

STAFF REPORT

TO: Environment & Planning Subcommittee

FROM: Laurie Davidson, Consents Planner, Golden Bay

REFERENCE: RM090003

SUBJECT: **R CARR and A EMERSON - REPORT EP09/07/06** – Report prepared for hearing of 13 July 2009

LOCATION

59 Totara Avenue, Pakawau, Golden Bay

LAND DESCRIPTION

Lot 13, DP 6816, an area of 809 square metres, all land contained in Certificate of Title NL 3B/616

ZONING

Proposed Tasman Resource Management Plan Rural 2
Coastal Environment Area

BACKGROUND TO CURRENT APPLICATION

An application to redevelop 59 Totara Avenue was lodged with Council in October 2007 and was processed as a limited notified application that was heard in March 2008 by the Environment and Planning Subcommittee and a decision declining the application was issued in July 2008. The decision was appealed by the applicant but was withdrawn in October 2007 as a new proposal was being considered by the applicant. In that case the loss of indigenous coastal vegetation was considered to be one of the prime reasons for declining the application, along with the scale and intensity of development. A redesign of the development was undertaken by the applicant and a revised proposal submitted to Council in December 2008 that was amended in January 2009. There was some discussion between Council and the applicant that resulted in a further redesign of the project and this was submitted to Council in February 2009. This proposal was processed as a limited notified application in March 2009.

RESOURCE CONSENT STATUS

Proposed Resource Management Plan Restricted Discretionary Activity -
Land Use

LIMITED NOTIFICATION

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

The application indicated written approval had been provided by the owner/occupier of 57 Totara Avenue, but this seems to have been omitted from the application.

SUBMISSIONS RECEIVED

- RD Slade and JES Carr
- C Potton

1. INTRODUCTION

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

2. SITE DESCRIPTION

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

The land is generally characterised by the retention of many of the totara trees that are prevalent at Totara Avenue and this provides some visual screening when viewed from the road. It is clear some of this vegetation will have to be removed to build the dwelling and this activity (removal of indigenous vegetation in the Coastal Environment Area) also requires consent under the Rural 2 Zone rules. The redesign of the project has been undertaken to preserve as many of the Totara trees on the property with a DBH of 100 mm or more along with only two of these having to be removed, along with six other trees.

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

The application contains a reasonably detailed survey of the site and makes it easier to appreciate the contours of the site that generally trend to the north and the east. The proposed floor levels of 4.650 places the living area and bedroom one between 0.5 and 0.8 metres above natural ground level and the other two bedrooms are higher than this. These levels provide some degree of protection, should the site suffer seawater intrusion in an extreme tide event. There are no obvious signs of any form of intrusion on this site at the current time.

It is also appropriate to look at the existing development at Totara Avenue and the compatibility of this proposal with the local environs. The area contains a range of buildings, including some two storey dwellings that are all located within the required setback from the coast. The current proposal consists of three modules that are connected by roofed decks which are designed to fit between the Totara trees as far as is practicable. The visual appearance of the proposal is of a reasonably large dwelling that will encroach into the required setbacks on all boundaries, but this is mitigated to some extent through the retention of the vegetation on the site.

The Totara Avenue area contains some permanent residences but many of the dwellings are holiday homes. The area is served by a narrow sealed road, approximately 3.5 metres in width with vegetation close to the carriageway creating a rather unique environment. The properties are served by a private reticulated water scheme and waste water is treated typically by septic tank and on site disposal. An engineering investigation indicates the land is able to accept the wastewater generated on site, after treatment by a system that will treat the waste water to a "secondary standard" that will meet the same standard as the Special Domestic Wastewater Area under the TRMP.

3. NOTIFICATION AND SUBMISSIONS

The application was notified as a limited notification on 16 March 2009. Submissions closed on 16 April 2009 and two submissions were received. One submission opposes the application and asks that it is declined. The submitter wishes to be heard in support of the submission. The other submitter supports the proposal and has not asked to be heard.

3.1 RD Slade and JES Carr

Ms Carr is the owner of 61 Totara Avenue, which is on the southern side of the subject site. She and Mr Slade have lodged a submission through their counsel, opposing the redesigned application, on the grounds that the building will encroach into the required setbacks for that zone and area. They consider the building will

impact on the open space and privacy of their property and will have the effect of “closing in” on their site, particularly in relation to the module containing bedrooms two and three. They consider the size of the development is such that it is still too large for the site and is actually larger in area than the earlier application. They are still concerned about the loss of vegetation on the site and consider the proposal is contrary to the principles of the Resource Management Act and offends the policies and objectives of the TRMP.

Comment: The siting of the proposed building and its relationship with the setback rules for the Rural 2 Zone and Coastal Environment Area is a matter that is addressed further within this report. The proposed building will result in a change from the current environment, but it is inevitable there will be some change in the future as the existing bach is aging and that type of property is likely to be redeveloped in a prime coastal location. The impact of the building is also commented on further within this report, but some of this becomes subjective through the design and layout of the building. The loss of vegetation is a matter that was used as reason for declining the earlier application and the applicant has tried to address this to retain as many of the significant trees as possible. The policies and objectives of the TRMP are addressed within this report and those relating to the coastal environment, landscape and amenity are very relevant to this application.

4. ASSESSMENT

The application before the Committee is a Restricted Discretionary Activity in terms of the Tasman Resource Management Plan in relation to the Rural 2 Zone and Coastal Environment Area rules. The Transitional District Plan (Golden Bay Section) has no relevance to this application any more. The Tasman Resource Management Plan has progressed through the Plan process and is now operative in relation to Part II of the Plan, including the relevant objectives and policies and the Zone and Area Rules that apply to this site. The Tasman Resource Management Plan is the appropriate plan to use, when considering this application.

The Committee may grant or decline an application for a Restricted Discretionary Activity, pursuant to Section 104(C) of the Resource Management Act and if consent is granted, conditions may be imposed pursuant to Section 108.

In making such a decision, the Committee is required to first consider the matters set out in Section 104(1) of the Act, in addition to the matters set out in Section 6 and 7. Primacy is given to Part II of the Act, “the purpose and principles of sustainable management of natural and physical resources.

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

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

5. RESOURCE MANAGEMENT ACT

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

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

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

5.1 Matters of National Importance

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

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

The Totara Avenue area is significant in coastal terms and has particular importance in ornithological terms. The area contains a wide range of birdlife that includes native species that occupy the Totara forest and migratory and sea birds that are found in the Ruataniwha Inlet. The area is almost completely developed and the current proposal is a redevelopment of the site that can be considered as a form of infill development. The Totara trees are part of a well established ecological area that adds to the local landscape values, but Totara Avenue is clearly a developed area when viewed from the Collingwood Puponga Road. The area is also clearly developed when viewed from the coast.

5.2 Other Matters

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

- (b) The efficient use and development of natural and physical resources:
- (c) The maintenance and enhancement of amenity values:
- (f) Maintenance and enhancement of the quality of the environment:
- (g) Any finite characteristics of natural and physical resources:
- (i) The effects of climate change.

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

6. STATUTORY PLANNING DOCUMENTS

6.1 Tasman Regional Policy Statement

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

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

6.2 The Tasman Resource Management Plan

The Tasman Resource Management Plan has been prepared and has progressed to the point that Part II is now operational. The Plan sets out a range of policies and objectives that are pertinent to the preservation of amenity values and sustainable development in the coastal environment area.

The sections of the plan that relate to the margins of the coast, site amenity, landscape and discharges to land are particularly relevant to this application. These are fundamental to the protection of the amenity values for the Totara Avenue area.

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

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

<i>Chapter 5 – Site Amenity Effects</i>	Council must ensure the rural character and amenity values of a site and the surrounding environment are protected, and any actual or potential effects of the proposed land use should be avoided remedied or mitigated so they are minor.
<i>Objectives 5.1.2 5.2.2 and 5.3.2</i> <i>Policies: 5.1.3.1, 5.1.3.4, 5.1.3.5, 5.1.3.9, 5.1.3.11, 5.1.3.12, 5.2.3.1, 5.2.3.2, 5.2.3.3, 5.2.3.4, 5.2.3.6, 5.2.3.7, 5.3.3.2, 5.3.3.3, 5.3.3.5</i>	Management of the effects of the proposed use must protect the use and enjoyment of other land in the area, including the provision for satisfactory on-site disposal of domestic wastewater and the amenity of the local area, while allowing a variety of housing types.
<i>Chapter 7 – Rural Environment Effects</i>	The use of the rural environment for activities other than productive land use can occur in certain locations, but it should be undertaken in a manner that does not compromise the rural character or amenity values. In this case the area has no real rural character and the land is subdivided to a residential standard.
<i>Objective: 7.2.2</i> <i>Policies 7.2.3.1, 7.2.3.2</i>	Allow for activities other than soil based activities to locate in rural areas on land that is not of high productive value. Any proposal is required to preserve the amenity and rural character of an area including wastewater disposal and access.
<i>Chapter 8 – Margins of the Coast</i>	The Plan contains a comprehensive list of policies for controlling development on the coast. Golden Bay has a distinctive coastline that has been recognised as a feature that is important to preserve.
<i>Objective 8.2.2</i> <i>Policies 8.2.3.1, 8.2.3.2, 8.2.3.4, 8.2.3.6, 8.2.3.7, 8.2.3.15, 8.2.3.16, 8.2.3.17, 8.2.3.18</i>	The policies relating to the management of the coast focus on the preservation of the natural character and amenity of the coast and its relationship with vegetation, buildings and uses.
<i>Chapter 9 – Landscape Effects</i>	The protection of landscape and natural features, particularly in rural areas and along the coast
<i>Objective 9.1.2</i> <i>Policies 9.1.3.3, 9.1.3.5, 9.1.3.6, 9.1.3.7</i>	The rural landscape in Tasman District is an important regional feature, particularly recognising the value of the non-urban areas. Development should not compromise that value.

<i>Chapter 13 – Natural Hazards</i>	Control of land that is subject to the effects of coastal erosion and inundation on the coast
<i>Objective 13.1.2</i> <i>Policies 13.1.3.1, 13.1.3.2, 13.1.3.4, 13.1.3.8</i>	The natural hazards associated with building on the coast have to be considered and where there is potential risk through inundation, measures have to be considered to avoid or mitigate that risk.

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

7. RESTRICTED DISCRETIONARY ACTIVITIES

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

7.1 Rural 2 Zone Rules

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

7.2 Coastal Environment Area Rules

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

8. ACTUAL AND POTENTIAL EFFECTS OF ALLOWING THE ACTIVITY

The application lodged by R Carr and A Emerson is a revised proposal, following an earlier application being declined, seeks consent to erect a dwelling to replace the existing bach on a parcel of land at 59 Totara Avenue which has a limited area available for building. The rules of the TRMP make it impossible to erect a building on this site as a Permitted or Controlled Activity. That is also the case with all the allotments at Totara Avenue as there is a requirement for buildings to be at least 100 metres from the coast in a Rural 2 Zone. The actual sandspit is barely 100 metres in width at its widest point and is bisected by the road.

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

8.1 Permitted Baseline

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

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

8.2 Scale and Intensity of the Proposal

The application lodged is for a dwelling that consists of three modules connected by roofed decking that is some 171 square metres in area with a deck on the eastern side of approximately 45 square metres. The decking is designed to provide an outdoor/indoor living environment that adjoins the living area and the main bedroom. The living area is sited where it will have the least effect on the property to the south

but will be clearly visible from the beach. It is possible to reduce the visual impact through the use of appropriate materials and carefully chosen recessive colours. The building is within the height restriction for building in the Coastal Environment Area, and does not exceed 5 metres in height.

While the site is not really a rural allotment, Totara Avenue is an anomaly when it is zoned Rural 2 but the allotments are of a residential character, much like the nearby Pakawau area. That zoning is historic and current rules do not place a restriction on the size of a dwelling to be erected on Rural 2 land. If a comparison was made with a Residential Zone, the site coverage is approximately 21 percent for the dwelling and the Plan excludes uncovered decks from site coverage. The Residential Zone rules permit up to 33 percent of a site to be covered with buildings as a comparison. It is interesting to note the earlier proposal that was declined was 168 square metres in area and the committee considered that application was “*considered to be too large and insensitively located.*” The committee also said “*The dwelling (the earlier application) cannot be considered a bach and as such does not fit with the amenity of the area*” They suggested reducing the size of a building and making use of the area already compromised by the existing bach. With the revised application, those issues will need to be reconsidered and a judgement made whether the proposal is appropriate for the site.

As indicated above, there is no parameter to assess the actual size of a dwelling at Totara Avenue and that judgement comes back to the scale of the development and the effect the building will have on the amenity of the area. This issue is covered by both the Rural 2 Zone and Coastal Environment Area rules that are set out in Section 7 of this report.

When I assessed the earlier application I considered the intensity of the development in that case was not considered excessive and apart from the coastal setback, the proposal would compare favourably with a similar development in a Residential Zone. I have not changed my opinion in this case and the main bedroom has been moved further back from the coast than an initial redesign submitted. The change in size from 168 to 171 m² is not considered to be particularly significant and the modular nature of the building assists in “fitting” it on the site while retaining the significant Totara Trees.

8.3 Landscape and Natural Values

The earlier application that was declined by Council went to considerable lengths on both the applicant’s and the submitter in opposition’s behalf to consider the ecological values associated with the Totara forest on the Totara Avenue sandspit. There is really no argument that these values are assessed as being of high importance at a local level and also of moderate to high value on a regional and national level. Expert witnesses gave evidence on this matter and the redevelopment of the site must take this issue into account if trees are to be removed. The removal of indigenous woody vegetation in the coastal environment area is a discretionary activity under the TRMP rules but there is no specific protection for the Totara forest in this area.

The Totara Avenue area has rather unique landscape values through the vegetation that exists and through the presence of the Ruataniwha Estuary on the western side of the sandspit. The area is also renowned for the prolific bird life that is present.

The revised application has tried to keep the removal of vegetation to a minimum and it appears two significant Totara trees will be removed and six other trees including a Pohutakawa, Five Finger and several Kanuka that have a diameter of more than 100 mm will be removed. The modular design of the development is used to “fit” the buildings into the available areas.

While there are issues that affect the adjoining property to the south, overall, the design of the revised project has been undertaken to try and preserve the natural values of this area and any change to the landscape is likely to be minor.

The removal of the current bach that is very close to the top of the coastal rockwork protection will improve the amenity of the area when viewed from the coast and there is the ability to control the materials and colours used on the new building to ensure the structure is compatible with the Coastal Environment Area.

8.4 Reduced Setbacks in Rural 2 Zone

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

In relation to the side yards, the yard to the south is reduced to 2.7 metres to optimise the sunlight on the northern side of the building. While the adjoining neighbour to the south does not support this siting, the effects of the reduction from 5 to 2.7 metres are difficult to establish. The use of screen fencing and some vegetation can also help mitigate the reduced setbacks and I understand the neighbour to the north (C Potton) has approached the applicants to request additional planting on that side of the property. No details of any such proposal have been made available to Council in this regard. I consider additional planting and possibly the use of additional screening is appropriate on the southern side of the dwelling to mitigate the visual effects of the proposed building.

8.5 Amenity Values

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

The deck on the eastern side of the building is reasonably large and is continued to approximately 2 metres of the top of the existing rockwork on the coastal margin.

This area is an improvement on the earlier design that had the potential to be intrusive in relation to the property to the south and in that case I had recommended screening should be used on the edge of the deck. This design has the effect of using the main bedroom as a screen for the living area.

Overall, I consider the proposed building will have some affect on the amenity of the area, but it is also fair to say that any development of the site will have some effect. The amenity values are tied in with the natural values of this area and the preservation of vegetation and careful design of any building are issues that are important to take into account when considering this application.

8.6 Off Street Parking

The plans submitted with the application show very limited off-street parking and there is no on site turning, requiring vehicles to back out into the roadway. While this issue is not covered by plan rules there are grounds in this case to have parking at a reduced standard as there is likely to be some conflict with the retention of vegetation and areas available for waste water disposal if this aspect was to be improved. Totara Avenue is a low speed environment and traffic tends to travel very slowly due to the width of the carriageway and the proximity of the adjoining vegetation on the road reserve. The dwelling is required to have two off street parks under the TRMP rules and the parking as shown can be accepted in this case to preserve the local amenity and natural values.

The application has asked that the parking areas be formed to a metalled surface to preserve ecological values and this aspect is unlikely to create any adverse effects. The TRMP rules normally require any access to be sealed at least 10 metres into the property and this would have a significant effect on vegetation, ecological values and possibly wastewater disposal. The site plan shows the access chip sealed for two metres and this is considered to be sufficient

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

8.7 Inundation

The survey plan submitted with the application shows the levels on the site, but there is no relationship with either Mean Sea Level or TDC Datum. The siting of the dwelling on the higher part of the section and a floor level of FL 4.65 appears to address any potential risk of inundation and allows for any potential risk from sea level rise that may occur. As a matter of consistency, it would be appropriate to include a minimum floor level that addresses all the coastal issues that apply to the Totara Avenue area.

8.8 Water Supply

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

purposes provided for each dwelling. The applicant has asked that they be able to rely solely on the Totara Avenue supply as installing a water tank could result in damage or loss of vegetation and ecological values.

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

As a matter of consistency with other dwellings that have been granted consent in this area, if consent is granted in this case, a water storage tank of not less than 23000 litres should be required for fire fighting purposes. A site for this should be chosen where it does not result in the loss of additional significant vegetation and it is possible to utilise areas such as the parking area to locate this underground.

8.9 Wastewater Disposal

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

The proposed system consists of a textile packed bed reactor waste water system that treats effluent to a secondary standard and an area of Pressure Compensated Dripper (PCD) irrigation to discharge effluent on a dosed basis. The indicative system does not show any reserve area for wastewater disposal and this would require a discharge permit if it is located within 20 metres of the coast. The applicant should clarify this matter to ensure the Permitted Activity status can be met for this proposal.

The septic tanks are shown in a position that does not meet the current siting requirement (closer than 3 metres to the dwelling) and this is also a matter that should be clarified by the applicant.

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

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

9. CONCLUSION

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

The proposal is a replacement of an existing bach on the site and in this case the building will be further back from the coast, but will be significantly larger than the current building and. The dwelling will be approximately 171m² in area with 45m² of decking on the eastern side and provided with a waste water treatment system and on site disposal of waste water via a PCD irrigation system to meet the standard for secondary treated wastewater.

The application is being evaluated under the Tasman Resource Management Plan which is the appropriate Plan for this proposal. The Plan is now operative in relation to Part II and the Rural 2 Zone and Coastal Environment Area rules apply to this application.

This proposal is the result of an earlier application being declined by the E&P Subcommittee, who found the ecological values and the scale and intensity of that proposal were inappropriate for that location. The revised proposal is still of a similar scale and intensity, but is designed in a modular fashion with three buildings linked by covered decks. This has enabled as many significant trees as possible to be retained and make the most effective use of the site. My report for the earlier application found support for that proposal and I have a similar view in relation to this revised proposal. The Committee will need to be satisfied the scale and intensity is appropriate if they have a mind to grant this application.

The application has been processed as a limited notified application and attracted two submissions from the neighbours to the north and south of the site. The neighbour to the north supports the application and has indicated he does not want to be heard. The neighbour to the south opposes the application and asks that it is declined. Their submission has identified some areas of concern, which require further consideration when evaluating this application. The primary issues in this case relate to the amenity of this area and the protection of the environment from potential adverse effects. The location of the building that does not meet the required setbacks that may result in intrusion affecting their property is also relevant.

The redesigned layout has located living areas away from the southern side and windows are also limited to reduce potential intrusive effects. As such, the effects of the proposed dwelling located where it uses some of the footprint of the existing bach, are mitigated to some degree. The siting of buildings 2.7 metres from the southern boundary can still have a visual impact, but there is some area available for enhanced planting should consent be granted. A landscaping requirement for the development may still be appropriate, even with the substantial vegetation on the site.

The proposed wastewater disposal system has been Engineer designed and is a sensible approach for such a limited site. The wastewater will be treated by a purpose designed system before being discharged via a dosed PCD system with a low rate of application. There is some confidence such a system will operate without adverse effects for this site and the groundwater, coastal marine area and neighbouring properties will not be affected. There is still some additional information that should be provided as a matter of clarification in relation to a reserve disposal area that should not be within 20 metres of Mean High Water Springs. Such a discharge would need to be authorised by way of a discharge permit. The septic tanks may also require relocation to meet the requirements of the Building Code.

The policies and objectives of the Tasman Resource Management Plan provide a framework to assess the application. As such it is important to weigh the issues appropriately to determine how the proposal fits with the Plan. The policies and objectives that relate to the coast, landscape and natural values and site amenity are particularly relevant to the land use component of this application.

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

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

10. RECOMMENDATION – LAND USE:

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

Land Use:

1. The proposed development shall be generally in accordance with the plans submitted with the application, attached as plans RM090003 (A – F) date (*date of granting consent*), and modified to conform with any additional conditions imposed. Where there is any conflict between the plans and the conditions imposed, the conditions shall prevail.
2. The dwelling shall have an height above natural ground level of not more than 5.0 metres above natural ground level, as defined by the TRMP.
3. The exterior of the buildings and any above ground water tank shall be finished in colours that are recessive and which blend in with the immediate environment. The consent holder shall submit to the Council's Consent Planner, Takaka for approval prior to applying for building consent the following details of the colours proposed to be used on the walls and roof of the building:

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

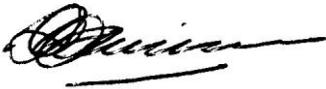
The building shall be finished in colours that have been approved by the Council.

Advice Note:

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

- 4. The development shall incorporate two carparks, formed to an all-weather dust free metallised surface. Access from the existing carriageway to a point not less than 2 metres into the consent holder's property shall be sealed with a two-coat chip seal. Any access beyond this point shall be finished to the same standard as the carparking.
- 5. Prior to lodging an application for Building Consent, the consent holder shall submit a landscaping plan for the development for approval by the Manager. Environment and Planning. The plan shall particularly address the area between the dwelling and the southern boundary, with a view to mitigating the visual impact of the encroachment of the building into that area.
- 6. Stormwater from the proposed dwelling shall be disposed of to a purpose designed soakpit, located in a position where it will be well clear of any waste water disposal area and where it will not result in the loss of further vegetation.
- 7. The development shall be undertaken in a manner that provides particular care and protection for the identified trees on the landscape plan, other than the two trees identified within the proposed buildings.
- 8. As part of the building consent process, the consent holder shall submit a revised wastewater treatment and disposal system for the proposal that complies fully with the requirements of the Tasman Resource Management Plan. (Note: In the event the disposal area cannot comply fully with the siting requirements for on site disposal as prescribed by Rule 36.1.4, a discharge permit will be required)

9. The development shall incorporate an on-site water storage tank of not less than 23000 litres capacity, fitted with an accessible 50mm camlock coupling to allow connection with fire fighting equipment. Any above ground water tank shall meet the colour controls covered by condition 3.
10. The configuration of the windows on the southern side of the building shall be limited to that shown on Plan RM 070991(C) dated (*date consent is issued*).
11. Consent is granted to remove the indigenous woody vegetation that currently exists on the proposed building footprint and immediate environs, the access to the property and the area for carparking.



Laurie Davidson
Consents Planner (Land)
Golden Bay

Policies and objectives appropriate to this application are as follows:

General Objectives

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

Land Resource Objectives

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

Coastal Environment Objectives and Policies

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

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

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

habitats such as estuaries and wetlands;

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

natural processes such as spit formation;

water and air quality

Having regard to:

rarity or representativeness;

vulnerability or resilience;

coherence and intactness;

interdependence; and

scientific, cultural, historic and amenity values;

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

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

coastal habitats, including wetlands, estuaries and dunes;

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

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

sites of coastal processes;

public access to and along the coastal marine area;

water and air quality;

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

Having regard to:

rarity or representativeness;

vulnerability or resilience;

coherence and intactness;

interdependence; and

scientific, cultural, historic and amenity values;

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

PROPOSED TASMAN RESOURCE MANAGEMENT PLAN

Policies and objectives appropriate to this application are as follows:

Site Amenity

Avoidance, remedying or mitigation of adverse effects from the use of land, on the use and enjoyment of other land and on the qualities of natural and physical resources. *(Objective 5.1.2)*

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

To limit the intensity of development where wastewater reticulation and treatment are not available. *(Policy 5.1.3.4)*

To ensure that the characteristics, including size, soil type and topography of each lot of any proposed subdivision or built development are suitable for sustainable on-site treatment of domestic waste in un-reticulated areas, particularly in areas where higher risks of adverse effects from on-site disposal of domestic wastewater exist. *(Policy 5.1.3.5)*

To avoid, remedy, or mitigate the likelihood and adverse effects of the discharge of any contaminant beyond the property on which it is generated, stored, or used. *(Policy 5.1.3.11)*

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

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

having regard to the:

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

of such features, landscapes, habitats, ecosystems, processes and values. *(Policy 5.1.3.12)*

Maintenance and enhancement of amenity values on-site and within communities throughout the District. (*Objective 5.2.2*)

To maintain privacy for residential properties and for rural dwelling sites. (*Policy 5.2.3.1*)

To ensure adequate daylight and sunlight to residential properties, and rural dwelling sites. (*Policy 5.2.3.2*)

To promote opportunity for outdoor living on residential properties, including rural dwelling sites. (*Policy 5.2.3.3*)

To promote amenity through vegetation, landscaping, street and park furniture, and screening. (*Policy 5.2.3.4*)

To maintain and enhance natural and heritage features on individual sites. (*Policy 5.2.3.6*)

To enable a variety of housing types in residential and rural areas. (*Policy 5.2.3.7*)

Maintenance and enhancement of the special visual and aesthetic character of localities. (*Objective 5.3.2*)

To maintain the open space value of rural areas. (*Policy 5.3.3.2*)

To avoid, remedy or mitigate the adverse effects of the location, design and appearance of buildings, signs and incompatible land uses in areas of significant natural or scenic, cultural, historic or other special amenity value. (*Policy 5.3.3.3*)

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

- a) heritage
- b) vegetation
- c) significant landmarks and views (*Policy 5.3.3.5*)

Rural Environment Effects

Provision of opportunities to use rural land for activities other than soil-based production, including papakainga, tourist services, rural residential and rural industrial activities in restricted locations, while avoiding the loss of land of high productive value. (*Objective 7.2.2*)

To enable activities which are not dependent on soil productivity to be located on land which is not of high productive or versatile value. (*Policy 7.2.3.1*)

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

- a) the productive and versatile values of the land;
- b) natural hazards;

- c) outstanding natural features and landscapes and the coastal environment;
- d) cross boundary effects, including any actual and potential adverse effects of existing activities on future activities;
- e) servicing availability;
- f) the availability of specific productive natural resources such as aggregates or other mineral resources;
- g) transport, access and effects;
- h) potential for cumulative adverse effects from further land fragmentation;
- i) maintaining a variety of lot size;
- j) efficient use of rural land resource;
- k) cultural relationship of Maori to their land. (*Policy 7.2.3.2*)

Margins of the Coast

Maintenance and enhancement of the natural character of the margins of lakes, rivers, wetland and the coast, and the protection of that character from adverse effects of the subdivision, use, development or maintenance of land or other resources, including effects on landform, vegetation, habitats, ecosystems and natural processes. (*Objective 8.2.2*)

To maintain and enhance riparian vegetation, particularly indigenous vegetation, as an element of the natural character and functioning of lakes, rivers, the coast and their margins. (*Policy 8.2.3.1*)

To control the destruction or removal of indigenous vegetation on the margins of lakes, rivers, wetlands and the coast. (*Policy 8.2.3.2*)

To avoid, remedy or mitigate adverse effects of buildings or land disturbance on the natural character, landscape character and amenity values of the margins of lakes, rivers, wetlands or the coast. (*Policy 8.2.3.4 – Not yet operative*)

To adopt a cautious approach in decisions affecting the margins of lakes, rivers and wetlands, and the coastal environment, when there is uncertainty about the likely affects of the activity. (*Policy 8.2.3.6*)

To ensure that the subdivision, use or development of land is managed in a way that avoids where practicable, and otherwise remedies or mitigates any adverse effects, including cumulative effects, on the natural character, landscape character and amenity values of the coastal environment and the margins of lakes, rivers and wetlands. (*Policy 8.2.3.7 – Not yet operative*)

To limit the potential for the spread of fire in or to areas of natural character in the coastal environment and on the margins of lakes, rivers and wetlands. (*Policy 8.2.3.15*)

To manage the location and design of all future buildings in the coastal environment to ensure they do not adversely affect coastal landscapes or seascapes. (*Policy 8.2.3.16*)

To pursue and encourage restoration and enhancement of coastal and riparian areas where natural character has been degraded by past human activities. (*Policy 8.2.3.17*)

To avoid, remedy or mitigate adverse effects on natural coastal processes of the subdivision, use or development of land, taking account of sea-level rise. (*Policy 8.2.3.18*)

Landscape

Protection of the District's outstanding landscapes and features from the adverse effects of subdivision, use or development of land and management of other land, especially in the rural area and along the coast to mitigate adverse visual effects. (*Objective 9.1.2*)

To ensure that structures do not adversely affect:

- a) visual interfaces such as skylines, ridgelines and the shorelines of lakes, rivers and the sea;
- b) unity of landform, vegetation cover and views. (*Policy 9.1.3.3*)

To promote awareness and protection of landscape (including seascape) values. (*Policy 9.1.3.5*)

To manage activities which may cause adverse visual impacts in the general rural area. (*Policy 9.1.3.6*)

To ensure that land disturbance including vegetation removal and earthworks does not adversely affect landscape character and rural amenity value in the Coastal Environment Area in locations of public visibility, particularly where there are distinctive natural landforms. (*Policy 9.1.3.7 – Not yet operative*)

Natural Hazards

Management of areas subject to natural hazard, particularly flooding, instability, coastal and river erosion, inundation and earthquake hazard, to ensure that development is avoided or mitigated, depending on the degree of risk. (*Objective 13.1.2*)

To avoid the effects of natural hazards on land use activities in areas or on sites that have a significant risk of instability, earthquake shaking, flooding, erosion or inundation, or in areas with high groundwater levels. (*Policy 13.1.3.1*)

To assess the likely need for coastal protection works when determining appropriate subdivision, use or development in the coastal environment and, where practicable, avoid those for which protection works are likely to be required. (*Policy 13.1.3.2*)

To avoid developments or other activities that are likely to interfere with natural coastal processes including erosion, accretion, inundation, except as provided for in Policy 13.1.5. (*Policy 13.1.3.3*)

To avoid or mitigate adverse effects of the interactions between natural hazards and the subdivision, use and development of land. (*Policy 13.1.3.4*)

To promote the maintenance and enhancement of coastal vegetation in areas at risk from coastal erosion. (*Policy 13.1.3.8*)