



## STAFF REPORT

**TO:** Environment & Planning Subcommittee

**FROM:** Wayne Horner (Consent Planner – Subdivision)

**REFERENCES:** RM071176 (Subdivision and Land Use - Access) and RM071177 (Land Use – Dwellings)

**SUBJECT:** **ROBERT WESTENBROEK - REPORT EP08/07/12** - Report prepared for hearing of 21 July 2008

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### 1. DESCRIPTION OF THE PROPOSED ACTIVITY

Mr Robert Westenbroek has lodged a number of resource consent applications relating to a subdivision, new accesses, residential development, works in watercourses and associated wastewater and stormwater discharges in the Rural 3 Zone.

The following report assesses applications **RM071176** and **RM071177** relating to the subdivision and land use aspects of the development. The remainder of the consents addressing wastewater discharges, stormwater discharge and culvert installation are assessed in three complementary reports (EP08/07/13, EP08/07/14 and EP08/07/15) authored by Mr Michael Durand, Council's Co-ordinator – Natural Resources. This report should be read in conjunction with the aforementioned staff reports.

#### 1.1 Subdivision Consent and Land Use Consent: RM071176

To subdivide three existing titles to create:

- Lot 1 of 1.67 hectares;
- Lot 2 of 2.14 hectares;
- Lot 3 of 1.38 hectares;
- Lot 4 of 1.98 hectares;
- Lot 5 of 2.15 hectares;
- Lot 6 of 1.13 hectares;
- Lot 7 of 2.88 hectares;
- Lot 8 of 5,340 square metres to vest as road reserve;
- Lot 9 of 203 square metres to vest as road reserve;
- Lot 10 of 6,370 square metres as right-of-way access; and
- Lot 11 of 6.14 hectares.

A land use consent is also sought to construct an under-width road, which will serve 12 users, which is proposed to vest in Council as road reserve.

#### Land Use Consent: RM071177

To construct a single dwelling within the nominated building area on proposed Lots 1 – 7 of the subdivision application RM071176.

The subject land is zoned Rural 3 and within the Wastewater Management Area according to the Proposed Tasman Resource Management Plan.

The subdivision is proposed to be developed in two stages with Lots 1 - 3 being developed in Stage 1 with the remaining Lots 4 – 7, plus access Lots 8 – 11, being developed in Stage 2.

## **1.6 Site Location and Background**

It is proposed to subdivide two existing lots that are located to the north west of the intersection with Old Coach Road and Harley Road into seven new lots. Lot 20 DP 335758 has an area of 5.187 hectares and fronts directly onto Harley Road and Lot 11 DP 335758 has an area of 8.16 hectares with access off Old Coach Road via a right-of-way. Refer to Appendix 1 for a Site Location Map.

The right-of-way access to Lot 11 DP 335758 is over the leg in strip to Lot 16 DP 335758. As it is proposed to upgrade the first part of this right-of-way and to vest this as road reserve the area contained within Lot 16 DP 335758 will be reduced to 6.14 hectares which is shown as Lot 11.

The existing titles were created as part of an approved subdivision consent RM020506 which was granted on 16 April 2003. At the time RM020506 was granted this area was covered by the Rural 2 Zone. This application is the first Rural 3 subdivision application for these sites.

The existing titles for Lots 11 DP335758 and Lot 20 DP335758 contain private covenants between the owners of the lots created under RM020506 that are required to be complied with on an ongoing basis. Compliance with the existing land covenants is considered to be a private issue between the owners of the existing titles.

## **1.7 Legal Descriptions**

Lot 20 DP 335758 (CT 146585), Lot 11 DP 335758 (CT 146576), and Lot 16 DP 335758 (CT 146581)

## **2. PROPOSED TASMAN RESOURCE MANAGEMENT PLAN (PTRMP) ZONING, AREAS AND RULES AFFECTED**

The application sites are zoned Rural 3 and are within the Wastewater Management Area and Land Disturbance Area 1. Harley Road and Old Coach Road are classified as Collector Roads.

The application is considered to be a Restricted Discretionary Activity under subdivision rule 16.3.9D in that the proposal has allotment areas less than the Controlled Activity standards of 50 hectares and not all permitted transport standards are complied with. The dwellings are considered to be a Controlled Activity pursuant to rule 17.5A.5 and the formation of the right of way to Lots 4 – 7 is a Discretionary Activity under rule 18.10.

### 3. CONSULTATION, APPROVALS AND SUBMISSIONS

#### 3.1 Consultation

The applicant has consulted with a number of neighbouring owners and has provided the following written approvals in support of the application. Some of those persons who provided written approvals have also made a submission and these have not been included on the list of persons who have provided their written approval:

Name	Location
Martin and Pauline Whyte	Lot 16 DP 335758
Gary and Tui Grossman	Lot 9 DP 335758
Rhys Wilkins	Lot 5 DP 335758
Bryan Pike and Deborah Mead	Lot 7 DP 335758
M Buchannan and J Lunn	Lot 10 DP 335758
N Hennah and T Vincent	Lot 14 DP 335758
Kerry and Stephen Lovell	Lot 6 DP 335758

#### 3.2 Submissions

The application was notified on 5 April 2008 and ten submissions were received. Six submissions oppose the application, two submissions support the application with two neutral or did not indicate support or opposition submissions. See Appendix 2 for the location of submitters (OP = oppose, SU = support, NE = neutral, DNI = did not indicate).

Also the locations of those persons who have provided their written approval, and have not made a submission, are shown as WA (Written Approval) in Appendix 2.

##### 3.2.1 Summary of Submissions:

Submitter	Reasons	Decision
1. G Pollock and G and J Lambert	Concerns relating to wind blown seed from Liquid Amber, Ash SP and Silver Birch species that will self germinate across boundaries and have potential health effects for asthmatics. Seeks to remove these species from the amenity planting schedule.	<b>Oppose the application in part</b>  Wishes to be heard
2. R and K Bell	The smaller blocks proposed are not compatible with the existing surrounding lifestyle/hobby farm blocks.	<b>Decline</b>  Wishes to be heard
3. NZ Fire Service Commission	Would like a condition that any new dwelling complies with the NZ Fire Service Code of Practice for Fire Fighting Water Supply SNZ PAS 4509:2003, with an access of no steeper than 1:6. Stated a preference for domestic sprinkler systems as a means of compliance.	<b>Did not indicate</b>  Wishes to be heard.
4. Lex Stratford	Stated that the proposed subdivision is the best use of the land in conjunction with appropriate plantings for privacy	<b>Grant</b>  Wishes to be heard.

<b>Submitter</b>	<b>Reasons</b>	<b>Decision</b>
5. Royal Forrest and Bird Protection Society	This submission raised concerns over sedimentation effects, weed control and planting species. Seeks to remove trees that are considered weeds from the amenity planting schedule.	<b>Did not indicate</b>  Wishes to be heard
6. Carter Holt Harvey Limited	Concerns that the application does not comply with the R3 rules of the TRMP and that the sites are not too large to manage and are productive. Seeks rigorous compliance with the R3 rules.	<b>Decline</b>  Wishes to be heard
7. N and L Nugent	Supports the proposal with the upgrade of the Right-of-way.	<b>Grant</b>  Does not wish to be heard
8. R Walker	Opposes the proposal and seeks the existing lots to remain un-subdivided. There are limited water resources in this area.	<b>Decline</b>  Wishes to be heard
9. W and J Bryant	Seeks to retain the existing density and rural character as protected by the existing covenants.	<b>Decline</b>  Wishes to be heard
10. T Stevens	Seeks to retain the existing density and rural character.	<b>Decline</b>  Wishes to be heard

### 3.2.2 Comments on Submissions

There were several submissions relating to the amenity planting species where various species were considered to be weeds. Concerns about the intensification of this area were also raised and one requesting full compliance with the Rural 3 rules. Detailed written submissions were provided by W and J Bryant and T Stevens that sought to retain the existing environment and rural character.

There were two submissions that supported this application as appropriate development for this area. The New Zealand Fire Service sought fire fighting access and water supply.

## 4. PRINCIPAL ISSUES

The principal issues associated with the applications are:

- a) Is the proposed development consistent with the Rural 3 Zone guidelines and is the scale of the development appropriate?
- b) Will the development be able to achieve and maintain an acceptable level of rural character and amenity that is in keeping with the surrounding area?

## 5. STATUTORY PROVISIONS

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

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

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

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

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

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

### 5.1 Resource Management Act Part II Matters

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

**Section 5** sets out the **purpose** of the Act which is to promote the sustainable management of natural and physical resources. “Sustainable management” means:

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

- sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
- avoiding, remedying, or mitigating any adverse effects of activities on the environment*

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

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

- The preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use and development.
- The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna
- The maintenance and enhancement of public access to and along the coastal marine area, lakes and rivers

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

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

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

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

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

## **5.2 Tasman Regional Policy Statement**

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

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

### 5.3 Tasman Resource Management Plan

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

- Chapter 5 “Site Amenity Effects”;
- Chapter 7 “Rural Environment Effects”;
- Chapter 9 “Landscape”
- Chapter 11 “Land Transport Effects”;

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

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

- Chapter 16.3 ‘Subdivision’,
- Chapter 17.5A ‘Rural 3 Zone’,
- Chapter 18.10 ‘Road Area’,

Matters Council has restricted its discretion are listed in Appendix 3. Details of the assessment of the proposed activity in terms of these matters are addressed through the assessment of actual and potential effects in paragraph 6.1 below and analysis and discussion on the relevant policies and objectives in paragraph 6.2 of this report.

## 6. ASSESSMENT

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

### 6.1 Actual and Potential Environmental Effects

#### 6.1.1 Permitted Baseline

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

#### **Subdivision**

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

#### **Building Construction**

In the Rural 3 zone some buildings could potentially be constructed as permitted activities provided they meet the permitted activity criteria including being located within a building location area, a maximum height of 7.5 metres, setbacks of 10 metres from roads, 5 metres from internal boundaries, 30 metres from plantation forestry and horticultural plantings and other setbacks and building coverage provisions. The applicant is volunteering lower maximum building heights where the

maximum building heights are 5.5m for Lots 1 - 6 and 5.0m for Lot 7. The construction of dwellings constitutes a controlled activity as the aforementioned criteria plus servicing standards are met.

### **Land Use Activity**

Only a narrow range of land use activities are permitted within the Rural 3 Zone, subject to compliance with other applicable permitted activity criteria. Permitted activities include rural activities and one residential activity per site.

#### **6.1.2 Rural Land Productivity**

The site's productive land values have been assessed by Mr Andrew Burton (attached as Appendix 4 of this report) and sections of his report have been included below.

### **Classification System**

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

Mr Burton's report states that:

*"The area is class E land under the Classification System for Productive Land in the Tasman District AgNZ 1994. Class E land has a very limited crop range, being intensive and extensive grazing and production forestry. To infer that it has very poor productive values as highlighted in the application report is simply not correct. Class E land covers the best of the district's hill country farming and forestry area and is very important economically to the region because of its productive values".*

### **Assessment of Soils**

*"Parts of the blocks have been significantly modified by previous forestry and land development operations. As a consequence, topsoil is sparse in places. This will impact negatively on pastoral production but generally have minimal effect on tree crop production.*

*The slope of the land in the application area ranges predominantly from 5 to 18 degrees. Although this is not classed as steep and the more gentle slopes could be suitable for intensive production regimes the dissected nature of the blocks and the presence of numerous gully and ridge systems limit the practicality of establishing any intensive landuse."*

### **Loss of Land of Productive Use**

Section 1.2 of the Design Guide identifies the Coastal Tasman Area as having the potential to accommodate more residential development than at present, while still retaining its particular rural character and landscape values, and with minimal loss of the productive and versatile qualities of the land resource.



In summary Mr Burton concludes:

*“Further subdivision, as proposed in this application, will possibly have a minor impact on land productivity with the loss of further land under buildings, driveways and the like however their limiting effect will be small in relation to the major limitations that already exist to productivity.”*

Therefore taking into account Mr Burton’s report I conclude that this proposal will not have any more than minor effects on the loss of productive opportunity for the existing lots.

### **6.1.3 Landscape and Rural Character Values**

#### **Introduction**

The applicant has provided a report prepared by a landscape architect Mr Rory Langbridge in support of their application contained within Annexure D of the application. This report provided an assessment of the visual impacts of the proposed development taking into account the Rural 3 zoning and existing pattern of development. Mr Langbridge also provided the landscape report in support of the original subdivision, RM020506.

The landscape effects of is proposal and the report prepared by Mr Langbridge has also been reviewed by Ms Deborah Hewett on behalf of the Council and her report is attached as Appendix 7.

The effects on the existing landscape as a result of this proposal are a key part of this proposal and both Mr Langbridge and Ms Hewett have provided detailed assessments on the landscape effects and assessments of the Objectives and Policies of the PTRMP with regard to the Rural 3 Zone.

Within this section of this report I intend to focus on the main issues and areas of contention rather than repeat what has already been considered and reported on in detail within these reports.

#### **Existing Environment**

The existing environment within the existing gully has not yet been fully developed in terms of building construction with only two dwellings having been constructed and one currently under construction at present. The two existing dwellings are two storey and the third also appears to be a two storey dwelling.

The existing covenanted wetland areas above the pond are covered in gorse and scrub. Otherwise the existing landscape is somewhat bare with the existing buildings and some formed building platforms readily visible.

#### **Landscape Effects**

Ms Hewett has provided a summary of the relevant landscape effects of this proposal under Section 4 of Appendix 7, and states:

*“I have identified the main effects of the proposal from a landscape assessment as:*

- *Visual effects*
- *Density and rural character fragmentation effects*
- *Amenity value effects*
- *Ecological effects*

*These need to be considered within the context of the receiving environment, the absorption capacity of the receiving environment and the ability of the proposal to fit appropriately within the landscape. Mitigation measures proposed as part of the application are also part of that overall consideration.”*

Concerns were raised regarding the visibility of the proposed development of Lot 11 DP335758, when viewed from Harley Road and that the framework and subsequent amenity plantings may not be able to reduce these visual effects to an acceptable level. Refer to Sections 4.1.1, 4.2.1 and 4.3.2 of Appendix 7 for a more detailed assessment on this issue. Also under Section 4.2 it is suggested that Lots 1, 5 and 6 should be removed from this proposal to help mitigate the adverse visual effects of this proposal.

The public views from Harley Road or Old Coach Road provide a rural outlook for motorists. However the views to the east of Harley Road are restricted by the landscape plantings required for the Carter Hoult Harvey subdivision. Harley Road does not have a formed public viewing place where motorists can park and to enjoy the rural landscape and there are limited shoulder parking areas. While the existing view is a rural outlook there are no significant features identified within the existing gully landscape or more distant landscape that would be compromised by this development. The views from Harley Road are not over a Significant Natural Area.

The applicant has volunteered a number of restrictions as mitigation to reduce the visual effects of this proposal which include:

- Height restrictions for buildings on Lots 1 - 6 of 5.5 metre above the formed building site level and 5.0 metre for buildings on Lot 7;
- All buildings to be within the approved building site;
- Recessive and non reflective building finishes;
- Water tanks screened;
- Landscape plantings in two stages;
- Earthworks at the time of building construction.

The primary thrust of the report prepared by Mr Langbridge is to show via a series of panoramic photographs, computer models and two stages of landscape plantings that there will be only minor visual effects on the landscape from the proposed development once the already permitted building sites are developed, taking into account the volunteered building restrictions. The computer models show indicative building designs at 7.5 metre heights, on the approved building locations with the five additional dwellings being identified in red.

Ms Hewett is unsure about the level of distortion applied, if any, through the production process to create these images.

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

The application states it has been designed to be generally consistent with the Design Guide and includes a detailed landscape assessment prepared by Rory Langbridge assessing the design against these provisions. The essence of the Coastal Tasman Design Guide recognises the potential for more residential development while still retaining its particular rural character and landscape values with the minimal loss of the productive and versatile qualities of the land.

To be consistent with The Guide the development will provide an acceptable level of rural amenity within and outside the developed area and provide a workable relationship with the surrounding rural area. The following table assesses the development against the relevant outcomes anticipated by The Guide:

The Guide	R Westenbroek Proposal
Land with highest productive values remains available for future productive uses.	The existing sites have limited productive opportunity due to their size and soil quality and this proposal will only have a minor effect on the loss of productive opportunity.
Retain or enhance riparian buffer strips.	There are limited riparian areas within the proposed lots and their values are to some extent protected by the existing covenants. Plantings are proposed in these areas and suitable species selected.
Avoid extensive earthworks.	The building platforms are relatively compact and will be formed closer to the time of building construction. Amenity plantings can soften the visual effects of earthworks in the longer term.
Residential development is absorbed into the existing rural landscape without adversely affecting its character or qualities.	The proposed dwellings are visible from Harley Road and will have an adverse visual effect on the rural landscape with increased density, reduced building separation and the landscaping is not proposed to be completed at the time of subdivision and may not endure in the long term. Refer to Appendix 7, Section 6.2.
Minimise the construction of roads and driveways.	The existing right-of-way will be upgraded to cater for the increase traffic demand. The proposed driveways run down the sites and generally not across the landscape.
Provide a wastewater management system for each dwelling.	A wastewater system is proposed for each dwelling.
Provide for public access.	The applicant has volunteered a walkway for future public access across Lot 5.
Discrete clusters set within landscape rather than spread all over it.	When viewed from Harley road the proposed and existing building sites will appear as a band of development rather than a cluster surrounded by open space
Protect significant land features.	There are no significant landscape features identified on these sites. No buildings will protrude above the gully ridge.
Utilise natural features.	The proposed dwellings will be set into the small ridges on the existing lots which will reduce the visual impact of the buildings and improve privacy.
Recessive colours of buildings and non reflective materials.	Proposed in this application.
Retain and maximise rural outlook.	The outlook from each dwelling will generally be to the north with distant rural views. Dwellings on nearby lots and across the gully will be clearly visible. Landscape plantings in the long term may help reduce the visual impact of the dwellings.

Under the Landscape Areas Descriptive and Advisory Notes (March 2003), the subject site falls within Landscape Unit 2, Sub Unit B. (see Appendix 7 for the detailed Landscape Assessment).

## **Conclusion**

This application relates to the construction of five additional dwellings within this defined gully on two separate sites. Mr Langbridge and Ms Hewett have provided detailed assessments of the visual effects of this proposal and have reached differing opinions as to the visual effects of this proposal with Ms Hewett suggesting that three lots should be removed from this proposal to reduce the visual effects of development particularly when viewed from Harley Road.

Mr Langbridge supports this proposal and has expressed a view that up to 12 additional dwellings could be absorbed within the landscape in conjunction with significant plantings.

When considering public views there are no formed public viewing points from Harley Road adjacent to this gully and these sites are not within Significant Natural Areas or contain significant landscape features.

The existing landscape contains almost no existing plantings and is bare and open with only three of the 13 approved building sites having dwellings at present. Two stages of plantings are proposed including riparian plantings with a three year maintenance commitment by the applicant for the first stage plantings.

A number of restrictions have been volunteered to reduce the visual impact of the proposed dwellings which in effect limit the dwellings to single storey buildings on limited area building platforms. None of the buildings will protrude above the ridgeline of the gully. The applicant has volunteered a consent notice preventing further subdivision of these sites. The existing two storey dwellings are very visible within the current landscape and have no apparent landscape mitigation.

This proposal meets the Objectives and Policies of the PTRMP for the Rural 3 Zone and is not considered to create a precedent or cumulative effect. The Rural 3 Zone allows for residential and rural residential development subject to the provision of suitable servicing, access and the mitigation of adverse visual effects on the rural character and amenity. The proposed lot sizes would be considered rural residential in size.

At the time the original subdivision was granted this area was covered by the Rural 2 Zone and the existing landscape will change significantly as the permitted development occurs as shown by Mr Langbridge with the construction of 10 additional dwellings.

With careful building design and landscaping the loss of privacy between dwellings could be mitigated.

Therefore with regard to landscape effects I consider that consent can be granted subject to the Committee being satisfied that the adverse visual effects of the dwellings can be mitigated to an appropriate level.

#### **6.1.4 Transport Effects**

The proposal does not meet the:

- Permitted criteria 18.10.3(b) All roads constructed and vested in Council in accordance with Figure 18.10A.

#### **Right-of-way Upgrade to Road to Vest (Lot 8 and Lot 9)**

The existing right-of-way will need to be upgraded to meet the traffic generation from the development of Lot 11 where it is proposed to form the existing 10.0 metre wide right-of-way to be sealed to a width of 5.0 metres with gravel shoulders and side drains. This right-of-way currently has a gravel formation and has been formed along the ridge between two gullies.

The applicant proposes to cancel the existing right-of-way easements over part of this right-of-way, shown as Lots 8 and 9 and form a turning head. This upgraded access is then proposed to vest as road reserve in Council. As this part of the proposal requires all owners with easement rights to formally relinquish their rights there is a risk that this may not happen. Should this be the case the applicant proposes to leave the upgraded access as a right-of-way.

The legal width of the right-of-way is currently 10.0m however Figure 18.10A requires a legal width of 18.0m as a permitted activity. It should be noted that this right-of-way is located along the ridge top and has no significant batters.

Council's Development Engineer has recommended that where the access is to vest in Council as road reserve that the road reserve be widened to be 18.0m with a footpath, street lighting and intersection signage and markings. The applicant has sought a dispensation for a reduced width of 10.0m for the proposed road. This proposal will have a total of 12 users along this access.

#### **Right-of-way, Lots 2-3**

A right-of-way is proposed for Lots 2 and 3 which will be formed in accordance with the requirements of Figure 16.2A with regard to width gradient and surfacing. A maximum gradient of 1:5 with two coat chip sealing is proposed.

#### **Assessment of Vehicle Access Crossings and On-Site Access**

The level of information provided in the application relating to on site accesses and individual vehicle crossings indicate that all relevant PTRMP permitted activity criteria can be complied with.

#### **Conclusion**

Due to the difficulties of obtaining an 18.0m legal road reserve and the potential difficulties of forming a footpath and upgraded road formation, that also includes all of the batters, I recommend that the access remain as a right-of-way that is formed and sealed to a width of 5.0m with 400mm shoulders. The construction of the road sub base and base course should be to the road standards of Tasman District Council, 1 July 2008, for an Access Place.

### **6.1.5 Public Access**

The applicant has volunteered a public access walkway along the boundary of Lots 4, 5 and 6 from the existing right-of-way to the existing covenant area at the bottom of the gully.

Rosalind Squire, Council's Reserves Planner has assessed this application and submitted a report attached as Appendix 5. The following extract this report outlines the proposal and relevant background;

*"The applicant has volunteered the creation of an easement in favour of the Tasman District Council for the purpose of pedestrian access between proposed lots 4 and 5 in stage 2 of the development (See Attachment 1). This is supported by the Department as it will ultimately provide a link in a future walkway between Old Coach and Harley Road. However, in order to provide for safe pedestrian and cycle access the legal width of the easement needs to be increased to 5 metres. The Department also request a 10 metre splay in the easement where it adjoins Lot 7 and 14 DP335758. The reason for this is to enhance Council's opportunities to complete a future walkway link between Old Coach and Harley Road or the Harley Road extension on the adjoining property to the north. With respect to the existing right-of-way servicing stage 2 of the proposed subdivision, it is preferable that the right-of-way be vested as road as this will ensure public access off Old Coach Road to the proposed easement...."*

*In summary the proposed public access easement is supported subject to its width being increased and a splay being provided for at its eastern most extent."*

### **Conclusion**

While this access link will not be complete under this application it does form a useful link that would allow public access at some time in future between Old Coach Road to Harley Road. However it is dependant upon a further link being established to Harley Road and the upgrade of the right-of-way to road to vest.

### **6.1.7 Servicing Effects**

#### **Reliability of Rainwater Supply**

Permitted activity criteria 17.5A.5(b) requires that all dwellings have a water supply that is reliable and potable. The applicant considers that rainwater supply in this area is sufficiently reliable to meet the needs of domestic supply and can be supplemented by water tanker deliveries when necessary.

#### **Quality of Rainwater Supply**

To ensure potable water is available to each dwelling a Condition has been recommended requiring a UV filter to be installed between the tank and the house supply that complies with the Standards for Drinking Water Standards for NZ 2005 and that a Consent Notice be registered on each new title requiring the owner to enter a maintenance contract with the supplier or manufacturer of the UV filter.

## Provision for Fire Fighting

A minimum of 23,000 litre capacity storage tank is to be provided at each dwelling, with a connection suitable for fire fighting purposes which will satisfy the PTRMP permitted activity criteria for the volume of water stored on the site. The Fire Service requested in its submission that the applicants achieve compliance with the NZ Fire Service Code of Practice. If the Committee decides to approve the applications I would recommend that the following condition be imposed:

*“That the water supply system complies with SNZ PAS 4509:2003 - The NZFS Fire Fighting Water Supplies Code of Practice.”*

## Wastewater

This matter is assessed in Report EP 08/07/13 and is not duplicated here.

## Stormwater

This matter is assessed in Report EP 08/07/15 and is not duplicated here.

## Power and Telephone

Electricity and telephone cabling is proposed to be underground within the new lots.

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

### 6.1.8 Summary of Assessment of Effects

The summary of adverse effects is as follows:

Summary of Effects	
Effects Assessed	Adverse Effects
Rural Land Productivity and Versatility	Minor
Rural Character, Landscape Character, and Amenity Values	Minor
Transport Effects	Minor
Public Access and Links	Minor
Servicing Effects	Minor

Overall my assessment is that the actual adverse effects on the environment are no more than minor and the proposal is on balance consistent with the Design Guide for Subdivision and Development in the Coastal Tasman Area and anticipated outcomes for Landscape Sub Unit 2B.

## 6.2 Relevant Objectives and Policies of the PTRMP

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

- Chapter 5 “Site Amenity Provisions”
- Chapter 7 “Rural Environment Effects”

- Chapter 9 “Landscape”
- Chapter 11 “Land Transport Effects”;

### **6.2.1 Chapter 5: Site Amenity Provisions, Chapter 7: Rural Environment Effects and Chapter 9: Landscape**

The relevant Policies and Objectives of Chapters 5, 7 and 9 have been assessed in detail in Section 5 of the Landscape Assessment (Appendix 7) prepared by Ms Hewett and I do not repeat this assessment here. Overall I consider that this application is not contrary to the relevant Objectives and Policies of Chapters 5, 7 and 9 of the PTRMP.

### **6.2.1 Chapter 11: Land Transport Effects**

#### **Relevant Issues**

The land transport effects of this proposal are related to the upgrade of the existing access to cater for the increased number of users generated by this proposal as a result of the subdivision of Lot 11 DP 3335758. There will be a total of 12 users along this right-of-way under this proposal with Figure 16.2A stating a maximum of 6 users to meet the permitted activity standards. A sealed access width of 5.0m is proposed which meets the standards for an access place under Figure 18.10A where up to 19 household units are anticipated.

The following Policy from Chapter 11 is considered relevant:

*“To promote the location and form of built development, particularly in the urban areas, that avoids, remedies or mitigates adverse effects of traffic generation”*

#### **Conclusion**

Considering the number of users along this access and the proposed 5.0m wide sealed formation the effects of this level of traffic generation will be mitigated. Councils Development Engineer has provided support for this view.

## **6.3 Other Matters**

### **6.3.1 Precedent / Cumulative Effects**

Case law has established that the granting of consent for one application may well have an influence on how another application should be dealt with. The extent of influence will depend upon the extent of similarities.

The current applications have arisen due to the combination of distinct features of the site, the pattern of development created by the previous subdivision RM020506, a change in zoning from Rural 2 to Rural 3 and the purposes of the applicant. The site features include the location in the Rural 3 zone, the setting within the greater district and the orientation and topography of the two existing lots.

Should this consent be granted Council could face a number of other applications to subdivide nearby sites. Any future applications will in due course be considered on their merits and may be granted or declined. In my view granting this consent would



not create a precedent effect in that many lots with sizes at 1.0 hectare and below have already been granted for development within the Rural 3 Zone.

At some point in the future there may be cumulative adverse visual effects for future subdivisions in this area where the effects on the visual amenity reach the point where no further development can be granted. Development within the Rural 3 Zone does anticipate residential and rural residential development, subject to a number of criteria as detailed in this report. The Landscape Report (Appendix 7) highlighted some visual sensitivity for this proposal particularly for the development on Lot 11 DP 335758, when viewed from Harley Road. In my opinion we are not at the stage where "enough is enough" with regard to further development in this area.

## **7. SUMMARY AND CONCLUSIONS**

- 7.1 This application relates to the subdivision of two existing lots within an area that was subdivided into 16 Lots under RM020506 prior to these sites and surrounding area be zoned Rural 3.
- 7.2 It is proposed to subdivide Lot 20 DP 335758 and Lot 11 DP 335758 into seven new lots and upgrade the right-of-way access on Lots 8 and 9 to vest as road reserve. The new lots will have an average area of 1.9 hectares.
- 7.3 Suitable access can be provided to the proposed lots with the sealing and formation of the existing right of way and formation of right of way A. The applicant has proposed to upgrade the existing right of way and vest it in Council as road reserve. However the increased road width, cancellation of easements, footpath construction and street lighting required prior to vesting as road presented real difficulties therefore it is recommended that this access remain a an upgraded right of way.
- 7.4 There will be only a limited effect on the loss of productive opportunity in relation to this proposal due to the size of the existing sites, topography and soil classification.
- 7.5 Onsite wastewater can be provided for and the disposal of stormwater can be achieved. With the required UV treatment a potable water supply standard can be achieved.
- 7.6 This application relates to the construction of five additional dwellings within this defined gully on two separate sites. Mr Langbridge and Ms Hewett have provided detailed assessments of the visual effects of this proposal and have reached differing opinions as to the visual effects of this proposal with Ms Hewett suggesting that three lots should be removed from this proposal to reduce the visual effects of development particularly when viewed from Harley Road.
- 7.7 When considering public views there are no formed public viewing points from Harley Road adjacent to this gully and these sites are not within Significant Natural Areas or contain significant landscape features.
- 7.8 The existing landscape contains almost no existing plantings and is bare and open with only three of the 13 approved building sites having dwellings at present. Two stages of plantings are proposed including riparian plantings with a three year maintenance commitment by the applicant for the first stage plantings.

- 7.9 A number of restrictions have been volunteered to reduce the visual impact of the proposed dwellings which in effect limit the dwellings to single storey buildings on limited area building platforms. None of the buildings will protrude above the ridgeline of the gully. The applicant has volunteered a consent notice preventing further subdivision of these sites. The existing two storey dwellings are very visible within the current landscape and have no apparent landscape mitigation.
- 7.10 This proposal is considered to meet the Objectives and Policies of the PTRMP for the Rural 3 Zone and is not considered to create a precedent or cumulative effect. The Rural 3 Zone allows for residential and rural residential development subject to the provision of suitable servicing, access and the mitigation of adverse visual effects on the rural character and amenity. The proposed lot sizes would be considered rural residential in size.
- 7.11 At the time the original subdivision was granted this area was covered by the Rural 2 Zone and the existing landscape will change significantly as the permitted development occurs as shown by Mr Langbridge with the construction of 10 additional dwellings.
- 7.12 With careful building design and landscaping the loss of privacy between dwellings could be mitigated.
- 7.13 Therefore with regard to this application I consider that consent can be granted subject to the Committee being satisfied that the adverse visual effects of the dwellings can be mitigated to an appropriate level.

## **8. RECOMMENDATION**

- 8.1 Subdivision and Land Use Consent (RM071176 and RM071177) be GRANTED subject to the following Conditions.** The applicant has requested that the right-of-way providing access to Lots 4 – 7 be vested in Council as road reserve and it is recommended that this part of the application be **DECLINED** and the access remain as a right-of-way.

## **9. CONDITIONS (RM071176)**

- 9.1 Should consent be granted I recommend the following conditions be imposed:

### **Subdivision Consent and Land Use Consent RM071176**

#### **1. Subdivision Plan**

- a) The subdivision and development shall be carried out generally in accordance with the application plans prepared by Newton and Associates Limited, Project No. N244, and attached to this consent as **Plans A, B and C RM071176**

#### **2. Staging**

- a) The subdivision shall be completed in two stages as follows:

##### **STAGE 1:**

Lots 1, 2, and 3 with the development of Right-of-way A.

## **STAGE 2:**

Lots 4 – 11 which includes the upgrade of the existing right-of-way over Lot 16 DP 335758.

### **3. Building Location**

- a) The Building Sites shall be in the locations shown on the application plans prepared by Newton and Associates Limited, Project No. N244 and attached to this consent as **Plans B and C – RM071176**.

### **4. Landscape Planting Plan**

- a) A Landscape Planting Plan shall be prepared by a qualified Landscape Architect at the cost of the consent holder for the approval of the Council's Environment and Planning Manager and shall be submitted at the time engineering plan approval is sought. This Landscape Planting Plan shall be prepared only for the Proposed Regenerative Planting Areas shown on the Rory Langbridge **Plans D and E, RM071176** attached to this consent.

The Landscape Planting Plan shall detail the following information:

- i) Planting plan specifying the type, number, and size of the plants;
  - ii) Establishment works required to implement the Landscape Planting Plan;
  - iii) Staging of planting;
  - v) Pest plant and animal controls and ongoing maintenance schedules;
  - vi) Replacement planting;
  - vii) Ongoing maintenance of planted areas;
- b) The planting required by the Landscape Planting Plan shall be completed prior to the approval of the Section 224(c) certificate. A written statement shall be provided from a suitably qualified landscaping professional that the plantings have been fully completed in accordance with the above Landscape Planting Plan.
  - c) The consent holder shall be responsible for maintenance, pest control, replacement and management of the planting required by the Landscape Planting Plan within the development for a minimum of three (3) years following the completion of this planting. These maintenance responsibilities thereafter shall devolve to the owner of the allotments.

### **5. Consent Notices**

The following consent notices shall be registered on the certificate of title for the relevant allotments pursuant to Section 221 of the Resource Management Act.

The consent notices shall be prepared by the applicant'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.

Consent notices in accordance with conditions of this consent shall be placed on the allotments as they are created.

#### **A. Building Location Restrictions**

That the construction of all buildings on Lots 1 – 7, inclusive shall be restricted to the building Sites shown on the plans prepared by Newton and Associates Limited, Project No. N244 and attached to this consent as **Plans B and C – RM071176** and all buildings shall be fully contained within each building Site.

#### **B. Maximum Building Heights**

Buildings shall not exceed the following building heights:

- i) Dwellings and accessory buildings on Lots 1 - 6 shall be single storey to a maximum height of 5.5 metres above the Relative Levels (RL) shown on the plans prepared by Newton and Associates Limited, Project No. N244 and attached to this consent as **Plans B and C – RM071176**
- ii) Dwellings and accessory buildings on Lot 7 shall be single storey to a maximum height restriction of 5.0 metres above the Relative Level (RL) shown on the plan prepared by Newton and Associates Limited, Project No. N244 and attached to this consent as **Plan C – RM071176.**

#### **Advice Note:**

This is to alert potential purchasers to the building heights authorised by the resource consents for this development.

#### **D. Building Site Stability**

**Recording the soil condition and foundation recommendations on the certificates of title.**

- i) Any recommended conditions resulting from the engineering certification required under condition 9.1.15(b)

#### **E. Future Subdivision**

No further subdivision of any of the allotments in the subdivision will be allowed, except that this consent notice does not apply to subdivision constituting a boundary adjustment where it does not result in the creation of additional Certificates of Title or is for the provision of a utility site. Boundary adjustments and new allotments for utilities will be assessed under the provisions of the applicable Resource Management Plan.

## G. Building Colour

The exterior of all buildings (including water tanks) in this development shall be finished in colours that are recessive and which blend in with the immediate environment.

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

Colour Group*	Walls	Roofs
Group A	A05 to A14 and reflectance value $\leq 50\%$	That the roof colour is complementary with the rest of the building/s and is no greater a percentage than 25 per cent reflectance value.
Group B	B19 to B29 and reflectance value $\leq 50\%$	
Group C	C35 to C40, reflectance value $\leq 50\%$ , and hue range 06-16	
Group D	D43 to D45, reflectance value $\leq 50\%$ , 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.

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

- a) Exterior surfaces of all buildings shall be non-reflective.
- b) Water tanks are to be incorporated into the structure of the buildings or partially buried and/or screened sufficiently within each lot so as not to be visible from beyond the site.

## H. Wastewater

Each residential allotment in this subdivision shall be provided with wastewater treatment and disposal in accordance with the conditions of the relevant associated wastewater discharge permit, RM071257 to RM071263.

## I. Stormwater

The management of stormwater shall be carried out in accordance with the conditions of the relevant associated stormwater discharge permit, RM071250 to RM071256.

## **J. Landscaping**

A Landscape Plan shall be developed by an appropriately qualified person and submitted to Council's Environment & Planning Manager for approval and shall take into account the following:

- a) How the proposed buildings would be integrated within the site. The Landscape Plan shall take into account the natural form of the land, the form of the buildings and any existing plantings.
- b) Issues of privacy and views shall be specifically identified on the Landscape Plan and shown how these will be addressed and/or protected. Views enjoyed from adjacent properties need to be specifically considered when planning the development of the Lot.
- c) The Landscape Plan shall include a planting schedule and maintenance program. The planting schedule for stream margins shall be suitable species from Council's Downland – Hill Country plant list. Any dead plants shall be replaced within the next planting season.

The approved Landscape Plan shall be completed within two years following the commencement of the building construction on the lot.

No building shall commence on the lot until the Landscape Plan has been approved by Council's Environment & Planning Manager.

The existing landscape plantings on site established in accordance the approved Landscape Planting Plan required by Condition 9.1.4 above shall be maintained. Any dead plants shall be replaced within the next planting season.

Written confirmation shall be provided to Council's Environment & Planning Manager from a suitably qualified landscaping professional that the landscaping has been fully completed in accordance with the approved Landscape Plan within 30 months of the commencement of building construction.

## **K. Water Storage for Fire fighting**

Each dwelling shall be provided with a water supply system that complies with SNZ PAS 4509:2003 - The NZFS Fire Fighting Water Supplies Code of Practice."

## **L. Dwellings**

Any dwellings shall comply with the requirements of Land Use consent RM071177.

The existing Consent Notices shall be extinguished for Lots 1 – 7.

## **6. Easements if Required by Council**

- a) Easements are to 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.
- b) 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.
- c) Reference to easements is to be included in the Council resolution on the title plan at the section 223 stage.

## **7. Power and Telephone**

- a) Full servicing for power and telephone cables shall be provided underground to the boundary of Lots 1 - 7 inclusive. The consent holder shall provide written confirmation from the relevant utility provider(s) to the Tasman District Council Engineering Manager that power and telephone cabling has been installed from the existing network to the boundaries of the abovementioned allotments.
- b) Confirmation that these requirements have been met shall be provided in a written statement from the supply authority. A copy of the supplier's certificate of compliance shall be provided to the Tasman District Council Engineering Manager prior to a completion certificate being issued pursuant to Section 224(c) of the Resource Management Act 1991.
- c) All servicing shall be accordance with Tasman District Engineering Standards and Policies 2004.
- d) Electricity sub-stations, where required, shall be shown as road to vest on the land transfer survey plan if they are located adjacent to a road or road to vest. These shall be shown on the survey plan prior to section 223 approval.

## **8. Stormwater**

The management of stormwater shall be carried out in accordance with the Conditions of the relevant associated stormwater discharge permit, RM071250 – RM017256.

## **9. Street Numbers and Sign**

- a) The cost of any private way sign shall be met by the consent holder on application to the Tasman District Council.
- b) The street numbers shall be shown on the Engineering Plans.

**Advice Note:** The proposed lots have been allocated the following street numbers:

Lot 1 258 Harley Road  
Lot 2 264 Harley Road  
Lot 3 262 Harley Road  
Lot 4 1110c Old Coach Road  
Lot 5 1110b Old Coach Road  
Lot 6 1110a Old Coach Road  
Lot 7 1110 Old Coach Road

## 10. Right-of-way Formation

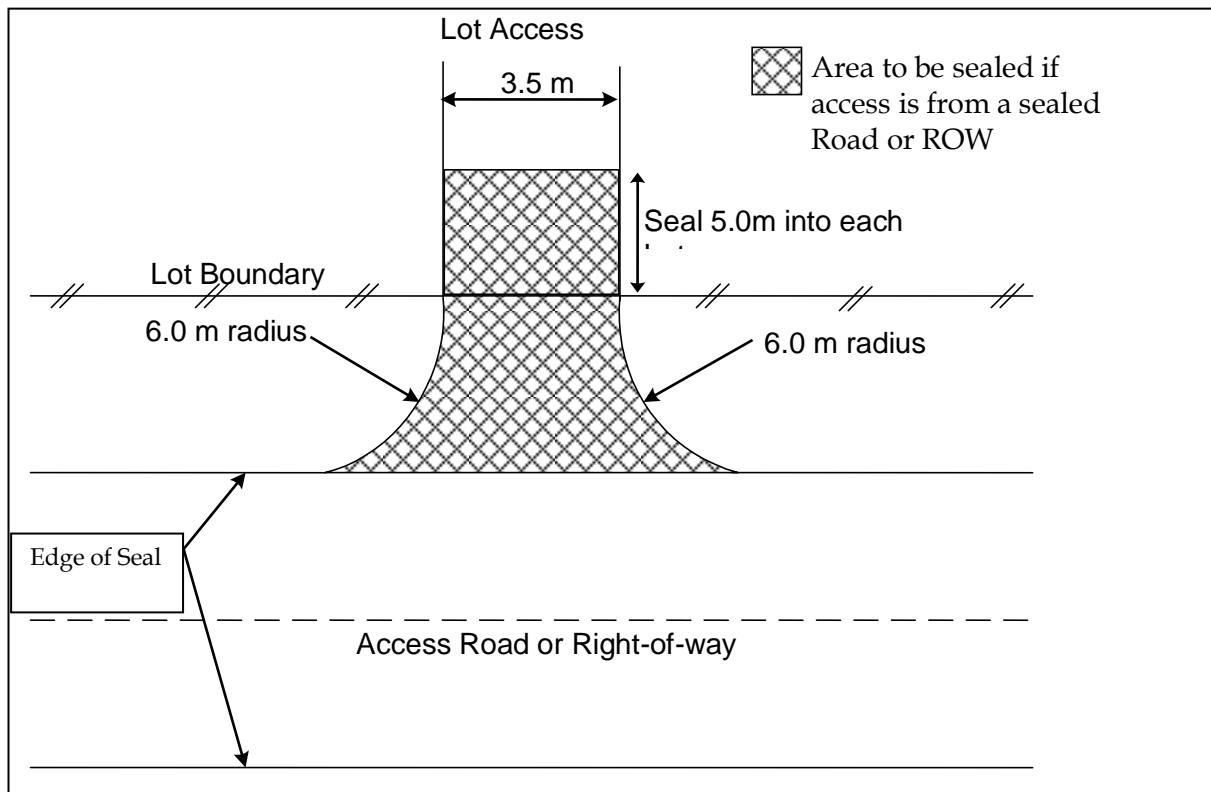
- a) Right-of-way A shown on **Plan B, RM071176** shall be formed as follows:
- i) A legal width of 6.5m;
  - ii) A maximum gradient of 1:5;
  - iii) A two coat chip sealed surface if the gradient is greater than 1:6;
  - iv) One side drain;
  - v) A sealed lane width of 4.5m;
  - vi) Two 500mm wide metal shoulders;
  - vii) Total carriageway width of 5.5m.
- b) The area contained within Lot 8 shown as Road to Vest on **Plan A, RM071176** shall be formed as a right-of-way as follows:
- i) A maximum gradient of 1:5;
  - ii) Total carriageway width of 5.8m;
  - iii) A two coat chip sealed surface;
  - iv) Two 400mm wide metal shoulders;
  - v) Sub base and base course construction standards shall be the same as required for the construction of an Access Place;
  - vi) Stormwater control with side drains and culverts;
  - vii) A sealed lane width of 5.0m.
- c) The intersection of this right-of-way and Old Coach Road, within the existing road reserve, shall be upgraded to be at right angles to the existing Old Coach Road formation.

## 11. Vehicle Crossings and On- Site Access

- a) The vehicle access crossings for each residential lot shall be a minimum carriageway width of 3.5 metres and shall be designed and constructed in accordance with Figure 1 with:
- i) a formed and sealed surface between the edge of the seal of the carriageway of the road to at least 5.0 metres inside the property boundary;
  - ii) the first 6 metres in from the road carriageway formation shall be more or less level with the road carriageway formation;



- iii) A 300mm 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.
- v) Vehicle crossings for Lots 4 and 5 shall be formed with basecourse but are not required to be sealed, unless the right-of-way is sealed.



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

## 12. Engineering Plans

- a) Engineering plans detailing all services are required to be submitted to the Tasman District Council Engineering Manager for approval prior to the commencement of any works. All engineering details are to be in accordance with the Tasman District Council Engineering Standards and Policies 2008. All necessary fees for engineering plan approval shall be payable.

## 13. Commencement of Works and Inspection

- a) The Tasman District Council Engineering Department shall be contacted five working days prior to the commencement of any engineering works.
- b) No works shall commence on-site until the engineering plans have been approved by the Tasman District Council Engineering Manager.

## 14. Engineering Works

- a) All works shall be constructed in strict accordance with the Tasman District Council Engineering Standards and Policies 2008, or to the Tasman District Council Engineering Manager's satisfaction.

## 15. Engineering Certification

- a) At the completion of works, for each stage, a suitably experienced chartered professional engineer or registered professional surveyor shall provide the Tasman District Council Engineering Manager with written certification that the works have been constructed in accordance with the approved engineering plans, drawings and specifications and any Council approved amendments.
- b) Certification that the nominated building sites on Lots 1 - 7 as shown on **Plans B and C – RM071176** are suitable for the construction of a residential buildings shall be submitted from a chartered professional engineer practicing in civil engineering. This certificate shall define on Lots 1 – 7 the area suitable for the construction of residential buildings and shall be in accordance with NZS 4404:2004 Schedule 2A. Any limitations identified in Schedule 2A shall be noted on a consent notice pursuant to Section 221 of the Resource Management Act 1991 prior to the issue of the Section 224(c) certificate. This consent notice shall be prepared by the Consent Holder's solicitor at the Consent Holder's expense and shall be complied with by the Consent Holder and subsequent owners on an ongoing basis.
- c) Where fill material has been placed on any part of a lot, 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 and shall be provided to the Tasman District Council Engineering Manager.

Council will issue a **consent notice** pursuant to section 221 of the Resource Management Act 1991 recording the soil condition and foundation recommendations on the certificates of title for each lot.

## 16. Public Access

The public access easement shown as Area B on **Plan C RM071176** shall be 5.0m in width and shall be increased to a width of 10.0m to provide a 5.0m frontage onto Lot 14 DP 335758 and a 5.0m frontage onto Lot 7 DP 335758.

## 17. Financial Contributions (based on five new sites)

Payment of financial contributions assessed as follows:

### Reserves and Community Services

5.5% of the assessed market value of the area of a notional 2,500 square metre area within each of Lots 2, 3, 5, 6 and 7.

The valuation will be undertaken by Council's valuation provider within one calendar month of Council receiving a request for valuation from the Consent Holder. The request for valuation should be directed to the Consents Administration Officer at Council's Richmond office. The cost of the valuation will be paid by Council.

If payment of the financial contribution is not made within two years of the date of this consent, a revised valuation will be required and the cost of the revised valuation shall be paid by the Consent Holder.

**Advice Note – Development Contributions**

Council will not issue the Section 224(c) certificate 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 which are the amount to be paid and 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 development contributions on Lots 2, 3, 5, 6 and 7 in respect of **roading and water.**



**PLAN B  
RM071176**





**PLAN D**  
**RM071176**  
**Landscape Plantings Lots 1-3**



**PLAN E**  
**RM071176**  
**Landscape Plantings Lots 4-7**





**1. Conditions: Land Use Consent (Application RM071177)**

Should subdivision consent RM071176 be granted, construction of a single dwelling and accessory buildings is GRANTED subject to the following conditions:

**2. Commencement Date and Lapsing of Consent**

- a) The commencement date for the land use consent shall be the issue date of the certificate of title for the respective allotments.
- b) This consent will lapse five years after the issue of the certificate of title for the respective allotments unless given effect to.

**3. Building Location Restrictions**

The construction of buildings on Lots 1 - 7 inclusive shall be restricted to the Building Location Areas shown on **Plan B RM071176 and Plan C RM071176** attached to this consent, and all buildings shall be fully contained within each Building Location Area, except that this condition does not apply to any buildings solely associated with utilities within the subdivision or accessory buildings on Lots 1-7.

**4. Building Height**

Dwellings and accessory buildings on Lots 1 - 6 shall have a maximum height restriction of 5.5 metres above the Relative Levels shown for each building platform on **Plan B RM071176 and Plan C RM071176** and Lot 7 shall have a maximum height restriction of 5.0 metres above the Relative Level shown on **Plan C RM071176.**

**5. Building Colour**

The exterior of all buildings (including water tanks) in this development shall be finished in colours that are recessive and which blend in with the immediate environment.

The building 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/s 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 Notes:**

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

**6. Water Storage for Domestic use and Fire Fighting**

Details of the UV filter to be installed so the rainwater collection will achieve a potable standard (as defined in the NZ Drinking Water Standard) and its on-going maintenance shall be provided with the building consent application for each dwelling.

Each dwelling shall be provided with an on-site water storage tank(s) that has a capacity of not less than 23,000 litres.

The dwelling shall be provided with a water supply system that complies with SNZ PAS 4509:2003 - The NZFS Fire Fighting Water Supplies Code of Practice. The water storage volume required to meet this Code shall be maintained on site at all times.

**7. Landscape Plan**

A Landscape Plan shall be developed by an appropriately qualified person and submitted to Council's Environment & Planning Manager for approval and shall take into account the following:

- a) How the proposed buildings would be integrated within the site. The Landscape Plan shall take into account the natural form of the land, the form of the buildings and any existing plantings.
- b) Issues of privacy and views shall be specifically identified on the Landscape Plan and shown how these will be addressed and/or protected. Views enjoyed from adjacent properties need to be specifically considered when planning the development of the Lot.
- c) The Landscape Plan shall include a planting schedule and maintenance program. The planting schedule for stream margins shall be suitable species from Council's Downland – Hill Country plant list. Any dead plants shall be replaced within the next planting season.

The approved Landscape Plan shall be completed within two years following the commencement of the building construction on the lot.

No building shall commence on the lot until the Landscape Plan has been approved by Council's Environment & Planning Manager.

The existing landscape plantings on site established in accordance the approved Landscape Planting Plan required by Condition 9.1.4 of RM071176 shall be maintained. Any dead plants shall be replaced within the next planting season.

Written confirmation shall be provided to Council's Environment & Planning Manager from a suitably qualified landscaping professional that the landscaping has been fully completed in accordance with the approved Landscape Plan within 30 months of the commencement of building construction.

## **ADVICE NOTES**

### **Council Regulations**

1. The applicant shall meet the requirements of Council with respect to all Building Bylaws, Regulations and Acts.

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

2. This resource consent only authorises the activity described above. Any matters or activities not referred to in this consent or covered by the conditions must either: 1) comply with all the criteria of a relevant permitted activity rule in the Proposed Tasman Resource Management Plan (PTRMP); 2) be allowed by the Resource Management Act; or 3) be authorised by a separate resource consent.

### **Consent Holder**

3. 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 which are required to be complied with on an ongoing basis.

### **Development Contributions**

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

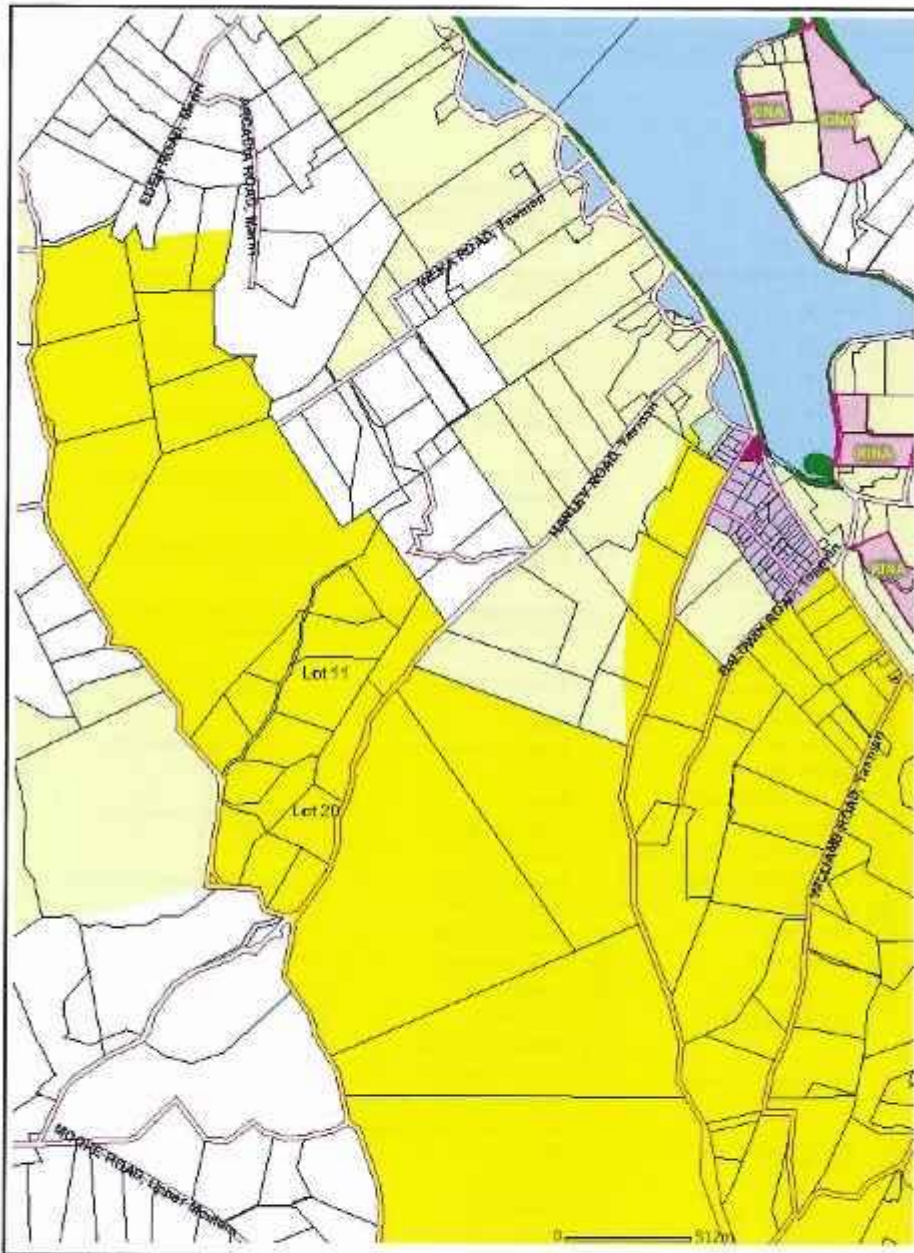
Council will not issue a Code Compliance Certificate until all development contributions have been paid in accordance with Council's Development Contributions Policy under the Local Government Act 2002.

### **Cultural heritage**

5. Council draws your attention to the provisions of the Historic Places Act 1993. In the event of discovering an archaeological find during the earthworks (e.g. shell, midden, hangi or ovens, garden soils, pit depressions, occupation evidence, burials,

taonga, etc) you are required under the Historic Places Act, 1993 to cease the works immediately until, or unless, authority is obtained from the New Zealand Historic Places Trust under Section 14 of the Historic Places Act 1993.

Wayne Horner  
**Consent Planner - Subdivision**



**ExploreTasmanMap**

**1/7/2008 DISCLAIMER:**

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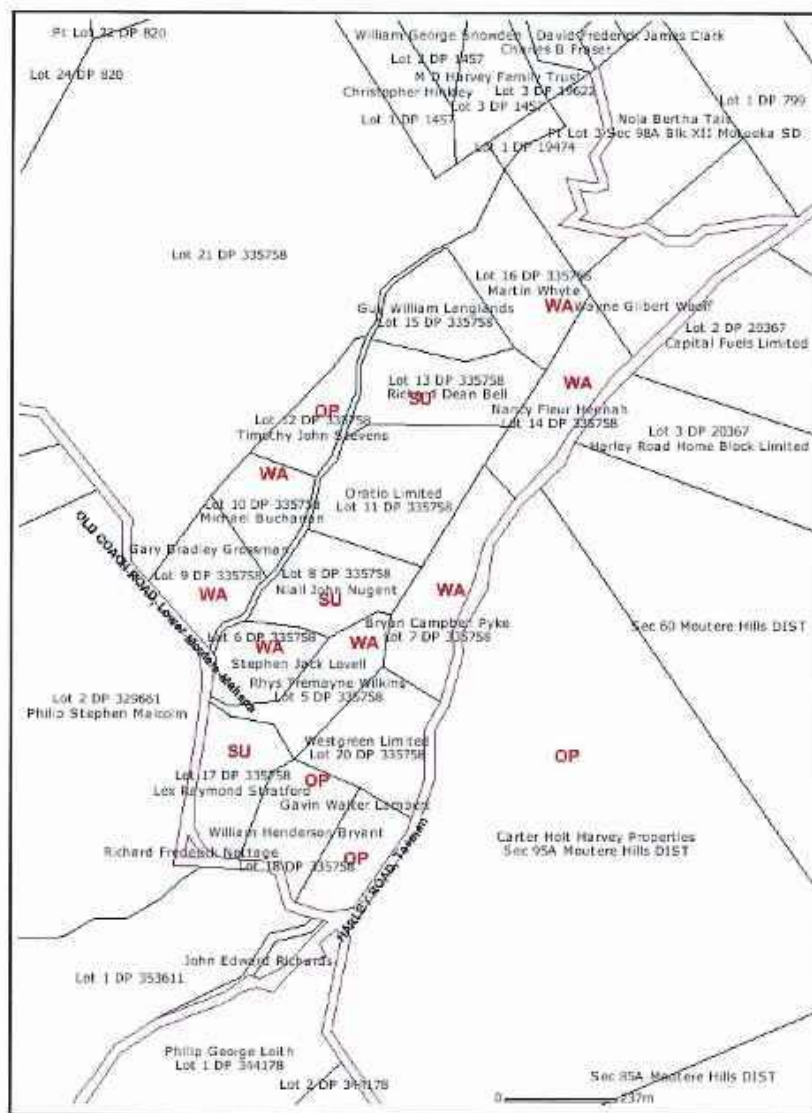
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## APPENDIX 2 Location of Submitters and Written Approvals

OP = oppose      SU = support      NE = neutral      DNI = did not indicate  
WA = written approval

Map Output

Page 1 of 2



**ExploreTasmanMap**

1/7/2008 **DISCLAIMER:**  
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<http://tsrvims-9/servlet/com.esri.esrimap.Esrimap?ServiceName=ExploreTasman&Clie...> 1/07/2008

Plus submissions from:  
Upper Moutere = OP  
Forest and Bird = DNI  
NZ Fire Service = DNI

## **LAND USE – Transport**

### 16.2.6 Discretionary Activities (Land Use)

Any land use that does not comply with the conditions for a permitted activity or the standards and terms for a controlled activity, is a discretionary activity.

A resource consent is required. Consent may be refused, or conditions imposed, only in respect of the following matters to which the Council has restricted its discretion:

### **Access and Vehicle Crossings**

1. The location and design of on-site access and vehicle crossings, including dimensions, gradient, surface standard, and any effect on the safety and efficiency of traffic on the adjoining road.
2. The need to secure registered easements for the use of an access off the site of the activity.
  - a) The adverse effects of an overlength access.
  - b) The adverse effects of an access for more than six users.
  - c) Requirements set out in any current Tasman District Council Engineering Standards.

### **Parking Areas**

3. The effects of the trip generation and demand for and supply of parking.
4. The securing of rights to use any parking off the site of the activity.
  - a) Special parking needs such as for people with disabilities, and for cyclists.
  - b) Surface standard for parking areas.
  - c) Any adverse effects from the scale or form of a parking area.

### **Roads**

5. The appropriateness and cost-effectiveness of the formation of any unformed legal road.
  - a) The location and design of any new road formation, including visibility between any intersection or property access and traffic on the road.
  - b) Determining the road hierarchy class of any new road, newly formed road, or any required upgrading of an existing road.
6. The need for and extent of any contributions towards the formation of any unformed legal road.
7. The location and design of road formation, including driving visibility and any need for improvements at intersections.

### **Traffic Effects**

8. The effects of the design of the road and its traffic flows and types on the adjoining activity.

9. The effects of traffic to, from, and within the site, on safety and amenity (including dust and noise) for occupants or users of the site and adjoining properties.
10. The potential effect of the activity on the safety and efficiency of the road network.
11. The effects of trip generation.
12. Traffic effects beyond the site, including effects on carriageway width, alignment, and intersections.
13. The ability of the site to accommodate parking, loading, manoeuvring, and access requirements.
  - a) Effects of traffic on the pleasantness and vitality of commercial centres and on the environment, in terms of noise, generation of fumes, and the safety and efficiency of the road network.

#### **Stormwater**

14. The location and design of any road, crossing, access, or parking area, and associated structures, to manage stormwater quality.

#### **Duration**

15. The duration of the consent (section 123 of the Act)."; and

#### **Review**

- a) The purpose and timing of any review of conditions of consent (section 128 of the Act).
16. Financial contributions, bonds and covenants in respect of the performance of conditions, and administrative charges (Section 108).

#### **16.3.9D Discretionary Subdivision (Rural 3 Zone)**

Subdivision in the Rural 3 Zone that does not comply with the standards and terms for a controlled activity is a discretionary activity, if it complies with the following standards and terms:

- a) Every allotment in which any building is intended to be located has a building location area shown.
- c) The subject land has not been the subject of a subdivision consent granted after 20 December 2003.
- d) The subject land is not CT 8B/1025, CT 8B/1026 or CT 11A/465, shown as Area "D" in the annotated area on the planning maps at Ruby Bay. A resource consent is required. Consent may be refused or conditions imposed, only in respect of the following matters to which the Council has restricted its discretion:
  1. The extent to which the proposed subdivision retains and protects land with actual and potential productive values.



2. The relationship between the subdivision proposed and the subsequent development, including effects of location and scale of buildings and other structures.
3. Effects on the rural landscape, on amenity values and on coastal character and values.
4. Consistency with the Design Guide for Subdivision and Development in the Coastal Tasman Area, Tasman District (refer to Part II, Appendix 3).
- 4A. The interim provision of water supply for the land to be subdivided pending the availability of Council-provided reticulated services.
- 4B. The provision for suitable on-site wastewater treatment and disposal services for dwellings likely to be constructed as a result of the subdivision, taking into account the provisions of rules 36.1.13A and 36.1.14A.
5. Provision for and protection of areas of ecological value, landscape value, indigenous vegetation, trees, and cultural heritage sites.
- 5A. Long-term legal and physical protection of identified undeveloped open space from inappropriate subdivision and development.
6. Management of natural hazards within and beyond the boundaries of the area.
7. The ability of the wider landscape to absorb the extent of development proposed without significant loss of rural character.
8. Effects of likely land contamination, such as by pesticide residues, on future activities of land.
9. Actual and potential cumulative adverse effects. V32 12/03
- 9A. The degree of compliance with Chapter 16.2 Transport rules, Chapter 18.10 Road Area rules, and any current Tasman District Council Engineering Standards.
- 9B. The relationship of any new road with existing roads, adjoining land, and any future roading requirements.
10. Bonds, covenants, and financial contributions in addition to those specified in standards, and all matters referred to in Section 220 of the Act.
11. Any other criterion in Schedule 16.3A relevant to the circumstances of the proposed subdivision.
12. Actual and potential cross-boundary effects, including reverse sensitivity of existing rural land use activities.
13. Noise exposure to the road network.

### **17.5A.6 Discretionary Activities (Building Construction or Alteration)**

Construction or alteration of a building that does not comply with the standards and terms for controlled activities is a discretionary activity, if it complies with the following standards and terms:

#### **Dwellings**

- a) No more than two dwellings may be placed on the site, except that no more than one dwelling may be placed on CT 8B/1025 within Area "D" of the Ruby Bay planning map.

#### **Services**

- b) The dwelling complies with Rule 17.5A.5(b), (c) and (d) (servicing).

#### **All buildings**

- c) The building complies with Rule 17.5A.4(k).

#### **General**

- d) If an adjoining property has horticultural plantings where pesticides may be discharged to air, any school and its grounds, early childhood education facility and its grounds, visitor accommodation, or tourist accommodation is set back at least:
  - i) 30 metres from the boundary common to the horticultural plantings and the building or grounds ; or
  - ii) 20 metres from horticultural plantings where a spray belt is established along the boundary common to the horticultural plantings and the building or grounds; or
  - iii) 30 metres from the horticultural plantings that are vineyards.

A resource consent is required. Consent may be refused, or conditions imposed, only in respect of the following matters to which the Council has restricted its discretion:

1. The location of the building on the site and the effects on the opportunity to utilise land with productive value.
2. Consistency with the Design Guide for Subdivision and Development in the Coastal Tasman Area, Tasman District (refer to Part II, Appendix 3).
- 2A. Location and effects of onsite servicing, including wastewater services, access and traffic safety.
- 2B. For workers' accommodation, effects relating to any on-site servicing.
3. Effects on the amenity values and the coastal and rural character of the area and the reverse sensitivity of existing productive activities to new residential development arising from effects across property boundaries.
- 3A. Exposure of the building to road traffic noise, including from State Highway 60 and the designated Ruby Bay Bypass, and measures to mitigate such exposure.
4. Effects of any proposed outdoor storage of goods, machinery or produce.

5. The adverse environmental effects of a higher building, including visibility on a ridgeline.
6. The circumstances leading to, or need for, an increase in height.
7. The potential for shading across property boundaries, including onto roads, from the building or any associated planting or screening structure.
8. The potential for landscaping, existing planting or topography to mitigate the effect of an increase in height or extent of buildings.
9. The adverse environmental effects of a building with reduced setbacks.
10. The influence of topography on shading.
11. The effects of natural hazards and site contamination.
12. The nature of adjoining uses, buildings and structures, and all adverse effects of closer development on these.
13. The potential for cross-boundary conflicts arising from drift of pesticides across the boundary.
14. The extent to which the proposed building would detract from the openness and rural character of the locality.
15. The extent to which the building would be compatible with existing development in the vicinity.
16. The potential for landscaping to maintain privacy for neighbours.
17. The visual impact and appropriateness of colour and materials for buildings and structures.
18. The degree to which views are obscured.
19. Any effects on natural character of water bodies and the coast.
20. Any effects on indigenous vegetation and habitats of indigenous fauna.
21. Any effects on areas of predominantly natural, coastal and rural landscape.
22. Any effects on ridgelines and hilltops.
23. For buildings and structures in or near rivers, lakes and wetlands, effects on the natural functioning of the water body, including habitat values and natural hazards.
- 23A. Any contribution of more than one dwelling on a site to cumulative adverse effects.
24. Bonds, covenants and financial contributions in addition to those specified in standards.

**RM071176 R Westenbroek, Harley Road**

**Soil and Land Productivity Report**

The application area is situated at the coastal end of the Moutere Gravel Formation. The soils present on the application area are mapped as Mapua hill soils. These soils dominate the steeper slopes in this coastal area. The sandy loam top soil is shallow with a weak structure which is easily eroded when cultivated. The underlying clays are very firm and are also subject to erosion when exposed. Parts of the blocks have been significantly modified by previous forestry and land development operations. As a consequence, topsoil is sparse in places. This will impact negatively on pastoral production but generally have minimal effect on tree crop production.

The slope of the land in the application area ranges predominantly from 5 to 18 degrees. Although this is not classed as steep and the more gentle slopes could be suitable for intensive production regimes the dissected nature of the blocks and the presence of numerous gully and ridge systems limit the practicality of establishing any intensive landuse.

The area is class E land under the Classification System for Productive Land in the Tasman District AgNZ 1994. Class E land has a very limited crop range, being intensive and extensive grazing and production forestry. To infer that it has very poor productive values as highlighted in the application report is simply not correct. Class E land covers the best of the district's hill country farming and forestry area and is very important economically to the region because of its productive values.

The existing size of the two blocks (5.5 and 8 hectares) that make up the application area will currently influence land productivity. The blocks can be classed as lifestyle blocks and generally their use is not dictated by the need of the owner to gain an income off the land. As a consequence the productive potential of lifestyle blocks is seldom realised. The existence of adjoining lifestyle blocks will also influence its productive use as some uses, for example forestry, will not be agreeable in such a situation.

Further subdivision, as proposed in this application, will possibly have a minor impact on land productivity with the loss of further land under buildings, driveways and the like however their limiting effect will be small in relation to the major limitations that already exist to productivity.

Report prepared by:

Andrew Burton  
Resource Scientist (land)

16 June 2008

**Memorandum**

Environment &amp; Planning Department

**To:** Environment & Planning Subcommittee

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

**Date:** Monday 21 July 2008

**Subject:** **RM071176 R Westenbroek – Old Coach Road, Mahana**

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The report by the principal planner outlines the proposed subdivision. This memorandum summarises the issues with respect to the proposed public access easement within the subdivision. Staff from the Community Services Department have visited the application site, considered it in the wider context and make the following recommendation. The recommendation is made without prejudice, subject to Council approving the application.

The applicant has volunteered the creation of an easement in favour of the Tasman District Council for the purpose of pedestrian access between proposed lots 4 and 5 in stage 2 of the development (See Attachment 1). This is supported by the Department as it will ultimately provide a link in a future walkway between Old Coach and Harley Road. However, in order to provide for safe pedestrian and cycle access the legal width of the easement needs to be increased to 5 metres. The Department also request a 10 metre splay in the easement where it adjoins Lot 7 and 14 DP335758. The reason for this is to enhance Council's opportunities to complete a future walkway link between Old Coach and Harley Road or the Harley Road extension on the adjoining property to the north. With respect to the existing right-of-way servicing stage 2 of the proposed subdivision, it is preferable that the right-of-way be vested as road as this will ensure public access off Old Coach Road to the proposed easement.

An alternative option of progressively working toward providing a public access easement directly from the top of the valley where it intersects with Old Coach Road, through the valley floor to Harley Road (extension) needs to be considered (See Attachment 2). However, this needs to be taken in the context of the existing and likely future walkway networks in the immediate vicinity of the site. Whilst there are obvious merits in this alternative, the area is rural and the need for walkway links within each valley floor is considered to be limited. There is an existing network of walkways created as part of the greenfield Carter Holt Harvey subdivision on the adjoining property to the south east (See Attachment 3). It is also anticipated that if/when the adjoining property to the north west (also owned by Carter Holt Harvey) is subdivided there will be a similar network of walkways created as part of that greenfield development. These networks, coupled with a competed link (as proposed) across the valley from Harley to Old Coach Road are considered to sufficient in this rural location. The acquisition and ongoing maintenance costs of an additional valley floor walkway link in this location are considered to outweigh the benefits. There is also less assurance that all the links will be able to be completed over time.

In summary the proposed public access easement is supported subject to its width being increased and a splay being provided for at its eastern most extent.

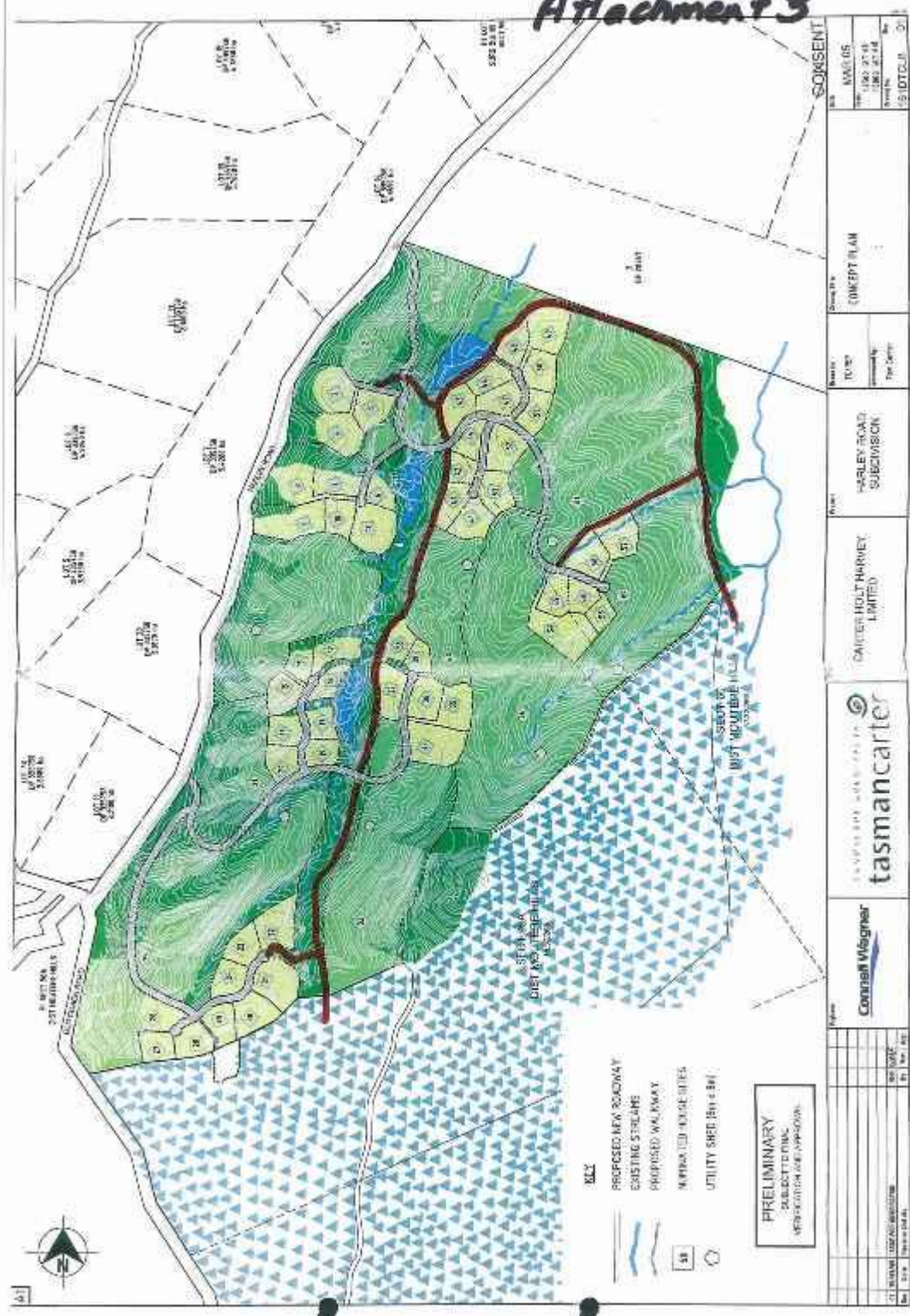
Rosalind Squire  
**Planner, Community Services**







# Attachment 3



**RM071176 R WESTENBROEK, OLD COACH ROAD/HARLEY ROAD**

Recommended Conditions

**1. Street Names and Numbers.**

a) A new street name shall be agreed by all owners of the right-of-way and submitted to Council for approval. This shall subsequently be shown on the 223 plan.

b) The street numbers allocated are:

Lot 1 – 256	Lot 2 – 258A	Lot 3 – 258	Lot 4 – 52 (new road to vest)
Lot 5 – 48 (new road to vest)	Lot 6 – 40 (new road to vest)	Lot 7 – 36 (new road to vest)	

c) The street numbers shall be shown on the engineering plans.

d) The street number for the existing house shall be changed and correctly displayed before the final title plan is approved.

e) The cost of a name plate for any new street or private way sign shall be met by the consent holder on application to Tasman District Council.

**2. Right-of-way**

f) The right-of-way shall be formed and surfaced to a minimum 4.5 metre width with stormwater control and a maximum gradient of 1-in-6. The legal width shall be 6.5 metres. Note: The minimum surfacing if less than 1-in-6 is a compacted basecourse surface.

g) The seal formation shall extend to the back of the edge of the road seal crossing.

**3. Roding**

h) The road to vest and out to the sealed formation, shall have a minimum legal width of 18.0 metres, with a sealed carriageway of 5.0 metres. A minimum 16.0 metre diameter turning head shall be formed at the north end of the road to vest.

i) A 1.4 metre footpath shall be constructed on the eastern side of the road.

j) Stormwater control, side drains and shoulders shall be installed in accordance with Tasman District Council's Engineering Standards and amendments.

k) Pavement markings and signs shall be erected at the new road and Old Coach Road intersection.

- l) The road to vest shall be constructed to a type 12 access place standard as set out in the Tasman District Council Engineering Standards.
- m) At the intersection of the road to vest and Old Coach Road the area shall be designed and constructed such that vehicles exit the new road at right angles to Old Coach Road and this may require earthworks to constrain turning movements.

Note: Batter slopes shall be included in the road to vest areas.

Note: Should the ROW not vest as road then the above design criteria will still apply within the existing legal ROW reserve area. Batter slopes shall sit within private property and items (b) and (d) can be deleted.

#### **4. Access**

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.

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

Water supply shall be via the applicant's own means.

#### **6. Stormwater**

Stormwater shall be disposed such that there is no adverse effect on properties.

#### **7. Cabling**

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

#### **8. 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.

#### **9. 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 and pedestrian lighting of the footpath.

#### **10. Engineering Certification**

- p) At the completion of works and reconstruction of the right-of-way into a road to vest, a suitably experienced chartered professional engineer or surveyor shall provide

Council with written certification that the works have been constructed to the standards required.

- q) 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.
- r) 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.

## **11. Easements**

Easements/easements in gross shall be shown on the survey plan if required by Council.

## **12. 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.

## **13. 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.

Dugald Ley  
**Development Engineer**

**TO:** Environment & Planning Subcommittee  
**FROM:** Deborah Hewett  
**REFERENCE:** RM071176  
**SUBJECT:** Landscape Assessment Westenbroek Subdivision

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## **1. BACKGROUND**

My name is Deborah Hewett. I am employed by the Tasman District Council as a Policy Planner. I hold the qualification of Bachelor of Landscape Architecture (Hons) and Masters of Applied Science in Resource Management.

I have read the application and visited the site on several occasions. I am familiar with the area in general and the Plan provisions for the Rural 3 zone.

I have assessed the application against relevant PTRMP provisions, effects on rural character, landscape and amenity values, and reviewed the Landscape Report prepared by Landscape Architect Rory Langbridge (Attachment 3 in the application).

## **2. THE PROPOSED DEVELOPMENT**

The application seeks to subdivide Lot 11 DP 335758 into proposed lots 4, 5, 6 and 7 and Lot 20 DP 335758 into proposed lots 1, 2, and 3 and to identify building location areas and access to those allotments. The subdivision proposes five additional allotments between the two sites within an existing 16 lot subdivision created in 2004 (RM020506).

Revegetation and amenity planting is also proposed as part of the application.

The applications sites are located in the Rural 3 zone.

## **3. THE ENVIRONMENT**

The broader site was described by Mr Langbridge in his report "Landscape Consideration and Design Guidelines for Harley Road Subdivision – Tasman.

In short the valley is flanked by a main ridge line – Old Coach Road and two secondary ridges defined by Harley Road and the road to the west serving allotments within the valley. The south side of the valley is narrower and steeper than the north, which is more undulating and broken by spurs and swales. A central water tributary in the base of the valley feeds a wetland system, supported by minor tributaries extending down the valley sides. These elements along with the gullies and spurs form the main landform components of the site. Vegetation is sparse with the existing plantation forest having been clear felled, with the exception of gorse, wilding pines and some native species within the central stream tributary.

There are distant views to and from Moutere Inlet, State Highway 60, and Kina Peninsula with much more immediate views from Old Coach Road and Harley Road.

In a broader context this valley forms part of a wider landscape setting containing four well defined valley systems with defining ridges between each valley bounded by Old Coach Road on the inland side, the northern boundary of the Rural 3 zone, the Rural 3 boundary on the seaward side and Harley Road on the southern side. Adjacent immediately to the south of Harley Road is a further well defined valley system that has consent for a 61 lot Rural 3 cluster development but is not yet developed (RM050281).

The rural character of the valley, which is the subject of this application, is predominantly defined by its landform (and limited vegetation cover) described above but is also defined by cultural patterns with the most predominant being allotments varying in size from 2.8 to 8.1 hectares and similarly sized and spaced building location areas between allotments, the presence of very visible buildings and associated earthworks.

#### **4. EFFECTS – LANDSCAPE, RURAL CHARACTER AND ECOLOGICAL VALUES**

I have identified the main effects of the proposal from a landscape assessment as:

- Visual effects
- Density and rural character fragmentation effects
- Ecological effects

These need to be considered within the context of the receiving environment, the absorption capacity of the receiving environment and the ability of the proposal to fit appropriately within the landscape. Mitigation measures proposed as part of the application are also part of that overall consideration.

##### **4.1 Visual Effects**

In this context the reference point is the catchment visible from the development. This extends to the Moutere Inlet, SH 60, Kina Peninsula, the adjacent valley, Harley Road and Old Coach Road. I concur with Mr Landbridge (p2) that the visibility of the site from the coastal area is limited and not highly visible and I do not discuss this further.

##### **4.1.1 Capacity to absorb development**

The valley is relatively self contained within ridgelines that form the perimeter, with distant views to State Highway 60 and Kina Peninsula to the north east (and possibly the proposed Ruby Bay bypass). Harley Road and Old Coach Road form the main public viewing points within this valley and as such are considered to be the most significant viewpoints for assessment. The valley catchment is especially visible when viewed from both of these locations in the vicinity of Lots 11 and 20. There is very little natural vegetation present, and planted vegetation from recent development is at an early stage, most noticeable as perimeter plantings along Old Coach Road. Built development within the valley is extremely visible, a consequence of the location, height, and design of the built form.

Existing sites within the valley also have views that are affected to varying degrees by the proposed development. Assessment of these only relates to lots where submitters raise visual effects and privacy as a concern, however I do comment on this context more broadly within the proposed developments and as a matter of discretion.

Lot 11 DP 335758 is the most visible of the allotments proposed for development, particularly from Harley Road travelling south to Old Coach Road. The following factors contribute to this:

- Slope direction and associated wide interface presented to Harley Road
- Closer viewing distance approx. 300 metres (Lot 5 & 6) and approx. 220 metres (Lots 4 & 7) from Harley Road (at boundary between Lots 7 and 14 as the crow flies)
- Presence of reduced distances between proposed building platforms (dwellings) compared with the original subdivision spacing and thus buildings in close proximity to one another increasing the density and visual presence of built form
- Presence of building platforms higher up the site and on spurs (proposed Lots 5 and 6)
- Small scale and shallow landform features within which to nestle buildings
- Lack of existing and large scale vegetation on the site

**Lot 20, presents a different set of considerations. It is less visible than Lot 11 from Harley Road travelling south towards Old Coach Road but more visible from the Old Coach Road intersection although recent road re-construction may alter this. The following factors contribute to this:**

- Location near the head of the valley comprises a more narrow, small scale and varied landform generally constraining internal views from a significant portion of Harley Road and Old Coach Road (existing developments also provides screening)
- Building location area (dwelling) of proposed Lot 1 located close to Harley Road and Lot 7 increasing prominence and visual presence of built form
- Lack of large scale vegetation on the site within which to absorb proposed Lots 1 and 3 building location areas

The nature of Lot 11 in particular, makes it difficult to intensify development without visual impacts. The scale and nature of the landforms used to locate built form are both small scale and prominent and buildings will be visible from both within and outside the site.

I have reservations as to whether the framework plantings would reduce the effects significantly due to the location of built form, earthworks, and plantings, particularly on Lot 11, and the desire of landowners to retain views towards the Inlet. My feeling is that subdivision and development on Lot 11 will be prominent, regardless of proposed mitigation measures. However, the location of deciduous and evergreen amenity plantings in combination with other proposed mitigation measures (building design, height and colour) would certainly have an influence on the ability of dwellings to fit within the landscape.

In terms of internal views those of Lot 1 (within existing Lot 20) appear to be compromised with the proposed dwelling facing almost directly in line with the existing neighbouring dwelling on allotment Lot 7 DP 335758.

#### **4.1.2 Landscape Report**

With reference to the landscape report prepared for the existing subdivision Mr Langbridge still considers the following statement to hold today:

*“When viewed locally from Harley Road, the recent clearing of most of the vegetation from the site has left the majority of the site very exposed to Harley Road and as a result the absorption capacity of the site in the short term is very low.”*

I concur with this view except with reference to the “short term”. The existing subdivision was granted some four years ago and has yet to show signs of significant progress towards mitigating any visual effects identified at that time. Timeframes associated with subdivision often mean that adverse effects can remain a reality for a lengthy period of time unless there are conditions associated with 223 or 224 certification to ameliorate effects and they are enforced. With interest I note building height and building area location as significant contributors to this adverse effect and in my opinion planting is unlikely to adequately mitigate these effects.

Page 5 of the Landscape Report also acknowledges that the new house sites are within the principal view corridor of sites located further up the valley and has identified that in all instances (my emphasis), the complex view plane covenants established for the original subdivision have been respected. I have taken this statement and the digital terrain model regarding building heights and views within the site at face value in the absence of any methodology and disclosed limitations provided in the application. However, I do comment on this further in section 7.3.

The report also notes, on page 6, a planting restriction placed within proposed Lot 7 to prevent any potential impact that trees may have on the views from existing Lot 8. Plan RO3 shows a planting height restriction of 1 metre presumably only along a portion of the adjoining boundary, although this is not clear and should be clarified. In contrast Plan L1 identifies specimen trees and screen plantings along the length of this same boundary which indicates plantings higher than 1 metre. I would be concerned if the intention was to restrict all plantings to 1 metre.

The restriction is not included as part of the conditions of consent so would presumably be an agreement between landowners outside the ambit of the resource consent. I take it this was intentional.

#### **4.2 Density and Rural Character Fragmentation Effects**

The pattern of subdivision proposed on Lot 11 and Lot 20 would increase the density of development in respect to what is presently consented within the Harley Road block as a whole and within those particular sites. Of itself this may not be a matter of concern given the zone framework (discussed in section 5) but the question arises as to whether the density of development adversely impacts landscape, rural character and amenity values and if so to what degree.



The use of clustering aims to maintain typical distances between existing buildings to provide a cohesive pattern of development. The application of this technique can be observed in the Carter Holt Harvey subdivision opposite in Harley Road. For the most part even the 10 larger allotments, providing the rural character and open space component, have dwellings co-located similar distances to existing dwellings within the clusters. This enables the open space to read as a cohesive unit with the absence of buildings scattered throughout the landscape.

In terms of this proposal, the application of this technique to the existing pattern of development and open view of the valley as presented from Harley Road considerably reduces the typical distances between the existing and new development and in my view reduces the openness and legibility of the valley. The main natural features; spurs and tributary catchments would read as a less coherent whole because they are interrupted by buildings and boundaries.

In this case, it may be more appropriate to imitate the existing pattern of development by providing a lower average density to maintain the rural and landscape character because of the visibility of the wider west valley face visible from Harley Road and pattern of development. This would also retain the relative separation distance between buildings.

In my opinion the number of lots should be reduced for both Lot 11 and 20, in particular proposed Lot 1 (existing Lot 20) should be removed and proposed Lot 5 and 6 (existing Lot 20) should be removed. This would complement the existing pattern of development and assist with reducing visual effects associated with built development.

#### **4.2.1 Landscape Report**

Mr Langbridge has expressed the view that there are difficulties retrofitting new development contemplated by the Rural 3 zone into the existing subdivision. He has subsequently set out two propositions for potential development of the existing subdivision with the first (Plan A) described as a cluster approach (more concentrated groupings of allotments) and the second (Plan B) described as a farm park approach (more uniform lower density of development) and the preference being the latter on the basis of the relatively uniform layout of what exists. This exercise seems to have been undertaken as a result of other landowners expressing an interest in future subdivision.

I am not persuaded that I have to follow (or review) Mr Langbridge's approach in attempting to identify future scenarios within which this develop will sit – a hypothetical proposition. There are many such possible scenarios which could yield entirely different landscape impacts. The design guide is intended to apply on a case-by-case basis for each consent application. In an ideal situation that would encompass the larger area but this is not the case in front of the Committee or myself to consider. In any event I would have some reservations about the propositions put forward as possible scenarios.

However, in general I concur with the principle of a more uniform lower density approach based on the existing pattern of development, particularly in high visibility areas and for the maintenance of amenity values and the rural character of this

valley. The appropriateness and effectiveness of this however, lies in the overall design.

The density analysis set out on page 4, paragraph 4 of Mr Langbridge's report is incorrectly applied in terms of the Tasman Resource Management Plan's provisions for the Coastal Tasman Area. This is addressed in section 7.1 and 7.2 of my report. Similarly as noted, Rural 3 principles are not based on a lot yield; they are likely to vary considerably as a consequence of site-specific features and attributes and according to the context of the site.

A lot of weight has been applied to the vegetation structure and its long term potential to absorb development. I have some reservations about the potential to achieve this based on the slope of the site (Lot 11), the close proximity to Harley Road (Lot 20), the degree of plantings proposed, and the height and sequence of plantings when viewed from Harley Road.

A couple of submitters have raised density and rural character issues based on the context of the existing subdivision summarised as:

- Mismatch of proposed higher density rural development compared with existing 4 hectare blocks, incompatible with larger blocks
- Adverse change in character of the subdivision as a consequence of increased density and smaller lots, like the spread out nature of the development
- Reduced quality of life and potential conflicts, smaller lots attract people with different expectations

#### **4.3 Proposed Mitigation Measures for Adverse Visual and Density Effects**

Mitigation measures as part of the proposal relevant to adverse visual and density effects relate to planting, building height, building location and earthworks. These are summarised below and discussed further under subheadings as necessary:

##### **Buildings**

- Building location areas limited to 20 m by 35 m (oval shape), oriented to views and blend into the natural contour
- Proposed building height 5.0 metres above natural ground level for Lot 7, and 5.5 metres above natural ground level for Lots 1-6 (natural ground level not specifically stated)
- Recessive building colours and non-reflective finishes
- Water tanks to be incorporated into structure of building, buried or screened

##### **Plantings**

- Revegetation of stream and gully tributaries – native species suitable to the location
- Amenity and specimen plantings
- Planting plans and covenants

## Earthworks

- Cut batters reduced
- Cut/fill quantities to balance except Lot 4

### 4.3.1 Revegetation Plantings (undertaken by developer)

The application seeks to revegetate the gully slopes that are presently clothed in gorse and wilding pine trees and re-establish a plant community that reflects the Lowland forest type that would have historically occupied these sites.

The Indigenous Ecosystems of Tasman District show the site located within the Moutere Downlands – Hill Country.. This area covers extensive hill country between Waimea and Motueka Plains. The original vegetation is noted as Podocarp-mixed beech forest; Coastal shrublands; Swamp forest in gullies and hollows and on gentle toe-slopes. A native plant restoration list has been prepared for this area identifying plant species, site preferences, planting suitability, height, food type provided for birds and lizards. This list is available on the Tasman District Council's website and is attached to this report. The list provides a broader choice of plants than the revegetation list identified by Mr Langbridge in Appendix C, although there may be rationale for a restricted list. In any event the list provided by Mr Langbridge is appropriate for revegetation in this locality.

To ensure appropriate planting within the area identified for revegetation I am of the opinion that a cross section of the sequence of revegetation planting needs to accompany the planting plan. In addition, appropriate spacing of plants would need to be identified to ensure that weed species do not dominate and suppress future plantings.

Existing covenants are also in place that addresses planting of the covenanted wetland area. Some of the proposed revegetation planting lies within this covenanted area. I am not sure whether there are any issues arising from this overlap.

In my view the lack of an overarching legal mechanism to deal with the proposed revegetation areas as a whole, including planting and ongoing maintenance is a limitation. They are not contained within one title and recognised as a combined responsibility through a management agreement. Instead it relies on individual landowners taking responsibility rather than being self managed through a combined management agreement. It certainly makes ensuring compliance with conditions more onerous from a Council perspective and not so efficient an approach to providing continuity in planting or maintenance of the plantings.

### 4.3.2 Amenity Plantings (undertaken by future owners)

The application proposes a mix of native and exotic trees within the sites and notes that trees will be mostly, but not exclusively selected from Appendix C.

In my opinion there needs to be a specific planting plan that identifies tree and plant species in particular locations of the site referenced on Sheets L1 and L2. The reason for this is to provide some guidance in respect of height of species relative to adverse effects associated with potential shading and other nuisance effects and importantly to create a landscape framework and setting. The area is noted as being

difficult to establish plants so some assistance in matching groupings of plants to particular locations within the site would in my view assist future landowners. There needs to be some framework and logic to the planting on the site that goes further than a species list that can be applied adhoc to coloured areas and symbols on a plan. I do not get a sense of the planting theme from the plans. I appreciate that this may be something to be addressed at a later stage and have noted that there are proposed conditions around the preparation of more detailed landscape plans separate from the landscape report. Looking at the extent of planting my feeling is that it is reasonably sparse and not located in a way that would assist with the visual absorption of buildings into the environment especially when viewed from Harley Road.

The text identifies amenity plantings but does not identify species for proposed specimen trees and screen planting. Clarification is required on this matter. This would be clear if the planting plans identified the species and location.

I note that amenity plantings are also considered to be structural plantings and to my mind where there would not be any interference from machinery and equipment associated with building construction then they should also be planted early (prior to building consent and as part of s224) to provide that framework.

Appendix C identifies that proposed revegetation plantings will be undertaken by the developer and amenity plantings (appears to include specimen trees) will be undertaken by future land owners. Plan L1 and L2 shows the specimen trees and screen planting separately on the legend but does not identify who the responsibility lays with (the developer or the future land owner). This should be made clear on the plans to avoid confusion.

My review of the landscaping conditions proposed by the applicant suggests that the matter relating to responsibility associated with planting and subsequent maintenance is not adequately reflected in the conditions. A generic condition has been posed to deal with both matters.

Concerns about amenity plant species expressed by two submitters relate to nuisance and health effects of wind borne seeds and pollen. Italian Alder, Red Alder, Ash species, Silver Birch and Liquidamber are proposed amenity plants sought to be removed from the planting list. I acknowledge these effects but do not consider them significant in a rural environment with a low population density. Previous forestry plantings were also significant pollen generators and generators of wilding trees but still considered appropriate to the rural environment. Alders are valuable species in wet conditions while the other species identified provide considerable amenity presence as specimen trees or groups of trees. The selection of species for exotic plantings is really a matter of preference and the design guide offers no view on appropriate exotic plant species for the Coastal Tasman Area. However, I note that those selected for the CHH amenity plantings are quite different to those selected for this subdivision.

To my mind the more significant matter is really one of providing some continuity in planting themes to link allotments within the existing subdivision and within the four valleys contained within this sub unit. The nature of this proposal (2 lots of 16 lots) makes that a very difficult proposition in respect of the existing subdivision. One

could however argue that the four valleys are discrete and not viewed together so the importance of this may be somewhat reduced.

### **Appropriateness of development**

Overall, the proposed mitigation measures provide positive aspects to assist with the fit of built development within the landscape through building controls and enhancing natural values through revegetation and amenity plantings.

My concerns relate to the ability of the proposal to fit within the landscape mostly in a visual capacity but also in a way that maintains or enhances the rural character and amenity values in the context of the existing environment.

The planting component is perhaps the single largest measure to add value to the existing environment. While I recognise that there is an existing covenant in place, the area of this is reasonably constrained in width and size to be of significant value by itself. The proposal goes further to bolster revegetation planting and adds natural value to the existing landscape. However, in the absence of any formal protection, such as a covenant associated with all allotments within the proposal, I believe there is the potential that the added value would not be realised, particularly on an ongoing basis and any natural and visual benefits would be compromised.

The location, height, bulk and colour of buildings are contributors to adverse visual effects, associated with both internal and external views and the coherence of the landforms or the way they read as a unit. My view is that the landform of itself is reasonably constrained in accommodating additional buildings inconspicuously due to the shallow spurs and gullies within the allotments. On the proposed allotments within Lot 11 and Lot 20 buildings have been sited reasonably high up the face of the site and on spurs compounding this effect. The building platforms to be created will all but remove most of the landforms and modify the gully areas. However, I do acknowledge the benefits associated with revegetation planting reinforcing the legibility of these natural landform elements.

## **5. TASMAN RESOURCE MANAGEMENT PLAN FRAMEWORK**

In my assessment of the landscape, rural character and amenity values of the application I am guided by the purpose and provisions of the Rural 3 zone, and associated landscape and site amenity provisions in the Plan.

In summary this is a zone within which residential development is not only expected but is to be enabled on a case-by-case basis through the resource consent process. On that basis my assessment of the landscape impacts is focused on identifying whether there are significant adverse impacts within the setting of the application sites.

It is helpful to reflect on the Plans approach to development in the Rural 3 zone. I have set out the provisions relevant to my landscape assessment in the following paragraphs.

I have only addressed those Plan provisions that relate to landscape and rural character and amenity values. The reporting officer will address other relevant plan provisions.

## 5.1 Rural Environment Provisions – Chapter 7

The Rural 3 zone does provide for more intensive and comprehensively designed subdivision and development of a “rural residential” nature within the rural environment encompassed by that zone framework. The purpose of the zone being to cater for demand in rural residential development opportunities close to the coast, townships and main transport corridors, thereby reducing pressure for such development in other rural locations, particularly the Rural 1 zone.

The rider for development within this zone is sensitively located and designed subdivision and land use to maintain and enhance the qualities and values of the area including productive values, rural character and amenity values, coastal character, ecological and cultural values, and appropriately managed stormwater and wastewater discharges. In most cases there is likely to be some balancing of both values and development potential in achieving an appropriate response.

Cluster development has been identified as an appropriate form of development as has farm park development in some situations and locations (my emphasis) to give effect to the outcomes sought for the zone. Neither of these terms is defined within the TRMP. A desktop review suggests the farm park concept allows the creation of a number of residential sites within a rural area, (residential) farm park, but retains a significant balance area to be operated as a working farm and usually owned by an ‘Incorporated Society’ comprised of all the residents (Hastings District Plan). This is not the case with this subdivision or the hypothetical model presented by Mr Langbridge as a Farm Park concept for the existing subdivision.

It should be however, be noted that there is no one fit scenario and not all sites will be appropriate for development.

In this context the character and landscapes of the Rural 3 zone are expected to undergo a degree of transformation as a result of increased residential use and development, but no net loss of values. 7/41.

The purpose of the zone has been gleaned from text within the TRMP quoted below:

*The purpose of the Rural 3 zone is “to accommodate a level of residential development through a framework that provides for restricted discretionary subdivision and controlled residential development, and that recognises and protects the more productive land....” (7.1.20(a), p7/3).*

“This area has been identified as suitable for further development through the provision of specific subdivision and development opportunities, while retaining the land of highest productive values. In this area innovative and sustainable proposals for subdivision which can accommodate additional residential development will be evaluated as restricted discretionary activities and design guidelines will apply.” (7.1.30, p7/4).

Objective 7.2.0 identifies “*Provision of opportunities to use rural land for activities other than soil-based production including.....rural residential activities in restricted locations, while avoiding the land of high productive value.*” (p7/5). I note that the relevant matters in this report to which regard is to be had identified (c) *outstanding natural features and landscapes, and the coastal environment*. Anything less than “outstanding” does not appear to be a relevant consideration under this objective. I note that the ‘Tasman District Coastal Landscape Character Assessment’ 2005 did not suggest that the location subject to this application could be considered as an outstanding landscape.

*“The Rural 3 zone has been introduced to the Plan to meet the demand for residential living in a rural context in an area close to main urban centres, transport routes and the coast. Lying within the Coastal Tasman Area, development in the area is subject to specific policies, and is intended to absorb and thus reduce pressure for rural residential and residential subdivision in other rural parts of the District, particularly Rural 1 areas and other areas of high landscape and rural character values.” (7.2.20(a). p7/6).*

*“In this area, residential development proposals will be evaluated through consent processes in terms of their effects on landscape, productive, amenity and other values including, natural and cultural values....., and cumulative effects. Design guide objectives and guidelines provide criteria for the evaluation of specific proposals (7.3.0, p7/7)*

My understanding is that the productivity value is somewhat limited and not a significant factor for consideration in this subdivision application.

### **Coastal Tasman Area**

The Coastal Tasman Area is a subset of the Rural Environment provisions and needs to be read in conjunction with Objectives in this Chapter (7) and in Chapters 5 (Site Amenity Effects) and 8 Margins of Rivers, Lakes, Wetlands, and the Coast and Objectives 9.2.0 (Landscape).

*“To identify an area (Rural 3 zone) within the Coastal Tasman Area within which rural residential and residential development is enabled while avoiding, remedying, and mitigating adverse effects on the environment” (Policy 7.2A.1, p7/8).*

*“The Rural 3 zone covers part of the Coastal Tasman Area. Land in these zones is close to population centres, and has been identified as being not only attractive to residential development but also with a rural landscape character and qualities which are able to absorb a level of such development more readily than most other rural parts of the District” (7.3.20(a), p 7/13)*

*“The Rural 3 zone is an area where development is expected to take place within the years 2004 to 2024” (7.2A.30(a)(i), p 7/10)*

“Because of the variety of rural character and landscape types in the District’s rural areas, derived from natural features overlain by decades of cultural change, effects on rural character and amenity values beyond those provided in the Plan’s rules, need to be assessed on a case-by-case basis in a local or sometimes regional context. *As a result of zoning and decision-making on specific applications ....the character and landscapes of the Rural 3 zone is expected to undergo a degree of transformation as a result of increased residential use and development, but no net loss of values.*” The amenity values of all rural zones are expected to be maintained, enhanced or protected to a reasonable level by the application of the rules and other management methods in the Plan (7.3.30, p 7/14)

## **5.2 Landscape Provisions – Chapter 9**

Objective 9.20 seeks – “Retention of the contribution of rural landscapes make to the amenity values and environmental qualities of the District, and protection of those values from inappropriate subdivision and development.”

Relevant policies include the following:

- 9.2.1 To integrate consideration of rural landscape values into any evaluation of proposals for more intensive subdivision and development than the plan permits.

- 9.2.2 Where relevant, to require proposals in rural areas for more intensive subdivision and development than the Plan permits, to demonstrate consistency with design guides
- 9.2.3 To retain the rural characteristics of the landscape within rural areas
- 9.2.4 To encourage landscape enhancement and mitigation of changes through landscape analysis, subdivision design, planting proposals, careful siting of structures and other methods, throughout rural areas
- 9.2.5 To evaluate, and to avoid, remedy or mitigate cumulative adverse effects of development on landscape values within rural areas.

The matters I have raised relate mostly to visual dominance, density of built form and landscape fit.

In as much as is possible with individual sites the design guide has been applied, but the comprehensive design aspect anticipated by the design guide for this landscape unit and individual valley is not possible when dealing with two sites in isolation of the rest of the existing development. The proposal has considered rural landscape values based around the existing subdivision and visual effects; however I am of the opinion the density of development and spacing of buildings could do better to reflect the character of the existing development. In this case the removal of some allotments is proposed.

Landscape enhancement is proposed, and as part of the mitigation of effects. In terms of the siting of buildings and access I consider that the landform and visibility of the sites make this problematic. Part of the rural characteristic of this landscape is the larger allotments and separation between buildings which enables the valley to read as whole. The proposal results in reduced separation between buildings and potential dominance of buildings and accesses.

The hypothetical proposal was an attempt to provide some sense to the proposal and to evaluate the point beyond which, I assume, that Mr Langbridge felt cumulative effects of subdivision and built development on landscape values in this valley would become significant. However, the effects of this proposition are not able to be fully seen in context and cannot be evaluated as part of this proposal.

I do not anticipate this proposal giving rise to cumulative effects.

### **5.3 Site Amenity Provisions – Chapter 5**

The most relevant amenity matters within this Chapter to the proposal are visual, open space, and privacy:

Objective 5.2.0 maintenance and enhancement of amenity values on site and within communities throughout the District

Policy 5.2.1 To maintain privacy in residential properties, and for rural dwelling sites



Policy 5.2.13 To limit lighting of rural and residential subdivisions and development...to that which is necessary for safety and security, including public safety and security.

Objective 5.3.0 maintenance and enhancement of the special visual and aesthetic character of localities

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

Site amenity provisions have been considered and addressed as part of the proposal. There has been considerable effort in identifying the effects of views from surrounding properties in relation to the locations and height of proposed buildings through the use of photographs and simulation models and volunteering conditions to mitigate some of these effects where possible.

Concerns have been expressed by submitters regarding privacy for rural dwelling sites, the loss of open space value with more intensive development and visual effects with increased development.

I have not considered lighting but would suggest this should be low key on both upgraded roads, access, and where associated with built development.

#### **5.4 Margins of Rivers, Lakes, Wetlands and the Coast – Chapter 8**

Objective 8.2.0 seeks to encourage the:

“Maintenance and enhancement of the natural character of the margins of lakes, rivers, wetlands and the coast, and the protection of that character from adverse effects of subdivision and development or maintenance of land or other resources, including effects on landform, vegetation, habitats, ecosystems and natural processes.”

The proposal includes the revegetation of a riparian area and tributaries, including its management. To this end it meets this objective and adds value to the existing environment. I would add that the long term management proposal may not allow for continuity across sites given the default of responsibility to individual landowners. This may reduce the long term effectiveness of revegetation.

### **6. TRMP MATTERS OF RESTRICTED DISCRETION – ASSESSMENT**

My assessment has been prepared based on the matters of restricted discretion identified in the TRMP relevant to landscape issues. Of the 11 matters of restricted discretion 5 are considered most relevant to this landscape assessment and these are listed and discussed under topic areas below:

#### **6.1 Rural and landscape character and amenity values**

- (2) The relationship between the subdivision proposed and the subsequent development, including effects of location and scale of buildings and other structures
- (3) Effects on the rural landscape, on amenity values and on coastal character and values

- (7) The ability of the wider landscape to absorb the extent of development proposed without significant loss of rural character

There is a change in the relationship with the existing development and this is likely to be the case with any subsequent development. The preference of the proposal is to recognise the existing pattern of development with a lower density of development and spacing between buildings. Due to the visibility of the sites, particularly Lot 11 I would propose a reduced density of development to reduce the visual dominance of buildings. Privacy has also been raised as an issue by the adjacent owner of Lot 13 with the likely consequence of boundary planting to retain privacy.

There are effects on the rural landscape in terms of subdivision and increased built development not associated with rural land use activities generally seen in the domestication of the rural environment and dominance of dwellings, and on amenity values with increased night lighting and noise associated with new development. Given the purpose of the Rural 3 zone it is anticipated these effects will occur to some degree. In this case I have suggested a reduced density of allotments in relation to effects on the rural landscape and to provide some continuity with the existing development.

While the Landscape Unit lies within the Coastal Tasman Area I am of the opinion that effects associated with the proposal in respect of coastal character would be no more than minor given the distance of the site from the Moutere Inlet and the brief glimpses observed from the Coastal Highway and Kina Peninsula.

The wider Rural 3 landscape in this vicinity is in a state of transition with significant areas of land being removed from forest production. Within the immediate locality this transformation has continued with the establishment of new rural residential type developments on both the north and south sides of Harley Road (the latter under the Rural 3 provisions and yet to be developed). The full extent of this transformation physically or visually has not yet been realised in the immediate locality. In landscape and rural character terms there is a significant change likely to occur over an extended period of time. There is no doubt the outcome will be a modified rural character.

Rural Character has the corresponding meaning in the TRMP:

*Rural character means the character of the land as shown by the predominance of rural productive activities and includes:*

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

I do not find this definition overly helpful given most of the matters relate to productive activities or land use which do not apply in the case of this proposal. Relevant matters to this application are (a) and (d), and I am of the opinion that the proposal meets these in the context of the Rural 3 zone provisions. Mr Langbridge has demonstrated this by the ratio of developed area to open space and density calculations (page 9). Low population density is a relative term and even in the context of the existing subdivision the population density from the proposal would be considered low. There would not be a significant loss of rural character.

The flipside of the application of this definition could be, that with the exception of (a) and (d) the subdivision does not maintain a predominant rural character. However, given the purpose of the Rural 3 zone, the nature and limitations of the existing subdivision and topography that would to my mind be an unreasonable application of this meaning.

## **6.2 Coastal Tasman Area Subdivision and Development Design Guide**

(4) Consistency with the Design Guide for Subdivision and Development in the Coastal Tasman Area, Tasman District (refer Part II, Appendix 3)

The purpose of the design guide is to:

- promote and encourage well designed and innovative developments in the Rural 3 zone, which will retain the overall rural and coastal values and on-going opportunities to utilise land of high productive and minimise adverse environmental effects on rural land
- assist applicants in designing subdivision and development proposals that are consistent with objectives and policies
- provide an assessment tool to demonstrate that proposals for subdivision and development are consistent with the process (Chapter 2) and with the guidelines (Chapter 3)

In terms of the consistency with the design guide process my comments are based on observations from the application and landscape report only in respect of the landscape matters.

To the degree that it is possible in the context of the existing sites the proposal has applied the process of the design guide and has addressed design guide matters. The difficulty in dealing with only 2 sites out of a possible 16 is a limiting factor and does not enable the comprehensive planning that is envisaged by the design guide or for Sub Unit 2B. This does run the risk of an inappropriate and less coherent mix of development (allotment sizes and locations) within this valley.

My approach to applying the design guide for this assessment is to identify key issues arising from the proposal rather than confirming consistency/inconsistency with every design guide point. The key issues I have identified on Lots 11 and 20 in my assessment of the proposal for both the design guide and the site in the context of Harley Road North Landscape Unit 2B are:

- visual prominence of built development viewed from Harley Road/Old Coach Road
- increased built density on proposed allotments relative to existing development
- a reduction in the separation distance between dwellings
- Deferral of amenity plantings until construction of buildings
- Generic conditions for landscaping

In my opinion modified mitigation measures can address some of these matters, but I have also proposed a reduced number of allotments on Lot 11 and Lot 20.

### **6.3 Provision and Protection of Ecological Areas, Open Space**

- (5) Provision for and protection of areas of ecological value, landscape value, indigenous vegetation, trees and cultural heritage sites
- (5A) Long term legal and physical protection of identified undeveloped open space from inappropriate subdivision and development

The application builds on the existing covenanted wetland area conditions by proposing volunteered conditions around the timeframe for revegetation planting to be undertaken by the Developer, ahead of built development occurring, and the retention of the responsibility for ongoing maintenance for a period of three years beyond the land being on-sold. After this period the responsibility falls to the landowner.

The proposed revegetation adjoining the covenanted area (Lot 11) and the minor tributaries and gullies (Lots 11 and 20) provides important movement corridors for avifauna and invertebrates. They also play an important role in establishing a landscape framework and have been identified by Mr Langbridge as important to providing visual absorption capacity to built development. In my view these areas should be covenanted.

## **7. OTHER MATTERS ARISING FROM THE LANDSCAPE REPORT**

I have selected the points I feel require clarification and caution when assessing the matters presented at face value within the Landscape Report.

### **7.1 Purpose of the Rural 3 Zone**

With reference to Mr Langbridge's opinion (p4) that *"the existing layout [size of the sections] represents what was specifically being countered by the introduction of the rural 3 concept, that is to avoid the creation of large non-productive lots that are difficult and costly to manage or convert into a more intense land use pattern, with the result that they tend to 'farm gorse'"*

This is an inaccurate view of the purpose of the Rural 3 zone. The TRMP does not specify minimum or maximum lot sizes for developments rather a comprehensively designed approach to any subdivision and development proposal to maintain, enhance or protect location specific values in accordance with a design guide.

## 7.2 Ratio of Open Space to Development

Policy 7.2A.8 identifies the application of the ratio of open space [for productive, conservation or amenity purposes] (25%) to developed area (75%) is to be considered across the total area of both the Rural 3 zone and the Waimea Inlet Rural Residential zone rather than on a site or application basis as proposed by Mr Langbridge. The comparison, “*where the guidelines for rural 3 lots or development vs. open space was around 25%*” (p4), 4% developed area for the existing subdivision compared to a possible 25% developed area is not to my mind a relevant or accurate consideration given the policy context and the purpose of the zone. The pattern of development and open space will be different for each Rural 3 application in response to the values associated with the site and the vision for the development. It could be equally possible that the density would be higher or the same as that established.

These comments also apply to the rationale regarding density on page 9 of the landscape report.

## 7.3 Photographs and Visual Simulations

A series of panoramic photographs has been provided with the application identifying the location of existing and proposed buildings. Accompanying these is a series of simulated views of the bulk, height and location. While very useful and necessary in providing a contextual overview, I find these somewhat misleading in actual representation of the location and visibility of buildings.

My observation of the photographs is that they significantly understate the viewing distance pushing elements further back into the landscape. This is particularly evident for Lot 11 when viewed from Harley Road arguably the most visible of the application lots. The natural eye perception of this particular view was more prominent than shown in the photographs.

I have been advised that the images have been taken using a 50mm lens, the accepted standard identified by NZILA. The issue may have arisen as a consequence of producing the montage. In any event I would simply caution the committee in relying solely on these images; a site visit would provide an accurate picture.

In respect of the computer simulated representation of building height or bulk I find that some locations of buildings appear to be misrepresented. The committee may wish to clarify the degree of actual representation of this work.

## 8. CONCLUSIONS

Overall, the proposal meets the relevant objectives and policies for the Rural 3 zone and rural area applicable to the landscape component of this report.

With respect to effects on the environment I have proposed that on the basis of the visual prominence of these sites, the retention of the integrity of the landform, and the existing rural density and spacing of building location areas, proposed Lot 1 (existing Lot 20) should be removed and proposed Lot 5 and 6 (existing Lot 20) should be removed.

To the degree that it is possible in the context of the existing sites the proposal has applied the process of the design guide and has addressed design guide matters. The difficulty in dealing with only 2 sites out of a possible 16 is a limiting factor and does not enable the comprehensive planning that is envisaged by the design guide or for Sub Unit 2B. This does run the risk of an inappropriate and less coherent mix of development (allotment sizes and locations) within this valley.

For the most part adverse effects can be mitigated through improved conditions of consent and my assessment identifies matters relating to planting. The success of the proposal will however be dependant on the implementation and monitoring of consent conditions.