdivision will have a level of servicing that reflects urban standards, and responsive to existing natural drainage patterns in the catchment.

Chapter 8 (Margins of River, Lakes, Wetlands and the Coast) has been addressed in discussion of Section 6 of the Act, the NZCPS and the RPS above, relevant to issue of natural character of the coast. The following assessment is limited therefore to the proposed wetland.

Objective 8.1.0 seeks to maintain and enhance public access to and along the margins of wetlands which are of recreational value to the public. The wetland is being enhanced as an integral part of this subdivision, and will be of benefit for natural, aesthetic, recreational and stormwater management purposes to the residents of the site. The Reserves and Community Services Department of Council has no interest in the wetland for wider public use. It is appropriate therefore that its ownership, use and maintenance fall to the Residents Association on behalf of and to the on-going benefit of future property owners in the subdivision. There is need for conditions of consent to ensure that the wetland is appropriately developed and managed, particularly given its role in stormwater control.

Objective 8.2.0 and supporting policies are concerned with enhancement of the natural character of wetlands and their protection from the adverse effects of subdivision use and development on landform, vegetation, habitats, ecosystems and natural processes. The proposal directly accords with this objective, and has the support of an ecologist and a number of key submitters such as the Director General of Conservation and Royal Forest and Bird Protection Society.

Land transport is covered by Chapter 11 in the Plan, and Objective 11.1.0 promotes a safe and efficient transport system where the adverse effects of subdivision, use and development of land on the transport system are avoided, remedied or mitigated. This is to be achieved by locating built development, particularly in urban areas, where avoiding adverse effects of traffic generation and increased traffic safety risk, ensuring land uses that generate significant traffic volumes are located with access to classes of road that are able to receive the increase in volume and avoiding the community cost of the road network resource, avoiding, remedying or mitigating the amenity effects of traffic, and ensuring appropriate planning for traffic within subdivision design.

Mr Ley has expressed concern about the formation and safety of Martin Farm Road in catering both for vehicles and pedestrian traffic arising from this development, and has suggested that if approval is to be granted then upgrading of Martin Farm Road is a necessary outcome of the application.

On account of issues with settlement of the land, Mr Ley has advised that the Committee not accept the community cost of the new road into and servicing the development. While this will remain in the ownership of the residents, it should still be formed to an appropriate Council standard as an access place so that its level of service, construction, safety, lighting and pedestrian function is appropriate for its number of users and connectivity with the wider road network.

Land disturbance effects are addressed in Chapter 12. Land disturbance is required in excavating and enhancing the wetland, removing and/or consolidating fill for creation of the road and sections on the lower land in the site, and excavating and battering back land on the hill slopes required for roading and section frontages. Although not covered by this application, the Committee should generally be satisfied that sections created are geotechnically able to be built on and that can be addressed by building site certification and consent notices requiring the on-going input to earthworks and building design within individual titles.

The issue of land disturbance is also relevant to the success (or otherwise) of the wetland. There is a need to ensure that its restoration, and earthworks or placement of fill material as part of that, will achieve the outcomes anticipated. This is a matter of wetland design, and requires a multi-disciplinary approach involving both engineering and ecological expertise.

The application site is part of the Separation Point Granite Formation. This yields coarse sandy sediment and is at higher risk of erosion and sedimentation. There is need for care in earthworks that may result in or accelerate such risks.

Relevant policy is:

*12.1.1 The promote land use practices that avoid, remedy or mitigate the adverse effects of land disturbances on the environment...*

*12.1.2 To avoid, remedy or mitigate the actual or potential soil erosion and damage, sedimentation, and other adverse effects of land disturbance activities consistent with their risks on different terrains in the District, including consideration of ...(c) sensitivity and significance of water bodies and other natural features in relation to sedimentation and movement of debris.*

*12.1.3 To investigate and monitor the actual or potential adverse effects of ... sedimentation and damage to ... aquatic and other natural habitats arising from land disturbances.*

Chapter 13 (Natural Hazards) seeks management of areas subject of natural hazards, to ensure that development is avoided or mitigated depending upon the degree of risk (Objective 13.1.0). Policies to achieve this refer to avoiding the effects of natural hazards on land use activities in areas or sites with at significant risk from instability, earthquake shaking or inundation (Policy 13.1.1), avoiding or mitigating the interactions between natural hazards and the subdivision, use and development of land (Policy 13.1.2A), regulating land disturbance activities so that slope stability and other erosion processes are not initiated (Policy 13.1.7), and avoiding new subdivision that would hinder the ability of natural systems and features such as wetlands to protect existing subdivision, use or development from natural hazards (Policy 13.1.10).

The degree of risk from natural hazards can be moderated through continuing geotechnical input to the design and certification of subdivision earthworks, infrastructure and foundations, integration of wetland design and stormwater systems, and the setting of minimum ground levels. This will address potential hazards within and, in so far as part of the Kimi Ora property may experience flooding originating from the application site, downstream of the site. The fact that the road pavement and services within the development may be compromised by settlement of the ground is a matter of maintenance and the cost associated with that, rather than a significant hazard to property or human life.

Chapter 14 (Reserves and Open Space) is primarily concerned with reserves and open space as a community owned asset. Proposed open space within this development will benefit its residents, rather than being accessible to the wider community. It will however contribute to the aesthetics of the area and will have an important role in the management of stormwater. As an integral part of the amenity of the development, its future maintenance should be reflected in a land covenant.

Policy in Chapter 30 is relevant to the diversion of water into the wetland. Freshwater resources have a wide range of values and uses, including for abstraction purposes, recreation, habitat, and aesthetic, intrinsic or natural values. Wetlands have particular significance because of their limited number and extent and with high value as natural ecosystems.

As the only policy relating to water diversion, Policy 30.1.18 seeks:

*“to avoid, remedy or mitigate adverse effects of diversion of water, including:*

- (a) diversion of floodwater by stopbanks and other structures;*
- (b) water augmentation schemes;*
- (c) hydro-electric power generation; and*
- (d) instream diversion of water;*

*taking into account effects of the diversion on:*

- (i) uses and values of water bodies identified in Schedule 30.1;*
- (ii) fish and eel passage;*
- (iii) actual or potential risks of flooding or erosion;*
- (iv) actual or potential impact on river sediment and gravel transport processes;*
- (v) water quality;*
- (vi) aquatic and riparian ecosystems, including wetlands ...;*
- (vii) any relevant water allocation limits;*
- (viii) other water users.”*

Given the location and size of the stream (it has no or limited value for abstraction or recreational purposes), its hydrological role and benefit to the wetland, retention of water within the same catchment, and the temporary nature of any environmental effects ie sedimentation, habitat disturbance during its diversion, the proposal is considered to accord with the objectives and policies in Chapter 30. Water flows, the life-supporting capacity and habitat or natural values of the stream will be maintained, and in the wetland those same values enhanced as a result of diverting the stream.

Objective 33.1.0 states that contaminant discharges to land or fresh water must be in such a way that avoids, remedies or mitigates adverse effects while maintaining existing water quality. Objective 33.3.0, in relation to stormwater discharges, seeks to avoid, remedy or mitigate the adverse environmental effects of downstream stormwater inundation, erosion, water contamination, and on aquatic ecosystems.

It is the opinion of Council Officers that the proposal is responsive to the drainage characteristics of the site, utilising low impact design where practicable, including restoration of the wetland as part of the natural drainage network. To the extent that consent is required for the placement of soil within the wetland, this is integral to its enhancement programme and as part of the overall earthworks construction for the subdivision. There will be no long-term impacts of those works on water quality.

#### Summary

The proposal generally accords with the objectives and policies in the Proposed Tasman Resource Management Plan, except to the extent that it does not retain the open space values of this rural site (Policy 5.3.2) or promote the efficient use and infill development of land and infrastructure within the existing zoned area of Kaiteriteri (Policy 6.13.7).

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

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

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

- The potential effects of the subdivision on the amenity values and natural and physical character of the area.
- The extent to which the effects of natural hazards will be avoided or mitigated.
- The potential effects of subdivision on the natural character of the coastal environment and wetlands.
- The cumulative effects of the subdivision on the District's infrastructure and its efficient use and development, including the capacity and capabilities of the road network and utility services to meet the demands arising from the subdivision.
- The relationship of the proposed allotments and their compatibility with the pattern of adjoining subdivision and land use activities and access arrangements, in terms of future potential cross boundary effects.

- Taking into account local land form, whether allotments are of a regular shape that will maximise the range and efficiency of potential activities that may take place on the land in the future.
- Whether any landscaping features are proposed and their effects on pedestrian and traffic safety, the aesthetic quality of the area, and potential maintenance costs.
- The extent to which earthworks will remove vegetation, alter existing landforms, affect water quality, affect natural features such as water courses, have an adverse visual effects, or influence natural hazards.
- The effects of subdivision in terms of existing catchment drainage characteristics, stormwater flow, erosion and sedimentation, and stormwater quality.
- The effects of future buildings in relation to natural hazards and whether development should be limited to particular parts of an allotment or minimum floor levels set.
- The adequacy of provisions for management of construction and site works.
- The proximity, safety and ease of access between any site and the nearest collector, distributor or arterial road, the extent to which any existing road needs to be upgraded, complying site access, the appropriateness of road access rather than a private way, and the adequacy of road layout.

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

## **8. ACTUAL AND POTENTIAL EFFECTS ON THE ENVIRONMENT**

### **8.1 Permitted Baseline**

The Committee may take into account the permitted baseline test, which effectively allows you to disregard any adverse effects on the environment of an activity if the Plan permits any activity with that effect (Sec 104(2)).

This matter is addressed previously in the report, in 6.3 on page 13. There is little to be gained in the permitted baseline argument as the underlying Rural 2 Zone rules which apply to this site represent some of the most restrictive for subdivision anywhere in the District. There would be little need for on-site earthworks or change to existing drainage patterns in the absence of more intensive use of the land.

### **8.2 Ecosystems and the Wetland**

The most immediate positive effect on the proposed development will be the restoration and maintenance of 1.0ha of wetland in Lot 100.



Wetlands have a range of functions, including maintaining and improving water quality, providing aquatic habitat for fisheries and fish spawning (especially native fish and eels), plants and bird life, flood and stormwater control, natural character and landscape values, ecological, cultural and aesthetic values, and recreational use.

While the existing wetland is small, may not be naturally occurring and is impacted by past filling, the subdivision seeks to provide for the wetland as a dominant feature of the overall development. It will remedy previous neglect of the site and its ecological potential.

It is the advice of the Applicant's Ecologist that any adverse effects of the development on the wetland will be short-lived and minor, and that the long-term net effect will be positive. That statement is supported, providing that the design and supervision of works, the type of material use in earthworks in or adjoining the wetland, planting programme, and on-going maintenance and weed control are undertaken professionally and with care. This can be controlled by condition of consent (by way of the Wetland Restoration and Maintenance Plan), and should involve on-going consultation with expertise within the staff of Council.

The Applicant seeks to improve the hydrology of the wetland and therefore its life-supporting capacity by diverting streams through the site. A better flow of water will assist in the potential success of the project, assisting in maintaining seasonal water levels and reducing the risk of stagnation of water. A series of shallow ponds will be formed by excavation to carry flows through the site and exiting at the Martin Farm Road culvert(s).

The Applicant is proposing extensive earthworks on the site in forming the new road and allotments. Some of this will penetrate the margins of the existing wetland and include excavation of the ponds and disposal of a large area of fill towards the centre of the wetland. Further destruction will occur with removal of invasive poplars and pines within that area, and diversion of the stream along Martin Farm Road. This will impact on habitat values and ecosystems within the wetland during construction, but these temporary impacts must be balanced against the long-term benefit of those works.

Destruction or disturbance to ecosystems should as far as practicable be confined to the application site. The wetland drains under Martin Farm Road and, within the short distance, to the estuary. The Applicant proposes to use silt traps at the outfall culvert under Martin Farm Road and maintain a temporary separation buffer adjoining this during the bulk earthworks. The detail of this will be addressed within a Construction Management Plan, as a requirement of resource consent if granted.

One of the submitters has alluded to the lack of investigation of fish values as part of the application. The Applicant should address this at the hearing, however it is accepted that if fish passage to and through the site is provided for in design of the wetland and any culverts in or out of it, and greater habitat diversity is achieved, then fish populations should be present. It is probable that the site is used for inanga spawning. All reasonable steps should be taken to avoid construction during the spawning season (February-April), although in practical terms it is anticipated that at worst only one spawning season would be lost.

Mr James has expressed concern about the straight alignment of the stream diverted from Martin Farm Road to the wetland. While an open channel is to be maintained, a more natural design would assist its life-supporting capacity. A culvert under the new road is adequate providing fish passage is catered for and the invert of the culvert is below the bed of the stream.

The wetland may be compromised by discharge of contaminants from the adjoining residential development. This will be mitigated by wastewater reticulation to all residences. Stormwater will be directed to sumps, to trap solids, then either piped or discharged via stabilised channels to the wetland. The wetland and its vegetation will have a role in stormwater treatment, providing contaminant levels are kept to a minimum. This method is considered appropriate given the size of the subdivision and recognising the potential for all boat washing to be provided for in a control manner within Lot 19 (including as the washdown area should be connected to the sewer and not discharged to the wetland).

It is considered that the wetland will have a positive effect in terms of its ecological, fish spawning, amenity and landscape values, and for residents of the development, in providing access to open space for recreational and aesthetic enjoyment. It will also assist in stormwater management and attenuation.

### **8.3 Effects of Earthworks**

The potential effects of earthworks include damage to soil, accelerated soil loss, increased hazards risk, sediment contamination of water and deposition of debris in water course or wetlands, damage to habitats through deposition, erosion or inundation (including to future structures depending upon final ground levels), visual effects, and adverse effects on indigenous biodiversity or other intrinsic values. They may also be categorised as short term effects – being those associated with the activity of re-contouring the site and restoring the wetland ie dust, noise, tracking of material onto the local road, sedimentation and habitat destruction – and long term effects – being those associated with the land having been re-contoured.

The earthworks required for the development is essentially site re-contouring, relating largely to the redistribution of fill that has been dumped on the site in the past or is excavated in forming the new road. The purpose of that is principally to facilitate a change in land use, to residential. The earthworks plan shows a cut quantity of some 7000 m<sup>3</sup>, of which 1500 m<sup>3</sup> will be unsuitable for structural fill and will be used within the wetland. The remaining material will be used for structural fill to create the road foundation and house sites between the road and wetland. It is anticipated that earthworks can be achieved without needing to export or import fill. This will benefit the wider environment by internalising the effects of the earthworks as far as practicable and certainly in term of traffic movement off site.

Given the productive capacity of land in the application site, any effect of earthworks on soil and its future productive capabilities is considered no more than minor.

The Applicant has engaged the geotechnical services of Tonkin and Taylor to advise on and ultimately supervise construction earthworks for the subdivision. Their recommendations (including that all earthworks be carried out in accordance with NZS4431:1989 and with certification of the earthworks) should be reflected in conditions of subdivision consent. This will address land stability issues in the short and longer term.

The application was amended prior to notification to limit earthworks consent to that required for the subdivision and obtaining of title to the new allotments. The need and extent of earthworks required after that time, particularly for the creation of building platforms on the hill sections, will and should most appropriately fall to the new owners if and when they propose to build.

The application site has a large area of unconsolidated fill. Test pits in the Tonkin and Taylor report show that adequate bearing strength for buildings, roads and services may only be achieved as far as 6.0 metres below the surface. It is suggested that the existing layers of non-engineered fill be reworked and topped with a compacted granular fill and geotextile raft, although that will not totally overcome settlement. Constraints on the earthworks proposed for this area (short of removing all existing fill) as it may affect structures within the development can be addressed through ownership of infrastructure and specialist design of house foundations, flexible service connection, cantilevered access steps etc.

The Applicant proposes a Construction Management Plan (referred to as an Environmental Management Plan in the recommended conditions to follow) be prepared prior to earthworks commencing on the site, to address the short term effects of the subdivision earthworks. As well as addressing potential nuisances ie noise, dust in use of heavy machinery during construction, this will incorporate sedimentation and stormwater controls as part of the earthworks programme. Council Officers have also recommended a Construction Phase Sediment Management Plan as part of RM070742. These will ensure that appropriate mitigation measures are in place before such effect is generated. There are standard and effective methods of construction that the developer and its contractors can implement to minimise these effects so no more than minor.

The earthworks proposed as part of the subdivision, and anticipated within the parameters of the Design Guideline, will minimise any adverse effects on the natural landform. The visual impacts of the earthworks will diminish over time, as slopes and the wetland are re-vegetated, infrastructure is completed, and houses and plantings on individual sections progresses. The scale of the earthworks is relatively modest by standards typical of other recent residential subdivisions in Kaiteriteri and Little Kaiteriteri, and will not be visually prominent from the coast.

The earthworks will involve excavation of and localised deposition of excess fill within the wetland. Any adverse effects of this on water quality, habitat and ecosystem will be temporary and, in the context of the natural values of the existing wetland, no more than minor.

#### **8.4 Effects on the Coastal Environment**

This matter has been discussed in detail in terms of Part 2 of the Act and the New Zealand Coastal Policy Statement. It is considered that any adverse effects on the natural character of the coastal environment as a result of this proposal will be no more than minor.

## **8.5 Archaeological or Cultural Values**

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

## **8.6 Natural Hazards**

As discussed earlier in this report the application site is in part founded on Separation Point Granites, it contains a large area of unconsolidated fill, parts are low-lying and are intended to play a role in stormwater and drainage management, it is at the lower point in a catchment into which several streams feed into the site, and it lies in close proximity to and is influenced by coastal processes. These to varying degrees influence the potential hazards associated with the site.

The wetland, culvert improvements under Martin Farm Road downstream of that, and finished ground levels for those areas intending to be built on, have an important role in flood management. Integrated design of the wetland and the overall earthworks for the site, with appropriate engineering response, is a necessary component in hazards mitigation.

The issue of flood hazard and potential sea level rise is addressed in Mr Verstappen's report. With appropriate conditions of consent (including minimum ground BPA levels), the risk of hazards is not considered an impediment to the subdivision. Certification of building sites on Lots 1-18 can also be imposed as a condition of consent.

To the extent that there may be maintenance costs arising from settlement and potential liquefaction of ground below the new road and its associated services, requiring that the residents retain ownership of those will (a) allude them to potential risks or constraints in this subdivision and (b) avoid any costs of remediation falling to the wider ratepayers. That way, all risks are borne by those living in this environment

The Applicant's Engineer notes that existing flood problems around the Bethany Park northern entrance and Kimi Ora front field are caused by under-sized and partially sedimented culverts under the road and downstream of the park entrance and rising stream bed levels restricted by vegetation growth and sedimentation. These matters will be remedied in engineering design of the development, although there will be an ongoing maintenance responsibility for Council post-development where those culverts and drains fall outside of the application site.

It is noted that the stream is to be diverted through Lot 102 at near right angles to its existing course. Armouring should be put in place to secure the stability of that area during heavy flow events.

## **8.7 Productive Land Values**

The potential effects on productivity have been discussed in the policy assessment sections above, and in Mr Burton's memo appended, with conclusion that any adverse effects will be no more than minor.

## 8.8 Visual or Landscape Effects

The application states that *“while the landscape of this site has been significantly modified, there are still vestiges of many of the elements that separate this site from some of the adjacent areas that have already been developed. The planning and design of this subdivision has sought to acknowledge those elements and where possible build on to and enhance them.”*

The landscape setting of the application site in relation to surrounding land and vantage points is an important consideration. Most of the site is lower lying and will not be visible from the coast. That which will be visible from the main beach at Kaiteriteri or across the estuary will be set in at the base of the hills and of much lower elevation and less prominent than existing urban and tourist development along the southern side and above Martin Farm Road. In a neighbourhood context, existing planting and orientation of buildings on the Kimi Ora site, elevation of the existing house on Lot 2 DP 359544, and limited or distant views across the site from Bethany Park campground, influence the visual prominence of the site and its future development.

There will be visual impacts during construction earthworks, affecting much of the 2.88 hectare site and most prominent to the owners of Lot 2 DP 359544. This is however a necessary but temporary impact of urban development. The earthworks have been designed to respect as far as practical the natural landform of the site.

The development proposal incorporates a strong framework of open space and planting. This will assist in integrating built structures within the development and its wider landscape context. It is important that any consent recognises the need to not only implement the wetland restoration and extensive planting of open space, but to maintain that longer-term. Single ownership and management of the open space areas by a residents association acting in the interests of all 18 property owners will best achieve that.

There will be visual or landscape impacts of developing and constructing up to 18 houses on what is currently an undeveloped rural site, however it is considered that the proposal will have positive landscape benefits in the medium term and evolving further over time.

## 8.9 Rural Character and Amenity Values

As discussed earlier in this report, the local environment is already of a peri-urban quality. There are significant tourist businesses either side of the property, and the site is within close proximity to and accessed via a residential street from Kaiteriteri. Those neighbouring properties already benefitting from a sea view will in the location or orientation of their land or buildings not be unreasonably affected by development of the application site. The amenity values of the application site itself have been affected by the placement of fill, invasion of weed species, and general neglect of the site. Notwithstanding that, it does have open space value for local residents that will be lost with an 18-lot residential subdivision of the site.

In my assessment, any adverse effects on the rural character of that area at the end of Martin Farm Road will be no more than minor. There will be more buildings, activity, people and cars in this environment as a result of the proposal, but relative to tourist activity already occurring particularly over peak summer months when occupancy within the subdivision may be at its greatest.

It is relevant also to turn attention to the amenity of the development itself, as a place in which to live and observing principles of good urban design. The proposal will achieve a quality living environment through:

- its responsiveness to its natural setting;
- its orientation, generally to the north to north-east;
- integration of and access from the house sites to wetland and open space within the development, so that residents benefit from its range of values;
- clustering of house sites, including as they are separated within the subdivision by planted open space linkages to the wetland;
- cul-de-sac access, serving the property access needs of the development without a through-fare function and contributing to its sense of community;
- placement of the new road, so that all sections have direct frontage and can contribute positively to its streetscape;
- variation in house or section options depending upon sea views or wetland frontage;
- the scale of the subdivision, its section sizes, definition of building platforms, and limitation on the maximum permitted floorspace of buildings;
- provision of communal boat parking facilities near the subdivision entrance, avoiding the need for on-site storage of boats and their movement through the subdivision;
- provision of a design guideline as a means to a degree of cohesion in built form and landscape treatment, encouraging residents to take advantage of the sites natural setting while responsive to natural contour, access to sunlight, views and privacy of residents;
- its accessibility to Kaiteriteri and the community facilities and recreational opportunities that offers.

The Applicant is essentially proposing a residential development that would otherwise be subject to the Rural 2 Zone bulk and location standards under the Plan. These do not anticipate higher density development and accordingly are not suitable in the context of this proposal. For that reason, and noting that the Design Guideline does not cover these specifically, if granted it is recommended that the land use consent for dwellings reflect those standards in Chapter 17.1 of the Plan which are necessary in protecting access to sunlight, privacy etc for residents.

The Plan provides for a 25m setback of dwellings in the Residential Zone where abutting a Rural Zone. It may be asked why the same principle is not applied to this subdivision, as a means to protecting the amenity of neighbours. This rule is intended to protect and avoid cross boundary conflict between residential and protective land use activities, a situation not considered relevant with this proposal.

## 8.9 Urban Form of Kaiteriteri

The subdivision will not unduly compromise the urban form of Kaiteriteri, for reason that:

- it is located inland of the settlement, and accessed via an urban road that gives ready linkage (approximately 1km) to the beach and centre of Kaiteriteri;
- it is located between two existing larger scale tourist businesses;
- it adjoins the Tourist Services Zone;
- it is located within the serviced area of Kaiteriteri, within its urban drainage and water supply areas;
- the range of section sizes is consistent with existing or permitted residential development in the settlement;
- the proposal is responsive to its natural setting and will not detract from the strong coastal context and amenity of Kaiteriteri as a place to live or visit.

The TRMP seeks to encourage infill residential development of zoned land at Kaiteriteri, particularly between Little Kaiteriteri and Stephens Bay. While this subdivision may not promote the efficient use of that land, that potential is still retained in accommodating future growth of Kaiteriteri. The proposal will result in a separate node of residences at the end of Martin Farm Road, however the subdivision is for only 18 residential sections and is situated on the urban fringe and adjoining existing urban development.

## 8.10 Traffic and Access Effects

The Council's Development Engineer (Dugald Ley) has viewed the application site and has expressed concerns regarding the construction and safety of Martin Farm Road (including for pedestrian use) and future maintenance of the new subdivision road and services. His report is attached, and Mr Ley will be available to the Committee at the hearing to talk to that.

Traffic effects are in my opinion the most significant issue with this application. It is raised in a number of submissions, and is principally an off-site effect for which any mitigation measures will not benefit the subdivision alone.

In determining what is a fair and reasonable roading contribution from the Applicant, I believe that it is necessary to consider any relative increase in road use generated by this subdivision taking into account the traffic and pedestrian use of Martin Farm Road attributed to existing residential and tourist development (the latter businesses which generate traffic usage over the full length of the road) and potential expansion or intensification of activities within the Tourist Services Zone which could occur as of right.

## 8.11 Servicing Effects

Mr Ley has advised that the Council should not be accepting as Council assets the new road and associated services internal to the development due to on-going maintenance risks and costs. The development can and will still be subject to an appropriate level of servicing, noting the density and location of the subdivision, notwithstanding that infrastructure remaining in the ownership and responsibility of the residents association.

### a) Water Supply

The development will be fully reticulated for water. This has been addressed in Mr Ley's report.

### b) Sewerage Disposal

The development will be fully reticulated for sewer. The need for this to extend to Lot 19, to avoid potential contaminant of the wetland as a receiving environment in the event of boat washing activities, has been raised early in this report.

### c) Stormwater Servicing

This matter is integrated with the wetland restoration project, and involving increased drainage capacity under Martin Farm Road. This has been addressed in the reports of Mr Ley and Mr Verstappen, and they have concluded that the proposed method of stormwater servicing is appropriate for this site and development.

## 9. OTHER RELEVANT MATTERS

### Precedent

The proposal involves residential use of rural zoned land, of a scale and to a density that would typically be found in an urban environment. The Committee may wish to satisfy itself that there will be no precedent should it grant consent to this application.

Matters of precedent are based on hypothetical occurrences, and are not considered an effect on the environment under Section 104(1)(a) of the Act. However they can be given consideration under Section 104(1)(c), along with the integrity and consistent administration of the Plan.

Precedent refers to the expectation that, in granting a particular consent, others may seek to take advantage of that through subsequent resource consents. If precedent can be established, there may be potential for cumulative effects from a particular pattern of development taking hold. Whether or not precedent is worthy of attention is an issue of probability that the consent authority would or could be faced with like cases.

I am of the opinion that there are several features of this proposal which may individually or collectively distinguish it from other Rural 2 and coastal land and the potential subdivision of that:

- its proximity to the existing coastal settlement of Kaiteriteri, both spatially and in its potential connection to existing services;



- the existing character and amenity of the area, and presence of tourist activity on two sides;
- its productive potential, including as it may be distinguished from larger tracts of land north of Bethany Park camping ground;
- restoration of the wetland values of part of the site;
- integration of open space, design guidelines and landscape planting as part of the subdivision;
- there is only restricted visibility of the site from the coast;
- the influence of topography and lack of sea views that may limit further sprawl of urban growth up the valley, beyond the existing formed portion of Martin Farm Road.

Mr Ley has expressed concern that the indicative road network coming in to the end of Martin Farm Road, from the north, may encourage others to subdivide in this area. I note that this road is indicative only, and its construction is not even accounted for within the 10 year term of the 2006 LTCCP. Uncertainties surrounding this link and its eventual construction means that weight should not be afforded it in any consideration of precedent.

### **Term on Regional Consents**

RM070742 and RM080027 are regional consents. The Applicant has not stated any term for these in the application.

Section 123 of the Act allows for a term as specified in the consent but not exceeding 35 years.

Given that the matters subject of these consents – the discharge of soil within the wetland and diversion of the stream to the same – are integral to the overall design and success of the wetland restoration project, it is considered that the full term (35 years) is appropriate.

## **10. CONCLUSIONS**

This application involves the creation of an 18-lot residential subdivision, with associated earthworks, building construction, wetland restoration, disturbance to water courses and open space plantings, within the Rural 2 Zone.

The proposal requires a suite of consents, for subdivision, earthworks, construction of buildings, diversion of a water course, and the discharge of soil within part of the wetland.

The application is a discretionary activity under the Proposed Tasman Resource Management Plan, and it attracted a total of 18 submissions. Traffic and amenity effects, and the implementation and maintenance of the wetland restoration plan and design guidelines, are the main issues raised in submissions.

The proposal has been designed in a manner that is sensitive to its natural and landscape setting, and integrating principles of good urban design. Restoration of the

wetland will be a positive outcome of the proposal, although that must not be at a cost to the environment or other people's use and enjoyment of their properties.

In the context of this site and its relationship to Kaiteriteri, it is considered that this proposal would not be inconsistent with the pattern of land use in and amenity values of the general area.

With the exception of Policy 6.13.7, it is my assessment that the proposal generally accords with the thrust of the objectives and policies in the New Zealand Coastal Policy Statement, the Tasman Regional Policy Statement and the Proposed Tasman Resource Management Plan.

The application incorporates a range of mitigation measures both in the specific design of the project and as volunteered conditions of consent. Subject to those and additional conditions that may variously apply to the consents required for this proposal, and which will avoid, remedy or mitigate potential adverse effects of the development as outlined in this report or by submitters, it is considered that any environmental effects of these activities can be appropriately managed so no more than minor.

## 10. RECOMMENDATION

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

1. Grants consent to the application by Arohanui Resort Ltd (RM070722) to subdivide a 2.89 hectare property to create 18 residential allotments of between 510 m<sup>2</sup> and 1260 m<sup>2</sup> in area, a 500 m<sup>2</sup> non-residential allotment to be used for boat parking and 1.2 hectares of wetland and/or revegetated open space reserve as shown on the plan attached, but subject to the 3100 m<sup>2</sup> of new road and associated services remaining in private ownership rather than being vested in Council.
2. Grants consent to the application by Arohanui Resort Ltd (RM070723) to construct dwellings on Lots 1-18 within 10 metres of road boundaries and 5 metres of internal boundaries, and to construct dwellings on Lots 1-3 within the Coastal Environment Area.
3. Grants consent to the application by Arohanui Resort Ltd (RM070737) to re-contour the application site for the purpose of subdivision, involving cut and fill of over 1 hectare and more than 1m in height or depth, and with part of the works within 200 metres of the Coastal Marine Area.
4. Grants consent to the application by Arohanui Resort Ltd (RM070742) to undertake works in the bed of a watercourse as part of the wetland enhancement on the application site.
5. Grants consent to the application by Arohanui Resort Ltd (RM070742) to discharge soil material into a watercourse as part of the wetland enhancement works.
6. Grants consent to the application by Arohanui Resort Ltd (RM080027) to divert water from a modified watercourse to provide continuous flows of freshwater to the modified wetland.

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

It is acknowledged that the Applicant has been consulting submitters prior to the hearing, and that there may be volunteered conditions additional to those set out below. The conditions are in draft only, and may be deleted, amended or added to as a consequence of evidence heard from the Applicant and submitters at the hearing.

A handwritten signature in black ink, appearing to read 'Jane Hilson', written in a cursive style.

Jane Hilson  
**Consultant Planner**  
Planscapes (NZ) Ltd  
6 May 2008

**RESOURCE CONSENT NUMBER:** RM070722

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

**Arohanui Resort Ltd**  
(hereinafter referred to as “the Consent Holder”)

**ACTIVITY AUTHORISED BY THIS CONSENT:** To subdivide an existing 2.89ha title into 18 residential allotments of between 510m<sup>2</sup> and 1260m<sup>2</sup> in area, a 500m<sup>2</sup> non-residential allotment to be used for boat parking, 1.2h of wetland and/or revegetated open space, and 3100m<sup>2</sup> of private road.

**LOCATION DETAILS:**

Address of property:	Martin farm Road, Kaiteriteri
Legal description:	Lot 1 DP 359544
Certificate of title:	CT 242508
Valuation number:	

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

**CONDITIONS**

**General**

1. The subdivision shall be undertaken in general accordance with the information submitted with the application for consent, and Plan T06029, Drawing CS01, Revision F amended 08/04/08, prepared by Cardno TCB titled “Lots 1-19 and 100-104 being proposed subdivision of Lot 1 DP 359544 Liebezeit Property Development Martin Farm Road Kaiteriteri.” 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 and if necessary the plans shall be modified to conform to the conditions.
2. The boundary of Lot 100 with Lots 1-10 shall fall in such a position to include all sloping banks of the wetland and any vehicular access associated with its ongoing maintenance. A new scheme plan shall be submitted to Council within 1 month of consent to show this layout.

**Amalgamation Conditions- Pursuant to Section 220 (1) (b) (iii) and (iv) of the Act**

3. Lot 104 shall be private way (ie it will not vest in Council as road), shown on the title plan as an access lot in which each of Lots 1-19 will have an equal and undivided share as tenants in common, and that individual Certificates of Titles shall be issued accordingly.

LINZ reference to be advised.

4. Lots 100-103 shall be maintained as open space and/or wetland and one certificate of title shall be issued to include all the parcels held in the ownership and administered and maintained by the Residents Association established as part of the development project.

LINZ reference to be advised.

### **Residents Association and Management Plan**

- 5a) All of the registered proprietors of allotments within the subdivision shall be members of an incorporated society to be formed and constituted by the Consent Holder and known as the “Arohanui Resort Residents Society Incorporated” (“Residents Society”).
- 5b) The Residents Society shall be legally established prior to the issue of a completion certificate pursuant to Section 224(c) of the Act for Stage 3.
- 5c) The Rules and Constitution of the Residents Society (including the membership requirement) shall be the subject of a consent notice registered on the title to each allotment.
- 5d) The Rules of the Society shall provide for the maintenance of facilities within the subdivision and compliance with the conditions of these consents shall be subject to the prior written approval of the Council’s Environment and Planning Manager and shall not be amended without the Environment and Planning Manager’s prior written approval for such amendments.

The Rules shall include provision for the Society to:

- i) manage and maintain communal assets and utilities including stormwater infrastructure, the wetland and any associated walkways and structures, and the private road;
  - ii) manage plant and animal pests on land under the control of the Residents Society;
  - iii) manage and maintain all plantings shown on the Wetland Restoration and Management Plan referred to in condition 8 below;
  - iv) ensure all the relevant consent conditions and the Wetland Restoration and Management Plan are complied with;
  - v) administer and appoint a “design panel” to implement the Design Guideline for the project, to be reflected in building design and landscape treatment of Lots 1-19;
  - vi) ensure copies of the Wetland Restoration and Management Plan and the Design Guidelines are provided with every sale and purchase agreement for each of the allotments.
- 5e) Prior to the issue of the Section 223 certificate for the survey plan, a Management Plan setting out the purpose, responsibilities, accountabilities and procedural policies of the Residents Society shall be submitted for the approval of the Environment and Planning Manager.

- 5f) The Management Plan shall also make provision for the Council to require work to be undertaken by or on behalf of the Resident's Society in the event that the Residents Society fails to meet its obligations to the standards identified as appropriate for such purposes, such that a breach of the conditions has occurred or seems likely to occur, and should the work not be undertaken the Council has the power to undertake the work itself and recover the full cost of the work from the Resident's Society and its members.

## **Lot 19**

6. Lot 19 shall not be used for residential purposes, and a consent notice shall be registered against the new title for that allotment to that effect (see condition 26b below).

### **Environmental Management Plan**

7. An Environmental Management Plan, prepared by the Consent Holder, shall be approved by Council's Co-ordinator Compliance Monitoring prior to any earthworks occurring on the site as part of the subdivision. The construction management plan shall outline the intended prevention and control measures in respect of:
- methods of construction for the earthworks
  - erosion, sediment and stormwater control during construction, to avoid adverse effects arising from subdivision construction works (see the Construction Phase Sediment Management Plan (SMP) referred to in Condition 2 of RM070742)
  - hours of operation for site works
  - noise mitigation
  - remediation of material tracking into Martin Farm Road.

#### **Advice Note:**

This also forms part of RM070737 for land disturbance activity. All construction earthworks should comply with the requirements of the Land Disturbance consent RM070737.

The second item covers what would otherwise fall to an erosion and sediment control plan, but can in this case has been integrated within an overall Environmental Management Plan.

### **Wetland Restoration and Management Plan**

- 8a) A Wetland Restoration and Management Plan (WRMP) for Lot 100-103 shall be prepared and all earthworks and framework planting implemented prior to Section 224(c) approval for the subdivision.
- 8b) The WRMP shall be prepared by a suitably qualified and experienced ecologist or person experienced in wetland design and management, in consultation with Council's Resource Scientist – Environment, for approval by Council's Environment & Planning Manager. The WRMP shall and recognise and provide for those matters identified in the Ecological Assessment submitted with the application for resource consent RM070737, shall be prepared in accordance with the conditions of this resource consent, and shall contain, but not be limited to, the following:
- (a) A complete design of the wetland including, but not limited to:

- (i) specifications of the proposed new bed;
  - (ii) transverse cross-sections of the wetland and banks showing the variety of shapes proposed through the length of the wetland; and
  - (iii) a stylized longitudinal cross section showing the variety of depth zones in the creek.
- (b) Details of the extent of excavation and water diversion required in forming the wetland;
  - (c) Appropriate plant species for both wetland rehabilitation and framework planting within Lots 100-103, and for residential gardens, drawn from the species list supplied by the Department of Conservation (attached to the decision) and where possible eco-sourced.
  - (d) Timeframes for the planting of the wetland (including attention to mature height of trees to prevent impacts on coastal views from any existing house adjoining the application site), densities and inspections;
  - (e) Design details showing how stormwater management at the site will be integrated with the design, functioning and maintenance of the wetland.
  - (f) Design details providing for fish passage within inlet and outlet culverts to the wetland;
  - (g) Details of weed monitoring and management and maintenance of the health of the wetland.
  - (h) Management plan for the structures in the wetland;
  - (i) Calculations showing the hydrological regime of the wetland, including an assessment of seasonal water levels and flows;
  - (j) Methods for the control of nuisance insects.
  - (k) Performance targets with timeframes for the implementation of the WDMP; and
  - (l) A written contract between the Consent Holder and a suitably qualified person or organisation who agrees to oversee the implementation of the WDMP and timeframes referred to in Condition 8b)(k).
- 8c) Lots 100-103 shall be subject of a land covenant ensuring the ongoing protection and retention of the wetland and associated framework planting within the development, and preventing the construction of any residential building.

- 8d) Prior to the issue of a completion certificate pursuant to Section 224(c) of the Act, a written statement shall be provided to the Council's Environment and Planning Manager, from a suitably qualified ecologist or person engaged under Condition 8b(l) above, confirming that the restoration and framework planting required under the Wetland Restoration and Maintenance Plan have been fully completed as referred to in Conditions 8a and 8b.
- 8e) The Consent Holder shall be responsible for maintenance, pest control, replacement and management of the planting required by the Wetland Restoration and Maintenance Plan within the development for a minimum of two (2) years following the completion of this planting. The responsibilities thereafter shall devolve to the Residents Society required to be established by condition 6a), subject to the Council-approved rules of the Society.

### **Minimum Ground BPA Levels, Lots 1-19**

9. Refer to Mr Verstappen's report appended.

### **Building Location Plan**

- 10a) Subject to any recommended conditions resulting from the Engineering Report required under condition 25b, a confirmed building location plan for each of the 18 residential allotments shall be prepared by a registered professional surveyor and shall be submitted to the Environment and Planning Manager for approval as part of the section 223 survey plan for the subdivision.
- 10b) The building location areas within each of Lots 1-18 shall, in all other respects, be in accordance with any relevant conditions in RM070723.

### **Access Lot Formation and Lot 1-19 Access**

- 11a) The private way within the jointly owned access lots, Lot 104, shall be formed to the specifications for an access place in accordance with Figure 18.10 in the TRMP, including permanent surfacing to a minimum 5.0 metre width with kerb, channel and sumps and a maximum gradient of 1-in-7. Parking bays at regular intervals to accommodate at least 19 vehicles shall be constructed and shown on the engineering plans.
- 11b) The private way shall be permanently surfaced with a minimum requirement of a Grade 4 chip first coat, followed by a Grade 6 void fill second coat, extending from the edge of the seal in Martin Farm Road to the turning head in the cul-de-sac. The turning head on the private way shall be laid in asphaltic concrete.
- 11c) The intersection of the cul-de-sac within Lot 104 shall join Martin Farm Road at right angles with appropriate signage and paint marking installed depending on sight distance requirements.
- 11d) A 1.4 metre asphaltic concrete footpath shall be laid within the subdivision and along the frontage of Lots 1, 2 and 100 leading to the bend in Martin Farm Road to the east of the site.



11e) Street and pedestrian lighting shall be in accordance with Tasman District Engineering Standards and Policies 2004 and subsequent amendments, unless otherwise specified in this consent. This work will include installation of cabling, poles, outreach arms and lanterns. A street light shall be installed at the new Martin Farm Road turning head and at the turning head on Lot 104.

**Advice Note:**

Other than in the turning heads, the Consent Holder is encouraged to use lighting designs that help mitigate any light pollution such as bollard type lighting and other alternatives where approved by the Council's Engineering Manager.

11f) The vehicle kerb crossings for each of Lots 3-19 from the private way formation, and Lot 1 and 2 direct to Martin Farm Road, shall be a minimum carriageway width of 3.5 metres and shall be designed and constructed in accordance with Figure 1 below with:

- i) a formed and sealed surface between the edge of the seal of the carriageway of the cul-de-sac or Martin Farm Road formation to at least 5 metres inside the property boundary ;
- ii) the first 6 metres in from the vehicle access carriageway formation shall be more or less level with the road carriageway formation (with maximum grade of 1 in 6);
- iii) A minimum 300 mm culvert drain shall be provided where the access is crossing a roadside drain.
- iv) Vehicle crossings and on site seal (5 metres) shall be permanently surfaced with a minimum requirement of a Grade 4 chip first coat, followed by a Grade 6 void fill second coat.

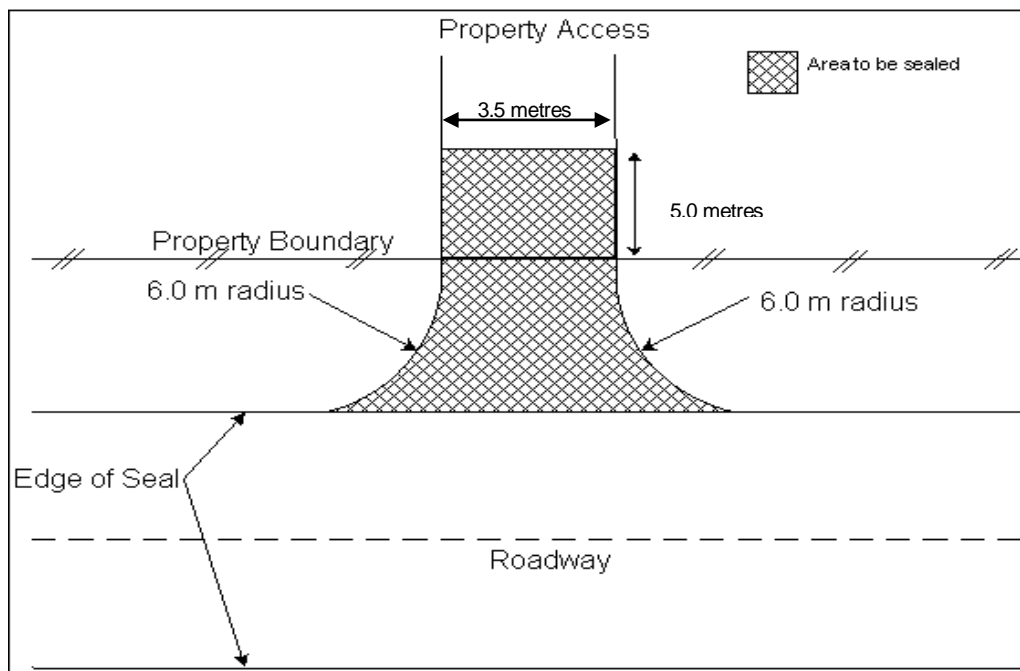


Figure 1 – Vehicle Crossing Design and On-Site Seal for Residential Lots.

## Street Names and Numbers

- 12a) The private way within Lot 104 shall be named prior to a 223 certificate. At least three names with reasons for their choice shall be submitted to Council's Engineering Manager for approval, and shown on the survey plan prior to section 223 approval for the subdivision.
- 12b) New section numbers allocated shall be as follows, with Lots 3-19 falling to the new private way <sup>(\*)</sup> to be named under condition 12a above:

Lot 1 – 94 Martin Farm Road	Lot 5 – 10*	Lot 9 – 20*	Lot 13 – 23*	Lot 16 – 13*
Lot 2 – 96 Martin Farm Road	Lot 6 – 12*	Lot 10 – 24*	Lot 14 – 21*	Lot 17 – 9*
Lot 3 – 2*	Lot 7 – 14*	Lot 11 – 26*	Lot 101 – 19*	Lot 18 – 7*
Lot 4 – 4*	Lot 8 – 18*	Lot 12 – 25*	Lot 15 – 17*	Lot 19 – 3*

All section numbers shall be shown on the title plan and on the engineering plans.

- 12c) The cost of a name plate for the new private way sign shall be met by the Consent Holder on application to Tasman District Council.

## Martin Farm Road Upgrade

- 13 Refer to conditions in Mr Ley's report appended.

## Easements

- 14a. 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, and shall be shown in a Schedule of Easements on the survey plan submitted for the purposes of Section 223 of the Act. Easements shall be shown on the Land Transfer title plan and any documents shall be prepared by a Solicitor at the Consent Holder's expense.
- 14b. The survey plan which is submitted for the purposes of Section 223 of the Act shall include reference to easements.

## Servicing

15. All servicing shall be in accordance with Tasman District Engineering Standards and Policies 2004 and subsequent amendments, unless otherwise specified in this consent.
16. All services within the access lot (Lot 104) shall be subject to easements, in accordance with condition 14a above).

## **Power and Telephone**

- 17a. Full servicing for live underground power and telephone cables shall be provided to the boundary of Lots 1-19. The Consent Holder shall provide written confirmation to the Council's Engineering Manager from the relevant utility provider that live power and telephone connections have been made to the boundaries of the allotment. The written confirmation shall be provided prior to a completion certificate being issued pursuant to Section 224(c) of the Act.
- 17b. Electricity substation sites shall be provided as required by the supply authority. Substations shall be shown as "**Road to Vest**" on the survey plan if adjacent to a road or road to vest.

## **Water Supply**

- 18a. The subdivision shall be connected to Council's reticulated water supply for Kaiteriteri. A water supply connection shall be provided to each lot/dwelling and a Tasman District Council approved water meter shall be installed at the toby for each of Lots 1-19. The water meter shall be either a Sensus or Kent MSM Qn 1.5 Class C. The location and details of each meter must be recorded on the Tasman District Council's standard Water Meter Location form and submitted to the Tasman District Council for approval.
- 18b. The pipeline to the meters shall remain the responsibility of the access right-of-way owners, ie from the principal meter at Martin Farm Road to the lot meter/toby. If a fire hydrant is located within the right-of-way this will be the responsibility of the access/right-of-way owner. These services shall be covered by easements within Lot 104.

## **Sewer**

- 19a. Full sewer reticulation discharging to Council's reticulated system shall be installed complete with any necessary manholes and a connection to Lots 1-19. This may include work outside the subdivision to connect to or upgrade existing systems. The connection to Council's system shall be via the manhole to the east of the site in Martin Farm Road. All new lines and manholes from that connection point shall be the responsibility of the developer. The grades shall be a minimum of 1-in-150 and comply with Tasman District Council's standards.
- 19B. The pipeline and any associated manholes within the subdivision shall remain the responsibility of the access right-of-way owners, ie from the principal meter at Martin Farm Road to the residential allotments. These services shall be covered by easements within Lot 104.

### **Advice Note:**

A sewer connection to Lot 19 is required on account of potential for boat washing and the need to avoid the potential discharge of contaminants from that into the wetland via the internal stormwater system.

## **Stormwater**

- 20a. Detailed design flows and calculations for stormwater pipe capacity, the channel diversion, culvert design and erosion protection works shall be provided as part of plans

for engineering approvals under condition 22 of this consent, in accordance with Council's Engineering Standards.

20b. A full stormwater reticulation discharging to the wetland within Lot 100 shall be installed for Lots 1-19 complete with all necessary manholes, sumps, inlets and a connection to each lot. This may include work outside the subdivision.

20c. The site shall be filled to ensure that:

- All finished ground levels are at least 50 mm above the top of kerb level of the street that the site is draining to **or** the crown level of Martin Farm Road outside Lot 1.
- That there is continuous fall towards the street that the site drains to.
- Minimum ground level on Lots 1-19 is not less than 3.90 metres above mean seal level.

20d. Pipes or culverts downstream of the site, including under Martin Farm Road, shall be enlarged to cater for a Q20 storm event and be oversized to cater for fish passage and potential silting up.

20e. All stormwater attenuation measures referred to in 20a-20b and including the wetland restoration works, shall be fully completed prior to the issue of a completion certificate pursuant to section 224(c) of the Act.

### **Geotechnical Design**

21a. The investigation, design, and monitoring of the subdivision earthworks, road pavement, any formed building platforms and any retaining structures necessary should be carried out by a Chartered Professional Engineer experienced in geotechnical engineering.

21b. The recommendations of Tonkin and Taylor in their report dated June 2007 and letter of additional information dated 19 November 2007, submitted as part of the application, shall be adhered to in design and completion of all subdivision earthworks.

### **Engineering Plans**

22a. Engineering Plans detailing the access lot design and formation, the footpath design and formation, the vehicle access crossing designs, stormwater attenuation system, new culverts and stream diversion, and all services shall be submitted to the Council's Engineering Manager and approved prior to the commencement of any works on the subdivision. All engineering details shall be in accordance with the Council's Engineering Standards and Policies 2004 and subsequent amendments, unless otherwise specified in this consent.

22b. The survey plan shall not be submitted until the As-built Engineering Plans have been approved by the Council's Engineering Manager, so that easement areas can be accurately determined prior to section 223 approval of the survey plan.

22c. "As built" plans of services will be required at the completion of the works and approved by the Engineering Manager prior to the issue of a 223 Certificate.

22d. The design of the private services within the subdivision shall reflect the unsuitable material and be founded on solid ground with a competent bearing strength of 100 kpa.

### **Engineering Works**

23. All engineering works, including construction of the private way within the access lot, upgrading of Martin Farm Road, and services, shall be constructed in strict accordance with the Tasman District Council Engineering Standards and Policies 2004 and subsequent amendments, unless otherwise specified in this consent or to the Council's Engineering Manager's satisfaction.

#### **Advice Note:**

Works within any road reserve will require a Road Opening Permit and Traffic Management Plan approval from the Council's Engineering Manager.

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

24a. The Council's Engineering Manager shall be contacted at least five working days prior to the commencement of any engineering works. In addition, five working days' notice shall be given to the Council's Engineering Department when soil density testing, pressure testing, beam testing or any other major testing is undertaken.

24b. No works shall commence on site until the Engineering Plans have been approved by the Council's Engineering Manager.

### **Engineering Certification (Engineering Report)**

25a. At the completion of works, a suitably experienced chartered professional engineer (including with geotechnical experience in respect of structural earthworks and road pavement and service design within the subdivision) shall provide the Council's Engineering Manager with written certification that the works have been constructed in accordance with the consent conditions, approved engineering plans, drawings and specifications and any Council approved amendments.

25b. Certification that the nominated building site on Lots 1-18 is suitable for the erection of residential buildings shall be submitted from a chartered professional engineer or geotechnical engineer experienced in the field of soils engineering (and more particularly land slope and foundation stability). The certificate shall define on each allotment 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 and subsequent amendments. Certification may be accompanied by Engineering Reports outlining on-going site development issues to maintain the stability of individual sites in the subdivision during residential use and development.

- 25c. Where fill material has been placed on any part of a residential lot (Lots 1-18), a suitably experienced chartered professional engineer shall provide Certification that the filling has been placed and compacted in accordance with NZS 4431:1989 Code of Practice for Earth Fill for Residential Development. The Certification statement of suitability of earth fill for residential development shall be made in accordance with Appendix A Section 11 of the Tasman District Engineering Standards and Policies 2004 and subsequent amendments, unless otherwise specified in this consent and shall be provided to the Council's Engineering Manager.
- 25d. The Engineering Reports referred to in Condition 25b shall also cover stormwater run-off from each building site, with any recommended conditions to ensure that run-off does not adversely affect stability or cause adverse effects off-site.

**Advice Note:**

Council, pursuant to condition 26a(ii) of this consent, will issue a consent notice pursuant to section 221 of the Resource Management Act 1991 recording the soil conditions and foundation and stormwater recommendations on the certificates of title for each residential lot.

**Consent Notices**

- 26a. The following consent notices shall be registered on the certificate of title for Lots 1-18 pursuant to Section 221 of the Resource Management Act. The consent notices shall be prepared by the Consent Holder's solicitor and submitted to Council for approval and signing. All costs associated with approval and registration of the consent notices shall be paid by the Consent Holder.
- i) That the construction of buildings on Lots 1-18 shall, subject to any recommended conditions resulting from the engineering report required under Condition 25 be restricted to the building location areas shown on the Title Plan and all residential and accessory buildings shall be fully contained within the area identified.
  - ii) Any recommended conditions resulting from the Engineering Report required under Condition 25, recording soil conditions, foundation and stormwater management, shall be registered on the titles to which they refer.
  - iii) Buildings shall not exceed the following heights:
    - i) on Lots 1-3, 6.5 metres above the finished ground level.
    - ii) on Lots 4-19, 7.5 metres above the finished ground level.
  - iv) Not more than one dwelling may be constructed on each site
  - v) Property owners are required to use a Registered Architect and demonstrate reference to the Design Guidelines for Martin Farm Road Property June 2007 (or any subsequent amended guidelines) in the design of any new dwelling or ancillary structures and in landscape treatment of the sites. The approval of this shall fall to Arohanui Resort Ltd, Residents Society once appointed, or any nominated expertise engaged on its behalf. No building construction shall occur until such approval is obtained.

- vi) The maximum permitted building coverage per site is 200 m<sup>2</sup>.
- vii) The minimum ground BPA level for any residential building shall be RL 3.9 metres amsl.
- viii) The Rules and Constitution of the Residents Society (including the membership requirement) made pursuant to condition 6 of this resource consent.
- ix) The exterior of all buildings in this development shall be finished in colours that are recessive and which blend in with the immediate environment.

Exterior surfaces of all buildings shall be non-reflective.

Buildings shall be finished in colours that meet the following standards:

<b>Colour Group*</b>	<b>Walls</b>	<b>Roofs</b>
Group A	A05 to A14 and reflectance value ≤ 50%	That the roof colour is complementary with the rest of the building and is no greater a percentage than 25 per cent reflectance value.
Group B	B19 to B29 and reflectance value ≤ 50%	
Group C	C35 to C40, reflectance value ≤ 50%, and hue range 06-16	
Group D	D43 to D45, reflectance value ≤ 50%, and hue range 06-12.	
Group E	Excluded	
<b>Finish</b>	Matt or Low-gloss	Matt or Low-gloss

\* Based on BS5252:1976 (British Standard Framework for Colour Co-ordination for Building Purposes). Where a BS5252 descriptor code is not available, a sample colour chip equivalent to acceptable BS5252 colours is satisfactory.

**Advice Note:**

If the Committee is of a mind to approve the planting strips within Lots 1-10, rather than include these within Lot 100, then the maintenance of that will need to be covered by consent notice.

26b. The following consent notice shall be registered on the certificate of title for Lot 19 pursuant to Section 221 of the Resource Management Act. The consent notices shall be prepared by the Consent Holder's solicitor and submitted to Council for approval and signing. All costs associated with approval and registration of the consent notices shall be paid by the Consent Holder.

- i) No residential buildings or activity may occur on Lot 19.
- ii) This lot has not been certified for residential building purposes.

## **Maintenance Performance Bond**

27. The Consent Holder shall provide Council's Engineering Manager with a Monetary Bond to cover maintenance of any roads or services that will vest in Council. The amount of the Bond shall be \$1,000 per residential allotment, up to a maximum of \$20,000, or a lesser figure agreed by the Council's Engineering Manager and shall run for a period of two years from the date of issue of the completion certificate pursuant to Section 224(c) of the Act for the subdivision. The Bond shall cover maintenance attributable to defects and the remedy of defects arising from defective workmanship or materials.

## **Financial Contributions**

28. The Consent Holder shall pay financial contributions for reserves and community services on 17 residential allotments 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) on Lots 1-18, less the parent title.

There will be no contribution payable on Lots 100-104 as they are will either be held in an undivided share with the residential lots as access and/or in the ownership of the Residents Society as wetland and open space.

No contribution is payable on Lot 19 only so far as the Committee is satisfied as to a consent notice preventing its use for residential purposes.

- (b) The Consent Holder shall request, in writing, that the Council's Consent Administration Officer (Subdivision) undertake the valuation. 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 5(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 all allotments except lots to be used for open space or wetland, Lot 104 to be used for access, and the parent title.

Development contributions may be liable for roading, sewerage, stormwater and water supply, to be paid prior to the issue of a completion certificate pursuant to section 224(c) of the Act.

## **GENERAL ADVICE NOTES**

1. The Consent Holder should meet the requirements of Council with respect to all Building Bylaws, Regulations and Acts.
2. This consent is granted to the abovementioned Consent Holder but Section 134 of the Act states that such land use consents “attach to the land” and accordingly may be enjoyed by any subsequent owners and occupiers of the land. Therefore, any reference to “Consent Holder” in the conditions shall mean the current owners and occupiers of the subject land. Any new owners or occupiers should therefore familiarise themselves with the conditions of this consent, as there may be conditions that are required to be complied with on an ongoing basis.
3. This resource consent only authorises the activities described above. Any matters or activities not referred to in this consent or covered by the conditions must either:
  - a) comply with all the criteria of a relevant permitted activity rule in the Proposed Tasman Resource Management Plan (PTRMP);
  - b) be allowed by the Resource Management Act; or
  - c) be authorised by a separate consent.
4. Access by the Council officers or agents to the property is reserved pursuant to Section 332 of the Resource Management Act 1991.
5. Monitoring of this resource consent is required under Section 35 and 36 of the Resource Management Act 1991, and a deposit fee is payable at this time. Should monitoring costs exceed this initial fee, the Council will recover the additional amount from the resource Consent Holder. Monitoring costs can be minimised by consistently complying with the resource consent conditions.
6. Pursuant to Section 127 of the Resource Management Act 1991, the Consent Holder may apply to the Consent Authority for the change or cancellation of any condition of this consent.
7. Council draws your attention to the provisions of the Historic Places Act 1993. In the event of discovering an archaeological find during the earthworks (eg, 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.

8. Plans attached to this consent are reduced copies and therefore will not be to scale and may be difficult to read. Originals of the plans referred to are available for viewing from the Tasman District Council on request.

Copies of Council Standards and Documents referred to in this consent are available for viewing from the Tasman District Council on request.

**RESOURCE CONSENT NUMBER:** RM070723

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

**Arohanui Resort Ltd**  
(hereinafter referred to as “the Consent Holder”)

**ACTIVITY AUTHORISED BY THIS CONSENT:** To construct dwellings on Lots 1-18 within 10 metres of road boundaries and 5 metres of internal boundaries, and to construct dwellings on Lots 1-3 within the Coastal Environment Area.

**LOCATION DETAILS:**

Address of property:	Martin Farm Road, Kaiteriteri
Legal description:	Lot 1 DP 359544
Certificate of title:	CT 242508
Valuation number:	

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

**CONDITIONS**

1. The construction of buildings shall be restricted to the building location areas shown on the Title Plan and all residential and accessory buildings shall be fully contained within the area identified.
2. Buildings shall not exceed the following heights:
  - i) on Lots 1-3, 6.5 metres above the finished ground level.
  - ii) on Lots 4-19, 7.5m above the finished ground level.
3. All buildings shall comply with the standards for building envelope daylight over and around under Rule 17.1.4(o)-(pa) in the TRMP.
4. All buildings shall be set back a minimum of 4.5 metres from the road boundary, or 5.5 metres if the garage door faces the road boundary, and 3 metres from the internal boundaries of the site.
5. Not more than one dwelling may be constructed on the site.
6. Property owners shall use a Registered Architect and demonstrate consistency with the Design Guidelines for Martin Farm Road Property June 2007 (or any subsequent amended guidelines) in the design of any new dwelling or ancillary structures and in landscape treatment of the sites. The approval of this shall fall to Arohanui Resort Ltd, Residents Society once appointed, or any nominated expertise engaged on its behalf. No building construction shall occur until such approval is obtained.
7. All landscape plantings approved under 6 shall be established within the first planting season after construction of the dwelling is completed, and maintained thereafter.

8. The maximum permitted building coverage is 200 m<sup>2</sup>.
9. The minimum ground BPA level for any residential building shall be RL 3.9 metres asml.
10. The exterior of all buildings shall be finished in colours that are recessive and which blend in with the immediate environment.

Exterior surfaces of all buildings shall be non-reflective.

Buildings shall be finished in natural materials and/or colours that meet the following standards:

<b>Colour Group*</b>	<b>Walls</b>	<b>Roofs</b>
Group A	A05 to A14 and reflectance value ≤ 50%	That the roof colour is complementary with the rest of the building and is no greater a percentage than 25 per cent reflectance value.
Group B	B19 to B29 and reflectance value ≤ 50%	
Group C	C35 to C40, reflectance value ≤ 50%, and hue range 06-16	
Group D	D43 to D45, reflectance value ≤ 50%, and hue range 06-12.	
Group E	Excluded	
<b>Finish</b>	Matt or Low-gloss	Matt or Low-gloss

\* Based on BS5252:1976 (British Standard Framework for Colour Co-ordination for Building Purposes). Where a BS5252 descriptor code is not available, a sample colour chip equivalent to acceptable BS5252 colours is satisfactory.

## **GENERAL ADVICE NOTES**

1. The Consent Holder should meet the requirements of Council with respect to all Building Bylaws, Regulations and Acts.
2. This consent is granted to the abovementioned Consent Holder but Section 134 of the Act states that such land use consents “attach to the land” and accordingly may be enjoyed by any subsequent owners and occupiers of the land. Therefore, any reference to “Consent Holder” in the conditions shall mean the current owners and occupiers of the subject land. Any new owners or occupiers should therefore familiarise themselves with the conditions of this consent, as there may be conditions that are required to be complied with on an ongoing basis.
3. This resource consent only authorises the activities described above. Any matters or activities not referred to in this consent or covered by the conditions must either:
  - a) comply with all the criteria of a relevant permitted activity rule in the Proposed Tasman Resource Management Plan (PTRMP);
  - b) be allowed by the Resource Management Act; or
  - c) be authorised by a separate consent.

4. Access by the Council officers or agents to the property is reserved pursuant to Section 332 of the Resource Management Act 1991.
5. Monitoring of this resource consent is required under Section 35 and 36 of the Resource Management Act 1991, and a deposit fee is payable at this time. Should monitoring costs exceed this initial fee, the Council will recover the additional amount from the resource Consent Holder. Monitoring costs can be minimised by consistently complying with the resource consent conditions.
6. Pursuant to Section 127 of the Resource Management Act 1991, the Consent Holder may apply to the Consent Authority for the change or cancellation of any condition of this consent.
7. Council draws your attention to the provisions of the Historic Places Act 1993. In the event of discovering an archaeological find during the earthworks (eg, 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.

**RESOURCE CONSENT NUMBER:** RM070737

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

**Arohanui Resort Ltd**  
(hereinafter referred to as “the Consent Holder”)

**ACTIVITY AUTHORISED BY THIS CONSENT:** To re-contour the application site for the purpose of subdivision, involving cut and fill of over 1 hectare and more than 1 metre in height or depth, and with part of the works within 200 metres of the Coastal Marine Area.

**LOCATION DETAILS:**

Address of property:	Martin Farm Road, Kaiteriteri
Legal description:	Lot 1 DP 359544
Certificate of title:	CT 242508
Valuation number:	

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

**CONDITIONS**

1. This consent does not authorise earthworks for building purposes on the hill slope allotments (Lots 11-16 in the subdivision).

Advice Note

This was volunteered by the Applicant in the S92 reply.

2. Specifications for the subdivision earthworks shall be prepared by a Chartered Professional Engineer practicing in geotechnical engineering.
3. A Environmental Management Plan, prepared by the Consent Holder, shall be provided to the Council and approved by Council’s Co-ordinator Compliance Monitoring prior to any earthworks occurring on the site as part of the subdivision. The construction management plan shall outline the intended prevention and control measures in respect of:
  - methods of construction for earthworks
  - erosion, sediment and stormwater control during construction, to avoid adverse effects arising from subdivision construction works
  - hours of operation for site works
  - noise mitigation
  - remediation of material tracking into Martin Farm Road.
4. Prior to any earthworks occurring on the site under this consent, the Consent Holder shall have prepared and Council approved the Wetland Restoration and Maintenance Plan required under Conditions 8a) and 8b) of RM070722.

#### Advice Note

The purpose of this condition is to ensure an appropriate degree of co-ordination between the wetland restoration proposal and earthworks/engineering design required for the subdivision.

5. All earthworks shall accord with the recommendations of the Tonkin and Taylor reports submitted with the application "*Geotechnical Assessment Report Proposed Subdivision at Martin Farm Road, Kaiteriteri*" dated June 2007 and "*Resource Consent Application for Subdivision at Martin Farm Road, Kaiteriteri – Reply to Request for Further Information*" dated 19 November 2007.
6. The site shall be filled to ensure that:
  - All finished ground levels are at least 50 mm above the top of kerb level of the street that the site is draining to **or** the crown level of Martin Farm Road outside Lot 1.
  - That there is continuous fall towards the street that the site drains to.
  - Minimum ground level on Lots 1-19 is not less than RL3.90 m above mean sea level.
6. All earthworks relating to structural fill shall be carried out in accordance with NZS 4431:1989.
7. Any cuts steeper than 2.5H:1V shall be supported by retaining wall, the design of which shall be carried out by a Chartered Professional Engineer practicing in geotechnical engineering. All walls, cut batters and fill shall be adequately drained. Topsoil shall be placed and vegetation restored on all cut and fill batters prior to terminating the sediment and erosion control measures put in place as a result of the Construction Management Plan.
8. Any earthworks at the margins of the wetland, in diverting the watercourse, construction of stormwater drainage swales and depositing soil within the wetland, shall be undertaken in a manner to that extent practicable minimises destruction of the wetland, achieves a natural riparian margin, and maintains the intended long term role and functioning of the wetland.
9. No earthworks penetrating the wetland or water courses within the site shall occur during the months of February to May of any year.

#### Advice Note

This reflects the main native fish spawning season within these waterbodies.

10. On completion of the site development works, and prior to the subdivision completion certificate being issued, a Chartered Professional Engineer experienced in geotechnical engineering shall issue a completion report for the earthworks and a Statement of Professional Opinion confirming the suitability of the residential lots for building construction.

## GENERAL ADVICE NOTES

1. The Consent Holder should meet the requirements of Council with respect to all Building Bylaws, Regulations and Acts.
2. This consent is granted to the abovementioned Consent Holder but Section 134 of the Act states that such land use consents “attach to the land” and accordingly may be enjoyed by any subsequent owners and occupiers of the land. Therefore, any reference to “Consent Holder” in the conditions shall mean the current owners and occupiers of the subject land. Any new owners or occupiers should therefore familiarise themselves with the conditions of this consent, as there may be conditions that are required to be complied with on an ongoing basis.
3. This resource consent only authorises the activities described above. Any matters or activities not referred to in this consent or covered by the conditions must either:
  - a) comply with all the criteria of a relevant permitted activity rule in the Proposed Tasman Resource Management Plan (PTRMP);
  - b) be allowed by the Resource Management Act; or
  - c) be authorised by a separate consent.
4. Access by the Council officers or agents to the property is reserved pursuant to Section 332 of the Resource Management Act 1991.
5. Monitoring of this resource consent is required under Section 35 and 36 of the Resource Management Act 1991, and a deposit fee is payable at this time. Should monitoring costs exceed this initial fee, the Council will recover the additional amount from the resource Consent Holder. Monitoring costs can be minimised by consistently complying with the resource consent conditions.
6. Pursuant to Section 127 of the Resource Management Act 1991, the Consent Holder may apply to the Consent Authority for the change or cancellation of any condition of this consent.
7. Council draws your attention to the provisions of the Historic Places Act 1993. In the event of discovering an archaeological find during the earthworks (eg, 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.



**RESOURCE CONSENT NUMBERS:**

RM070742 and RM080027

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

**Arohanui Resort Ltd**

(hereinafter referred to as “the Consent Holder”)

**ACTIVITY AUTHORISED BY THIS CONSENT:** To undertake works in the bed of a watercourse as part of the wetland enhancement on the application site, to discharge soil material into a watercourse as part of the wetland enhancement works, and to divert water from a modified watercourse to provide continuous flows of freshwater to the modified wetland.

**LOCATION DETAILS:**

Address of property: Martin Farm Road, Kaiteriteri  
Legal description: Lot 1 DP 359544  
Certificate of title: CT 242508  
Valuation number:

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

**CONDITIONS****Wetland restoration**

1. A Wetland Restoration and Management Plan (WRMP) shall be prepared by a suitably qualified and experienced ecologist or person experienced in wetland design and management, in consultation with Council’s Resource Scientist – Environment. The WRMP shall and recognise and provide for those matters identified in the Ecological Assessment submitted with the application for resource consent RM070737, shall be prepared in accordance with the conditions of this resource consent, and shall contain, but not be limited to, the following:
  - (a) A complete design of the wetland including, but not limited to:
    - (i) specifications of the proposed new bed;
    - (ii) transverse cross-sections of the wetland and banks showing the variety of shapes proposed through the length of the wetland; and
    - (iii) a stylized longitudinal cross section showing the variety of depth zones in the creek and wetland.
  - (b) Details of the extent of excavation and water diversion required in forming the wetland;
  - (c) Appropriate plant species for both wetland rehabilitation and framework planting within Lots 100-103, and for residential gardens, drawn from the species list supplied by the Department of Conservation (attached to the decision) and where possible eco-sourced;

- (d) Timeframes for the planting of the wetland (including attention to mature height of trees to prevent impacts on coastal views from any existing house adjoining the application site), densities and inspections;
  - (e) Design details showing how stormwater management at the site will be integrated with the design, functioning and maintenance of the wetland;
  - (f) Design details providing for fish passage within inlet and outlet culverts to the wetland;
  - (g) Details of weed monitoring and management and maintenance of the health of the wetland;
  - (h) Management plan for the structures in the wetland;
  - (i) Calculations showing the hydrological regime of the wetland, including an assessment of seasonal water levels and flows;
  - (j) Methods for the control of nuisance insects;
  - (k) Performance targets with timeframes for the implementation or the WDMP; and
  - (l) A written contract between the Consent Holder and a suitably qualified person or organisation who agrees to oversee the implementation of the WDMP and timeframes referred to in Condition 1(k).
2. A copy of the WDMP required by Condition 1 shall be submitted to the Council's Co-ordinator Compliance Monitoring for approval prior to exercising this consent. Any changes to this plan shall be in accordance with the conditions of this consent and submitted to the Council's Co-ordinator Compliance Monitoring prior to them taking effect.

**Advice notes:**

1. With reference to Condition 1(g) it is recommended that particular attention be given to the control of Grey Willow.
2. It is suggested that the wetland be developed in the secondary channel (i.e. that which takes primary stormwater flows). However, it should be ensured that the base of the wetland is low enough so as not to dry out unduly. The primary channel is needed to support Banded Kokopu.
3. It is recommended to avoid planting flax too close to the primary channel as it typically blocks the channel and may cause problems for fish passage and exacerbate flooding potential.
4. It is recommended that the WDMP be developed in consultation with the Department of Conservation and the Council's Development Engineer.
5. Discharges of contaminated water to land or water from any boat shed or boat washing area at the site may require a resource consent.

## Earthworks in the watercourse

3. The Consent Holder shall prepare a construction-phase sediment management plan (SMP) which identifies how sediment shall be controlled so that aquatic ecosystems are protected from the deposition of sediment in accordance with the objectives and policies of the Proposed Tasman Resource Management Plan (TRMP). This plan should include, but not be limited to:
  - (a) structures and maintenance procedures for ensuring the ongoing effectiveness of sediment control measures;
  - (b) a spill management plan that addresses responses to incidences of spills or discharges of substances within 50 metres of the wetland, that may be hazardous to aquatic or wetland ecosystems;
  - (c) a maintenance plan that describes the maintenance regime of the sediment control system(s);

All practicable measures shall be taken to limit the discharge of sediment with stormwater run-off to water or land where it may enter water during and after the construction period. Earthworks should be carried out during fine weather periods when the likelihood of erosion and sedimentation will be least.

4. A copy of the SMP required by Condition 3 shall be submitted to the Council's Co-ordinator Compliance Monitoring for approval prior to exercising this consent. Any changes to this plan shall be in accordance with the conditions of this consent and submitted to the Council's Co-ordinator Compliance Monitoring prior to them taking effect.
5. The Consent Holder shall ensure that all works are carried out in general accordance with the details presented in the application for resource consent, including further information which was provided during the hearing. Where there are any conflicts between this information and any conditions of this consent, the conditions shall prevail.
6. No earthworks penetrating the wetland or water courses within the site shall occur during the months of February to May of any year.
7. The Consent Holder shall engage the services of a suitably experienced chartered professional engineer to prepare a design for the stream diverted into the wetland, adjoining Lots 5 and 18 in the subdivision. The water course, and culvert under the road, shall be designed to cater for a 1 in 50 year return period rain event. The culvert shall provide for fish passage, shall have its invert and outlet levels set below the bed level, and shall be maintained such that its remains free of debris at all times. The diversion works shall include rock armouring in the northern corner of the diversion on Martin Farm Road and at the culvert to minimise scouring, erosion of the watercourse and potential breaching of the banks. The design shall achieve a more natural alignment of the stream diversion rather than a straight channel as shown on the application plans. The design shall be submitted to the Council's Engineering Manager for approval and once approved the works shall be undertaken by the Consent Holder prior to the completion certificate being issued for the subdivision authorised by consent RM070722.

8. The Consent Holder shall advise Council's Co-ordinator Compliance Monitoring Officer at least 24 hours before commencing any works.
9. The Consent Holder shall take all reasonable and practicable measures during the construction phase to limit the mobilisation and discharge of sediment and other contaminants to surface water. The works should be undertaken during fine weather periods and low flows.
10. The Consent Holder shall ensure that all excess construction material is removed from the stream bed, and from the wetland where not used as amenity fill, and that the site is left in a neat and tidy condition following the completion of construction works.
11. The terms of these consents shall be 35 years from the date of issue.

### **GENERAL ADVICE NOTES**

1. Access by the Council or its officers or agents to the property is reserved pursuant to Section 332 of the Resource Management Act.
2. Council draws your attention to the provisions of the Historic Places Act 1993 that require you in the event of discovering an archaeological find (eg, shell, midden, hangi or ovens, garden soils, pit, depressions, occupation evidence, burials, taonga) to cease works immediately, and tangata whenua, the Tasman District Council and the New Zealand Historic Places Trust shall be notified within 24 hours. Works may recommence with the written approval of the Council's Environment & Planning Manager, and the New Zealand Historic Places Trust.
3. Monitoring of this resource consent may be 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 Consent Holder. Monitoring costs are able to be minimised by consistently complying with the resource consent conditions.
4. 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.
5. The Consent Holder should meet the requirements of Council with respect to all Building Bylaws, Regulations and Acts.
6. This consent is granted to the abovementioned Consent Holder but Section 134 of the Act states that such land use consents "attach to the land" and accordingly may be enjoyed by any subsequent owners and occupiers of the land. Therefore, any reference to "Consent Holder" in the conditions shall mean the current owners and occupiers of the subject land. Any new owners or occupiers should therefore familiarise themselves with the conditions of this consent, as there may be conditions that are required to be complied with on an ongoing basis.

7. This resource consent only authorises the activities described above. Any matters or activities not referred to in this consent or covered by the conditions must either:
- (a) comply with all the criteria of a relevant permitted activity rule in the Proposed Tasman Resource Management Plan (PTRMP);
  - (b) be allowed by the Resource Management Act; or
  - (c) be authorised by a separate consent.

**MEMORANDUM**

**ENGINEERING SERVICES**

**TO:** Consent Planner  
**FROM:** Development Engineer  
**DATE:** 16 April 2008  
**REFERENCE:** RM070722  
**SUBJECT:** **19-LOT SUBDIVISION AT THE WESTERN END OF MARTIN FARM ROAD, KAITERITERI – AROHANUI RESORT LTD**

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**INTRODUCTION**

The above application is to create 18 residential lots together with lot 19 proposed for boat storage and various reserve areas plus a private right-of-way/access lot serving the above.

**BACKGROUND**

The site is located at the western end of Martin Farm Road and could be classed as coastal swamp (which has been partially filled with uncontrolled dumping of material) and a hillside slope.

Test pits in the area of Lots 1 to 8 and 17 and 18 plus the proposed access show that adequate bearing strength for dwellings, services and roadways are located some 6.0 metres below the surface.

Access to the site is via Martin Farm Road and the Riwaka-Kaiteriteri Road.

Martin Farm Road is an Access road on Council's roading hierarchy with a varying seal width of approximately 6.0 metres and carrying approximately 800 vehicles per day (greater traffic flows are evident in summer months). This application will generate approx 100 additional movements per day ie Holiday occupation rather than full permanent residential use, therefore approx six movements per day rather than 10 for full residential use, and therefore the road should be elevated to a residential urban collector road status.

With new developments in these idyllic settlements, the effect moves what is in essences a rural style road into an urban environment road. Therefore Council should be requesting the complete length of Martin Farm rd to be upgraded to the Standards set out in Fig 18.10A of the TRMP. That is 6.0 metres for moving lanes, 2 x 2.0 metre parking lanes (contained within kerb and channel). Cycle lanes and Footpaths. The merits of what is fair and reasonable to request on this application will be discussed later.

The Committee will note there is no footpath on Martin Farm Road which terminates at the entrance to the proposal, (There is however a designation "216" for a 280 metres length at the south western end which is required for future road widening). Entry to the site is located in a slight hollow and has restricted visibility slightly towards the right-of-way (southwest).

The site is located between two camping grounds and two local water-ways join at the lower level of the site. As part of this application these water-ways are envisaged to be redirected into Lot 100 to form a wetland area plus upgrading of stormwater culverts. The property can be serviced with Council's services (wastewater and water) at the boundary.

## **SERVICES**

### **Roading**

The original application was presented with the internal road access to vest as a road with Tasman District Council. A later plan which was prompted by the Engineering Department now has this as a private access lot. After undertaking a site visit and reviewing the geotechnical evidence and bore hole data it is evident that the swamp area where the majority of the road will be located has unsuitable material up to depths of 6.0 metres and as stated (from the applicant's report) "Development over filled areas (eastern and northern parts of the site) may be subject to settlements of 5 to 10 mm per year due to buried organics and may be subject to liquefaction under severe earthquake shaking".

This does not give the Engineering department confidence in regard to future road construction or for that matter, foundations for services to vest with Council.

It is therefore my view that Council ratepayers should not be liable for this future risk or ongoing maintenance costs of the road, ie settlement of services and infrastructure if this application is approved.

The access is now shown as lot 104 (access lot) and the risk of future maintenance will be borne by the access lot owners. The access will serve up to 18 residential properties and the proposed boat park in Lot 19.

The applicant intends to construct the private access lots to the normal road standard which is an access place. This has 2 x 2.5 metre moving lanes with a 1 x 2.0 metre parking lane together with a 1.4 metre footpath remote from the carriageway. As this is a private access Engineering would allow the parking lane to be broken into separate areas interspersed with planted areas such that this is an equivalent 19 separate on-road parking spaces formed. (Note – the turning head at the end of the access lot shall not be available for parking).

### **Roading off-site effects**

Where the new entrance enters on to Martin Farm Road there is a slight hollow, however this will need improvement by way of the formation of a cul-de-sac head located on road reserve and an access crossing formed at the existing entrance to the right-of-way and that of the new access lot serving the development. A concept plan of this has been given to the applicant at a meeting on 16 April 2008. The existing carriageway at this end is also positioned to the western side of the road reserve and it is likely that when a new footpath is formed along this section plus a new Martin Farm Road cul-de-sac head, then a strip of "road to vest" may be required such that the footpath and roadside swale are located on road reserve.

The TRMP maps show an indicative road entering onto Martin Farm rd at a point approx 360m from the Eastern end of Martin farm road. This is the future road realignment into Kaiteriteri from the south. Councillors maybe aware that in the 2006 LTCCP vol 1 page 87, this item is shown as a deferred road reconstruction project of \$2,384,600 and outside the 10 year LTCCP. One could say that Council is signalling that outside the 10 year time frame the first 360 metres or so of Martin Farm Road would be reconstructed to a "Distributor" status similar to the present Riwaka-Kaiteriteri road. It is my view that as other owners will also attempt to subdivide their rural zoned land than either the application is declined or conditions implemented to have the road upgraded. Had the 2009 LTCCP been more advanced, more guidance could have been gleamed for future time frames for this potential work.

As mentioned the applicant is proposing to form a footpath on the property (serving the 19 lots) and with this holiday location pedestrian numbers will be greater as car parking at the beach frontage is at a premium. I.e. residents are more likely to walk to the beach or walk back to the beach after delivering their boat to the boat ramp. It is my view that the pedestrian residents have to be "led" to the beach in a safe manner and this will be via an "off-road/on road" combination pedestrian footpath for the full length of Martin Farm Road out to the Riwaka-Kaiteriteri Road.

It is envisaged this will be located on the "inland" side of the estuary as the footpath will also serve the properties that have access to the road from that side. The likely minimum construction standard will be a 1.4 metre wide sealed (2-coat chip seal) surface contained within timber edging. This footpath will link to the existing footpath near the bridge at the Riwaka-Kaiteriteri Road. Due to the increased pedestrian traffic that this application will create, this footpath is deemed to be a fair and reasonable contribution to be arranged to be constructed by the applicant. It is also noted that there are no items in the LTCCP for this work. A number of submitters have also mentioned traffic and pedestrian congestion a peak times along the road of which this application will increase these adverse effects.

A concept plan has been prepared to show the indicative location of the footpath as outline above. The committee may be aware of an informal footpath leading around the northwestern end of the estuary that leads to the Kaiteriteri Camping ground, however this is located on DOC property and Council has no input for maintenance of this route. As Kaiteriteri is being developed, ie little Kaiteriteri (Torlesse Drive/Cederman Drive) developers are required to put urban servicing and this includes all infrastructure including footpaths. Officers also consider that pedestrian traffic is a site specific effect and there should be no credit to the Roding Development contribution amounts for this work if requested by the applicant.

### **Wastewater**

A wastewater connection is available at a manhole to the east of Lot 1 where Martin Farm Road bends to the south. This sewer will need to be extended into the property and comply with the current Tasman District Council Engineering Standards, ie 1-in-150 grade. Again as with the roading concerns a potential settlement of these services would not be tolerated by Council and the potential risk needs to lie with the residents that the closed system serves. In addition, the future private sewer may need to be laid at a steeper grade to allow for future settlement of the line. There is also a concern that the pipes could be sheared off from the future dwellings as these will likely require piles to a depth of 6.0 metres to firm foundations and that these are fixed, whereas all the pipe services may well settle in relation to the building. Care will be required in the design and construction of services in this moving terrain.



## **Water Supply**

A water supply is available from the existing water main downstream from the development. This may require an extension of the system such that a 150 mm pipe is laid to the boundary of the new private access crossing and terminated with a Council meter. The water main thereafter in the development shall be private. A fire hydrant shall be constructed on the main in Martin Farm Road in the future cul-de-sac head. Again Officers have concerns of future settlement of mains and potential failure at pipe joints, therefore Councils responsibility will end at the water meter on Martin Farm rd.

## **Stormwater**

The application for stormwater and redirection will be part of a separate stormwater discharge consent. This issue and that of run-off, flooding and climate change are dealt with in the reports prepared by Eric Verstappen and Michael Durand.

An open drain alongside Martin Farm Road and Lots 1 and 2 is shown to be reformed into a grassed swale which will accept the road run-off. This swale needs to be located in road reserve (to collect road runoff) together with the new footpath as mentioned previously.

The applicant's proposal is to also upgrade culverts in the immediate location as these have silted up due to, amongst other things, the filling of this property and sediment travelling down the stream. As per the Engineering Standards an assessment will be required of pipe capacity and pipes shall be made oversized due to fish passage etc.

## **Power and Telephone**

These will be underground to the approval of the approval line operator's requirements.

## **SUMMARY**

I have reservations on the above application and the effects of building on land that is liable to slippage or subsidence as per section 106 of the RMA and also gases which may be produced by decaying vegetation. My concern is to the extent that the landowners will be required to accept the risk on infrastructure and services that are provided within this subdivision and the limit where Council will maintain its services will end at the Martin Farm Road road reserve boundary. It is my view that the risk to Council for future dwelling and service failure needs to be well discussed by the applicant at the hearing such that section 106 of the RMA can be satisfied.

I also have reservations on the effects that increased vehicle and pedestrian traffic will have on Martin Farm Road and the potential for the first 360 metres to be substantially reconstructed in the future and that in some respects it would not be fair and reasonable for the applicant to meet the full upgrade costs of reconstructing the entire 990 metres length of Martin Farm Road.

On balance therefore it is my view that the application should be declined. However should the committee choose to grant consent after hearing all the evidence, it is recommended that the following conditions be considered to be imposed in the consent:

### **1. Street Names and Numbers**

The private way shall be named prior to a 223 certificate. At least three names with reasons for their choice shall be submitted to Council for approval.

a) The right-of-way numbers allocated are:

Lot 1 – 94 Martin Farm Road	Lot 5 – 10 New ROW to be named	Lot 9 – 20 New ROW to be named	Lot 13 – 23 New ROW to be named	Lot 16 – 13 New ROW to be named
Lot 2 – 96 Martin Farm Road	Lot 6 – 12 New ROW to be named	Lot 10 – 24 New ROW to be named	Lot 14 – 21 New ROW to be named	Lot 17 – 9 New ROW to be named
Lot 3 – 2 New ROW to be named	Lot 7 – 104 New ROW to be named	Lot 11 – 26 New ROW to be named	Lot 101 – 19 New ROW to be named	Lot 18 – 7 New ROW to be named
Lot 4 – 4 New ROW to be named	Lot 8 – 18 New ROW to be named	Lot 12 – 25 New ROW to be named	Lot 15 – 17 New ROW to be named	Lot 19 – 3 New ROW to be named

- b) The right-of-way numbers shall be shown on the final plan and on the engineering plans.
- c) The cost of a name plate for the new private way sign shall be met by the Consent Holder on application to Tasman District Council.

## 2. Right of Way

- d) The right of way shall be formed, and permanently surfaced to a minimum 5.0 metre width with kerb, channel and sumps and a maximum gradient of 1-in-7. Parking bays at regular intervals to accommodate 19 vehicles shall be constructed and shown on the engineering plans.

**Note:** The minimum requirement for a permanent surface is a Grade 4 chip first coat, followed by a Grade 6 void fill second coat. (Asphaltic concrete shall be laid within the two cul-de-sac heads).

- e) The seal formation shall extend to the back of the edge of the road seal.
- f) A 1.4 metre asphaltic concrete footpath shall be laid within the subdivision and along the frontage of Lots 1, 2 and 100 leading to the bend in Martin Farm Road to the east of the site.

## 3. Roading

- g) The applicant will pay Council costs, legal costs etc and agreed valuation to vest as road, designation 216 (approximately 1415 m<sup>2</sup>) in title NJL1013/304 and NL 7C/1055 in lieu of upgrading Martin Farm Road to the full urban collector road standard.
- h) A 1.4 metre (chip sealed) footpath contained within timber edging shall be constructed on Martin Farm Road from the applicant's site to the existing footpath on the Riwaka-Kaiteriteri road.
- i) A 16.0 metre asphaltic turning head shall be constructed at the end of Martin Farm Road and at the entrance to the development as outlined on the tabled concept plan. The boundary of the end of Martin Farm Road and the existing right-of-way shall be marked with a 150 mm wide road marking painted line.

#### **4. Access**

- j) Practical access shall be constructed to each lot at a minimum grade of 1 in 6 and complying with the Tasman District Resource Management Plan.
- k) A kerb crossing shall be formed for each lot in the subdivision.

#### **5. Water Supply**

A water supply connection shall be provided to each lot/dwelling and a Tasman District Council approved water meter shall be installed at the toby for each lot. The water meter shall be either a Sensus or Kent MSM Qn 1.5 Class C. the location and details of each meter must be recorded on the Tasman District Council's standard Water Meter Location form and submitted to the Tasman District Council for approval. The pipeline to the meters shall remain the responsibility of the access right-of-way owners, ie from the principal meter at Martin Farm Road to the lot meter/toby. If a fire hydrant is located within the right-of-way this will be the responsibility of the access/right-of-way owner.

#### **6. Sewer**

Full sewer reticulation discharging to Council's reticulated system shall be installed complete with any necessary manholes and a connection to each lot. This may include work outside the subdivision to connect to or upgrade existing systems. The connection to Council's system shall be via the manhole to the east of the site in Martin Farm Road. All new lines and manholes from that connection point shall be the responsibility of the developer. The grades shall be a minimum of 1-in-150 and comply with Tasman District Council's standards.

#### **7. Stormwater**

- l) A full stormwater reticulation discharging to Council's reticulated system shall be installed complete with all necessary manholes, sumps, inlets and a connection to each lot. This may include work outside the subdivision.
- a) The site shall be filled to ensure that:
  - All finished ground levels are at least 50 mm above the top of kerb level of the street that the site is draining to **or** the crown level of Martin Farm Road outside Lot 1.
  - That there is continuous fall towards the street that the site drains to.
  - Minimum ground level is not less than 3.80 metres above mean seal level.
- b) Pipes or culverts downstream shall be enlarged to cater for a Q20 storm event and be oversized to cater for fish passage and potential silting up.

#### **8. Cabling**

- m) Live telephone and electric power connections shall be provided to each lot and all wiring shall be underground to the standard required by the supply authority.

- n) Confirmation of the above from the supply authority and a copy of the supplier's Certificate of Compliance shall be provided to the Council.

## **9. Electricity**

Electricity substation sites shall be provided as required by the supply authority. Substations shall be shown as **"Road to Vest"** on the survey plan if adjacent to a road or road to vest.

## **10. Street Lighting**

The Consent Holder shall provide street lighting in accordance with the Tasman District Council's Engineering Standards and amendments. This work will include installation of cabling, poles, outreach arms and lanterns. A street light shall be installed at the new Martin Farm Road turning head and at the turning head on Lot 104.

## **11. Engineering Certification**

- o) At the completion of works, a suitably experienced chartered professional engineer or registered professional surveyor shall provide Council with written certification that the works have been constructed to the standards required.
- p) Certification that a site has been identified on each new lot 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 each lot the area suitable for the erection of residential buildings.
- q) Where fill material has been placed on any part of the site, a certificate shall be provided by a suitably experienced chartered professional Engineer, certifying that the filling has been placed and compacted in accordance with NZS 4431:1989.

## **12. Sewer Contribution – DC**

## **13. Stormwater Contribution – DC**

## **14. Rooding Contribution – DC**

## **15. Water Contribution – DC**

## **16. Maintenance Performance Bond**

The Consent Holder shall provide Council with a bond to cover maintenance of any roads or services that will vest in Council. The amount of the bond shall be \$1,000 per lot to a maximum of \$20,000 or a figure agreed by the Engineering Manager and shall run for a period of two years from the date of issue of 224C certification for the subdivision.

## **17. Engineering Plans**

All engineering works as outlined above shall be shown on engineering plans and to the requirements as set out in the Tasman District Council engineering standards and amendments. A 223 certificate cannot be issued until the Engineering plans have been received and approved by Council.

“As built” plans of services will be required at the completion of the works and approved by the Engineering Manager prior to the issue of a 224C Certificate.

The design of the private services shall reflect the unsuitable material and be founded on solid ground with a competent bearing strength of 100 kpa.

**Soil and Land Productivity Report**

**RM070722, Arohanui Resort Limited, Kaiteriteri**

The application area comprises of a 2.9 hectare site situated adjacent to Martin Farm Road at Kaiteriteri.

The area can be divided into three distinct landscape features. The southern section of the application area has been used as a “fill” site where predominantly granite sand has been dumped to a depth of 1.5 metres over approximately 1.2 hectares. The dump site has no topsoil cover consequently has relatively no land based productive value.

Running through the centre of the application area is approximately 1 hectare of low lying “semi” wetland. This is original ground where both permanently wet areas and poorly drained ground is present. The possibility of providing effective drainage for any land based production activity is remote because of the close proximity of the tidal area to the application area. Some drains do exist through this area but are relatively ineffective.

The remaining land is a gently sloping hill covering approximately 0.7 hectares. It is based on granite and has low productive value. Potentially it could only be used for pastoral or forestry activities but its very small size and isolation from other areas of the same use make the likelihood of it ever being used for this negligible.

Andrew Burton  
Resource Scientist (land)  
16 April 2008

## Wetland Restoration Report

### RM070742, Arohanui Resort Limited, Kaiteriteri

The overall concept of the naturalising the stream alignment and development of the wetland is very positive. The meander of the waterway and the shape of the wetland look very natural, with the exception of the culverted main waterway entering the wetland from the south. If possible this should be engineered as an open channel. The provision of bush corridors from the wetland to the bush up the hill is also positive.

The following factors should be considered in the detailed design on the stream and wetland:

1. The position of development relative to Mean High Water Springs means that part of the stream and wetland will be saline influenced. This will govern what should be planted where. It is recommended that a map be produced showing the Highest Astronomical Tide, providing a reference for planting zones. Planting through an ecotone such as this is challenging and may result in greater death rates of plants until the right positions for each species are found. In the development of a planting plan would be advisable to examine natural streams in the area, for example Otuwhero Creek at Sandy Bay or other creeks near Marahau.
2. The zone at the upstream extent of the salt water wedge at high spring tides is the area where inanga will spawn. Provision of rushland and grasses on a flood-plain around this zone would be important to support this spawning. Currently the long grasses will be providing spawning habitat, although it is unknown if this occurring at this site (understanding this will require a targeted night time investigation on the highest tides between February and April).
3. Because of the more complex nature of restoring wetlands and riparian zones around ecotones, it is highly recommended that a suitably-qualified ecologist be involved, not only in the design of the wetland/stream system, but also in supervising various stages of the work.
4. Usually, in designing a new stream channel the Council would require accurate thalweg profiles (longitudinal transects plotting the deepest parts of the stream) and indicative cross-sections showing the natural variety of channel form. However, streams in Separation Point Granite country have a mobile sandy bed that tends to fill in pools and will not support a very vertical bank shape until plants stabilise the banks. Coarse woody debris in these streams is usually the most important substrate supporting invertebrate life. It is encouraged that some coarse woody debris (such as branches) is placed in this stream during the final shaping of the channel. This woody debris should be partly buried to try to ensure that it is not washed downstream after the first few rains. If there are cobbly/bouldery riffles then this would create additional habitat for stream invertebrates. All of the true left bank and 40-60% of the riparian zone on the true right bank should be planted in trees, shrubs or tussock to ensure a re-supply of woody debris and leaf matter that "feeds" the stream life.

5. A natural, meandering channel should be created on the main creek flowing south–north to the west of Lots 5 and 18.
5. The level of the culvert and its effect on the hydrology of the wetland should be considered. While it is good that the proposal suggests that the stream will be directed to overflow into the wetland during higher flow events, detail needs to be provided on base groundwater levels. While fluctuating water levels in wetlands is good, we need to be confident that wetlands do not dry out in the summer.

Trevor James, Resource Scientist (Environment)  
4 May 2008



## HAZARD RISKS

### 1. Purpose

The purpose of this report is to review the application and make recommendations with respect to measures required to satisfactorily mitigate flooding and coastal hazard risks and stormwater disposal from the proposed subdivision.

### 2. Background

The applicant's land and proposed subdivision lies between the northern and southern parts of Bethany Park, at the head of the Kaiteriteri estuary. The property lies at the junction and west of Martin Farm Rd and south of the access to northern Bethany Park. Much of the subject property is low lying wetland (partially reclaimed), with the remainder rising to higher ground to the west. A significant stream discharges into this property via an 1800 mm diameter culvert beneath the Bethany Park south access, arising from a forested catchment of some 80 hectares. The stream and wetland drains to the Kaiteriteri estuary via a 1200 mm diameter culvert beneath the Bethany Park north access.

The subdivision proposal incorporates diverting the stream from the channel beside Martin Farm Road into the wetland, infilling part of the wetland to create building platforms and increasing culvert capacity beneath the Bethany Park northern access. The details of the proposal are well described in the application documents.

### 3. Hazard Risks

The principal hazards that this proposed subdivision is subject to are flooding from stream flows into the property, seawater inundation from the Kaiteriteri estuary, climate change influences on flooding risk and land instability issues arising from infilling part of the estuary for the creation of building platforms. This report will focus on flooding hazard risk and mitigation, with the land instability hazard commented on elsewhere.

#### (i) Stream flooding

As noted earlier, runoff from the catchment above Bethany Park to the south currently flows in an open drain beside Martin Farm Road to a 1200 mm diameter culvert to the upper Kaiteriteri estuary.

In times of very high rainfall, this stream has exceeded the capacity of the roadside drain and/or culvert and discharged over Martin Farm Road directly to both the upper estuary and low lying land to the east of Martin Farm Road. This stream is proposed to be diverted in to the wetland portion of the subdivision property. This is of no particular concern, provided the diversion channel and culvert structure beneath the subdivision access road has both adequate capacity and erosion protection measures as appropriate locations such as changes in channel direction and the culvert outlet.

Stream water, particularly during flood events, will cause wetland water levels to rise, although the degree of elevation has not been disclosed in the application. This effect will be mitigated to some degree by the increase in culvert capacity beneath the Bethany Park northern access. It is very likely that the invert level of these culverts will be sufficiently low as to be subject to higher seawater levels in the estuary. Higher water levels in the estuary will have a tailwater effect at the culvert outlet and reduce culvert discharge from the wetland. In the worst combination of high rainfall in the catchment producing significant flood flows into the wetland coinciding with high seawater levels in the estuary, water levels in the wetland will rise, to eventually flow over Martin Farm Rd. The same effect may occur should the culvert inlets be blocked or partially blocked by debris.

In addition, flood water flow arising in the catchments to the north and that drain to the upper estuary through the Bethany Park from the north, could exacerbate the tailwater effects on discharge from the proposed subdivision, as both streams discharge to the same channel leading to the upper estuary proper.

This flooding hazard risk can be mitigated by setting minimum building platform levels for the building sites in the subdivision, particularly those adjacent to the wetland. The application acknowledges this hazard and proposes to set a minimum building platform level of 1m above the lowest level of Martin Farm Road. This road level was nominally assessed as being around RL 2.20 metres. This level was queried and subsequently an error of 0.525 metres in the survey datum used in the initial survey was found. When this correction is made, a minimum building platform area (BPA) level of RL 3.70 metres amsl is proposed.

It appears from anecdotal observations that the depths of floodwater flows over Martin Farm Road were unlikely to have exceeded 0.2-0.3 metres. Flow depth over Martin Farm Road is noted in the application as being perhaps 0.15 metres or so.

If the subdivision is constructed, floodwater flow over Martin Farm Road will be prevented by the subdivision lots. Floodwater flows will then only be able to escape to the upper estuary by flowing over the NE corner of Martin Farm Riad and the Bethany Park north access road, should water levels in the wetland rise to road level in adverse rainfall, tide or culvert blockage circumstance. While subdivision infill will decrease opportunity for overland flow over the road from the wetland, sufficient access to the upper estuary is maintained over low lying roads in the north-eastern corner to preserve some flood clearance to the proposed allotments.

## **(ii) Water levels in the estuary**

The application is particularly scant in its assessment of potential sea water influences on water levels within the wetland and adjacent land areas, and has not considered in detail any potential future sea level effects on water levels and minimum BPA levels rise.

Part of the subject property is wetland. The low point in Martin Farm Road is approximately 2.5-2.7 metres above mean sea level (amsl), placing the invert of the 1200 mm diameter culvert (assuming 200 mm cover over the pipe) at around 1.1-1.3 metres amsl. This is equivalent to a predicted tide level of around 3.5-3.7 metres. This invert level is sufficiently low for the wetland to be affected by seawater inflow through the culvert under the Bethany Park north access during spring tides in the Kaiteriteri estuary. Sea water levels in the estuary are considered unlikely to be constricted by the estuary mouth bridge to more than a minor degree, if at all.

Mean High water Springs (MHWS) at Kaiteriteri is approximately 4.2 metres chart datum, or RL 1.8 metres amsl. In the event of major adverse weather conditions such as storm surge and higher than normal predicted tides, Council's recently updated 2007 Engineering Standards have allowed sea water level increases of 0.7 metres and 0.6 metres respectively for these influences. Thus water levels in the estuary, during an unlikely and very low probability combination of extreme adverse weather conditions (excluding stream flooding) could raise sea levels in the estuary to RL 3.1 metres. This level exceeds the present low level point in Martin Farm Road by around 0.4-0.6 metres.

Council is bound to have regard to future effects on sea level due to climate change. The 2007 Engineering Standards allow for a sea level rise of 0.50m by 2100, reflecting the general mid-upper level of sea level rise forecast in the IPCC Fourth Assessment Report 2007.

Thus, an adverse combination of storm surge (0.7 metres), high astronomical tide (0.6 metres higher than predicted) and sea level rise (0.5 metres) in the future would produce a sea water level in the estuary of around RL 3.60m amsl. This is just 0.1 metres below the nominally proposed minimum BPA level for the proposed allotments adjacent to the wetland.

### **Combined Stream and Coastal Hazard Risks**

Major rainfall events often occur as low pressure weather systems cross the region. This has the unhappy outcome of raising sea water levels above standard atmospheric pressure (used in tide table predictions) due to the inverse barometric effect. This effect amounts to as much as 1cm sea level rise for every millibar pressure below standard atmospheric (1014mB). In the worst case scenario, a flood event could occur during abnormally raised sea levels (due to high tides and storm surge), with sea level rise as a further complicating factor.

For planning purposes, I consider that a stream flow flood level in the wetland of 0.30 metres above prevailing sea water levels, as allowed for in the 2007 Engineering Standards, is entirely reasonable. Thus, in the very worst of future adverse conditions, a combination of sea and flooding influences could result in a water level in the subdivision wetland reaching RL 3.90 metres or higher. Admittedly, this requires a very, very low probability combination of events.

Generally speaking, it is reasonable expectation in my view that buyers of any titles created in this subdivision to be able to enjoy their land and have freeboard above severe present and future flood levels. On a river floodplain, Council requires a minimum freeboard of 0.5 metres above a 2% annual exceedence probability flood (AEP) (50 year return period flood on average). Thus if the most adverse future flooding event was to reach a level of RL 3.90 metres, a 0.50 metre freeboard above this level would require a minimum BPA level of RL 4.40 metres, or 0.7 metre higher than nominally proposed.

A future effect of any increased incidences of flooding or sea level rise effects on Martin Farm Road and the access roads to Bethany Park may be that these road levels are increased. From a subdivision perspective, this will not necessarily increase flood risk potential to the subdivision land, unless road levels are significantly raised to be very similar to the minimum BPA level. Road levels between the subdivision and the upper estuary will always need to be at least 0.5 metres below minimum BPA ground level, to allow a secondary flow path for stream flooding to the estuary.

#### **4. Stormwater Effects**

Rainfall runoff from the subdivision is proposed to be made to the wetland. This will have no more than a minor influence on water levels on the wetland, particularly in relation to higher flooding levels that may affect house sites, when compared stream flooding and tidal effects. Any effect of stormwater disposal to the wetland will be mitigated by the minimum BPA ground level required for mitigating flood hazard to the properties adjacent to the wetland (and subdivision generally). In these circumstances, resource consent to discharge stormwater to the wetland may not be required, as no hazard to land will result from such discharge.

#### **5. Summary and Recommendations**

The proposed subdivision lies on the upper Kaiteriteri estuary, with a major stream proposed to be diverted into a wetland within the subdivision. This wetland will drain via an improved culvert system to another stream channel and the combined flows will discharge to the upper estuary. A number of the proposed dwelling sites will be formed through infilling part of the wetland, and special geotechnical considerations will need to be made (and set as conditions of any consent granted) to ensure a competent building site is available on such fill to ensure site and building stability.

Flooding hazards to these infill sites can arise from both stream flooding and seawater inundation, or a combination of the two. These hazard risks can only be mitigated by setting a minimum ground BPA level so as to create sites that are above these actual and potential flooding hazards. It is also desirable to have the minimum BPA level set at such a level as to have freeboard above possible maximum flood levels, from an amenity viewpoint at least. Given that any dwellings built on this land may utilise flooring systems that prevent future dwelling elevation (unless a condition is set so that no "permanent floor" buildings can be built), it is imperative that minimum BPA levels are set conservatively.

With respect to minimum ground BPA level, I recommend that a minimum ground BPA level for subdivision sites be set at RL 3.90 metres amsl. This allows for both the “worst case” and very low probability scenario of coastal and stream flooding influences to occur without providing flooding freeboard to the wetland margin sections, or providing some section freeboard for lesser storm surge – high astronomical tide – stream flooding events. While no detailed design flows and calculations for channel diversion, culvert design and erosion protection works have been provided, I recommend that a condition be set on any consent granted that requires these details be provided as part of plans for engineering approval.

Eric Verstappen, Resource Scientist – Rivers and Coast  
6 May 2008