STAFF REPORT

TO: Environment & Planning Subcommittee

FROM: Pauline Webby, Consent Planner

REFERENCE: RM090634 (Subdivision), RM090635 (Land Use)

SUBJECT: **M and R STEPHENS - REPORT EP10/01/01 -** Report prepared for hearing of 13 January 2010

1. SUMMARY OF PROPOSAL

To undertake a subdivision of land described as Lot 2 DP10904 and Lot 1 DP 313820 comprised in CT 150292 and includes a 1/5 share on Lot 13 DP336741, being an access lot), into five allotments each with an area as set out below:

a) Lot 1 2.19 ha
b) Lot 2 2.48 ha (contains the existing dwelling)
c) Lot 3 2.12 ha.
d) Lot 4 1790m^2 (sea bed to vest in Crown)
e) Lot 5 to be amalgamated into the access Lot 13

Land use consent has also been applied to site a dwelling on each of Lots 1 and 3. The application site is located at 156 Aranui Road, Mapua.

2. STATUS OF APPLICATION

Zoning: Rural 1
Areas: Coastal Environment Area, Coastal Hazard Area, Land Disturbance 1, Cultural Heritage Site.

Activity	Relevant permitted rule	Applicable rule	Status
Subdivision in rural 1 Zone	Nil	16.3.5.2	Discretionary
Landuse First Dwelling	17.5.3.1	17.5.3.3	Restricted discretionary
Coastal environment Area	18.11.3.1	18.11.3.2	Restricted discretionary
Access more than six users	Nil	16.2.6.1(4)	Restricted discretionary
Cultural Heritage Site	16.13.6.1	16.13.6.3	Restricted discretionary
Esplanade strip	Nil	16.4.2.1	Restricted discretionary

Overall the proposal is a discretionary activity.

3. NOTIFICATION AND SUBMISSIONS

3.1 Written Approvals

Prior to notification written approvals were received from:

- T Zondag
- JGR and J E Tidswell
- L H and A M Dunn
- Thawley Orchard Co Ltd
- P and M A Clinton-Baker
- P I Talley and J M Fitchett

Pursuant to Section 104(3)(a)(ii) of the Act the decision making panel must not have any regard to any effect on these parties. The locations of these parties' properties are shown on the Map in Appendix 1.

3.2 Notification

The application was fully notified and submissions closed on 27 November 2009.

3.3 Submissions

Submissions in support

Submitter	**Reasons**	**Heard?**
Thawley Orchard Co Ltd	No reason given	N
JEE & JGR Tidswell	No reason given	N
V and D Andrews	Improvement of the ROW access	N
D P Bastion	No reason given	N

Neutral submissions

Submitter	**Reasons**	**Heard?**
New Zealand Fire Service Commission C/- Beca Carter Hollings & Ferner Ltd	The water supply for fire fighting purposes is less than the 45,000 litres capacity recommended by the NZFC Fire Fighting Water Supplies Code of Practice SNZ PAS 4509:2003. The NZ Fire Service Commission seeks that should consent be granted, a condition be imposed requiring compliance with the NZFC Fire Fighting Water Supplies Code of Practice SNZ PAS 4509:2003.	Reserves the right to be heard
Tiakina te Taiao	Has provided comments on the Cultural Values of the application area and the significance of these. Conditions are recommended for the proposal to ensure the Cultural values associated with the land are protected.	N
P I Talley, J R	Conditional on the widening and sealing of	Y

Ryder, J M Fitchett	Lot 13	

Submissions in opposition

Submitter	Reasons	Heard?
Ministry of Education	The effects and safety issues on foot and cycle traffic to Mapua School crossing the ROW at its intersection with Aranui Road arising from an increase of two users on the ROW.	Y
S Williams	Increase in users on the adjoining ROW and the adverse effects that arise out of this increase.	N
S Pascoe	Loss of amenity in the coastal zone, fragmentation of rural 1 land.	Y
Forest & Bird	Inappropriate development on this coastline, coastal hazards, public access, cultural values.	Y
Mapua Dist Cycle & Walkway Group	Oppose subject to conditions	Y
D and J Mitchell	Inappropriate development on this coastline, coastal hazards, public access, cultural values	Y

These parties' properties are shown in Appendix 2.

3.4 Comments on Submissions

The Submissions are self explanatory.

4. STATUTORY CONSIDERATIONS

Section 104

A decision on this application must be made under Section 104 of the Act. The matters for the Council to address are:

- Part 2 (Sections 5, 6, 7 and 8)
- Effects on the environment (positive and negative)
- Objectives and Policies of the TRMP
- Other matters

Section 106

This land is subject to known coastal erosion risks with the land likely to be exposed to an increased risk due to climate change predictions. This matter will be covered

further in Council's resource scientist, Eric Verstappen's, report and in 6.3 of this report.

5. SECTIONS 6, 7 AND 8

The following matters are relevant to this application:

Matters of National Importance

- S.6(a) the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development.

- S.6(d) the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers.

- S.6(e) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.

Other Matters

- S.7(c) the maintenance and enhancement of amenity values:
- S.7(f) maintenance and enhancement of the quality of the environment:
- S.7(i) the effects of climate change:

Treaty of Waitangi
In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).

6. KEY ISSUES

The key issues are:

- Rural character and amenity
- Access and Traffic
- Coastal hazard
- Fragmentation of productive land
- Wastewater disposal, building site location and other services, including water
- Cultural values
- Archaeological
- Public access at high tide
- Precedent
- Cumulative Effects
- Location of lifestyle development within the Coastal Tasman Area (CTA)

Of these key issues I consider that the two issues pivotal/crucial to the application are the assessment of the proposal against the objectives and policies for the coastal

area (Chapter 8: Margins of rivers, lakes, wetlands and the coast) and the effects on the rural character of the area (Chapter 7 Rural environment effects).

6.1 Rural Character and Amenity

This proposal would create three allotments, each with frontage to the coastline. Instead of the existing one property with its associated buildings this subdivision proposal would increase the number of residential dwellings in this area by two.

Lots 1, 2 and 3 will retain areas of 2.19, 2.48 and 2.12 hectares respectively. Lots 1 and 3 will each have a building site that is both out of the coastal hazard area and set back at least 125 metres from MHWS.

The proposed allotment size is similar in size to the nearby Talley, Bone and Tidswell properties all with allotment sizes between 2 and 3 hectares; however when the properties on the coastal plains between Broadsea Avenue and the Mapua Channel are considered, the size range is predominantly 6 to 8 hectares with the larger area of the Mapua Leisure Park at 12.3 hectares.

While it is recognised that the proposed allotments would provide high amenity rural residential living in a coastal setting, this is not supported by the Rural 1 zoning which assumes a lower density of residential dwellings and use. The proposed smaller allotment sizes do not maintain the character anticipated by the community through the TRMP for rural 1 land within the Coastal Tasman Area.

The character, amenity and landscape of this area in its rural and coastal setting is unique albeit now modified by the rock revetment structure that provides protection from coastal erosion processes to the properties that lie behind it.

This coastal environment is valued by the local and wider communities for the natural values (rural openness, low density of dwellings, beach and shore line) of this locality and these values are articulated in the submissions against the proposal.

Objective

5.2.2 *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.

Objective

5.3.2 Maintenance and enhancement of the special visual and aesthetic character of localities.

Policy

5.3.3.2 To maintain the open space value of rural areas.

Objective

7.4.2 Avoidance, remedying or mitigation of the adverse effects of a wide range of existing and potential future activities, including effects on rural character and amenity values.

Policy

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

Objective

8.2.2 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.

Policy

8.2.3.7 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.

8.2.3.8 To preserve natural character of the coastal environment by avoiding sprawling or sporadic subdivision, use or development.

I generally agree with the assessment of the individual rural character and amenity effects that might arise from two additional allotments in this location found in the summary contained on pages 18 and 19 of the application report. This assessment and reasoning is consistent with the approved subdivision of properties nearby (RM070743, Tidswell; RM051015, Thawley and RM030258, Bone)

I will however qualify this by saying, while accepting that the impacts of each individual effect can be mitigated by landscaping, setbacks and building design, I consider that this development proposal is not appropriate for the locality nor does this reduction of property size maintain the Rural 1 character and amenity contemplated by the policies and objectives of the TRMP. I refer the reader of this report to the policies 8.2.3.7 and 8.2.3.8 above, the Coastal Tasman Area matters raised in section 6.8 of this report and the Part 2 matter *"S.6(a)the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development."*

6.2 Access and Traffic

Lot 13 provides a right-of-way access from Aranui Road to six other users with a frontage with the coast; this application will increase the number of users on Lot 13 from 6 to 8 domestic users. The application proposes a two metre increase in the width of the right-of-way from the Seaton Valley Stream where it adjoins Lots 7 and 6 shown on Plan A. An upgrade of this length to a sealed surface is also volunteered as a condition of consent. It is noted that the written approval provided by Messrs Talley, Ryder and Fitchett is conditional on this upgrade.

Objective

"5.1.2 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.

Policy

5.1.3.9 To avoid, remedy, or mitigate effects of:

(a) Noise and vibration

(g) Vehicles"

There is likely to be a temporary effect of localised noise and vehicle movement on the right-of-way during the construction phase of the Lot 13 upgrade and new access creation to the new allotments.

The Council's Development Engineer (Dugald Ley) has provided a report on traffic effects as they relate to the increase of users on the right-of-way (ROW) from six to eight. (refer to ***Appendix 3***)

This report identifies the need for a traffic refuge to allow pedestrians to cross the ROW intersection with Aranui Road safely and recommends conditions to mitigate any adverse effects from the increased number of users on the ROW if the consent were granted.

I agree with the assessment provided with by applicant and referred to in paragraphs 3.6, 3.7, 3.8 (page 8), 4.6 and 4.7 (pages 10 and 11) and traffic effects summary on page 21 of the application.

6.3 Coastal Hazard

This length of coastline has an existing rock revetment that has provided a level of protection for adjoining properties from the effects of known coastal erosion processes.

This length of rock revetment was formed by the land owners and is maintained by them, the Council has no involvement in the maintenance of this protection works.

The relevant policies and objectives of Chapter 6 (set out below) provide further direction on limiting subdivision in the Mapua Ruby Bay coastline due to the known erosion risks.

Taking account of the recent climate change information included in Chapter 13 of TRMP (relevant objectives and policies included below) it is considered that more development in this locality may also cause pressure for a higher degree of coastal protection to be provided by Council eg more people and assets at risk from the increasing potentials for coastal erosion.

The Council has made no provision in its LTCCP to provide any coastal protection to this particular section of the Mapua Ruby Bay coast.

Council's Resource Scientist, Mr Eric Verstappen is to provide a report that comments on these natural hazard issues as they relate to this application and any mitigation for dwellings if they were placed on site. (refer to ***Appendix 5***

Issue

6.15.1.2 Recognition of a major coastal erosion and inundation hazard from McKee Domain to the Mapua Channel

Policies

6.15.3.2 To identify a coastal hazard area in the area between Mapua and Ruby Bay where all building development will be strictly limited to avoid adverse effects on buildings.

6.15.3.3 To identify an area adjacent to the coastal hazard area where further subdivision will not be permitted.

Objectives

13.1.2 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.

Policy

13.1.3.1 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.

Principal Reasons and Explanation

13.1.30 The District has a substantial length of coastline that is subject to coastal erosion. There is a relatively high risk of erosion affecting soft shorelines around the District, particularly at Pakawau, Rangihaeata, Mapua, Ruby Bay, Marahau, and to a lesser extent at Parapara and Pohara.

Significant new built developments in areas that have been identified as subject to coastal or river erosion and inundation are likely to require capital intensive protective works so are best avoided in such locations. Rules seek to avoid the future demand for protection works and to avoid the effects of known hazards.

Council considers that the advice of the Ministry for the Environment given in July 20081 should be adopted in coastal planning. That advice was for a three-part approach for planning and decision timeframes out to 2090 – 2099:

- *A base value sea level rise of 0.5 m relative to the 1980 – 1999 average; plus*
- *An assessment of the potential consequences from a range of possible higher sea-level rises (for example: from the Greenland and Antarctic ice sheets, carbon cycle feedbacks, and other matters); and*
- *At the very least, assessment of the consequences of a mean sea level rise of 0.8 m relative to the 1980 – 1999 average.*

All three factors place low-lying coastal margins at risk of both flooding from the landward side and inundation from the sea, or transformation by the processes of erosion and deposition.

Objective

7.2.2 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.

1 *Coastal Hazards and Climate Change – A Guidance Manual for Local Government in New Zealand,* 2nd Edition, July 2008, Ministry for the Environment

Policy

7.2.3.2 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:

(b) natural hazards;

6.4 Fragmentation of Productive Land

Generally the soils in the Rural 1 Zone are described as *"the most inherently productive land in the District"* however the soils of this property have a soil productivity classification of G on the Tasman District Land Capability Maps, which indicates a low productive value. It should be noted that this site is classed as G and is part of the old sand dunes remaining along this section of the Tasman Bay Coast which are distinct from the rural 1 land lying immediately behind which have a productivity classification of B on the Tasman District Land Capability Maps. The application site is shown in red outline on Fig 1 below.

Figure 1

Objective

7.1.2 Avoid the loss of potential for all land of existing and potential productive value to needs of future generations, particularly land of high productive value.

Policies

7.1.3.1 To avoid, remedy, or mitigate the adverse effects of subdivision of rural land particularly land of high productive value

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

7.1.3.3 To avoid, remedy, or mitigate adverse actual, potential, and cumulative effects on the rural land resource.

Objective

7.2.2 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.

Policies

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

I agree with the assessment provided with by applicant on the loss of land available for productive land use through subdivision of land referred to in paragraph 5.11 on page 18 of the application. This reasoning is consistent with the earlier approved subdivision for Tidswell RM070743 whose nearby property lies within the same dune landform.

6.5 Wastewater disposal, building site location and other services including water

The application specifies that it can comply with the permitted requirements of rule 36.1.4 - Discharge of Domestic Wastewater of the TRMP and has provided a report from Tasman Consulting Engineers (TCE) confirming that wastewater and stormwater discharge can be managed on site, conditions have been recommended.

A report from Tasman Consulting Engineers (TCE) confirming that a suitable building site can be located on Lots 1 and 3 subject to recommended conditions.

Underground power and telephone will be supplied to the boundaries from the right-of-way.

The application indicates that the existing dwelling on Lot 2 will continue to be serviced for a potable water supply from its existing bore, that the one existing connection to the Mapua water supply will be utilised for one of the new Lots with the remaining Lot being serviced via the provision of water storage of rainwater.

Council's Development Engineer has confirmed that there will be no future provision of reticulated stormwater, water (over the one existing connection available to this property) or wastewater services to these properties at this time or in the future and his memo is appended to this report.(refer to Appendix 3)

Objective

7.4.2 Avoidance, remedying or mitigation of the adverse effects of a wide range of existing and potential future activities, including effects on rural character and amenity values.

Policy

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

I am satisfied that the information in paragraphs 3.9, 3.10 and 3.11 page 8 indicates that provision for water , power and telephone can adequately be provided on each allotment and I agree with the wastewater report provided by TCE and the applications assessment summary provided in paragraph 5.11 page 21 of the application.

6.6 Cultural values and Archaeological sites

The application has not commented on the Cultural values and referred the application to Tiakina te Taiao for further comment.

Tiakina te Taiao has provided a neutral submission which highlights the significance of the locality in terms of cultural values and the proximity of a Waahi tapu site (N27-084 Urupa).

They highlight the importance of understanding the difference between Archaeological values and those areas with Cultural values and that both values need to be individually assessed within any RMA decision making process.

The location of the Cultural Heritage Site N27-084 and N27 -085 encompasses both the Talley and Stephen's property. N27-084 is the site of *"koiwi (human remains) battle discovery from the raupata raid in the 1820's on the Talley property"* (Tiakina te Taiao submission) therefore as identified by Tiakina te Taiao, this site is considered a waahi tapu site.

Tiakina te Taiao have provided conditions of consent which request iwi monitors for any earthworks associated with each Lot's development and support the involvement of Tasman Consulting Engineers for any wastewater disposal design on the allotments, ensuring that there are no detrimental effects on the coastal environment and kaimoana arising from disposal of wastewater to land.

The Archaeological assessment from Amanda Young and comments provided by applicant referred to in paragraphs 5.11 page 22 are self explanatory with conditions of consent volunteered in terms of any accidental find of archaeological significance.

I am satisfied that provided the conditions requested are included in any consent (If consent were granted by committee) that the effects of the proposal will not impact of either the cultural or archaeological values and therefore the proposal would be consistent with the matters raised in part 2 of the RMA.

> *"S.6(e)the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga".*

6.7 Public access

The application proposes a 16 metre esplanade strip along the frontage of Lots 1, 2 and 3. This application would create the opportunity for Council to gain an esplanade strip along the top of the revetment protection works and allow for future public access along the shoreline at high tide. The existing rock revetment impedes any public access along this stretch of coastline at high tide. Council's Reserves planner in her report (refer to **Appendix 4**) has indicated that they would require the full

20 metre esplanade strip along the frontage of Lots 1, 2 and 3 if consent were granted.

The Community Services Department recommend the creation of a public access easement across Lot 13 DP366741 if consent were granted to facilitate the creation a walkway/cycleway along the entire length of Seaton Valley Stream

Objective

8.1.2 The maintenance and enhancement of public access to and along the margins of lakes, rivers, wetlands and the coast, which are of recreational value to the public

Policy

8.1.3.4 To set aside or create an esplanade reserve, esplanade strip or access strip at the time of subdivision of land adjoining water bodies or the coastal marine area, where there is a priority for public access.

6.8 Location of rural residential and lifestyle development

The site is located within the Coastal Tasman Area. Section 7.3 of the TRMP identifies the demand for lifestyle living on coastal land and highlights the cumulative effects arising from the inappropriate development in these coastal areas not identified for further development.

This proposal lies within a Rural 1 zone where smaller lifestyle sites are not anticipated by the TRMP.

The Coastal Tasman Area encompasses a range of zones with the provision of areas to meet this demand for rural lifestyle allotments, being identified within the Rural 3 and rural residential zones, away from the coastal areas that remain zoned Rural 1.

It is a Council expectation that there would be little change to the Rural 1 and 2 zones within this area, therefore the current rural and coastal amenity values are to be maintained as they are.

7.3.1 Issue

There is a desire in the community for residential development opportunities within a rural part of the District, used productively and having some existing rural residential development. Managing the pressure for and cumulative effects of residential development in the Coastal Tasman Area which is a rural area close to the coast, to the District's main urban centres, and to major transport routes, while protecting the productive values of the rural land resource, coastal and rural character, and amenity values.

Policies

7.3.3.2 To identify areas (Rural 1 locations) within the Coastal Tasman Area where the potential adverse effects of further subdivision and development for residential or rural residential purposes are of such significance that further development is discouraged.

7.3.3.3 To ensure that the valued qualities of the Coastal Tasman Area, in particular rural and coastal character, rural and coastal landscape, productive land values, and the coastal edge and margins of rivers, streams and wetlands are identified and protected from inappropriate subdivision and development.

7.3.3.6 To protect rural and coastal character, including landscape and natural character, and productive land and amenity values from development pressures in parts of the Coastal Tasman Area outside the areas where development is specifically provided for, including Kina Peninsula and the land to the west of the Moutere Inlet.

Principal reasons and explanation

7.3.30 A long term planning framework for the Coastal Tasman Area is provided by the policies for the area, within the broader framework of objectives and policies in the Plan. A range of methods, including zones, areas, rules and other provisions in the Plan, a works and service programme, along with the 'Coastal Tasman Area Subdivision and Development Design Guide', for the parts of the area where additional development is enabled, will be used to implement the policies.

Together these provisions are intended to provide for a significant number of new dwellings in the area (in addition to further development in Mapua and Tasman); to guide development to the areas where it is able to be accommodated with limited adverse effects on the environment; and to encourage forms of low impact subdivision and development through design objectives and guidelines set out in the 'Coastal Tasman Area Subdivision and Development Design Guide'. ***It is expected that there will be little change in those areas in the Coastal Tasman Area that retain Rural 1, Rural 2 and Rural Residential zonings*****.**

6.9 Cumulative and Precedent Effects

Policy

7.2.3.2 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:

(h) potential for cumulative adverse effects from further land fragmentation.

Precedence in itself is not an "effect" but the subsequent approval of this subdivision is likely to lead to lead to other similar applications from Rural 1 properties each wanting like treatment. This can lead to a cumulative effect that is very much a relevant adverse effect under Section 3 (d) of the Act.

Of particular concern is that this Rural 1 locality within the Coastal Tasman Area is not expected to have any significant change in allotment sizes or density and the subsequent approval of this subdivision is likely to lead to applications from other similar sized Rural 1 properties in the coastal plains between Broadsea Ave and Mapua, each wanting like treatment.

For this subdivision application, a key issue is the potential for a cumulative loss of rural character and amenity values associated with any increase of lifestyle development of smaller allotments in the Rural 1 landscape close to the coast.

7. SUMMARY OF KEY ISSUES

The individual issues surrounding productivity, access, servicing, cultural values, archaeological values, visual effects of buildings, public access and mitigation of any coastal flooding risk for additional dwellings could be mitigated so that effects are no more than minor.

However the creation of an additional two lifestyle allotments is not consistent with the TRMP policy level objectives for development of this Rural 1 land within the Coastal Tasman Area.

With the recent climate change information available (published after the previous adjacent subdivisions of RM030258, Bone; RM05015, Thawley and RM070743, Tidswell) and now included in Chapter 13 of the TRMP, a more cautious approach to further subdivision development in this coastal location, with the increased risks for people and assets from potential coastal hazards, than taken in preceding applications is warranted.

The Mapua Structure plan is still in its draft form and discussion with policy staff indicate that at the policy level it is considered that further subdivision development in this locality is not supported. (pers comm..Rose Biss, Policy Planner)

8. SECTION 5 AND RECOMMENDATION

In terms of Section 5 of the Act, I consider that a grant of consent would not promote the sustainable management of natural and physical resources.

Therefore I recommend that the application be DECLINED.

9. RECOMMENDED ADVICE NOTES, PLANS

If the Committee see fit to grant the application, the following conditions are recommended.

SUBDIVISION - RM090634

General

1. The application shall be undertaken in general accordance with the information and reports included in the application prepared by Planscapes (NZ) Ltd and as set out below:

   Plan prepared by Planscapes (NZ) and titled *"Lots 1-7 being proposed subdivision of Lot 1 DP313820, Lot 2 DP10904, Lot 2 Dp11197 and Lot 4 DP 313820"* Job No. 0170 dated 06/08/2009, submitted with the application for subdivision consent for M and R Stephens and attached to this consent as Plan A - RM090634.

   Plan prepared by Tasman Consulting Engineers (TCE), titled *"Site Plan- building site and waste water system - Lot 1"*, File 08260, dated 06/10/2008, submitted with the application for subdivision consent for M and R Stephens and attached to this consent as Plan B - RM090634.

Plan prepared by Tasman Consulting Engineers (TCE), titled *"Site Plan- building site and waste water system - Lot 3"*, File 08260, dated 06/10/2008, submitted with the application for subdivision consent for M and R Stephens and attached to this consent as Plan C - RM090634.

Report by Tasman Consulting Engineers (TCE), dated 28/09/2009 and titled "*Certification for on-site wastewater disposal- Lots 1 and 3" .*

Report by Tasman Consulting Engineers (TCE), dated 26/09/2009 and titled *"Engineering Site certification - Lots 1 and 3".*

Advice Note:
Plans attached to this consent are reduced copies and therefore will not be to scale and may be difficult to read. Originals of the plans referred to are available for viewing at the Richmond Office of the Council.

Amalgamation

2. That Lot 5 hereon be transferred to the owners of Lot 13 DP336741 and individual certificates of titles issue.

   Land Information New Zealand reference: To be advised.

Easements

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

4. Easements shall be created over any right-of-way and shall be shown in a Memorandum of Easements on the survey plan submitted for the purposes of Section 223 of the Act. Easements shall be shown on the land transfer title plan and any documents shall be prepared by a solicitor at the Consent Holder's expense.

5. The survey plan that is submitted for the purposes of Section 223 of the Act shall include reference to easements.

Vesting of Ownership

6. The survey plan which is submitted for the purposes of Section 223 of the Act shall show Lot 4 as shown on amended plans prepared by Planscapes titled "*"Lots 1-7 being proposed subdivision of Lot 1 DP313820, Lot 2 DP10904, Lot 2 Dp11197 & Lot 4 DP 313820"* Job No. 0170 dated 06/08/2009,, attached as Plan A; and said Lot 4 shall vest in the Crown as seabed.

Financial Contributions

7. The Consent Holder shall pay a financial contribution for reserves and community services in accordance with following:

a) The amount of the contribution shall be 5.5 per cent of the total market value (at the time subdivision consent is granted) of a notional 2,500 square metre building site within Lots 1 and 3.

b) The Consent Holder shall request in writing to the Council's Consent Administration Officer (Subdivision) that the valuation be undertaken. Upon receipt of the written request the valuation shall be undertaken by the Council's valuation provider at the Council's cost.

c) If payment of the financial contribution is not made within two years of the granting of the resource consent, a new valuation shall be obtained in accordance with (b) above, with the exception that the cost of the new valuation shall be paid by the Consent Holder, and the 5.5 per cent contribution shall be recalculated on the current market valuation.

Advice Note:
A copy of the valuation together with an assessment of the financial contribution will be provided by the Council to the Consent Holder.

Advice Note:
Council will not issue a completion certificate pursuant to Section 224(c) of the Act in relation to this subdivision until all development contributions have been paid in accordance with Council's Development Contributions Policy under the Local Government Act 2002.

The Development Contributions Policy is found in the Long Term Council Community Plan (LTCCP) and the amount to be paid will be in accordance with the requirements that are current at the time the relevant development contribution is paid in full.
This consent will attract a development contribution in respect of roading for two allotments (Lots 1 and 3).

Building Sites for Lots 1 and 3

8. The identified building location areas for Lots 1 and 3 shown on Plans B and C – RM090634 attached to this consent, shall be at the peg centre (15 metre radius) of the proposed building sites shall be shown on the Section 223 title plan submitted to Council for approval. (Volunteered by Applicant)

9 A consent notice shall be registered against the titles for Lots 1 and 3, requiring that no part of any buildings, be located closer to the Coastal Marine Area than the part of the BLA that is closest to the coast.

Engineering Works

10. All engineering works, including construction of the vehicle crossing, shall be constructed in strict accordance with the Tasman District Council Engineering Standards & Policies 2008 or to the Council's Engineering Manager's satisfaction.

Advice Note
The owners of Lot 13 DP336741 will need to give their written consent for prior to any work on the on the right-of-way being approved or undertaken.

Engineering Plans

11. Engineering plans detailing all services for the subdivision are required to be submitted to the Tasman District Council Engineering Manager for approval prior to the commencement of any works. All engineering details are to be in accordance with the Tasman District Council Engineering Standards & Policies 2008 or as approved by the Tasman District Council Engineering Manager. All necessary fees for engineering plan approval shall be payable.

    As-built engineering plans for services shall be provided at the completion of works and approved by Council's Engineering Manager prior to the issue of the Section 224(c) certificate.

Commencement of Works and Inspection

12. The Council's Engineering Department shall be contacted at least five working days prior to the commencement of any engineering works. No works shall commence until the engineering plans have been signed by the Council's Engineering Manager.

Engineering Certification

13. At the completion of works, a suitably experienced chartered professional engineer or registered professional surveyor shall provide the Tasman District Council Engineering Manager with written certification that the works have been constructed in accordance with the approved engineering plans, drawings and specifications and any approved amendments.

14. Certification that a site has been identified on each new allotment suitable for the construction of a residential building shall be submitted from a chartered professional engineer practicing in civil engineering or geotechnical engineer. This certificate shall define on Lots 1 and 3 the area suitable for the construction of residential buildings and shall be in accordance with NZS 4404:2004 Schedule 2A. Any limitations identified in Schedule 2A shall be noted on a consent notice pursuant to Section 221 of the Resource Management Act 1991 prior to the issue of the Section 224(c) certificate. This consent notice shall be prepared by the Consent Holder's solicitor at the Consent Holder's expense and shall be complied with by the Consent Holder and subsequent owners on an ongoing basis.

Power and Telephone

15. Full servicing for live underground power and telephone cables shall be provided to the boundaries of Lots 1 and 3. The Consent Holder shall provide written confirmation to the Council's Engineering Manager from the relevant utility provider that live power and telephone connections have been made to the boundaries of the allotment. The written confirmation shall be provided prior to a completion certificate being issued pursuant to Section 224(c) of the Act.

Wastewater Disposal

16. Waste water disposal for lots 1 and 3 shall be in accordance with the design standards and recommendations contained within the report by Tasman Consulting Engineers (TCE), dated 28/09/2009 and titled "*Certification for on-site wastewater disposal- Lots 1 and 3 "*

Water Supply

17. Prior to the issue of a completion certificate pursuant to Section 224(c) of the Act the one connection available to the Mapua Water supply Council shall be connected to the boundary of either proposed Lot 1 or 3 with metering as required by the Council.

18. Prior to the issue of a completion certificate pursuant to Section 224(c) of the Act a water storage tank with a minimum capacity of 23,000 litres shall be provided on the Lot (either Lot 1 or 3) that does not have the connection to the Mapua water supply, for collecting roof water for potable use and the water tank shall replace the existing reticulated supply which shall be disconnected as required by Condition 8 of this consent. This water storage tank shall be equipped with a 50mm Camlock coupling to enable connection with firefighting equipment.

    Advice Note:
    All water to be used for human consumption is required to achieve a potable standard (as defined in the current New Zealand Drinking Water Standards). Details confirming the availability of an adequate potable water supply will be required with the building consent application for the water tank on Lots 1 or 3.

Landscaping

19. Prior to the issue of a building consent for either Lot 1 or 3, the owner of that lot shall submit to the Tasman District Council Environment & Planning Manager a landscape plan. The landscape plan shall be prepared by a qualified landscape architect. The purpose of the plan shall be to demonstrate that any proposed dwellings on Lots 1 and 3 are not visible from the coast and if they are, show how appropriate landscape plantings will buffer the visibility of the new dwelling from the coastline. The plan shall include details of species, height, soil preparation, and an ongoing maintenance schedule. All landscaping required by the landscape plan shall be completed within two years of the grant of building consent.

    Advice Note:
    In general, plant species specific to the "Tasman Sandy Coast Native Plant Restoration List" and "Tasman Estuaries and River Mouths Native Plant Restoration List" shall be used (prepared for the Tasman District Council by Shannel Courtney, June 2004, and available from the Council offices).

Cultural Values

20. Prior to any earthworks associated with the subdivision, development of building sites and foundations of Lots 1, 2 and 3 being undertaken an iwi monitor shall be engaged.

Archaeological Values

21. In the event of Maori archaeological sites (eg, 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.

Access (Lot 13 DP 336741)

22. The Consent Holder shall upgrade the existing access on Lot 13 DP 336741 from splash crossing of the Seaton Valley stream to the north western boundary of Lot 2 DP313820 as follows:

    a) The survey plan which is submitted for the purposes of Section 223 of the Act shall show an area of approx 60m^2 at the Aranui end of the ROW vesting as road.

    b) Form a raised traffic Island/pedestrian refuge as shown on the attached concept plan and pram crossings. (Refer Appendix 3 figure 2.)

    c) Second section ROW– 400 metres from end of seal to just around the 90º corner – to be sealed to 5.0 metres plus gravel shoulders and side drains.

    d) Third section of ROW – 455 metres from the 90º corner to the eastern boundary of Lot 3 to be 3.5 metres dust-free surface together with side drains.

    e) All work shall be in accordance with Tasman District Engineering Standards and Policies 2008, unless otherwise specified in this consent.

Esplanade Strip

23. The survey plan submitted to Council under Section 223 shall show a 20 metre wide esplanade strip on Lot 1, 2 and 3 adjoining the coastal marine area.

Advice Notes:

The purpose of this esplanade strip is to enable public access to and along the coastal marine area and to enable public recreational use of the strip and the coastal marine area. All the prohibitions of Clause 2 of the Tenth Schedule apply to the strip, with the exception of subsections (e); there is no provision for fencing (Clause 3) or closure (Clause 7).

Consent Notices

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

Building Site Location (Volunteered)

a) Any buildings on Lots 1 and 3 are to be designed and located to be within the Building Location Areas (BLA).

b) A consent notice shall be registered against the titles for Lots 1 and 3, requiring that no part of any buildings be located closer to the Coastal Marine Area than the part of the BLA that is closest to the coast.

Building Height (Volunteered)

c) The maximum height for any buildings on Lots 1 and 3 shall not exceed 6.5 metres above the natural ground level on the identified building site.

Landscaping for Individual Allotments (1 and 3)

d) Prior to the issue of a building consent for any allotment, the owner of that lot shall submit to the Tasman District Council Environment & Planning Manager a landscape plan for the particular lot and building curtilage area. The landscape plan shall be prepared by a qualified landscape architect.

e) All landscaping required by the landscape plan shall be completed within two years of the grant of building consent.

Landscape Plantings

f) All planted landscaping vegetation as identified by the landscaping planting plan referred to in Condition 18 shall be retained and maintained at all times by the allotment owner to provide screening of the dwelling on the property.

Dwelling

g) The dwelling to be constructed on Lots 1 and 3 shall comply in all respects with the conditions specified in resource consent RM090635. Resource consent RM090635 has restrictions in respect to the height, location, and appearance of the dwelling.

Public Access

h) That the registered proprietor(s) and their successors in title of Lots 1, 2 and 3 shall, in regard to the registered proprietor(s) share in access Lot 13 DP 336741, when required by the Tasman District Council, do all acts, matter, deeds and things and sign all documents as may be required to enable the Tasman District Council to establish a pedestrian/cycleway link across Lot 13 DP 336741 to join the existing and proposed walkway along the Seaton Valley Stream.

Advice Note:
It is acknowledged that this Condition will not take effect unless and until the agreement of all other access lot owners of Lot 13 DP 336741 has been obtained to the use of walkway access across Lot 13, and with those landowners' approval to the design of the walkway access from a safety perspective.

Sea Wall and Inundation Risk

i) That the registered proprietors of Lots1, 2 and 3 and successors in title shall maintain the function and integrity of the sea wall on Lots 1, 2 and 3 to a satisfactory standard to avoid or mitigate any adverse effects of inundation of the property from storm surge and/or wave run-up and that the future maintenance of the function and integrity of the sea wall shall take into consideration any effects from climate change and/or sea level rises.

Building Restrictions

j) The construction of buildings on Lot 1 and 3, shall be subject to any recommended conditions resulting from the Engineering Reports required under Conditions 14 of resource consent RM090643.

k) Waste water disposal for lots 1 and 3 shall be in accordance with the design standards and recommendations contained within the report by Tasman Consulting Engineers (TCE), dated 28/09/2009 and titled "*Certification for on-site wastewater disposal- Lots 1 and 3 "*

Cultural Values

l) For any earthworks undertaken on Lots 1, 2 and 3 an iwi monitor shall be employed.

GENERAL ADVICE NOTES

Council Regulations

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

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

Other Proposed Tasman Resource Management Plan Provisions

3. Any activity not covered in this consent (e.g. earthworks) shall either comply with:

    1. the provisions of a relevant permitted activity rule in the Proposed Tasman Resource Management Plan; or
    2. the conditions of separate resource consent for such an activity.

4. Access by the Council's Officers or its Agents to the property is reserved pursuant to Section 332 of the Resource Management Act 1991.

5. Pursuant to Section 127 of the Resource Management Act 1991, the Consent Holder may apply to the Consent Authority for the change or cancellation of any condition of this consent.

6. Council draws your attention to the provisions of the Historic Places Act 1993. In the event of discovering an archaeological find during the earthworks (e.g. shell, midden, hangi or ovens, garden soils, pit depressions, occupation evidence, burials, taonga, etc) you are required under the Historic Places Act, 1993 to cease the works immediately until, or unless, authority is obtained from the New Zealand Historic Places Trust under Section 14 of the Historic Places Act 1993.

RECOMMENDED CONDITIONS RM090635 LAND-USE

General

1. The application shall be undertaken in general accordance with the information and reports included in the application prepared by Planscapes (NZ) Ltd and as set out below:

    Plan prepared by Planscapes (NZ) and titled *"Lots 1-7 being proposed subdivision of Lot 1 DP313820, Lot 2 DP10904, Lot 2 DP 11197 and Lot 4 DP 313820"* Job No. 0170 dated 06/08/2009, submitted with the application for subdivision consent for M and R Stephens and attached to this consent as Plan A - RM090634.

    Plan prepared by Tasman Consulting Engineers (TCE), titled *"Site Plan- building site and waste water system - Lot 1"*, File 08260, dated 06/10/2008, submitted with the application for subdivision consent for M and R Stephens and attached to this consent as Plan B - RM090634.

Plan prepared by Tasman Consulting Engineers (TCE), titled *"Site Plan- building site and waste water system - Lot 3"*, File 08260, dated 06/10/2008, submitted with the application for subdivision consent for M and R Stephens and attached to this consent as Plan C - RM090634.

Report by Tasman Consulting Engineers (TCE), dated 28/09/2009 and titled "*Certification for on-site wastewater disposal- Lots 1 and 3 ".*

Report by Tasman Consulting Engineers (TCE), dated 26/09/2009 and titled *"Engineering Site certification - Lots 1 and 3 ".*

Commencement Date and Lapsing of Consent

2. The commencement date for the land use consent shall be the issue date of the certificate of title for the respective allotment.

3. This consent lapses five years after the issue of the certificate of title for the respective allotments unless given effect to.

Dwelling and Accessory Buildings

4. Prior to the issue of a building consent for any allotment, the owner of that lot shall submit to the Tasman District Council Environment & Planning Manager a landscape plan for the particular lot and building curtilage area. The landscape plan shall be prepared by a qualified landscape architect. The purpose of the plan shall be to demonstrate that proposed dwellings on Lots 1 and 3 are not visible from the coast and if they are, show how appropriate landscape plantings will buffer the visibility of the new dwelling from the coastline. The plan shall include details of species, height, soil preparation, and an ongoing maintenance schedule. All landscaping required by the landscape plan shall be completed within two years of the grant of building consent.

   Advice Note:
   In general, plant species specific to the "Tasman Sandy Coast Native Plant Restoration List" and "Tasman Estuaries and River Mouths Native Plant Restoration List" shall be used (prepared for the Tasman District Council by Shannel Courtney, June 2004, and available from the Council offices).

5. Buildings shall be designed and located to be within the Building Location Areas (BLA) shown on the survey plans for Lots 1 and 3.

6. The height of the dwelling and any accessory buildings shall not exceed 6.5 metres in height measured from ground level.

   Advice Note:
   The "ground level" in Condition 6 of this resource consent has the same meaning as in the Tasman Resource Management Plan (TRMP), that is;

   - "means the natural ground level, or where that has been altered by subdivision, means the actual finished ground level when all works associated with the subdivision of the land are completed, and excludes any excavation or filling associated with the building activity".

7. Waste water disposal for lots 1 and 3 shall be in accordance with the design standards and recommendations contained within the report by Tasman Consulting Engineers (TCE), dated 28/09/2009 and titled "*Certification for on-site wastewater disposal- Lots 1 and 3 "*

8. The dwellings on Lots 1 and 3 shall have a minimum floor level of at least 4.0 metres above mean sea level (Tasman District Council Datum).

9. The exterior of the buildings 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, Richmond 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 (eg, paint, Colorsteel®);

   b) the name and manufacturer of the product or paint;

   c) the reflectance value of the colour;

   d) the proposed finish (eg, 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 buildings 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.

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

Colour Group*	**Walls**	**Roofs**
Group A	A05 to A14 and reflectance value ≤50%	A09 to A14 and reflectance value ≤25%
Group B	B19 to B29 and reflectance value ≤50%	B23 to B29 and reflectance value ≤25%
Group C	C35 to C40, reflectance value ≤50%, and hue range 06-16	C39 to C40, reflectance value ≤25%, and hue range 06-16
Group D	D43 to D45, reflectance value ≤50%, and hue range 06-12.	Excluded
Group E	Excluded	Excluded
Finish	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.

GENERAL ADVICE NOTES

Council Regulations

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

Consent Holder

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

Other Tasman Resource Management Plan Provisions

3. Any activity not covered in this consent (e.g. earthworks) shall either comply with:

    a) comply with all the criteria of a relevant permitted activity rule in the Tasman Resource Management Plan (TRMP);
    b) be allowed by the Resource Management Act; or
    c) be authorised by a separate resource consent.

4. The on site wastewater treatment and disposal system will need to meet the relevant permitted activity standards in the TRMP, or otherwise a separate resource consent will be required.

5. The dwelling and any accessory building should be connected to a specific design of on-site stormwater soak pit. The design and capacity should be to the satisfaction of the Tasman District Council Engineering Manager.

6. A land disturbance consent may be required if the area of any earthworks is greater than 1000 m^2.

7. Access by the Council's Officers or its Agents to the property is reserved pursuant to Section 332 of the Resource Management Act 1991.

8. Monitoring of this resource consent is required under Section 35 and 36 of the Resource Management Act 1991, and a deposit fee is payable at this time. Should monitoring costs exceed this initial fee, the Council will recover the

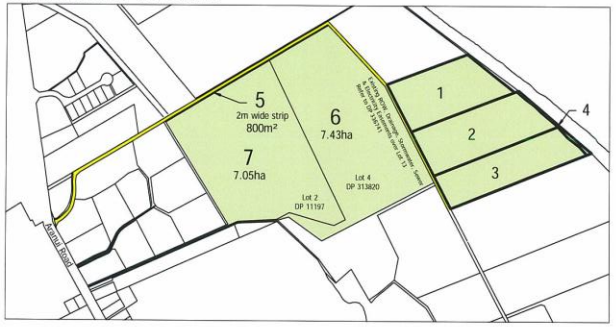
additional amount from the resource consent holder. Monitoring costs are able to be minimised by consistently complying with the resource consent conditions.

9. Pursuant to Section 127 of the Resource Management Act 1991, the Consent Holder may apply to the Consent Authority for the change or cancellation of any condition of this consent.

10. Council draws your attention to the provisions of the Historic Places Act 1993. In the event of discovering an archaeological find during the earthworks (e.g. shell, midden, hangi or ovens, garden soils, pit depressions, occupation evidence, burials, taonga, etc) you are required under the Historic Places Act, 1993 to cease the works immediately until, or unless, authority is obtained from the New Zealand Historic Places Trust under Section 14 of the Historic Places Act 1993.

Pauline Webby
Consent Planner

DIAGRAM NOT TO SCALE



Locality Diagram

Lots 1 - 7 being Proposed Subdivision of Lot 1 DP 313820, Lot 2 DP 10904, Lot 2 DP 11197 & Lot 4 DP 313820

PLAN A

RM090634

Notes:

This Subdivision was approved as a.....
Activity on the .....day of.....
20..... subject to the conditions noted in the file.

.....
SUBDIVISION OFFICER

Applicants: M & R Stephens

Comprised in : CT 150292, NL 6C/1399 & 59827

That Lot 13 DP336741 be held as three undivided one fifteenth shares by the owners of Lots1 - 3 hereon as tenants in common in the said shares and that individual certificates of title issue.

Pt Lot 13 DP 336741 subject to drainage easement by T 14622

AMALGAMATION CONDITION:

That Lot 5 hereon be transferred to the owners of Lot 13 DP 336741 and individual Certificates of Title be issued.

Warning

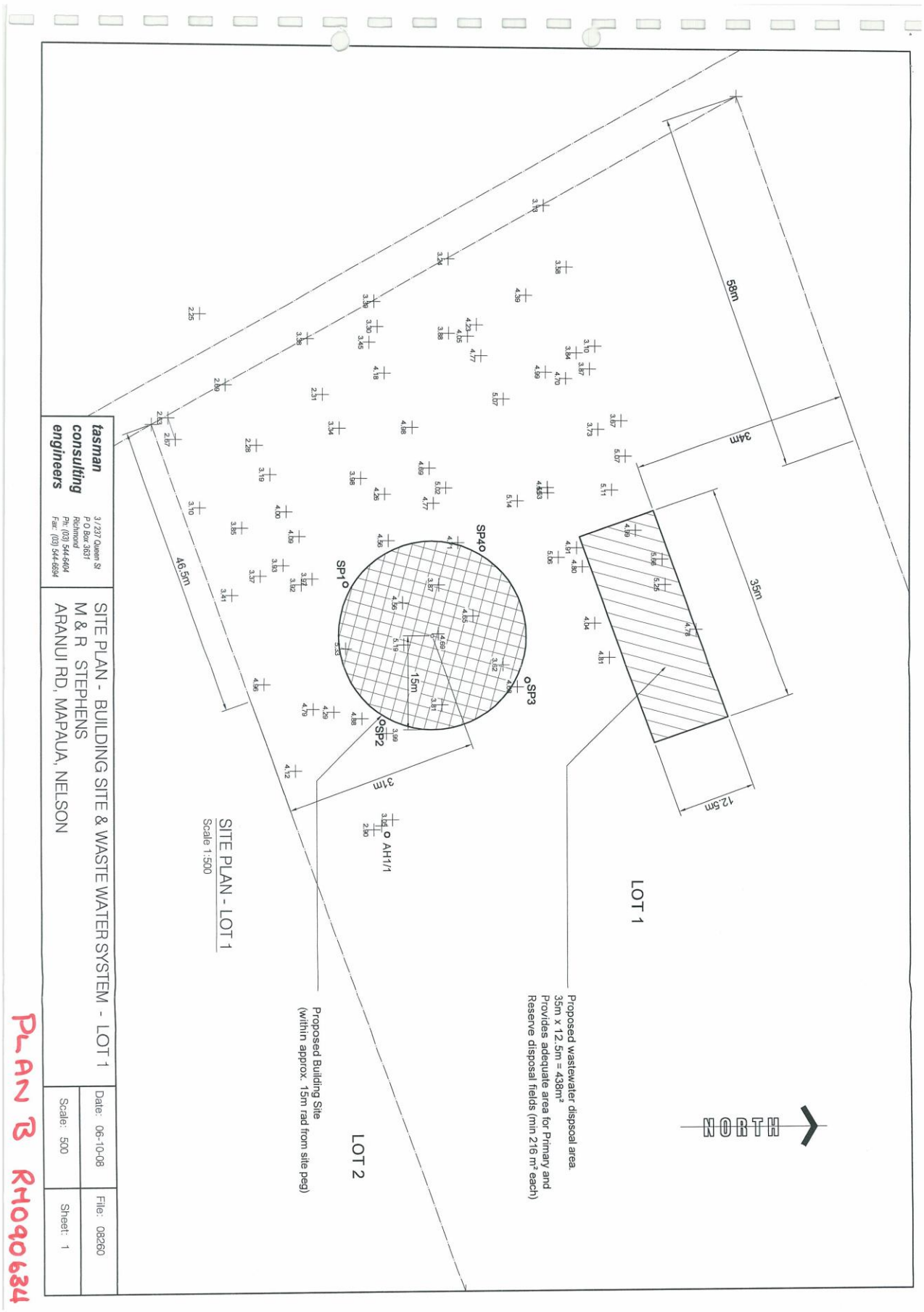
This Plan has been prepared for the purpose of a resource consent application only. It is not a precise survey plan. As areas and dimensions are likely to vary upon survey it should not be attached to sales & purchase agreements without an appropriate condition to cover such variations.

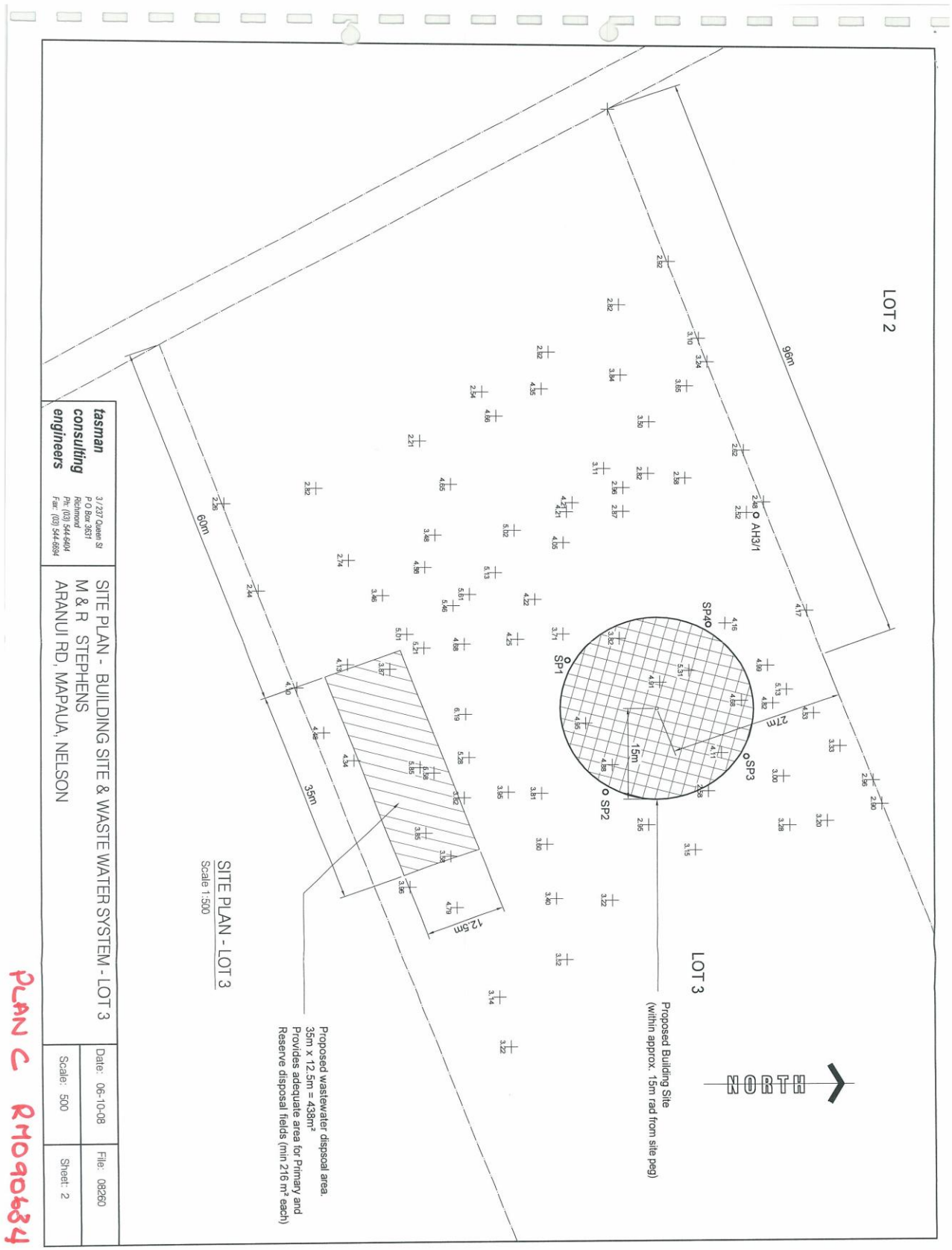
Job Title: M & R Stephens Aranui Road Mapua / Nelson		
Drawing Title: Resource Consent Application Plan		
Scale @ A3= 1: 2000		
Job No. 0170	CAD File No. 0170-01	Sheet 1 of 1
Issue No. 3	Drawn	Date 06/08/2009

Concept Developed by:

planscapes (nz) ltd.
Surveying and Resource Management
PO BOX 88, NELSON

PLAN B


tasman consulting engineers
3 / 237 Queen St
P O Box 3631
Richmond
Ph: (03) 544-6604
Fax: (03) 544-6604
SITE PLAN - BUILDING SITE & WASTE WATER SYSTEM - LOT 1
M & R STEPHENS
ARANUI RD, MAPAUA, NELSON
Date: 06-10-08
File: 08260
Scale: 500
Sheet: 1
SITE PLAN - LOT 1
Scale 1:500
58m
34m
35m
12.5m
46.5m
15m
31m
SP1
SP2
SP3
SP4
AH1/1
LOT 1
LOT 2
NORTH
Proposed wastewater dispsoal area.
35m x 12.5m = 438m²
Provides adequate area for Primary and
Reserve disposal fields (min 216 m² each)
Proposed Building Site
(within approx. 15m rad from site peg)
PLAN B RM090634



tasman consulting engineers
3 / 237 Queen St
P O Box 3631
Richmond
Ph: (03) 544-6404
Fax: (03) 544-6894

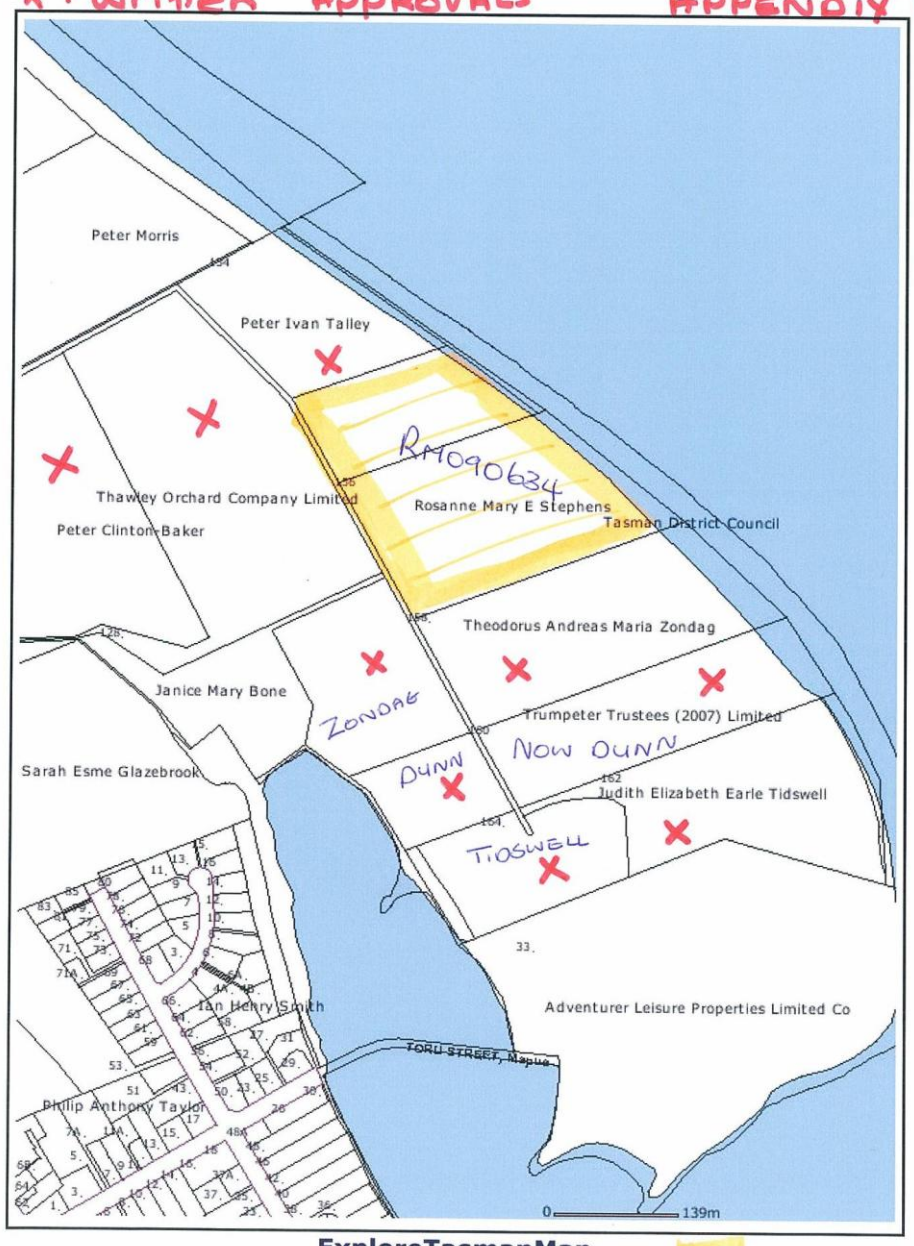
SITE PLAN - BUILDING SITE & WASTE WATER SYSTEM - LOT 3
M & R STEPHENS
ARANUI RD, MAPAUA, NELSON

Date: 06-10-08 | File: 08260
Scale: 500 | Sheet: 2

PLAN C RM090684

Map Output

X. Written Approvals Appendix 1



ExploreTasmanMap

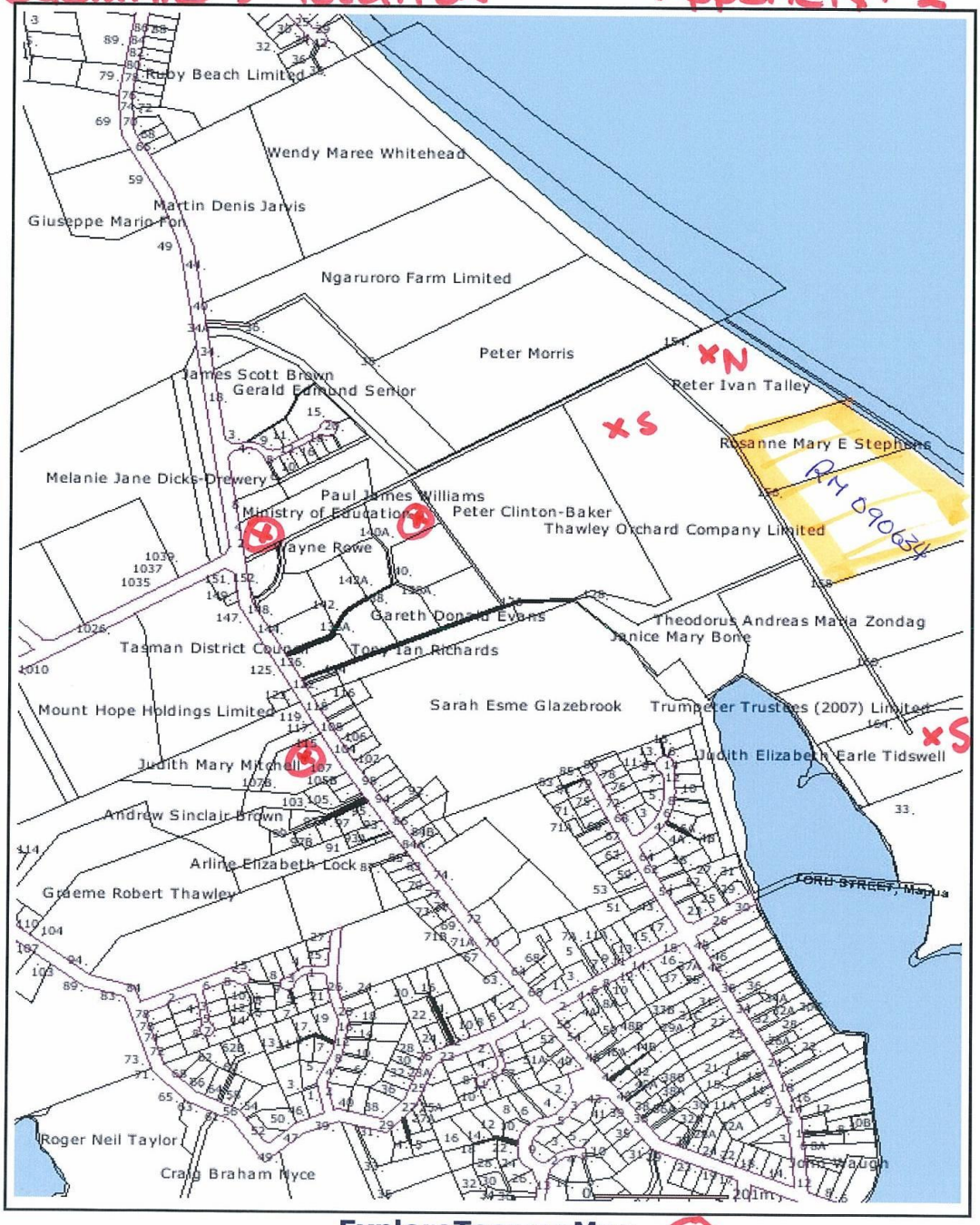
RM090634

20/12/2009 **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.
Cadastre sourced from Land Information New Zealand data. Crown Copyright reserved.

http://tsrvims-9/servlet/com.esri.esrimap.Esrimap?ServiceName=ExploreTasman&Cli... 20/12/2009

Submitter's location

Appendix 2



ExploreTasmanMap

(X) opposing

xS support

xN neutral

20/12/2009 **DISCLAIMER:**
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APPENDIX 3

MEMO

TO: Environment & Planning Subcommittee

FROM: Dugald Ley, Development Engineer

DATE: 18 December 2009

FILE NO: RM090634

RE: **M and R STEPHENS, 156 ARANUI ROAD, MAPUA**

INTRODUCTION

This application is to create two extra residential lots down a 1.0 kilometre right-of-way and crosses the Seaton Valley Stream. Access will be from Aranui Road some 70 metres from the SH60-Aranui Road intersection.

BACKGROUND

The site is located on the Mapua dunes and the Coastal Engineer will address climate change/erosion/ flooding issues in his report.

The site is accessed via a single lane sealed/gravel access which has approximately six users. This application will increase those users to eight. I understand the applicant (page 24, section 9.4) has obtained written approval from all of the owners for the increased use of the right-of-way subject to upgrade of the right-of-way as volunteered by the applicant.

The entrance to the access (off Aranui Road) was relocated a few years ago to give a safer exit/entry to the properties. The right-of-way was also sealed (approximately 3.4 metres) to mitigate dust nuisance to the school and adjoining properties, ie Aranui Road to Seaton Valley Stream.

With the additional users, maintenance of any private right-of-way will need to be addressed via agreements. The applicant has volunteered to seal (5.0 metres) and widen the gravel portion of the road froom the Seaton Valley Stream to the 90º corner (and around the corner – suggested by Tasman District Council).

The applicant has also suggested that the gravel section of the right-of-way running parallel with the coast be widened to a 3.5 metre wide gravel dust-free surface to the eastern boundary of Lot 3.

Generally the above upgrades would satisfy Council as an appropriate construction level for this right-of-way serving eight users. Council (Engineering) has no interest in vesting this access as a legal road.

A submission also alluded to the safety of pedestrians (school children) crossing the entrance at the Aranui end of the ROW.

The Aerial Photo shows that the likely crossing point where the pedestrians will cross may be on the private ROW and the width of the crossing is not ideal. With the increased traffic likely to enter/exit the ROW, this area needs to be controlled better.

This can be achieved via vesting an area of approx 60 m^2 as road and the formation of a raised traffic Island/with a pedestrian refuge. (see attached marked up labelled figure 2)

Summary Vest an area of approx 60 m^2 at the Aranui end of the ROW
Form a raised traffic Island/pedestrian refuge as shown on the attached concept plan and pram crossings.
First section of ROW– 340 metres, existing seal – no work required.

Second section ROW– 400 metres from end of seal to just around the 90º corner – to be sealed to 5.0 metres plus gravel shoulders and side drains.

Third section of ROW – 455 metres from the 90º corner to the eastern boundary of Lot 3 to be 3.5 metres dust-free surface together with side drains.

All the above works will be required to be shown on engineering plans and shall comply with the Tasman District Council Engineering Standards 2008.

WATER SUPPLY

The applicant is correct in that there is limited capacity at present in the Mapua system to accept any further water users and at least two of the lots will need to rely on providing their own supplies. This has been accepted by the applicant.

WASTEWATER

The land in the application is well outside the urban wastewater supply area and with the low-lying nature of the land and potential for flooding, Council would not like the potential ground water/sea water entering Council's reticulation system and the effect it could have on Council's oxidation treatment ponds and pumping equipment. Again the applicant has accepted that specific on-site wastewater disposal systems will be required.

STORMWATER

On-site disposal and collection are likely to be the viable options such that no adverse effect is discernible outside the lot boundaries.

The culvert/splash at the Seaton Valley Stream location will need to be upgraded to cope with a Q_{50} (2% AEP) flood flow. Council will ultimately take over maintenance of the culvert/bridge (subject to suitable approval of the design by Council) and will require easements-in-gross to be put in place for maintenance access rights over Lot 13 (DP336741) for Council and its contractors (ie, out to Aranui Road).

I also understand that the Parks and Reserves department will require public access along Seaton Valley Stream margins and continuation of that access over Lot 13.

POWER/TELEPHONE

It is Council's expectation that the applicant will comply with the Tasman District Council in this respect, ie underground to each lot and complying with the 2008 Engineering Standards.

SUMMARY
In respect of access and servicing on the three lots this can be actioned by the right-of-way upgrades as set out above together with compliance with servicing conditions and that of the Tasman District Council Engineering Standards 2008. On completion of the works as-built plans will be required.

Dugald Ley
Development Engineer

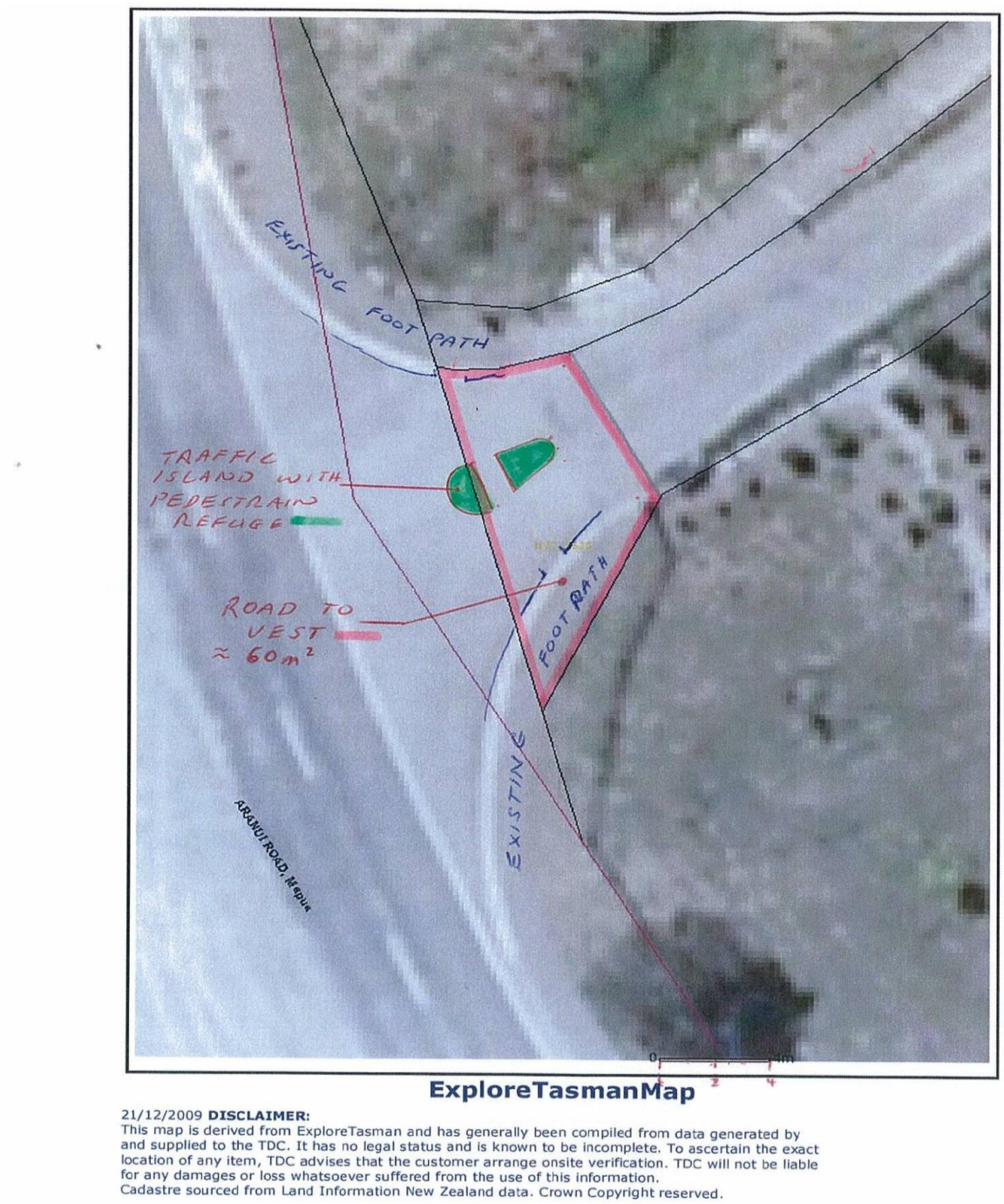

Figure 2 raised traffic Island/with a pedestrian refuge.

APPENDIX 4

MEMORANDUM

TO: Environment & Planning Subcommittee

FROM: Rosalind Squire, Planner, Community Services

DATE: 21 December 2009

FILE NO: RM090634

RE: **Subdivisions - M and R Stephens 156 Aranui Road, Mapua**

Recommendation

Staff from the Community Services Department have visited the site, considered it in the wider context and make the following recommendations. These recommendations are made without prejudice, subject to Council approving the application.

Esplanade strip adjoining the coastal marine area at Ruby Bay

It is recommended that a 20 metre wide esplanade strip be created adjoining the coastal marine area over proposed lots 1, 2 and 3. This site is close to a growing urban settlement and it is hoped that at some time in the future this will provide an important link in a coastal walkway around the coastline of Mapua/Ruby Bay. A 20 metre wide strip as opposed to a reserve will provide sufficient room to form a walkway at the top of the wall and ensure that continued public access is provided to the coastal marine area (the strip will move with the line of mean high water springs over time).

At this point in time Community Services does not favour the formation of stairs up and down the existing wall or signage. Although public access is available along the top of the wall once the instrument is registered, it is unlikely that Community Services will form a walkway until connections from the adjoining properties to the north and south of the site can be safely made.

Public access easement across Lot 13 DP366741

The Community Services Department recommend the creation of a public access easement over Lot 13 DP366741. It is Community Services objective to provide a walkway/cycleway along the entire length of Seaton Valley Stream. This will provide an important link from residential areas to the south to the school and from residential sites to the north to the coastal marine area, village and wharf. It is anticipated that this link will be progressively achieved through the vesting of land on subdivision and/or by negotiation between landowners and Council.

Rosalind Squire
Community Services Department

APPENDIX 5

MEMORANDUM

TO: Environment & Planning Subcommittee

FROM: Eric Verstappen, Resource Scientist – Rivers and Coast

DATE: 21 December 2009

FILE NO: RM090634

RE: **COASTAL HAZARD RISK**

PURPOSE

The purposed of this memo is to outline the coastal hazard risks that the applicant's property is subject to and comment on the impact of these risks with respect to the proposed subdivision.

BACKGROUND

The Ruby Bay – Mapua shoreline has been subject to persistent, long term coastal erosion to varying degrees of severity (depending on the location in the bay) for at least a century. Erosion rates have been assessed using cadastral and aerial photographic records available from 1912. It has been determined that long term average erosion rates on the (natural) shoreline fronting the applicant's property, and generally along the shoreline south-east of Chaytor Reserve to the Mapua channel, have exceeded 1m per year. In addition, erosion rates over shorter periods of record and also observed during episodic storm events have exceeded 4m per year.

The details of these erosion rate analyses can be found in past staff reports to Council. Erosion rate analysis and assessment is also included and discussed in two reports by consultants, for Council and private residents respectively. Council commissioned a report by Professor RM Kirk and Dr JC Allan of Land and Water Studies (International) Ltd entitled "Coastal Erosion, Inundation and Options for Coastal Hazard Mitigation at Ruby Bay, Nelson" in November 1998. Dr MB Single produced a report for a group of local residents on the foreshore between Ruby Bay and Mapua (that include the applicant), entitled "Coastal Erosion, Inundation and Options for Coastal Hazard Mitigation at Mapua, Nelson". This was written subsequent to the Kirk and Allan report but is not dated.

The Ruby Bay-Mapua shoreline, due to its relatively low lying nature, has also been subject on a number of occasions to varying degrees of seawater inundation. This occurs approximately every five years on average, on every occasion that a decent storm or cyclone occurs (with attendant onshore winds) coinciding with a high spring tide. The most notable incursion of seawater inundation to the applicant's property (and the Ruby Bay-Mapua shoreline in general) occurred during Cyclone Drena in January 1997. In this event, significant inundation of land occurred along the entire foreshore but particularly south-east of Tait St down to the Leisure Park. Land protected by clay bund walls (Broadsea Ave) and remnant foredune systems to the southeast was equally affected, with the applicant's property and neighbouring properties affected by inundation up to and around the dune system to the rear of their properties.

BACKGROUND

From a planning perspective, coastal erosion and inundation hazard risk areas are formulated on the basis of prevailing and predicted coastal processes acting on a natural shoreline. Subsequently, hazard risk is often then modified by the implementation of a range of hazard management or mitigation options. These may have varying degrees of short to long term effectiveness, as decisions to maintain or abandon particular risk management methods can change over time. However, the extent of the underlying coastal hazard area remains, in recognition of the fact that risk management methods may change or be abandoned.

Council has calculated and implemented a Coastal Hazard Area overlay along the Ruby Bay-Mapua shoreline. This is based on long term erosion rates over the period 1912-1988 predicting a shoreline location extending out to 2040. No account has been taken of future climate change effects or any seawater inundation hazard risk. Figure 1 shows the coastal hazard area as it applies over the area of the applicant's property. The coastal hazard risk area for the Ruby Bay – Mapua shoreline is presently being re-evaluated to take into account both erosion and inundation hazard risks, including potential effects resulting from predicted future climate change scenarios.

It is almost certain that historical rates of shoreline erosion and inundation on a natural shoreline will increase along this coast as a consequence of climate change effects and predicted sea level rise. This is because significant dune systems once present along several sections of this shoreline as recently as the 1960's and 1970's have all but disappeared. This has exposed lower lying land to the rear to greater erosion and inundation potential.

As a result of and in response to continuing coastal erosion and inundation risks, landowners along the Ruby Bay – Mapua shoreline have progressively over the last 40-50 years implemented a number of hazard mitigation measures. These measures have generally involved the construction of a variety of stop bank structures that have moderated erosion rates and reduced wave inundation of the hinterland. Continuing erosion pressure has seen the earlier unarmoured clay banks, often rebuilt further landward, become progressively more robust, extensive in length and rock armoured. However, none of the present shoreline structures have been built to completely prevent seawater overtopping in present day actual as well as "design" high tide-storm conditions – for this to be the case, they would need to have a crest elevation at least 1m higher than present.

ASSESSMENT

As noted earlier, the applicant's property lies in a very high erosion and inundation risk area. If the shoreline were left in its natural state, historical erosion rates would indicate a shoreline position well inland of the applicant's present house location, if calculated over the life of any new building that may be built on the proposed subdivision lots. To compound matters, as much of the foreshore frontage of this property is low lying, seawater inundation hazard risks are high. Without some form of buffer, significant inundation could be expected to occur during present day storm events coinciding with high spring tides, as the prevailing wind direction is onshore in this locality. In a future climate change setting as predicted, these hazards will increase in intensity and frequency.

In late 2001, the applicant and several neighbours built a privately funded rock revetment structure immediately behind the then line of mean high water springs (MHWS) along their shoreline boundary. This was as a result of continuing high rates of erosion of the foreshore and increasingly significant inundation risk to the low lying land due to the near disappearance of remnant foredune systems. The revetment extends from the eastern end of Old Mill Walkway reserve to the western boundary of the Leisure Park. The design of this revetment was loosely modelled on the design of the 400m long rock revetment built after Cyclone Drena along the shoreline frontage of Broadsea Ave to the north-west.

This private structure was not designed and built to a standard sufficient to provide long-term effective erosion and inundation protection from wave forces acting in this location. It has partially or completely failed on several occasions and in several locations during storm events, resulting principally in inundation of the low lying land behind. This has been as a direct result of insufficient crest height, poor core structural integrity and inadequate rock armour design. However, damage has been repaired on each occasion and generally to a more robust standard (albeit without formal engineering design or construction supervision, as far as I am aware). Over the past several years, the revetment as a whole has progressively increased in bank depth and the rock armour works maintained and added to.

From a coastal hazard mitigation perspective, this revetment structure has severely reduced but not eliminated both erosion and inundation risk to the land behind. As with many revetment structures, its enduring capability as an effective hazard mitigation measure is predicated by the effectiveness and timeliness of maintenance in response to storm damage and foreshore elevation changes undermining inadequate toe foundation depth, as well as appropriate height to prevent significant overtopping. I have not conducted a detailed engineering investigation of the existing revetment structure fronting the applicant's land or that of his neighbours, to determine its long term effectiveness as a hazard mitigation measure to the land and to the proposed subdivision of it.

One of the most pressing concerns regarding long term effectiveness of revetment structures to manage inundation and erosion hazard is the ability to fund maintenance and structural additions (eg increasing crest height, foundation depth, rock size) in response to the effects of coastal processes and climatic change. This is a particular concern for a privately owned structure, as funds to do this may be more limited than if the structure were owned and maintained by the public purse.

The cost of maintaining the revetment as an effective structure into the future is both significant and enduring. The responsibility for maintaining the current structure falls presently to five landowners, each of whom is reliant on the others to contribute towards ongoing maintenance to ensure an effective hazard mitigation structure. They also need to share a common view as to the standard of maintenance and protection; otherwise a lesser or even varying standard of hazard mitigation may occur along the length of the structure. Should any one of them decide to discontinue doing so, their cost contribution would need to be borne by the others. Should any individual section frontage fall into disrepair, the revetment would eventually fail at that location. This would have the immediate outcome of causing seawater inundation hazards to increase to all the properties, as they are all low lying and not topographically isolated.

Topographic independence of each property is possible, but has potentially significant adverse aesthetic outcomes for both the property owners individually and for the general coastal environment in this area. Coastal revetment structures are generally built in response to a hazard over a particular coastal compartment, as was the case for this structure. To maintain the best possible hazard mitigation and coastal aesthetic value, the structure needs to remain intact and whole (or be removed!) over the whole compartment length over which the coastal process and hazard is present. and not be fragmented.

A potential positive outcome of allowing the subdivision as proposed is that the burden of maintenance costs are then shared by 3 landowners rather than borne by one, providing all three parties accept and honour that obligation. It is possible that this obligation to maintain the effectiveness and level of hazard mitigation may be able to be enshrined in conditions of any consent granted. However, the question goes begging in my mind as to the availability of any enforcement response should one of the landowners simply "walk away". Thus, while sharing the cost burden increases the potential for ongoing effectiveness of the revetment as a hazard mitigation management measure at present and into the future, it also increases the potential for dissent, division or even abandonment of cost sharing responsibilities, due to increased "shareholder" numbers.

From a coastal hazard management perspective, the adequate mitigation of potential adverse effects from present and future coastal hazards to the subdivision and development of the applicant's property is somewhat but not totally contingent on the continued presence and effectiveness of the rock revetment. Should the subdivision be approved, the obligation to appropriately maintain and enhance the rock revetment structure as a hazard mitigation measure should (if possible) be incorporated into effective conditions of consent. In these circumstances (and in association with other measures that will be discussed shortly), the hazard threat to two additional dwellings located to the rear of each of the two sites, is likely to be sufficiently mitigated for some time. This is due to the fact that the two houses are well set back from the coast and will be located on a land (a rear dune) of reasonable height.

However, in my opinion, the effects of coastal processes and hazard risks will inevitably increase in the future, due to climate change and sea level rise effects and the very real potential for the present revetment structure to not be retained, maintained and further enhanced as an effective hazard mitigation measure. Should that eventuate, the properties in question will become exposed to significant erosion and seawater inundation risk, to a degree likely to be greater than historically experienced. With the exception of the applicants own home (which can be relocated landward of its present site), erosion hazard risk to dwellings is mitigated for some time, perhaps for as much as 30-50 years or more after revetment abandonment or failure, due to the significant setback distance (110-130m) for the houses available and nominated in the application.

Seawater inundation hazard risk becomes more immediate to the proposed lots (and the applicant's and neighbouring lots) should the revetment not be maintained of increased in crest height. Its present crest height is not sufficient to prevent overtopping to some reasonable degree during storm events coinciding with spring tides and this hazard will increase in frequency in predicted climate change and sea level rise over the lifetime of the dwellings. This hazard can be mitigated by setting a minimum ground and/or floor level for the dwellings. A minimum ground level of 4.6m above mean sea level is recommended should any house be built using a slab on ground foundation.

Ultimately, in my view, the likelihood of coastal hazard erosion or inundation risk to the nominated dwelling sites, let alone to the significant portion of each property frontage, is a distinct possibility in the time frame of the lifetime of these buildings. Should subdivision be approved, people purchasing these lots can expect to get some reasonable occupancy of the sites for some time, providing they accept rock revetment management costs as necessary to maintain hazard mitigation effectiveness and property coherence. The properties will likely still be exposed to some seawater inundation risk at the very least, unless revetment management is rigorous. If landowners do not collectively maintain and enhance revetment integrity, then the subdivision properties will increasingly be subject to inundation and erosion effects, until such time that the situation becomes untenable. As this could occur in the lifetime of the buildings, even at their proposed setback locations, it is recommended that any building on the site be restricted to a pile foundation structure, so as to be relocatable off the site. In addition, a minimum finished floor level of 4.6m amsl is also recommended.

SUMMARY

The property subject to this subdivision application is naturally subject to significant historical erosion rates and increasing inundation hazard, given that former backbeach dune systems that once existed along parts of this foreshore have been eroded away. The applicant has, with others, elected to manage these coastal hazard risks (at least in part) by constructing a private rock revetment structure along the property foreshore. In my opinion, this structure was not designed and built to prevailing standards of engineering design and construction competence, to provide enduring coastal hazard risk mitigation. The structure has failed on a number of occasions, and while significantly rebuilt and added to since its construction less than 10 years ago, it will require a significant degree of ongoing, collective landowner maintenance and structural addition to continue to provide competent and reasonable levels of erosion and inundation protection. This will require an ongoing significant capital commitment by the landowners benefiting from the hazard mitigation the structure provides.

Allowing subdivision as proposed on the one hand increases the pool of landowners over which the costs of maintaining and enhancing rock revetment integrity and enduring hazard mitigation can be spread. On the other hand however, increasing the number of landowners “protected” by the revetment also increases the possibility of revetment failure through abandonment of that responsibility by an individual landowner, or through differing views as to the provision of adequate and appropriate wall maintenance and enhancement works, unless these factors can be countered effectively in conditions of consent or by legal covenant with the existing landowner.

In my opinion, despite the presence of the rock revetment structure, any consent for subdivision must contemplate the possibility that the additional titles will be subject to coastal hazard risk into the future, to the extent that erosion or inundation hazards may significantly affect the nature and use of the property in the long term as a whole and very possibly in the time frame of the life of any building that may be built there. Notwithstanding this fact, the properties can be developed and living enjoyed there (within limitations) probably for some decades. Subdivision (and ownership) must be, in my view, with the knowledge that there are extant coastal hazard risks that will only increase in intensity and severity into the future. These risks will require dedicated, collective community ongoing management and may ultimately require or force alternate responses, such as managed retreat.

RECOMMENDATION

I recommend that the following conditions be appended to any consent granted:

1. That the building platform of any dwelling on the site be located on ground above 4m amsl, as far to the rear of the property as practicable, but no closer to the coast than the nominated sites in the application.

2. That any dwelling built on the site have a timber pile or similar foundation and be sufficiently modular in design, so as to allow the structure to be practically relocatable away from the site.

3. That the registered proprietor of Lot 1 and 3 and successors in title shall maintain the function and integrity of the sea wall on these lots to a satisfactory standard to avoid or mitigate any adverse effects of erosion on the sea wall or inundation of the property from storm surge and/or wave run-up and that the future maintenance of the function and integrity of the sea wall shall take into consideration any effects from climate change and/or sea level rise.

Eric Verstappen
Resource Scientist – Rivers and Coast