

## STAFF REPORT

**TO:** Environment & Planning Subcommittee

**FROM:** Paul Gibson, Consent Planner

**REFERENCE:** RM080633V1

**SUBJECT:** **W CURD and J TAMATI - REPORT EP09/06/** - Report prepared for hearing of 22 June 2009

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### 1. INTRODUCTION

#### 1.1 Purpose of Report

The following report is my assessment of the application to change the conditions of land use consent RM080633 to construct a dwelling.

#### 1.2 Background and Proposal

On 15 July 2008 Ms Janis Tamati and Mr William Curd applied for a land use consent to “erect a new two storey three bedroom house and attached two car garage.” A further information letter was sent on 4 August 2008 requesting amended elevation plans in order to determine whether the southern daylight angle would be met. Amended plans were furnished to the Council and land use consent RM080633 was granted under delegated authority on 15 October 2008. A copy of this original consent is attached in [Appendix 1](#).

Construction work began on the dwelling. The Council was made aware that the southern daylight angle calculation on the further information was taken from an incorrect ground level resulting in a non complying situation. The consent holder was made aware of this. They ceased construction of the dwelling and investigated options to rectify the situation.

On 4 February 2009 Ms Tamati and Mr Curd applied for change of conditions application RM080633V1. Several different plans were provided.

On 5 March 2009 the consent holder pointed out an apparent error in the consent, with regard to the reference to “natural ground level” in Condition 2 not equating with the actual ground level of the site as shown on the building plans submitted with the application for resource consent. An amended decision pursuant to section 133A was issued. A copy of this current consent is attached in [Appendix 2](#).

For the purposes of the change of condition application the consent holder settled on an amended plan which replaced the southern gable roofline with a hip roof. The ground level was plotted by a registered surveyor and the plans showed the daylight angle planes taken from the ground level on the southern boundary. This change of conditions application seeks to change the approved plans from the gable roof originally proposed to the hip roof shown on the change of conditions application.

### 1.3 Site Description

The subject site is located at 52A Wharf Road, Riwaka. An aerial photograph is attached as **Appendix 3** of this report. The property is legally described as Lot 6 DP 364663 and is held in computer freehold register 269369. This contains a number of interests including easements.

The title is 625 m<sup>2</sup> in area and is one of seven allotments created by the "Ruapapa" subdivision authorised by subdivision consent RM031040 granted by the Council on 27 November 2003.

The property is located at the end of a sealed right of way approximately four metres in width. It is generally rectangular in shape and orientated in an east-west direction with the longer cross section being between the eastern and western boundaries.

The site has a generally flat raised building platform with a general fall in slope down towards the north, east and west boundaries. The portion of the site not covered by the building is mostly grassed or in bare soil.

At present the property contains the partially constructed dwelling, with building work undertaken to roofing stage with the timber framing erected. The building is being protected from the weather by woven wall wrap. Building work on the dwelling has ceased to allow the consent matters to be addressed. There is also a small accessory building with no windows located on the property. This appears to be a temporary building and does not form part of this change of condition application.



**Figure 1: Photograph of subject site from Wharf Road**



**Figure 2: Photograph of the subject site looking west**

A closed board timber fence approximately one metre in height is constructed on or about the southern boundary with Mr and Mrs Steven's orchard. A timber and trellis fence about one metre in height runs the length of the western boundary with 46 Wharf Road. The northern boundary with 50 and 52 Wharf Road is unfenced while timber posts have been erected along the eastern boundary.

A dominant feature of the immediate area is the row of shelter belt type planting on Mr & Mrs Stevens' orchard very close to the southern boundary of the subject site. This planting is approximately six metres in height. It runs the entire length of the southern boundary and extends further to the east and west to adjoin other properties.

On the northern boundary the site is bounded by other residential sections that are part of the "Ruapapa" subdivision. The property at 50 Wharf Road is a vacant grassed allotment. 52 Wharf Road is currently being excavated in order to begin the construction of a dwelling with an attached garage.



**Figure 3: Photograph of 52 Wharf Road from subject site looking north**

The property at 54A Wharf Road to the east is currently undeveloped. Of the remaining three titles in the “Ruapapa” subdivision 54 and 58 Wharf Road are undeveloped and 56 has a dwelling with associated landscaping. Mr and Mrs Stevens’ orchard adjoins the site along the southern boundary. There is a large area of planting some five metres inside the orchard which is about eight metres or more in height. Behind that planting, further to the south the kiwifruit plantings begin. 46 Wharf Road containing an established two storey dwelling bounds the site to the west.

## **2. STATUS UNDER THE PLAN**

### **2.1 Tasman Resource Management Plan**

Due to the advanced stage of the Tasman Resource Management Plan (The Plan/TRMP) through the planning process, having become partially operative on 1 November 2008, pursuant to Section 19 of the Resource Management Act 1991, the TRMP is the dominant Plan for the application to be assessed under. No weight needs to be attributed to the Transitional District Plan.

The site is zoned Residential and is within the Coastal Environment Area and Land Use Disturbance Area 1 under the TRMP. A zoning map is attached as **Appendix 4** of this report.

The section of Wharf Road adjacent to the property is identified as an Access Road in the Plan Road Hierarchy and has a posted speed limit of 50 km/h.

The proposal complies with all except the following Plan standards:

**a) Residential Zone Permitted Activity Standards:**

17.1.3.1(n) Daylight over – no building projects beyond a building envelope constructed by daylight admission lines commencing from points 2.5 metres above ground level from all side and rear boundaries;

17.1.3.1(o) Exception to daylight over – for any roof with a slope of 15 degrees or greater and the roof ridge generally at right angles to the boundary, the end of the ridge may be up to 1.5 metres above the indicator plane and the end area up to 2.5 square metres when viewed in elevation.

**b) Coastal Environment Area Standards:**

18.11.2.1(b) the activity is not the construction of a new building; and

18.11.3.1(f)(ii) the maximum height of new buildings in Residential zones is 5 metres where the setback provides for a building to be setback less than 100 metres from mean high water springs.

In accordance with section 127 of the Act the change of condition application is treated as a discretionary activity.

### **3. LIMITED NOTIFICATION AND SUBMISSION**

Under Section 94 (1) of the Resource Management Act, it was necessary to limited notify the application as the adverse environmental effects were considered to be minor and the affected persons have not given their written approval to the activity. One submission in opposition was received. A map showing the location of the submitter within the vicinity of the site is attached as **Appendix 5**.

#### **3.1 Summary of Submission**

**Submitters: William and Marama Stevens, owners of 16 Wharf Road, Riwaka**

They are opposed to the proposal for the following reasons:

- The application lacks sufficient information for a proper assessment to be undertaken of the effects, particularly in relation to the submitters property;
- It is misleading for the application to state that the submitters' property has a large shelter belt which provides screening and is used for an orchard. The submitters property is zoned Residential and any assessment of this application must be considered on that basis;
- A grant of resource consent will have adverse amenity and visual effects to the submitters property which have not been properly assessed in the application;
- The detail and plans with the application are confusing and create uncertainty;
- The proposal offends against the objectives and policies of the Plan;

- The proposal offends against the principles of the Act in general, and Part 2 in particular.

Decision Sought: Decline the application.

This is a summary of the submission only.

#### 4. PRINCIPAL ISSUE

The main issue I consider relevant, taking into account the submission, the Act, and the TRMP provisions is “Will the development result in an acceptable level of amenity, outlook and sunlight and daylight admission?”

#### 5. ASSESSMENT

##### 5.1 Section 127

This is an application made pursuant to Section 127 of the Resource Management Act (“the Act”) to change condition 1 of Resource Consent RM080633, which authorises the construction of a dwelling at 52A Wharf Road, Riwaka. The changes relate to the application of the southern daylight angle and replacing the southern gable roof with a hip roof. The applicant seeks that condition 1 be changed to relate to the new plans.

Section 127 states that in assessing an application to change the conditions of a resource consent sections 88 to 121 of the Act apply, with all necessary modifications, as if the application were an application for a resource consent for a discretionary activity and the references to a resource consent and to the activity were references only to the change of a condition and the effects of the change.

##### 5.2 Section 104 RMA

When considering applications for a change of conditions to a resource consent, and any submissions, the following matters under Section 104(1) of the Resource Management Act must be had regard to, subject to Part 2 of the Act:

- “a) any actual or potential effects on the environment of allowing the activity; and*
- b) (iii) any relevant .... regional policy statement, and proposed regional policy statement; and*
- b) (iv) any relevant provisions of a plan or the Plan; and*
- ...*
- c) any other matters the consent authority considers relevant and reasonably necessary to determine the application.”*

Having considered these matters the application may be declined or granted consent, with conditions if necessary (Section 108).

The following sections of this report address the three main matters listed in section 104.

### **5.3 Plan Provisions and Actual and Potential Effects on the Environment**

Under Section 104 of the Act, the actual and potential effects on the environment must be considered in the context of the requirement under Section 5, to avoid, remedy or mitigate adverse effects in the management of a natural or physical resource.

#### **Permitted Baseline**

When forming an opinion as to whether an effect can be taken into account, section 104 (2) of the Act states that the Council may disregard an adverse effect of the activity if the Plan permits an activity with that effect.

#### **Written Approvals**

Section 104(3)(b) specifies that a consent authority must not have regard to any effect on a person who has given written approval to the application. No written approvals have been provided by the applicant.

A number of TRMP objectives and policies are relevant to this proposal. They set out what is sought to be achieved for residential development:

#### **5.1.2 Objective (Adverse off-site effects)**

*Avoidance, remedying or mitigation of adverse effects from the use of land on the use and enjoyment of other land and on the qualities of natural and physical resources.*

#### **Policies**

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

#### **5.2.2 Objective (Amenity Values)**

*Maintenance and enhancement of amenity values on-site and within communities, throughout the District.*

#### **Policies**

5.2.3.1 *To maintain privacy in residential properties, and for rural dwelling sites.*

5.2.3.2 *To ensure adequate daylight and sunlight to residential properties and rural dwelling sites.*

5.2.3.7 *To enable a variety of housing types in residential areas.*

## TRMP Matters of Discretion

The relevant matters of discretion relating to building construction in the Residential zone contained in rule 17.1.3.4 of the TRMP are used as a guide in assessing the effects on the development.

### Density

*Matter 17.1.3.4 (3) The extent to which the scale, design, and appearance of the proposed buildings will be compatible with the locality.*

The surrounding area is comprised of Residential zoning which can broadly be described as three areas each currently being used in a different manner. The 18 or so properties to the west and south west of the site accommodate established dwellings. They generally have landscaped gardens and are orientated towards the north and west to take advantage of coastal aspects. They are mostly average to large sized homes, many being two storied. For example, the dwelling to the west of the site contains a large two storied floor towards the south of the property.



**Figure 4: Photograph of 46 Wharf Road from subject site looking west**

The subject site and the properties immediately to the north and east of the subject site were created by the seven lot “Ruapapa” subdivision. One site has a three bedroom dwelling on it, 52 Wharf Road between the coast and the subject site is currently being excavated for construction to begin on a dwelling, and the remainder are undeveloped.



The submitter's site to the south is over seven hectares in area and is currently used as an orchard. It contains a dwelling located towards the southern boundary of the site, some 320 metres from the Curd and Tamati house. It also has various accessory buildings associated with the current use. There is a shelter belt located along the common boundary with the application site. The submission makes the point that is misleading for the application to state that the submitter's property has a large shelter belt which provides screening and is used for an orchard. It correctly identifies that the submitter's property is zoned Residential and any assessment of this application must be considered on that basis. I agree that the zoning is Residential and this zoning is considered as part of my assessment. While the existing environment is an orchard it is possible that the Residential zoning of the submitter's site may at some future date be fully developed to a residential density anticipated by the TRMP.

There is already a dwelling on the submitter's orchard located some 320 metres south of the Curd-Tamati dwelling site. Therefore the construction of one additional dwelling on the orchard site would constitute at least a controlled activity under Rule 17.1.3.2, subject to meeting the relevant Plan criteria. It seems unlikely that if a second dwelling was proposed on the seven hectare site that it would be chosen to be located adjacent to the Curd-Tamati house given the many other potential building sites available.

A subdivision of the orchard would fall to be assessed at least as a restricted discretionary activity as the site is adjacent to the coastal marine area under Rule 16.4.2.1 or 16.4.2.2 (which rule applies would depend on whether an allotment of more than 4 hectares is proposed). One or more additional dwellings or residential allotments adjacent to the subject site are a possibility which is considered in this assessment.

This assessment criterion specifically considers the effect on the locality. The subject dwelling is of a standard residential design and will complement the surrounding area. It will be constructed of low maintenance materials being brick cladding, weatherboards, aluminium joinery, and Colorsteel roofing. The scale of the building is compatible with the existing dwellings to the west and south west which are either a similar height or higher than the proposed dwelling. It is a similar size to Mr and Mrs Hedlund's completed dwelling at 56 Wharf Road.



**Figure 5: Photograph of 56 Wharf Road from subject site looking northeast**

The subject dwelling is higher at the ridgeline but has a smaller footprint. Both are constructed of similar materials.

### **Height**

*Matter 17.1.3.4 (18) The extent to which there is a need for the increased height or intrusion through the recession lines, in order to undertake the proposed activities on the site.*

The site has a number of features which influence the location of built development. The property is relatively shallow at approximately 17 metres between the northern and southern boundaries where 16.0 metres in diameter is the minimum controlled criteria for residential allotments. A building platform of about 4.0 metres above mean sea level has been formed on the property. A shallow daylight angle of 25.66666 degrees applies to the southern boundary, where 25.0 degrees is the most restrictive daylight angle where a southern boundary runs exactly east-west. The right of way provides access on the northern side of the site so that vehicle parking and turning is most efficiently undertaken on the northern portion of the property. This has the effect of “pushing” buildings on the site towards the southern side of the site. The combination of these factors make it more difficult for a building to comply with the southern daylight angle.

*Matter 17.1.3.4 (19) The extent to which the character of the site and the surrounding area remains dominated by open space, rather than by buildings, with buildings at low heights and low densities of building coverage.*

The percentage of the site covered by buildings is approximately 20 percent. This is well below the TRMP permitted criteria of 33 percent, the approximately 30 percent authorised by land use consent RM080139 on 54 Wharf Road adjoining the site to the north and the more than 33 percent allowed on 56 Wharf Road by RM080787.

The dwelling has a height of approximately 6.4 metres at the apex with the majority of the roofline being below 5.0 metres in height. The surrounding area displays a number of different dwelling heights ranging from below 5.0 metres to about 7.5 metres for some of the established two storey dwellings.

The submitter's orchard site has a large shelter belt along the length of the southern boundary. This planting obscures views into the orchard especially in the Spring and Summer seasons when the vegetation is most dense.



**Figure 6: Photograph of shelter belt**

Some 5.0 metres inside the common boundary there is a further area of dense planting about 40 metres in length, about 5.0 metres in depth and around eight metres in height. This reduces the open space into the Stevens site. The open space maintained by the development is consistent with the level of open space provided on the Stevens site and the other properties in the vicinity.



**Figure 7: Photograph of addition planting on Mr and Mrs Stevens' property**

*Matter 17.1.3.4 (20) The extent to which the proposed building will not adversely affect the character of the local environment, including the scale of buildings in the surrounding area.*

The existing character of the local environment is that of a residential settlement close to the coast. Most properties have a single or two storied dwelling with landscaped gardens. The scale of buildings in the area is larger than in other residential zoned neighbourhoods in the area. There is a higher proportion of two storey dwellings on Wharf Road with around one in three being higher than one storey. The proposed dwelling, although being two stories, has a small upper floor of about 24 m<sup>2</sup>. The southern wall of the upper floor is only 3.6 metres in width which presents a narrow profile facing Mr and Mrs Stevens' property.

The proposed dwelling will contribute to the character of the local environment. In the assessment of environmental effects accompanying the application the designer from Gowans Walters and Associates states that *"the colours chosen for the exterior cladding, roof and windows have been selected to blend with the natural character of the locality. There will be minimal adverse environmental effects on the neighbours or (the) character of the coastal environment – the building being within a residentially zoned site."*

*Matter 17.1.3.4 (21) The effect on other sites, roads and public open space of the increased height, in terms of visual dominance, which is out of character with the local environment.*

The dwelling complies with the Residential zone height of 7.5 metres and the original consent authorised the height of 6.4 metres, where the relevant Coastal Environment Area height is 5.0 metres. The height of the dwelling does not need to be traversed in this change of condition application as no change in height is proposed. The only change to the dwelling is the alteration to the southern gable roof to create a lower hip roof at an angle of 22 degrees.

The area contains some large two story dwellings which are visually dominant on their sites. The proposed dwelling will not be visually dominant in a manner which is out of character with the local environment. It is to be painted recessive colours which will reduce its visibility not only from the coastal marine area, but also from adjoining sites including the submitter's site. The upper floor is small at only 24 m<sup>2</sup> in area and is orientated to the north, away from the submitter's property. The profile of the upper floor is only 3.6 metres in width facing the south with the remainder of the 30.7 metre common boundary with the submitter's property having only the single storey part of the dwelling. This amounts to less than 12 percent of the common boundary having an upper floor.

The design change from the gable end to the hip roof will also have the effect of reducing the bulk of the roofline by angling it away from the boundary.

If the submitter's land was subdivided for residential development and/or dwellings were to be constructed on the land then the ground level will need to be raised to a level similar to the Curd-Tamati ground level. Mr Eric Verstappen, Council's Resource Scientist – Rivers and Coast states in his report appended to this report as **Appendix 7**:

*“While the Stevens land is not located directly adjacent to the coast and in some locations is a little higher than land immediately on the coastal margin, it is still considered to be at risk from seawater inundation in a future sea level rise scenario. If a residential development or subdivision was proposed for this land in the future, building platform land levels would need to be raised in a similar manner (and to a similar height) to the Ruapapa subdivision sites including the Curd property.*

*The Steven's land would need to be raised to at least 4.0-4.5 metres amsl in order to adequately mitigate the risk of seawater inundation to land for residential purposes. The closer the land Stevens land is to the coast and to the Curd-Tamati and Gillatt properties (i.e. the Stevens northern boundary), the greater the need for similarity of the land level with these adjoining properties.”*

A raised ground level on the Stevens's land adjacent to the Curd-Tamati property will have the effect of bringing the floor level of any dwelling on the Stevens site to a similar level as the Curd-Tamati dwelling. This will significantly minimise or remove the presently perceived height difference of the Curd-Tamati dwelling compared to any future dwellings proposed for the Stevens land.

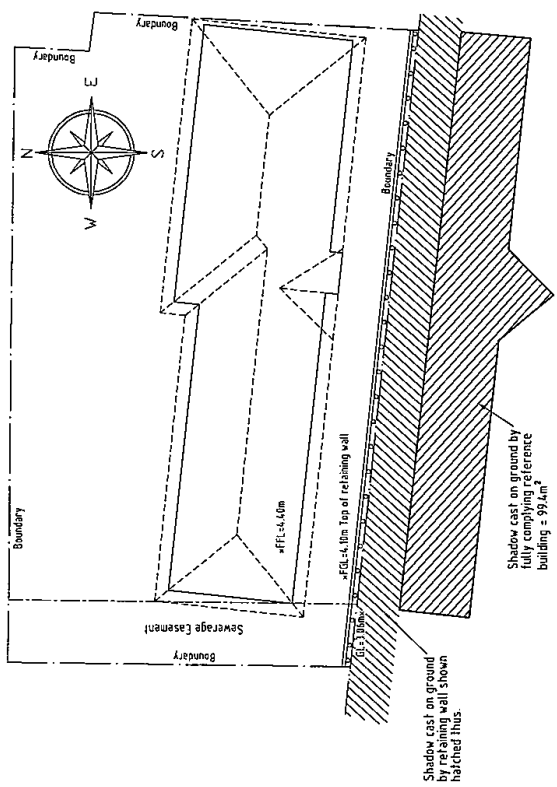
*Matter 17.1.3.4 (22) The extent to which the proposed building will shade adjoining sites and result in reduced sunlight and daylight admission beyond that anticipated by the daylight admission angle requirements for the area.*

Rule 17.1.3.1(n) of the Plan specifies the daylight over criteria. Rule (o) allows for an exception to the angle provided that the roof affected has a slope of 15 degrees or greater and the roof ridge is generally at right angles to the boundary. The building qualifies for this exception with the roof pitch at 22 degrees and the ridge generally at right angles to the southern boundary. The exception allows the ridge to be up to 1.5 metres above the indicator plane and the end area up to 2.5 m<sup>2</sup> when viewed in elevation. Elevation 3 on the elevation plans attached with the application depicts the daylight angle exceedence on the southern elevation facing the Stevens property. The area of encroachment exceeds the exception as the vertical height is approximately 1.8 metres and 1.7 metres above the indicator line on the western and eastern sides of the upper floor respectively. This is only 300 mm more than the 1.5 metre vertical height allowed by the daylight rule exception. The extent of the “end area” which rises above the indicator line is delineated with diagonal lines on elevation 3 of the elevation plans with the application. The end area exceeds the permitted exception of 2.5 m<sup>2</sup> by approximately 4.5 m<sup>2</sup>. Thus the building does not meet the permitted daylight over angle.

However the difference in shading between a building complying with the Plan’s southern daylight angle and the proposed portion of the upper floor that breaches the southern daylight angle will be minimal.

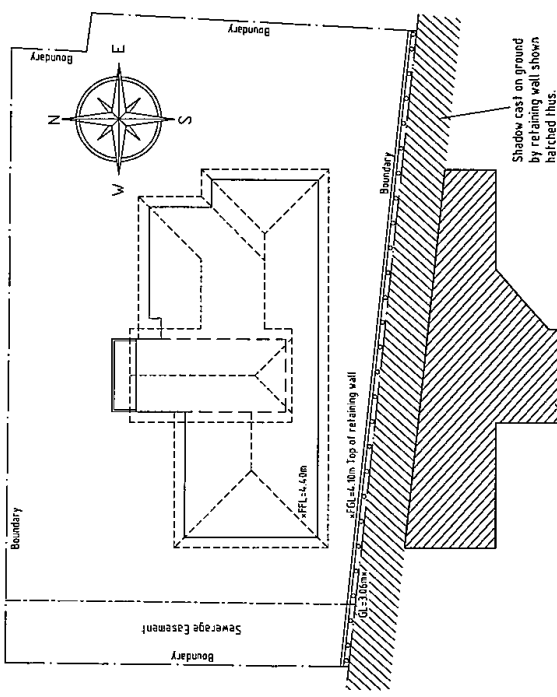
The reason for the daylight angle rule is explained in section 17.1.20 of the TRMP: *“daylight admission lines are intended to reduce shading of adjoining sites by ensuring that buildings fall within an angle that allows sunlight to penetrate onto the adjoining site. The angle of the line is based on obtaining some sun onto the sites even in mid-winter at midday.”* This is shown on the Shadowing Analysis below. The 81 m<sup>2</sup> shadow cast at midday on the “shortest day” in mid-winter by the Curd-Tamati dwelling is smaller in area than the 99 m<sup>2</sup> shadow cast by a dwelling that complies with all relevant criteria of the Residential zone including the daylight over angle. While the shape of the shadow varies slightly it is clear that the difference in effect is minimal.

REVISIONS:  
 The COPYRIGHT of these drawings and the Plans  
 contained herein remain the property of the Tamati  
 Curd Consulting Engineers Ltd.



Shadowing as at Noon on Mid-winters Day.

**Fully Complying Reference House**



Shadowing as at Noon on Mid-winters Day.

**Curd / Tamati House**

Shadowing Analysis  
 Site Plans of  
 Existing Curd / Tamati House  
 Reference Building

Wharf Road  
 Riwaka

DATE:	05/08/09
SCALE:	1:200
DRAWN BY:	MS
SHEET:	A
REVISION:	

**Figure 8: Shadowing Analysis**

It should be noted that the shadow shown on the Plans above will substantially fall into the sewer easement which cannot be built upon. The easement is between 4.48 metres and approximately two metres into the Stevens site. This would reduce the effects of the daylight angle matter further.

The encroaching upper floor area is only 3.6 metres in profile when facing the southern boundary. This represents less than 12 percent of the 30.72 metre long common boundary. The dwelling is relatively centrally located along the southern boundary with a 6.2 metre and 6.8 metre setback from the western and eastern boundaries respectively.

In order to further mitigate the daylight encroachment it is submitted that the unbuilt areas on either end of the dwelling remain unbuilt. This would provide open areas free of buildings which would provide daylight and sunlight admission beyond that anticipated by the permitted activity rule or that part of the site.

This will also mitigate the potential shading and daylight admission effects on a potential future residential development on the Stevens land. They would have certainty that no buildings would be constructed in those areas and could locate and orientate future dwellings towards those “no build areas” and away from the sewer easement and the Curd-Tamati dwelling.

If the Committee approves the change of condition it is recommended that condition 1 be amended to include the provision of two “no build areas” on the eastern and western sides of the dwelling within 7.0 metres of the common boundary with the Stevens property. These no build areas are delineated on the plan titled “Plan A RM080633V1” attached to the recommendation in this property. Requiring this to be registered on the title of the property as a covenant will provide certainty and alert any future property owners to this requirement

This will ensure that the southern boundary will not be developed further and overall more sunlight will be allowed into the Stevens’ site than if a dwelling complying with the daylight angles were proposed.

*Matter 17.1.3.4 (23) The effect of the increased height on other sites in terms of loss of privacy through being overlooked from neighbouring buildings.*

The small upper floor accommodates a bedroom and an ensuite. The ensuite faces south towards the Stevens’ property. The only window in the southern wall will be to the ensuite. The sill height at 2.0 metres above finished floor level will preclude occupants being able to view the Stevens’ property. The daylight angle breach will not result in a loss of privacy to the orchard. If the orchard is redeveloped to residential dwellings in the future then the privacy of future occupiers of these dwellings will similarly remain unaffected by the Curd-Tamati dwelling due to the high sill height of the ensuite window. Notwithstanding this, it is recommended that the window be required to be of obscure glass to provide further mitigation.

*Matter 17.1.3.4 (24) The extent to which the increased building height will result in decreased opportunities for views from properties in the vicinity, or from roads or public open space in the surrounding area.*



The portion of the orchard adjacent to the subject site does not currently enjoy views due to the presence of the large shelter belts on or about the boundary. If at some point in the future the shelter belts and other plantings are removed and the Residentially zoned orchard is developed with a second or subsequent dwellings then there will be no decreased opportunities for views as a result of the small daylight breach. Adjacent to the Curd-Tamati site another dwelling is to be constructed whose site works are currently in progress. This dwelling, and others to the north of the subject dwelling will obstruct views of the coast to the north from the Curd-Tamati end of the Stevens site.

*Matter 17.1.3.4 (25) The ability to mitigate any adverse effects of increased height or penetration of the daylight admission angle, through increased separation distances between the building and adjoining sites, or the provision of screening.*

The penetration of the daylight angle is already mitigated by the presence of the extensive shelter belt planting on the orchard. This planting is so significant that any further planting on the subject site would not achieve any further screening of the house than is already provided. If the shelter belts were removed and dwellings sought by way of resource consent on the Stevens land then a higher boundary fence or residential landscape plantings may be useful on or about the common boundary.

With regard to the separation distance of the dwelling, it meets the zone setback of 1.5 metres being some 2.2 metres at the closest point and angling away to 3.81 metres from the eastern end of the common boundary.

*Matter 17.1.3.4 (26) The extent to which the increased building height will adversely affect the natural character of the coast.*

The change of condition application relates only to the daylight angle breach on the southern boundary which will not be noticeable from the coastal marine area.

### **Building Design and Appearance**

*Matter 17.1.3.4 (27) The degree to which the proposed development will impact on the amenity and character of the area having regard to the scale, bulk, architectural style, materials, colours and setback of buildings and, in particular, the extent to which the development can be viewed from adjoining sites and public places.*

The scale and bulk of the dwelling is in keeping with the area. It has a small upper floor area compared to most other two story dwellings in the area. Similarly the building footprint at 131 m<sup>2</sup> is small compared to other dwellings. The architectural style of the dwelling is residential in nature, with 22 degree hip and gable roofs, standard sized windows, and an attached double garage. Standard residential building practices and materials are proposed with exterior cladding being brick veneer for the ground floor and weatherboard type materials for the upper floor. Colorsteel roofing and aluminium windows will complement the residential design. These materials are similar to those employed by Mr and Mrs Hedlund at 56 Wharf Road which is the only dwelling completed at the time of writing on the "Ruapapa" seven allotment subdivision.

The amenity and character of the submitter's orchard will not be adversely affected as there are no buildings or dwellings on the property that will view the dwelling. The main dwelling on the submitter's property is some 320 metres to the south.

If the residentially zoned orchard is redeveloped to construct another dwelling on the site then there are extensive locations for a second dwelling on the seven hectare site which would be unaffected by the Curd-Tamati dwelling. If more dwellings are proposed on the submitter's site then there is opportunity on the seven hectare property to locate them in order to be unaffected by the shading cast by the Curd-Tamati house.

With regard to the wider area, the dwelling maintains and enhances the quality of the environment because the design and construction of the dwelling when considered in the context of the coastal settlement, is not inconsistent with existing development in the area.

### **Privacy**

*Matter 17.1.3.4 (33) Adverse effects in terms of reduced privacy through being overlooked from, or being in close proximity to, neighbouring buildings, to an extent which is inconsistent with the surrounding environment.*

*Matter 17.1.3.4 (34) The ability to mitigate any adverse effects of the proposal on adjoining sites, including planting and landscaping and the relocation of windows to alternative practical positions.*

The matter of the maintenance of privacy has been assessed earlier in Matter 17.1.3.4 (23).

### **Integrity of the Tasman Resource Management Plan**

In considering the integrity of the plan and the public's confidence in its consistent administration the other exceedences in the "Raupapa" subdivision and the character of the neighbourhood should be had regard to.

Like the applicants, two other owners within the seven allotment subdivision have already opted not to take up the rights authorised by the land use consent RM031040 issued with the subdivision consent of the same "RM" reference to construct a dwelling subject to specific conditions. Instead they have applied for other "dispensations" and been successful in obtaining their own resource consents. Mr and Mrs Hedlund at 56 Wharf Road obtained consent for their dwelling to exceed the permitted site coverage of 33 percent while Mr and Mrs Fry at 52 Wharf Road were granted consent to construct a dwelling which breaches the building setback.

As discussed earlier, the character of the neighbourhood is that of a small seaside location with a high proportion of large two storied dwellings designed to maximise the pleasant coastal views.

Granting the change of condition in these circumstances will not affect the consistent administration of the Plan.

## **5.4 Purpose and Principles of Resource Management Act 1991**

Part 2 of the Resource Management Act states several matters to which regard must be had, or which must be recognized and provided for in order to achieve the sustainable management of resources.

### **Section 5 - Sustainable Management**

This means managing the use, development and protection of natural and physical resources in a way, or at a rate, which enables communities to provide for their social, economic, and cultural well-being and for their health and safety.

### **Section 6 - Matters of National Importance**

This section sets out matters of national importance.

### **Section 7 - Other Matters**

Relevant matters to have particular regard to:

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

### **Section 8 - Treaty of Waitangi**

This section of the Act requires the principles of the Treaty of Waitangi to be taken into account.

### **Sections 5 & 7 Comments**

Although the Resource Management Act is generally enabling, and recognises that the needs of people and communities should be met with respect to their social, economic and cultural wellbeing, this should not be achieved at the expense of other matters set out in Section 5, which are the environmental parameters which should be observed. In particular, the ability of natural and physical resources to meet the needs of future generations must be sustained, and the adverse effects of activities must be avoided, remedied and mitigated.

The Act's purpose will be met by granting consent to the change of conditions, subject to the recommended conditions being adhered to. Particular regard has been had to the relevant parts of section 7, especially parts (b) the efficient use and development of natural and physical resources; (c) the maintenance and enhancement of amenity values; and (f); maintenance and enhancement of the quality of the environment.

The efficient use and development of the land resource will be best served by allowing the change of condition. Due to the small scale of the dwelling's non compliance with daylight recession angles and the presence of existing mature shelter planting and the receiving environment of the orchard, the proposal will have minimal actual adverse effects on the orchard activity. The orchard will not be affected by any loss of privacy or adverse effects arising from the scale of the building, including potential shading. The actual environmental effects then will be minor.

If the Residential zoning is taken up at some point and the Stevens orchard is subdivided into residential allotments then there are restrictions on the location of buildings which will have the effect of positioning buildings away from the Curd-Tamati house. The sewer easement on the Stevens property adjacent to the northern boundary will ensure and future buildings are located some 4.5 metres back from the western end of the common boundary. In addition to this it is likely that any future residential subdivision would necessitate the raising of the Stevens' ground level to a similar level to the subject site. This would have the effect of placing floor levels of dwellings on the Stevens at the same height as the subject dwelling and effectively increasing the daylight angle by about one metre. This of itself would further minimise if not negate the effect of the daylight angle encroachment. Therefore the potential effects of the dwelling on the redevelopment of the Stevens' land some time in the future are also minor. Disallowing this proposal would not achieve the efficient use of land. The effects are a minimal amount of shading on a shelter belt in the orchard (the actual effects) or, if the neighbouring orchard is developed, a minimal amount of shading on potential residential sections which is mitigated by the building needing to be set back and the land being raised (the potential effects).

### **Section 6 and 8 Matters**

The proposal does not offend against any section 6 or 8 matters.

## **5.5 Other Matters (Section 104(c) RMA 1991)**

### **Precedent**

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 application has arisen due to the combination of distinct features of the site and the neighbouring site, and the purposes of the applicant. These site features include the location in the Residential zone next to a Residentially zoned orchard, and the property's orientation, topography, and size, being a narrow site (along its east-west axis) with a raised building platform which is limited in size, created as part of the original subdivision. The applicant has incorporated these site factors with their development aspirations in the hope of realising consent for a modestly sized home for them to occupy.

The adjoining site is an established orchard with a large shelter belt along the common boundary and a "clump" of further planting about 40 metres in length approximately five metres inside the boundary adjacent to the subject site. This provides substantial screening for any building on the subject site. The sewer easement on the Stevens site is also a distinguishing factor. This combination of site and development related factors are unlikely to be easily duplicated elsewhere in the District.

Due to the consistency with the purpose of the Resource Management Act 1991 and the relevant provisions of the Plan, and the low level of environmental effects generated, the proposal can be approved on its merits, and there is consequently no issue of precedent arising from the grant of change of conditions.

## **6. SUMMARY**

The application is for a change of condition to RM080633V1 which authorised the construction of a dwelling at 52A Wharf Road. The site is zoned Residential under the TRMP and is in the coastal environment area and the land disturbance area 1.

The application was limited notified and the affected person made a submission opposing the proposal.

It is considered that the proposed development is not contrary to Part 2 of the Resource Management Act 1991 which seeks to promote the sustainable management of natural and physical resources.

The proposed development is an appropriate form of residential development and use of resources in the context of the objectives and policies, and matters of discretion in the Plan.

The Shadow Analysis demonstrates that the difference in shadow cast between the proposal and a complying building in terms of daylight angles at the time of the year specified by the TRMP (midday in mid-winter). The potential adverse shading effect on the property to the south will be minor in comparison to the shading which would be allowed to be caused by a structure meeting the daylight angle rule.

The actual shading and daylight admission effects on the existing orchard are minor as the existing shelter belt on the boundary and the existing additional planting five metres inside the boundary already create shading and limit daylight access. The orchard use is not adversely affected by amenity or privacy matters. Notwithstanding this, the consent holder has amended their design to remove the southern gable end of the roof, reducing the profile of the building.

If in the future the Residential zoning of the submitters property is taken up and dwellings are constructed on the orchard and the shelter belts and additional existing planting is removed there are features of the proposal and existing restrictions on the Stevens property that will ensure the adverse effects are less than minor. Any future dwellings will need to be setback from the existing sewer easement adjacent to the common boundary. In addition the land will need to be built up to a level similar to the subject property which will mitigate the daylight angle encroachment.

Further, the “no build areas” on the subject site protected by a covenant on the title will provide certainty as to which areas of the subject site will admit more daylight to the Stevens property than is anticipated by the Plan’s daylight angle provisions.

Overall, it is considered that the proposed change of conditions will have not more than a minor effect on the environment and will contribute to achieving the purpose of the Act.

## 7. RECOMMENDATION

That pursuant to Section 127 of the Resource Management Act 1991, the Council changes conditions of consent of land use consent RM080633 from:

The development shall be undertaken in accordance with the documentation submitted with the application and with Plan A attached dated 25 September 2008 and Plan B attached dated 21 January 2008. Where there is any apparent conflict between the information provided with the application and any condition of this consent, the conditions shall prevail.

TO:

The development shall be undertaken in accordance with the documentation submitted with the application and the subsequent documentation and plans submitted with change of condition application RM080633V1, being Plans A – C RM080633V1 attached. Provided that:

- i) Within two months of the change of condition being granted a covenant under Section 108 of the Resource Management Act 1991 shall be entered into and registered against the site’s certificate of title. The Covenant shall state that *“the two areas labelled “no build area” on the eastern and western sides of the dwelling within 7.0 metres of the common boundary with Lot 6 DP 364663 (shown on the plan titled “Plan A RM080633V1” attached) shall not contain any buildings”*. All costs associated with the preparation and registering of the covenant shall be met by the consent holder.
- ii) the first floor ensuite window on the southern elevation shall be of obscure glass.

Where there is any apparent conflict between the information provided with the change of condition application and any condition of this consent, the conditions shall prevail.



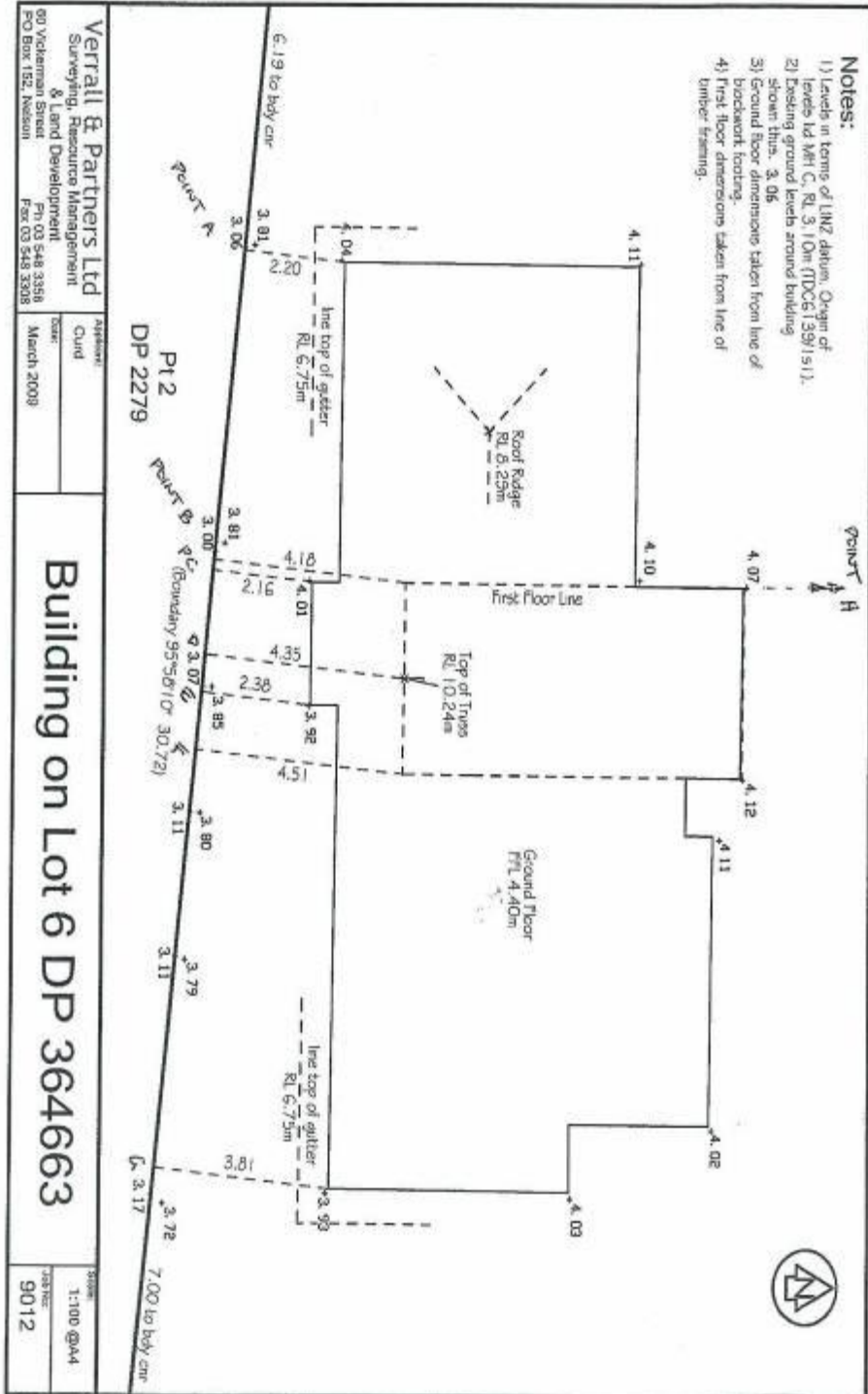
Paul Gibson  
**Consent Planner**







Plan C RM080633 V1





## **RESOURCE CONSENT DECISION**

**Resource consent number:** RM080633

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

**Janis Tamati and William Raymond Curd**

(hereinafter referred to as “the Consent Holder”)

**Activity authorized by this consent:** To construct a new dwelling and a water tank.

### **Location details:**

Address of property: 52A Wharf Road, Riwaka  
Legal description: Lot 6 DP 364663  
Certificate of title: 269369  
Valuation number: 1933034306

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

### **CONDITIONS**

#### **General**

1. The development shall be undertaken in accordance with the documentation submitted with the application and with Plan A attached dated 25 September 2008 and Plan B attached dated 21 January 2008. Where there is any apparent conflict between the information provided with the application and any condition of this consent, the conditions shall prevail.

#### **Height**

2. The height of the proposed dwelling shall not exceed 6.4 metres, measured above the natural ground level.

#### **Colour**

3. The exterior of the building shall be finished in colours that are recessive and blend in with the immediate environment. The Consent Holder shall submit to the Council’s Consent Planner, Motueka for approval prior to applying for building consent the

following details of the colours proposed to be used on the walls and roof of the building:

- a) the material to be used (e.g., paint, Colorsteel);
- b) the name and manufacturer of the product or paint;
- c) the reflectance value of the colour;
- d) the proposed finish (e.g., matt, low-gloss, gloss); and
- e) either the BS5252:1976 (British Standard Framework for Colour Co-ordination for Building Purposes) descriptor code, or if this is not available, a sample colour chip.

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

**Advice Note:**

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

**Earthworks**

4. In the event of Maori archaeological sites (e.g., shell midden, hangi or ovens, garden soils, pit depressions, occupation evidence, burials, taonga) or koiwi (human remains) being uncovered, activities in the vicinity of the discovery shall cease. The Consent Holder shall then consult with the New Zealand Historic Places Trust's Central Regional Office (PO Box 19173, Wellington, telephone (04) 801 5088, fax (04) 802 5180), and shall not recommence works in the area of the discovery until the relevant Historic Places Trust approvals to damage, destroy or modify such sites have been obtained.

**Advice Note:**

The discovery of **any** pre-1900 archaeological site (Maori or non-Maori) which is subject to the provisions of the Historic Places Act needs an application to the Historic Places Trust for an authority to damage, destroy or modify the site.

**ADVICE NOTES**

**Council Regulations**

1. This is not a building consent and the Consent Holder shall meet the requirements of Council with regard to all Building and Health Bylaws, Regulations and Acts.

**Proposed Tasman Resource Management Plan**

2. Any activity not referred to in this resource consent must comply with either: 1) the relevant permitted activity rules in the Proposed Tasman Resource Management Plan (PTRMP); 2) the Resource Management Act 1991; or 3) the conditions of a separate resource consent which authorises that activity.

## Consent Holder

- This consent is granted to the abovementioned Consent Holder but Section 134 of the Act states that such land use consents “attach to the land” and accordingly may be enjoyed by any subsequent owners and occupiers of the land. Therefore, any reference to “Consent Holder” in the conditions shall mean the current owners and occupiers of the subject land. Any new owners or occupiers should therefore familiarise themselves with the conditions of this consent, as there may be conditions that are required to be complied with on an ongoing basis.

## Interests Registered on the Certificate of Title

- The Consent Holder should note that this resource consent does not override any registered interest on the property title.

## Colour

- As a guide, the Council will generally approve colours that meet the following criteria:

<b>Colour Group*</b>	<b>Walls</b>	<b>Roofs</b>
Group A	A05 to A14 and reflectance value $\leq 50\%$	A09 to A14 and reflectance value $\leq 25\%$
Group B	B19 to B29 and reflectance value $\leq 50\%$	B23 to B29 and reflectance value $\leq 25\%$
Group C	C35 to C40, reflectance value $\leq 50\%$ , and hue range 06-16	C39 to C40, reflectance value $\leq 25\%$ , and hue range 06-16
Group D	D43 to D45, reflectance value $\leq 50\%$ , and hue range 06-12.	Excluded
Group E	Excluded	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, the Council will compare the sample colour chip provided with known BS5252 colours to assess appropriateness.

## Development Contributions

- 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.

## **REASONS FOR THE DECISION**

### **Background to Proposed Activity**

The application is to construct a new dwelling and a water tank.

### **Proposed Tasman Resource Management Plan (“PTRMP”) Zoning, Area, and Rules Affected**

According to the PTRMP the following apply to the subject property:

Zoning: Residential  
Area(s): Land Disturbance Area 1, Coastal Environment Area

The activity authorised by this resource consent does not comply with Permitted Activity Rule 18.14.2(b) and Controlled Activity Rule 18.14.3(d) of the PTRMP and is deemed to be a restricted discretionary activity in accordance with Rule 18.14.4 of the PTRMP.

### **Principal Issues (Actual and Potential Effects on the Environment)**

The principal issue(s) associated with the proposed activity involve the actual and potential effects on the environment. For this application these were:

- a) the effects of the location, design and appearance for the building, including its scale, height, materials, landscaping and colour, on the amenity and natural character of the area;
- b) the effects of natural hazards; and
- c) the effects on a site of cultural significance to Maori.

The Council considers that the adverse effects of the activity on the environment will be no more than minor for the following reasons:

### **Amenity and Coastal Character**

- a) The general area is developed for both holiday accommodation and permanent residential accommodation. The dwelling meets the 30 metre setback from Mean High Water Springs. The dwelling is positioned to make the most practical use of the site. The dwelling is complying with the daylight angle, wall length, setback, and building coverage provisions so the building is not visually dominant and the upper floor balcony meets the 4 metre boundary setback would not directly overlook other properties. Although the first floor of the dwelling exceeds the Coastal Environment Area 5.0 metre specified height by 1.4 metres, the upper floor is only approximately 4 metres in width so it will present only a small profile to the coast. The site is located behind other residential properties in relation to the coast so it will be obscured from the coast once the front dwellings are established. The water tank is of a small scale and is located close to the dwelling. The adjoining land to the south, while zoned Residential, is not used in a residential manner.
- b) The proposed dwelling is expected to be compatible with the appearance, design, layout, and scale of other buildings and sites in the surrounding area due to its residential proportions and design, residential use and being of a similar size as

other dwellings. Overall, the effect on the amenity and natural character of the area will be minimal.

- c) The dwelling will be amongst other existing dwellings in the Residential Zone and a colour condition of consent ensures the building is recessive in the coastal environment.

### **Natural Hazards**

- d) The ground level of the site has been raised in accordance with the original subdivision consent in order to mitigate the risk from natural hazards.

### **Cultural Heritage**

- e) A condition alerts the Consent Holder to their obligations should any archaeological items be discovered.

### **Relevant Statutory Provisions**

In considering this application, the Council has had regard to the matters outlined in Section 104 of the Act. In particular, the Council has had regard to the relevant provisions of the following planning documents:

- a) the Tasman Regional Policy Statement (TRPS);
- b) the Transitional District Plan;
- c) the proposed Tasman Resource Management Plan (PTRMP).
- d) the New Zealand Coastal Policy Statement (NZCPS).

Most of the objectives and policies contained within the TRPS are mirrored in the PTRMP. The activity is considered to be consistent with the relevant objectives and policies contained in Chapters 5 (Site Amenity Effects), 6 (Urban Environment Effects), 8 (Margins of Rivers, Lakes, Wetlands and the Coast) and 10 (Significant Natural Values and Cultural Heritage) of the PTRMP and consistent with Policy 1.1.1 of the NZCPS, which seeks to avoid cumulative adverse effects on development in the coastal environment.

### **Part II Matters**

The Council has taken into account the relevant principles outlined in Sections 6, 7 and 8 of the Act and it is considered that granting this resource consent achieves the purpose of the Act as presented in Section 5.

### **Notification and Affected Parties**

The adverse environmental effects of the activity are considered to be no more than minor. The Council's Resource Consents Manager has, under the authority delegated to him, decided that the provisions of Section 94(2) of the Act have been met and therefore the application has been processed without notification.

This consent is granted on **15 October 2008** under delegated authority from the Tasman District Council by:

Paul Gibson

**Consent Planner**









## RESOURCE CONSENT DECISION

**Resource consent number:** RM080633

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

**Janis Tamati and William Raymond Curd**

(hereinafter referred to as “the Consent Holder”)

**Activity authorised by this consent:** To construct a new dwelling and a water tank.

### Location details:

Address of property: 52A Wharf Road, Riwaka  
Legal description: Lot 6 DP 364663  
Certificate of title: 269369  
Valuation number: 1933034306

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

## CONDITIONS

### General

1. The development shall be undertaken in accordance with the documentation submitted with the application and with Plan A attached dated 25 September 2008 and Plan B attached dated 21 January 2008. Where there is any apparent conflict between the information provided with the application and any condition of this consent, the conditions shall prevail.

### Height

2. The height of the proposed dwelling shall not exceed 6.4 metres, measured above the ~~natural~~ ground level of the site as at 15 October 2008.

### Colour

3. The exterior of the building shall be finished in colours that are recessive and blend in with the immediate environment. The Consent Holder shall submit to the Council’s Consent Planner, Motueka for approval prior to applying for building consent the

following details of the colours proposed to be used on the walls and roof of the building:

- a) the material to be used (e.g., paint, Colorsteel);
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- e) Either the BS5252:1976 (British Standard Framework for Colour Co-ordination for Building Purposes) descriptor code, or if this is not available, a sample colour chip.

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

**Advice Note:**

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

**Earthworks**

4. In the event of Maori archaeological sites (e.g., shell midden, hangi or ovens, garden soils, pit depressions, occupation evidence, burials, taonga) or koiwi (human remains) being uncovered, activities in the vicinity of the discovery shall cease. The Consent Holder shall then consult with the New Zealand Historic Places Trust's Central Regional Office (PO Box 19173, Wellington, telephone (04) 801 5088, fax (04) 802 5180), and shall not recommence works in the area of the discovery until the relevant Historic Places Trust approvals to damage, destroy or modify such sites have been obtained.

**Advice Note:**

The discovery of **any** pre-1900 archaeological site (Maori or non-Maori) which is subject to the provisions of the Historic Places Act needs an application to the Historic Places Trust for an authority to damage, destroy or modify the site.

**ADVICE NOTES**

**Council Regulations**

1. This is not a building consent and the Consent Holder shall meet the requirements of Council with regard to all Building and Health Bylaws, Regulations and Acts.

**Proposed Tasman Resource Management Plan**

2. Any activity not referred to in this resource consent must comply with either: 1) the relevant permitted activity rules in the Proposed Tasman Resource Management Plan (PTRMP); 2) the Resource Management Act 1991; or 3) the conditions of a separate resource consent which authorises that activity.

## Consent Holder

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## Interests Registered on the Certificate of Title

- The Consent Holder should note that this resource consent does not override any registered interest on the property title.

## Colour

- As a guide, the Council will generally approve colours that meet the following criteria:

<b>Colour Group*</b>	<b>Walls</b>	<b>Roofs</b>
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Group E	Excluded	Excluded
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\* Based on BS5252:1976 (British Standard Framework for Colour Co-ordination for Building Purposes). Where a BS5252 descriptor code is not available, the Council will compare the sample colour chip provided with known BS5252 colours to assess appropriateness.

## Development Contributions

- 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.

## REASONS FOR MAKING THE CORRECTION TO CONDITION 2

On 5 March 2009 the Consent Holder (previously the applicant for this resource consent) pointed out an apparent error, with regard to the reference to “natural ground level” in Condition 2 not equating with the actual ground level of the site as shown on the building plans submitted with the application for resource consent.

With reference to Council records regarding the subdivision that created this site (ref RM031040), it is evident that the ground level of the site was raised in 2005/06 during the subdivision process, resulting in a difference of approximately 1 metre between the finished ground level and the previous “natural” ground level.

Having reviewed the application plans and the assessment recorded in the decision to grant this resource consent, it is evident to me that the reference to “natural” ground level in Condition 2 was a mistake. I refer specifically to the following passage from that assessment:

*Although the first floor of the dwelling exceeds the Coastal Environment Area 5.0 metre specified height by 1.4 metres, the upper floor is only approximately 4 metres in width so it will present only a small profile to the coast.*

That statement clearly indicates that the height of the proposed building was being taken from the finished ground level of the site. If natural ground level was being used as the base level, then the “exceedance” of the 5.0 metre height restriction in the Coastal Environment Area rule would have been 2.4 metres (or thereabouts), rather than the 1.4 metres stated.

This is consistent with the definition of ‘ground level’ in Chapter 2 of the TRMP which states that where neutral ground level has been altered by subdivision, ground level means the finished level when all works associated with the subdivision are completed. The height assessment has been made on the basis of the ground level as altered by the subdivision works carried out in 2005/06.

The council officer who drafted and made the original decision has also advised me that he considers the reference to natural ground level in condition 2 was a clerical error on his part which resulted from the unedited use of a standard template condition.

The correction to Condition 2 is hereby made in accordance with Section 133A of the Resource Management Act 1991, pursuant to a delegation from the Tasman District Council.

Phil Doole  
**Resource Consent Manager**

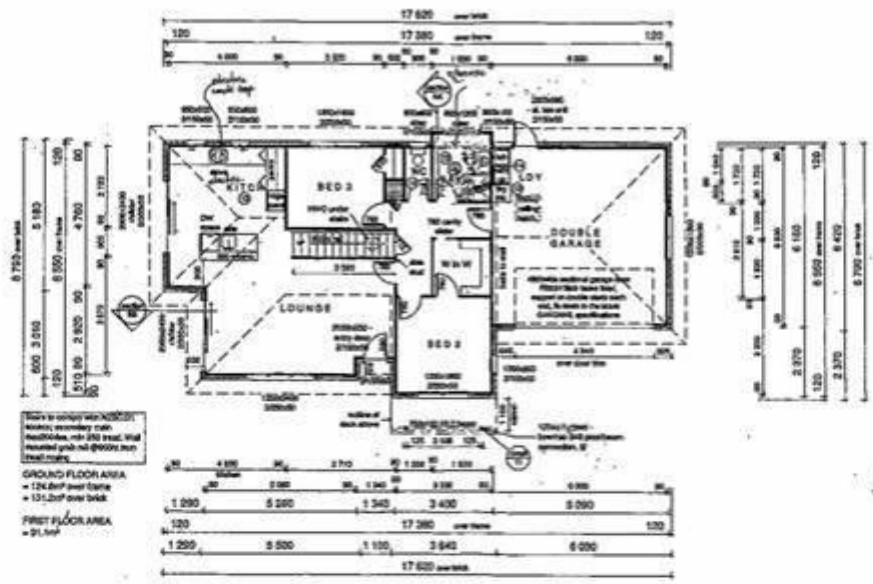
**13 March 2009**



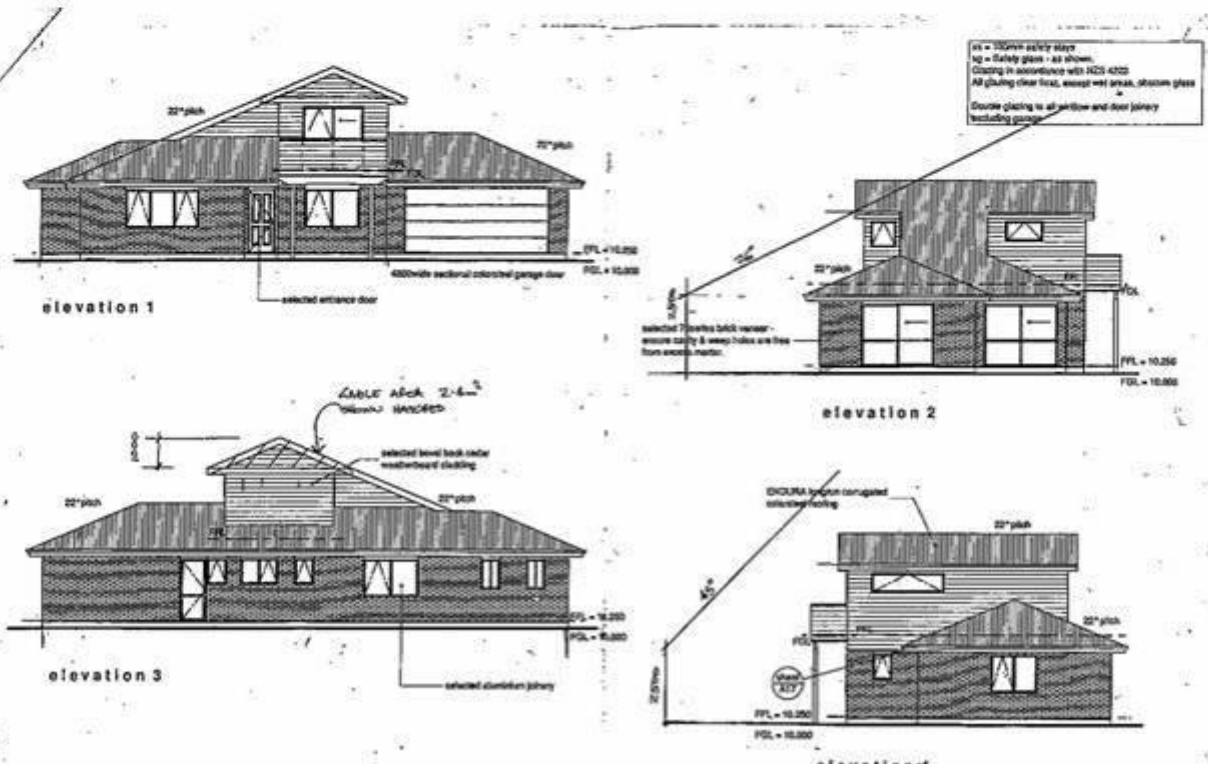


Plan B RM080633 21 Jan 08 *[Signature]*

NOTES:  
 Make a provision for landscaping and a screen  
 require in accordance with NZS1223.2004 section 5.12.  
 Council rules with respect to trees.  
 Where there are more than 3 proposed glazing units  
 over the front plot the total glazing area of all units  
 & come to not more than 10% of plot area, in accordance with  
 section 5.12 of the Resource Management Act 1976.



Drawn: CH	Checkd: AD	Sheet: A	Project: FLOOR PLAN	Client: BILL CURD & JANICE TAMATI	Date: 21 JAN 08	Scale: 1:100	Project: A102 08/070447	Logo: A1 HOMES NZ
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DANLIGHT CONTROLS ADDED 3/10/08  
 Gannex Wallco & Assoc Ltd.

Drawn: CH	Checkd: AD	Sheet: ELEVATIONS	Project: FLOOR PLAN	Client: BILL CURD & JANICE TAMATI	Date: 21 JAN 08	Scale: 1:100	Project: A102 08/070447	Logo: A1 HOMES NZ
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**ExploreTasmanMap**

**4/6/2009 DISCLAIMER:**

This map is derived from ExploreTasman and has generally been compiled from data generated by and supplied to the TDC. It has no legal status and is known to be incomplete. To ascertain the exact location of any item, TDC advises that the customer arrange onsite verification. TDC will not be liable for any damages or loss whatsoever suffered from the use of this information.  
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APPENDIX 4  
Tasman Resource Management Plan Zoning Map



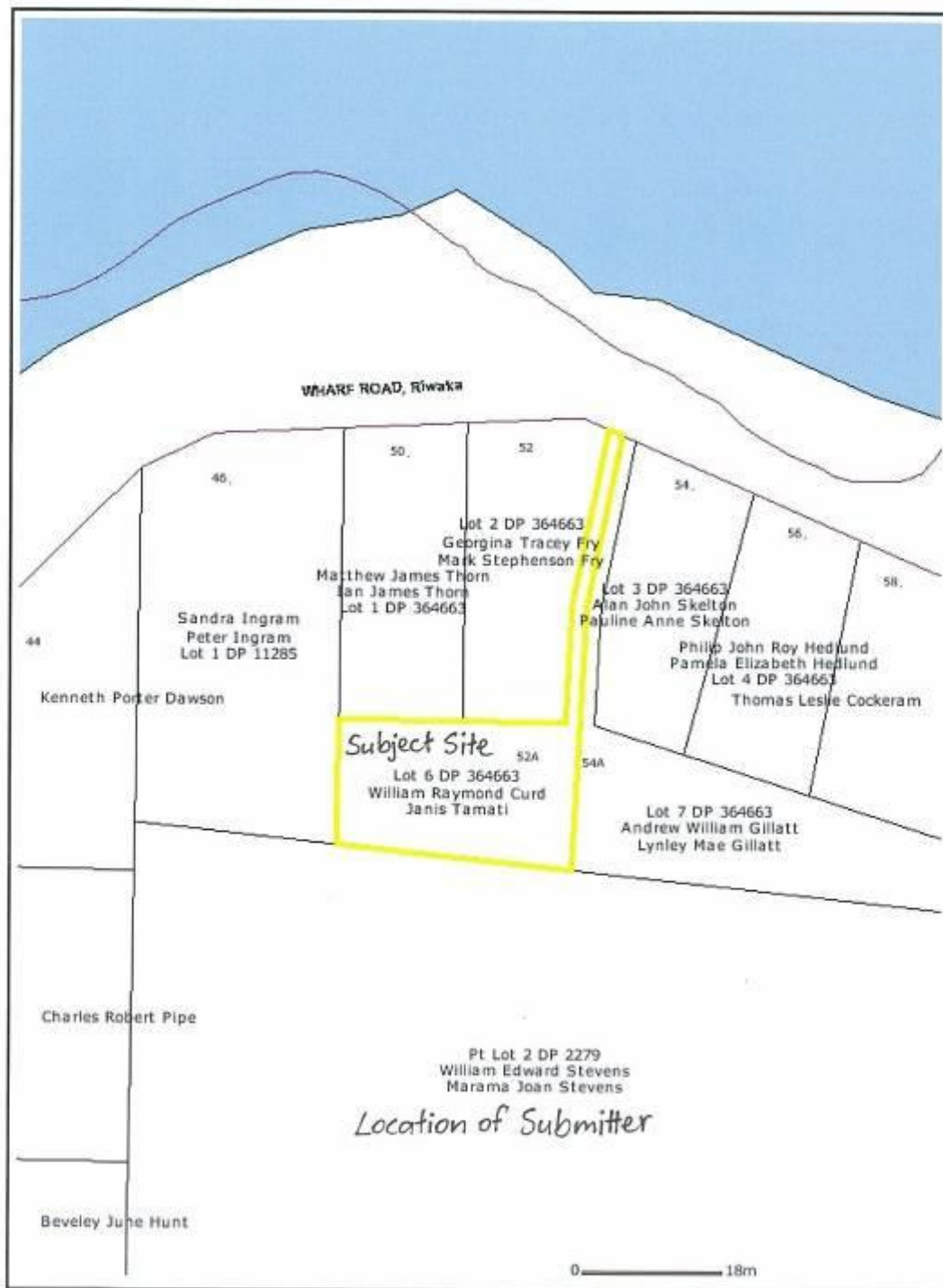
ExploreTasmanMap

9/6/2009 **DISCLAIMER:**

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**APPENDIX 5  
Location of Submitter**



**ExploreTasmanMap**

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Cadastre sourced from Land Information New Zealand data. Crown Copyright reserved.

**Environment & Planning Department**

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**TO:** Paul Gibson

**FROM:** Eric Verstappen

**DATE:** 4 June 2009

**FILE NO:** RM080633V1

**RE: Change of condition application to the dwelling at 52A Wharf Road, Riwaka**

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**1. INTRODUCTION**

The Ruapapa subdivision (File RM031040) created seven residential lots, including the subject site. The subdivision is situated in very close proximity to the coast. Due to its low lying nature, the subdivision was considered subject to unacceptable coastal inundation risk during the lifetime of the development, particularly in a future climate change and sea level rise scenario. At the time (2003) this risk was deemed to be sufficiently mitigated by the requirement to raise the ground level of the sites to a minimum of 3.0 metres above mean sea level (amsl). The subdivision sites were ultimately raised to approximately 4.0-4.50 metres amsl.

Since 2003 there has been significant ongoing research into climate change and its effects, with findings periodically released by the Intergovernmental Panel on Climate Change (IPCC). An allowance for sea level rise of 0.3 metres was recommended by the Ministry for the Environment (MfE) in 2003. However, a worsening prognosis regarding sea level rise has emerged over the last six years. The most recent (2007) fourth IPCC assessment report findings have been reflected by (MfE) in their report "Preparing for Coastal Change – a guide for local government in New Zealand", published in March 2009. This report recommends a base sea level rise allowance of 0.5 metres by 2090-2099 relative to the 1980-1999 average, as well as consideration of the consequences of sea level rise of 0.80 metres.

In retrospect, the raising of the Ruapapa subdivision land to a level greater than the minimum required in their consent is considered to be fortuitous. Council is required to respond to potential inundation (and other hazard) risk. It has moved on from the standards applicable in 2003 and now requires higher ground and floor levels than have previously been applied. These are reflected in the Engineering Standards 2008, as well as heeding advice contained in such publications as the guidance notes from MfE.

## 2. PRESENT SITUATION

The Stevens' property lies immediately to the south of the Curd-Tamati property at Riwaka. It is currently in orchard but is zoned Residential under the TRMP. While the Stevens land is not located directly adjacent to the coast and in some locations is a little higher than land immediately on the coastal margin, it is still considered to be at risk from seawater inundation in a future sea level rise scenario. If a residential development or subdivision was proposed for this land in the future, building platform land levels would need to be raised in a similar manner (and to a similar height) to the Ruapapa subdivision sites including the Curd property.

The Stevens' land would need to be raised to at least 4.0-4.5 metres amsl in order to adequately mitigate the risk of seawater inundation to land for residential purposes. The closer the land Stevens' land is to the coast and to the Curd-Tamati and Gillatt properties (i.e. the Stevens' northern boundary), the greater the need for similarity of the land level with these adjoining properties.

The need to raise land levels on the Stevens' property, particularly adjacent to the Curd-Tamati and Gillat properties, will have the effect of bringing the floor level of any dwelling on the Stevens property to a similar level as the Curd-Tamati house. This will significantly reduce or remove the presently perceived height difference of the Curd-Tamati house compared to any adjacent houses proposed for the Stevens' property.

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