

STAFF REPORT

TO: Environment & Planning Subcommittee

FROM: Wayne Horner, Consent Planner - Subdivision

REFERENCES: RM090798 (Subdivision and Land Use - Access) and RM090800 (Land Use - Dwellings)

SUBJECT: **JOHN AND RIA WILMS - REPORT REP10-05-02** - Report prepared for hearing of 3 May 2010

1. DESCRIPTION OF THE PROPOSED ACTIVITY

John and Ria Wilms have lodged a number of resource consent applications relating to a subdivision, new access, residential development, earthworks, works in a watercourse and associated wastewater and stormwater discharges within the Rura 3 Zone.

The following report assesses applications **RM090798** and **RM090800** relating to the subdivision and land use aspects of the development. The remainder of the consents addressing wastewater discharges, stormwater discharges, earthworks and works in a watercourse are in four complementary reports (EP10-05-03, EP10-05-04, EP10-05-05 and EP10-05-06) authored by Mr Daryl Henehan, Consent Planner - Natural Resources. This report should be read in conjunction with the aforementioned staff reports.

1.1 Subdivision Consent and Land Use Consent: **RM090798**

To subdivide three existing titles to create:

- Lot 1 of 2.12 hectares;
- Lot 2 of 0.66 hectares;
- Lot 3 of 1.88 hectares;
- Lot 4 of 3.21 hectares;
- Lot 5 of 0.54 hectares as an access lot;
- Lot 6 of 0.02 hectares to be amalgamated with Lot 1 DP 9848;

A land use consent is also sought to construct an under-width right-of-way, which will serve four users.

1.2 Land Use Consent: RM090800

To construct a single dwelling within the nominated building area on proposed Lots 1 - 4 of the subdivision application RM090798. Lot 1 also contains an area for the construction of non-residential buildings close to Dominion Road.

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

1.3 Site Location and Background

It is proposed to subdivide Lot 2 DP 9848 (CFR NL5B/655) to create six new lots. Lots 1 - 4 are proposed to be for rural residential development and vary in size from 0.66 hectares up to 3.21 hectares. Lot 5 is an access lot that will be amalgamated in equal shares with Lots 1 - 4.

This site has been fully covered in apple trees in the past. However these apple trees have now been removed with this site now being pasture.

Soil testing will be required, should consent be granted, to ensure any pesticide residues within the soil are within accepted limits.

The stormwater discharge from the dwellings on Lots 1 - 3 will be overland to Lot 5 via the formed access and to a proposed detention pond adjacent to Dominion Road. This detention pond is intended to contain the peak flows and discharge in a controlled manner into the existing culvert under Dominion Road. Lot 4 will discharge stormwater into the existing irrigation pond within Lot 4.

Earthworks will be required to form the shared access within Lot 5, the building platforms within Lots 1- 4 and access to these building platforms. The earthworks to form the building platform on Lot 1 will take place once the existing dwelling on Lot 1 has been removed following subdivision.

It is also proposed to amalgamate a 2.0 metre wide strip of land identified as Lot 6, with the leg-in access for an adjacent title containing Lot 1 DP 9848 (CFR NL5B/654). At present the access onto Dominion Road for Lot 1 DP 9848 is 3.66 metres wide and this amalgamation will increase this to 5.66 metres.

Refer to **Appendix 1** for a Site Location Map.

1.4 Location and Legal Descriptions

167 Dominion Road, Mahana and 159 Dominion Road, Mahana; Lot 2 DP 9848 (CFR NL5B/655) and Lot 1 DP 9848 (CFR NL5B/654)

2. TASMAN RESOURCE MANAGEMENT PLAN (TRMP) ZONING, AREAS AND RULES AFFECTED

The application sites are zoned Rural 3 and are within the Wastewater Management Area and Land Disturbance Area 1. Dominion Road is classified as a Collector Road.

The application is considered to be a Restricted Discretionary Activity under subdivision rule 16.3.7.2 in that the proposal has allotment areas less than the Controlled Activity standards of 50 hectares and not all permitted transport standards are complied with.

The dwellings are considered to be a Controlled Activity pursuant to rule 17.7.3.2 and the formation of the access Lot 5 is a Discretionary Activity due to non-compliance with Rule 16.2.2.1 where the access is being formed to 3.5 metres in width.

Therefore overall this application is considered to be a Discretionary Activity.

3. SUBMISSIONS

The application was notified on 9 January 2010 and three submissions were received. Two submissions oppose the application with the submitters wishing to be heard and one submission seeking conditions while reserving the right to be heard. The Picard property is directly adjacent to western boundary of this site and the Mahana Trust property is located close to the northern boundary of this site and also to along the eastern boundary of this site.

3.1 Summary of Submissions:

Submitter	Reasons	Decision
1. NZ Fire Service Commission	The New Zealand Fire Service seeks a fire fighting water supply to each new dwelling that complies with the New Zealand Standard SNZ PAS 4509:2008.	Neutral Reserves right to be heard
2. Mahana Estates Trust, M & C Salmond	Concerned that there may be changes to the subdivision design as the subdivision is developed. Also does not agree with Mr Bennison regarding the productivity of this land or the size of the nearby orchards as outlined in Mr Bennison's report.	Grant Wishes to be heard
3. W & N Picard	Concerned about cross boundary effects and visual effects. Seeks conditions to limit these effects.	Decline Wishes to be heard.

4. PRINCIPAL ISSUES

The principal issues associated with the applications are:

- a) Will there be an unacceptable loss of productive land as a result of this proposal?
- b) Will the development be able to achieve and maintain an acceptable level of rural character and amenity that is in keeping with the surrounding area?
- c) Is the proposed development consistent with the Rural 3 Zone guidelines and is the scale of the development appropriate?

5. STATUTORY PROVISIONS

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

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

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

5.1 Resource Management Act Part II Matters

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

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

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

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

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

Section 6 of the Act refers to matters of national importance that the Council shall recognise and provide for in achieving the purpose of the Act. There are considered to be no matters of national importance relevant to this application.

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

- 7(b) the efficient use and development of natural and physical resources

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

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

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

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

5.2 Tasman Regional Policy Statement

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

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

5.3 Tasman Resource Management Plan

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

- Chapter 7 “Rural Environment Effects”;
- Chapter 11 “Land Transport Effects”;
- Chapter 14 “Reserves and Open Space”

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

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

- Chapter 16.3.7 ‘Subdivision’,
- Chapter 17.7.3 ‘Rural 3 Zone’,

Details of the assessment of the proposed activity in terms of these matters are addressed through the assessment of actual and potential effects in paragraph 6.1 below and analysis and discussion on the relevant policies and objectives in paragraph 6.2 of this report.

6. ASSESSMENT

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

6.1 Actual and Potential Environmental Effects

6.1.1 Permitted Baseline

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

Subdivision

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

Building Construction

In the Rural 3 Zone some non-residential buildings could potentially be constructed as permitted activities provided they meet the permitted activity criteria including being located within a building location area, a maximum height of 7.5 metres, setbacks of 10 metres from roads, 5.0 metres from internal boundaries, 30 metres from plantation forestry and horticultural plantings and other setbacks and building coverage provisions. Residential dwellings need controlled activity consent.

Land Use Activity

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

6.1.2 Rural Land Productivity

The site’s productive land values have been assessed by Mr Andrew Burton (attached as **Appendix 5** of this report) and the applicant has provided a report from Mr Dick Bennison within the application.

Extracts from Mr Burton’s report are included below with extracts from Mr Bennison to highlight areas of agreement and also highlight where differing opinions are given:

Contour

Mr Burton:

“The topography is undulating with the predominant slope ranges from 5 to 14 degrees. Steeper areas have in the past been terraced to accommodate orchard operations. In general the slope will limit the versatility of the block and intensive operations like market gardening would be inappropriate to establish but many of the horticultural crops such as pipfruit, viticulture and olives could be effectively grown and managed on this block”.

“The slope is nearing the limit for horticultural use on some parts of the application area but the development of “terraces” and possibly some minor recontouring has reduced this limitation for past horticultural operations.”

Mr Bennison:

“The contour is variable ranging from easy slopes adjacent to road frontage with moderate slopes through the centre of the property and with steeper slopes on the southern side of the two leading spurs. These steeper slopes are at the limits of safe operation for wheel based farm machinery.”

“The areas of less than 5 degrees can be classed as flat to easy rolling and comprise 10.3% of the title area. Land shown as 5degrees to 12 degrees covers 64.4% of the areas and can be classed as rolling, while the areas greater than 12 degrees can be described as moderately step class that covers 25.3% of the area. Furthermore the slopes lengths are essentially short with only limited continuity and there are few long stretches of evenly sloping ground. The length of slope is a critical factor in determining the practicality of management and in this instance the variability of contour over the property does have an impact on that practicality.”

Soil Classification

Mr Butron

“The Mapua soils are suitable for some horticultural crops, in particular pipfruit, grapes and olives. The good water holding capacity of the subsoils means that tree crops can be grown effectively with less reliance for irrigation compared to the soils on the plains.”

“The economics of one particular crop is no justification for assessing the productivity of this land, nor does it play a part in any land productivity classification system. The economics of a crop is temporally highly variable.”

Mr Bennison

“The classifications therefore do not take into account any site specific variations and by their nature have tended to be a broad based classification.”

“Despite the clear limitations (of the Mapua sandy loams) that are identified in these soil types , they have been widely used for pipfruit production in the past. A well balanced fertiliser program is required to overcome the inherent nutrient deficiencies in the soil and drainage has been necessary, particularly on the heavier lower slopes. These soils are now considered unsuitable for pipfruit production with the more versatile alluvial soils of the Waimea and and Motueka Plains being more suited to intensive orchard production, particularly with dwarfing rootstocks and orchard production on these lower yielding Mapua soil types is no longer economic.”

Irrigation limitations

Mr Burton

“Climatic factors in this part of the region are recognised as being of minor limitation with possibly low rainfall being the most significant limiting factor but able to be minimized by irrigation.”

Mr Bennison

“The low summer rainfall in this location is a major limitation to productive capacity for all potential uses and irrigation water would be required for any development into intensive horticultural plantings on a commercial scale.”

“..Water Permit NN101343 that provides for water to be drawn from the storage pond on the property at the rate of 756 m³ per week and defines the storage capacity at 3000m³. This permit provides sufficient water for four weeks irrigation only.”

Productivity

Mr Burton

“In general the soil consists of 15 to 25 cm of sandy loam topsoil with little to no structural development except for the top 5 to 7 cm. Under lying the topsoil is a deep clay subsoil.”

“No indications of impeded drainage were evident from the observations made.”

“There is variability in topsoil depth over the block. Most of this variability is associated with the terracing that has been carried out on the block and also where the major access lanes associated with the past horticulture operation has been established. Generally there was little natural variability found from the top to the bottom of the slope.”

“The past and current land use demonstrates well the potential productivity of this land. Almost the entire block has, in the past been in orchard as demonstrated in the adjacent aerial photo. Land of similar topography and soil type in the surrounding area has been used for a variety of crops ranging from pastoral and production forestry through to orchard and viticulture production.”

“The Tasman Resource Management Plan specifically requires the protection of land of higher productive values within the Rural 3 zone. The land in the application area falls within this category of having higher productive values.”

“The block sizes are of a rural residential or lifestyle block size and are not conducive to the efficient use of the land for productive purposes. That is not to say that the remaining productive land on the small blocks will not be used for productive purposes however a NZ study ³ carried out on the effect of lifestyle blocks on land productivity indicate strongly that people live on lifestyle

blocks primarily because of the desire for a rural lifestyle, and production off the land is only a secondary consideration.”

“It is considered in light of the productive potential of the land and the small size and landscape limitations that already exist on the application area that any reduction in size will have a significant effect on the productive potential of the block consequently any subdivision is not appropriate for this block.”

“Effectively the result of such a proposal will have a significant effect on the productive potential of the application area through the direct loss of land, (effectively over 1 hectare will be lost to building sites and access requirements) and the fragmentation of the area through the location of the boundaries.”

Mr Bennison

“Viticulture and olives are however being produced on these soil types with some success. Irrigation water is essential, particularly during the crop establishment phase.

There is considerable variability in the soil, particularly on the elevated ridges where the topsoils are much shallower and less productive than on the more gentle slopes.

There are small parcels of remnant orchard remaining on adjoining parcels, immediately to the east.

By contrast the elevated ridge areas have the least versatile least versatile land due to the shallower nature of the topsoils and they are therefore the logical areas in which to cluster any future housing.

This layout has the effect of providing four rural/residential sites while still retaining those parts of the property that have some limited productive potential in contiguous units that can still be effectively utilised even if it is on a small scale, semi intensive basis.”

Assessment of Land Productivity within the TRMP for the Rural 3 Zone

When assessing the issue of land productivity in relation to this application the following parts of the TRMP are considered relevant:

Chapter 3 of the Design Guide

3.2 High Productive Land

- (a) *Retain land that has high productive values for present or future productive land uses.*
- (b) *Separate and/or buffer existing and future potential rural productive activities from residential land use activities so that residential activities will not result in undue restriction on those rural productive activities.*

- (c) *Seek to retain high productive land in unfragmented land-holdings, to maximise existing and future opportunities to use the land for rural productive purposes.*
- (d) *Remove and replace quality topsoil from underneath buildings or hard surfaces to places where it may be re-used for rural productive purposes*

Rule 16.3.7.2

- (1) *The extent to which the proposed subdivision retains and protects land with actual and potential productive values.*

Chapter 2, Definition of High Productive Value - *in relation to land, means land which has the following features:*

- (a) *flat to gently rolling topography;*
- (b) *free-draining, moderately deep to deep soils;*
- (c) *moderate to good inherent soil fertility and structure;*
- (d) *a climate with sufficient ground temperature, sunshine, available moisture, and calmness to make the land favourable for producing a wide range of types of plants.*

[See "Classification System for Productive Land in the Tasman District", Agriculture New Zealand, December 1994.]

Chapter 7.1.20.1 (iii)

The Rural 3 Zone covers a specific part of the Coastal Tasman Area within the District. This area contains land of high productive value, generally the more coastal land, and also land of lesser productive value, generally the more inland land in the zones. However the rules for these zones have been specifically developed to accommodate a level of residential development through a framework that provides for restricted discretionary subdivision and controlled residential development, and that recognises and protects the more productive land. In this way, much of the most potentially productive land in the area within the two zones should be retained and protected, although residential development takes place.

Chapter 7.0 Introduction

The fragmentation of rural land is the progressive breaking up of land parcels through subdivision in association with subsequent land use activities such as buildings, other structures and roads. Land fragmentation may occur for a variety of reasons. While fragmentation may allow for more intensive use of rural land for soil-based and other rural activities, with resulting social and economic benefits, the principal effect of land fragmentation in the Tasman District has been the cumulative reduction in opportunities for the productive potential of land to be taken up, either within sites or over larger areas. As subdivisional lots become smaller, and as new structures or services are established, the range of soil-based production activities that can be physically or economically undertaken, progressively reduces in scope. The reduction in productive potential of any land, together with the physical coverage of productive land, may reinforce the demand for further fragmentation... This land is a finite resource and its loss through fragmentation is effectively irreversible.

Land Productivity Summary

Contour

There is variable contour across the site with 64.4% of the land area being between 5-12 degrees and 25.3% being 12 degrees or more. The maximum slope identified by Tasman Consulting in their engineering report was up to 18 degrees. This will limit the versatility of the block as a whole. The steeper areas are for the majority contained within Lot 4 and are approaching the limit of wheeled machinery. Mr Bennison also considers the variability of the slope length impacts on the development potential of this land but does not expand on this point.

Soil Classification

There is general agreement that these soils are correctly classed as Class B soils taking into account a range of factors including the contour of the site.

Irrigation limitations

At present there is one pond that could supply irrigation water for crops within the existing title. The Mapua Sandy Loam soils have good water holding capacity that would reduce the volume of water required for irrigation compared to soils on the plains. However, Mr Bennison sees a lack of water as a major limitation for intensive horticultural plantings on a commercial scale and considers that the pond only has enough water for four weeks of irrigation but does not expand on the maturity or type of crop being irrigated or if the irrigation rates take into account the water holding capacity of the soil.

There may be scope to increase the water supply within the existing site by creating another small pond and pumping to the existing pond or increasing the water take from the existing bore should capacity become available.

Productivity

Mr Bennison's opinion is that that there is considerable variability in the topsoil depth between the ridges and lower slopes and therefore the ridges are suitable areas for the location of buildings with the remaining areas having limited productive potential. Specific topsoil depths are not supplied within Mr Bennison's report. Mr Burton has found that there is in general 15 cm to 25 cm of sand loam topsoil with little natural variability from the top to bottom of the slope.

Past land use demonstrates the productivity of this land. Horticultural crops such as pipfruit, viticulture and olives could be effectively grown and managed on this block.

Land Productivity Discussion

While the economics of a particular crop on a particular site, or land area, is not directly related to the productive potential of the soil and not specifically referred to within the relevant policies in Chapter 7 it is referred to within the Chapter 7: Introduction, where it states "*the range of soil-based production activities that can be physically or economically undertaken, progressively reduces in scope...*" The actual

development of land within the Tasman District is primarily driven by the economics of the development due to the significant development costs involved. Another example of this is reflected in the size of the controlled activity criteria lot size for the Rural 1 and Rural 2 Zones. As Rural 2 Zone soils are generally less productive than those in the Rural 1 Zone a larger 50 hectare controlled activity minimum area has been established.

Sixteen hundred hectares of Class B Soils are covered by the Rural 3 Zone and therefore some loss of productive potential is anticipated within this zone or no development could occur within any part of the Rural 3 Zone containing Class B soils. This is balanced against the fact that not every site within the Rural 3 Zone is suitable for subdivision as further subdivision would not meet the requirements of The Guide where land with high productive values is to be retained in unfragmented blocks for future productive uses.

In this case when reviewing the land productivity reports of Mr Burton and Mr Bennison it is clear that the underlying soils are considered to be highly productive but with some limitations due to gradient and irrigation water supply. The extent of these limitations is the point of difference that lead Mr Burton and Mr Bennison to differing conclusions in assessing the land productivity effects for this application.

The submission from Mahana Estates Trust also advises that these Mapua Sandy Loam soils are productive and can be converted to dwarfing root stocks, as has been done on some adjacent properties.

Lot 4 contains the majority of the steepest land which is approaching the limit for wheeled vehicles of 15 degrees.

When considering the definition of High Productive Value within Chapter 2 of the TRMP, this land does not meet this definition in every respect. Parts of this site could be considered to be gently rolling. However there are significant portions of this site with moderate slopes. Mr Bennison points out that Mapua Sandy Loam soils are low in natural fertility but this can be overcome with a fertiliser program. Mr Burton has advised that even Class A soils do not fully meet the definition of High Productive Value yet are highly productive if managed correctly.

Where land is broken up into smaller parcels there is a loss of productive opportunity as the range of soil-based production activities that can be physically or economically undertaken, progressively reduces in scope. Also the progressive breaking up of land parcels increases the value of the land which presents a barrier to future amalgamations for productive use and therefore the effect of subdivision on land productivity is effectively irreversible. With this application both of these effects will occur.

Conclusions

This site does not contain the most potentially productive land within the Rural 3 Zone due to limitations from variable contour and to some extent a lack of irrigation water. The irrigation water supply on this site may be able to be augmented to some degree in future.

The size of the title at 8.43 hectares in area already has some limitations for the production of a wide variety of plants. However this block could be leased, amalgamated with an adjacent title or operated in conjunction with a neighbouring land owner for productive use.

The dwellings do not appear to be located in areas of lower productive value.

This subdivision will reduce the productive opportunities for this land.

6.1.3 Landscape and Rural Character Values

Introduction

The applicant has provided a report prepared by a landscape architect Mr Rory Langbridge in support of their application. Mr Tom Carter reviewed this landscape report on behalf of Council and advised that further information was required before a final assessment could be undertaken. This further information was provided to Council on 14 April 2010 which was subsequently reviewed by Mr Carter with his report attached as Appendix 3.

The effects on the existing landscape as a result of this proposal are a key part of this proposal and both Mr Langbridge and Mr Carter have provided detailed assessments on the landscape effects of this proposal against The Guide.

Within this section of this report I will focus on the main issues and areas of contention rather than repeat what has already been considered and reported on in detail within the landscape report and review.

Mr Langbridge's Conclusion from his Landscape Report dated November 2009 is included below:

Conclusion:

- 101. It is my understanding from Mr Bennison that the site is not considered to be productive to any degree that is viable or sustainable.*
- 102. It is my opinion that the site straddles two landscape types and two landscape subunits where slightly different approaches to subdivision and development are encouraged by both the context and the plan.*
- 103. It is my assessment that the visual prominence of the site and its contribution to the rural characteristics of the wider location are limited.*
- 104. It is my opinion that the subject site could reasonably be developed as a cluster of rural residential housing that;*
 - Would not be prominent.*
 - Would be significantly in accordance with the guidelines of the two landscape subunits that I believe would have a bearing on the development pattern of the subject site.*

- *Would not have an adverse impact on the rural landscape character values of the surrounding landscape that is more than minor.*

The further information provided in response to Mr Carter's initial comments reiterate these conclusions. However an amended condition was proposed by Mr Langbridge in relation to the mitigation of the visual effects of the earthworks.

The Conclusion from Mr Carter's final review is as follows:

Conclusion

45 *Overall the proposal is weighted towards being inconsistent with the Design Guide.*

46 *The key areas of inconsistency are the building location area on Lot 3. Given the level of inconsistency with the Guide in that instance and in relation to constraints information mapped on SP L3 the proposed mitigation package there is not considered to produce development anticipated in the Design Guide. The building location area on Lot 4 and the lack of any controls to ensure that development on that site is consistent with the Guide.*

47 *If the committee are minded to grant consent; the following controls may lessen to some degree the level of inconsistency with the Guide and the potential adverse effects.*

48 *On Lot 3;*

- *Either delete the proposed BLA or relocate it further northwest along and diverging west away from the ridge to approx contour 70m with height control. Providing mitigation of the earthworks as for Lot 1 and extend existing proposed separation amenity planting.*

49 *On Lot 4;*

- *An appropriate building height restriction;*
- *Planting mitigation in relation to views from the south and from Sub Unit 7;*
- *A Pad Level in relation to the adjacent central ridge between Nile Road and Dominion Road.*

Level of Consistency with Chapter 4 Guidelines

Unit 8 Guidelines

50 *Relevant Unit 8 matters not achieved by the proposal are:*

(g), (h),(i).

Sub-unit 8 Guidelines

51 Relevant Sub-Unit 8 matters not achieved by the proposal are:

(c), (d) & (e).

Landscape Effects

The main area of disagreement between Mr Carter and Mr Langbridge relates to the visual effects of carrying out earthworks and constructing dwellings on Lots 3 and 4, and the value of the mitigation provided by the maturing pine plantation and gum trees. As a result this proposal is not considered to be fully consistent with the Unit 8 and 8A Guidelines or The Guide.

Mr Carter's view is that the filling of Lot 4 and the subsequent construction of a 7.5 metre high dwelling would cause the dwelling to be above the central landscape unit ridgeline. The dwelling on Lot 3 would be on the ridgeline and above the landscape unit central ridge. No structural plantings are proposed by the applicant for Lot 4.

Mr Carter suggested some mitigation that would in his opinion lessen to some degree the level of inconsistency with the Guide and the potential adverse effects and this mitigation has been incorporated within the suggested conditions, should consent be granted.

6.1.4 Transport Effects

The proposal does not meet the right-of-way formation standards as laid out in Figure 16.2A where a formed lane width of 4.5 metres is required. An assessment of the proposed access and traffic safety issues has been carried out by Traffic Design Group in support of this application.

Council's Development Engineer has reviewed this application and recommended that the proposed right-of-way design be accepted and this is reflected in the recommended conditions of consent, should consent be granted.

6.1.5 Public Access

The application has not provided for public walkway access within this subdivision as the applicant considered that it was highly unlikely that there would be any benefit in providing public access as this site is not close to the coast, rivers or public reserves or existing walkways.

The Guide states:

3.7 (b) Recreation, Conservation and Open-Space

Provide for alternative public access ways - such as cycle-paths, walkways and bridle-paths - to connect dwellings and link them to each other, to public amenities and to other community services...

Also the following policy is relevant;

Policy 14.1.3.4 To provide for new open space areas that are convenient and accessible for users, including the provision of walking and cycling linkages in and around townships, between townships and between reserves.

Council's, Forward Planner, Reserves Ms Rosalind Squire has provided an assessment of this application in relation to public access issues and her report is attached as Appendix 4.

A number of other policy documents were referred to within Ms Squire's report including national policy documents such as the New Zealand Transport Strategy and the Land Transport Act and a local policy document the Tasman Walking and Cycling Strategy.

The main user groups of walkways and cycleways are identified as commuter, recreational users and domestic and international tourists. Once walkway and cycleway facilities have been provided there has been increasing use of these facilities. As there are no nearby townships or schools the future users are more likely to be recreational, rather than commuter users.

Ms Squire's outlines Council's specific strategy for the development of a network of walkways and cycleways within the Rural 3 Zone and lists eight recent Rural 3 Zone subdivisions where public access linkages were provided to highlight the linkages that have already been provided through the subdivision consent process.

The following is an extract from Ms Squire's report:

Existing walk/cycle ways within the Rural 3 zone

Council is progressively developing a network of walk/cycleways within the wider Rural 3 zone (Attachment 1 - Shows the extent of the southern section of the Rural 3 zone). The network is, and will continue to be developed in the future by existing formed and unformed legal roads, existing reserves and walk/cycleways and the creation of new links on subdivision.

One of Community Services objectives within the Rural 3 zone is to link SH 60 with the inland highway and link all roads running perpendicular to the two. The development of walk/cycle ways within the area is consistent with both national and local governments objectives to promote alternative methods of transport, improve pedestrian safety, improve access to established recreational cycling and walking facilities and improve access to cycle and pedestrian facilities that support an increase in cycling or walking. The development of this walk/cycle network within the Rural 3 zone is also consistent with the vision, objectives and initiatives in the Tasman Walking and Cycling Strategy.

Council has secured walkway reserves or easements for public access in the majority of multi lot Rural 3 subdivisions. The purpose has been to

create walk/cycle links from the roads which bisect the Rural 3 zone between the Inland and Coastal Highways...

Recommendation

The Community Services Department recommends that 5 metre wide walk/cycleway easement in gross be created in favour of the Tasman District Council for future walk/ cycleway purposes in the location shown by the red hashed line on Attachment 2.

Summary

While any public access link between Dominion Road and Nile Road relies on the future subdivision of adjacent land with an unknown development timetable it is important to consider establishing parts of these future linkages at the time of subdivision consent. A recent example of where a link has been completed within the Rural 3 Zone has seen the completion of a public access link in less than two years between two independent subdivisions.

In the medium to longer term these linkages progressively expand and connect to each other providing an important recreational facility for the community and therefore I consider it is appropriate for Council require the public access easement as recommended.

6.1.6 Servicing Effects

Water Supply

Permitted activity criteria 17.5A.5(b) requires that all dwellings have a water supply that is reliable and potable. Under this application it is proposed to take 5.0 cubic metres of water per day from an existing bore within Lot 5 to share between the dwellings on Lots 1 - 4. This water supply would be considered to be more reliable than a rain water collection system and may be potable although no specific testing has been carried out to confirm this. A water meter is required on this bore so that the water take volume can be confirmed.

The consent for the water take from the dam within Lot 4 NN010343 will need to be varied to take into account a new property description and consent holder.

Provision for Fire Fighting

A minimum of 23,000 litre capacity storage tank is to be provided at each dwelling, with a connection suitable for fire fighting purposes is required to satisfy the TRMP permitted activity criteria for the volume of water stored on the site. However the Fire Service has requested in its submission that the applicants achieve compliance with the NZ Fire Service Code of Practice which requires 45,000 litres of water storage. If the Committee decides to approve the applications consideration should be given to an increased volume of fire fighting water storage as requested by the NZ Fire Service.

Wastewater

This matter is assessed in Report REP10-05-04 and is not duplicated here.

Stormwater

This matter is assessed in Report REP10-05-03 and is not duplicated here.

Power and Telephone

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

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

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

The application states it has been designed to be generally consistent with the Design Guide.

The essence of the Coastal Tasman Design Guide (The Guide) recognises the potential for more residential development within the Rural 3 Zone while still retaining its particular rural character and landscape values and protecting the versatility and productivity of the land.

The following table assesses this proposal against the relevant outcomes anticipated by The Guide:

The Guide	Wilms Proposal
Avoid built development on visually prominent landscape features, such as ridgelines and hilltops.	Not achieved.
Retain the rural character of the site, including but not limited to a predominance of unbuilt open space and built features associated with rural productive activities.	Partially achieved.
Determine allotment boundaries in a way that is sensitive to the topography of the land.	Achieved.
Choose building form, colour and finish materials that are visually recessive, nonreflective and merge into, rather than stand out, of the natural landscape.	Building form will be left to future owners. Recessive colours are proposed.
Ensure consistency with the relevant location-specific guidelines of Chapter 4 of the Design Guide.	Not achieved.
Cluster built development in locations that are less visually prominent when viewed from public roads and other public places, including the coastline	Partially achieved.
Retain land that has high productive values for present or future productive land uses.	All of the land within this site is considered to have high productive value. However with some limitations on irrigation water supply and contour.

The Guide	Wilms Proposal
Separate and/or buffer existing and future potential rural productive activities from residential land use activities so that residential activities will not result in undue restriction on those rural productive activities.	The proposed dwellings are clustered away from the existing horticultural developments to the north.
Seek to retain high productive land in unfragmented land-holdings, to maximise existing and future opportunities to use the land for rural productive purposes.	This subdivision will fragment productive land with the remaining productive land divided between three of the proposed lots.
Avoid extensive earthworks and re-contouring.	Significant earthworks will be carried out under this proposal. However in the long term plantings can reduce the visual effects of these earthworks.
Manage stormwater runoff using natural drainage features of the site, and/or management methods that mimic natural water features such as streams, wetlands and ponds.	A stormwater detention pond is proposed.
Use Low Impact Design solutions for the management of stormwater where appropriate and suitable for the site conditions.	The peak stormwater flows will be mitigated by the stormwater detention pond.
Consider the use of on-site stormwater detention in the management of stormwater to enhance groundwater replenishment and/or provide an alternative source of non-potable water.	It may be possible to use the detention pond as an alternative non-potable water source.
Design roads and driveways to complement land contours and minimise the need for significant Earthworks.	The access to the building sites will be reasonably discrete and for the majority in the gully to the rear of the lot.
Keep roads and driveways to a minimum, whilst maintaining minimum standards for road safety and the efficient functioning of the road network.	Achieved.
Provide for alternative transportation and access opportunities, such as safe pedestrian access, cycleways and opportunities for future public transport needs.	No pedestrian access has been provided. However this has been required by conditions of this consent should this application be approved.
Provide a wastewater management system for the treatment and disposal of domestic wastewater from each dwelling, adequate to avoid, remedy or mitigate any actual or potential effects on water quality.	Achieved.
Ensure that the disposal field of the wastewater systems(s) is located on terrain that is suitable for the disposal of wastewater in terms of soil permeability, drainage, slope, groundwater depth, waterways proximity and aspect.	Achieved.
Ensure that the on-site wastewater treatment and disposal system(s) does not compromise other resource values such as the ability of high quality land to be used for rural productive uses.	Limited effect on land productivity from waste water disposal fields.
Locate the disposal system so that it does not compromise or become compromised by existing and proposed land features, such as stormwater drainage	Achieved.

The Guide	Wilms Proposal
features, natural waterways, roads and building location areas.	
Ensure that the disposal system is large enough to assimilate the proposed long-term wastewater volume as well as incorporating sufficient reserve area.	Achieved.
Apply water conservation measures in the design of the wastewater management system where possible, such as water use restrictions and grey-water recycling.	This may be an option but potable water can be supplied from the bore on Lot 5.
Collect and store rainwater from the roofs of buildings and impermeable surfaces.	Stored to some extent within the detention pond.
Collect stormwater for non-potable water demands, such as irrigation for gardens and crops and/or additional fire-fighting capacity.	May be possible to extract from ponds
Provide on-site water storage for the purpose of firefighting.	Water storage for firefighting will be provided.
Provide for alternative public accessways - such as cycle-paths, walkways and bridle-paths - to connect dwellings and link them to each other, to public amenities and to other community services.	Not provided.
Seek to include public unbuilt open-space areas - such as recreation, conservation and amenity areas - within the subdivision, for the purpose of encouraging social interaction and healthy liveable communities.	Not provided. However only four lots are proposed which would limit the need for public open space and this has been confirmed by Ms Squire's report.
Apply the matters relating to location-specific guidance (Chapter 4) to the design and layout of allotments, when considering a pattern of allotments that will be sensitive to landscape values.	Not achieved.
Provide for allotment shapes and sizes which are sensitive to the topography of the site and sensitive to the landscape character of the surrounding environment.	Achieved.
Determine allotment boundaries with a view to minimising the potential for adverse cross-boundary effects between current and future rural productive uses.	30 metre setbacks are achieved.
Seek to ensure that high-productive land is not fragmented by allotment boundaries in a manner that may prevent it from being utilised for existing or future productive land uses.	The allotment boundaries will fragment productive land. Not achieved.
Seek to retain dwelling privacy and outlooks to the rural and/or coastal landscape in the selection of building location areas.	Achieved.
Ensure that building location areas are in places that are not highly visible from the coast and public viewing points.	Achieved.
Develop an uncluttered pattern of building location areas on the landscape.	Achieved.
Locate building location areas in positions that will avoid,	Achieved.

The Guide	Wilms Proposal
remedy or mitigate the potential for adverse cross-boundary effects with productive land uses.	
Avoid placing building location areas on land that has high productive values.	All of this site is considered to have high productive value.
Use the location-specific guidance (in Chapter 4) to assist in determining appropriate locations for building location areas	Not achieved.
Locate buildings and structures, including water storage tanks, on sites that are not visually prominent.	Partially achieved.
Seek to locate dwellings to take advantage of site features, such as sun exposure, shelter, privacy and outlook.	All dwellings will achieve a good out look and privacy will be maintained and enhanced through plantings.
Ensure that building colours are recessive and that finish materials are non-reflective.	Achieved.
Ensure that the form and design of all buildings is visually unobtrusive, using low profile designs as opposed to multiple storey designs.	The volunteered height restriction should achieve this.
Avoid, remedy or mitigate the effects of locating buildings or structures on or in close proximity to prominent landscape features, such as hilltops, ridgelines or the coast.	Not achieved.
Seek to use amenity plantings to add to the overall amenity values of the site and surroundings.	This has been done to some extent, with the exclusion of Lot 4. A second stage planting plan at the time of building construction will further reduce visual effects of buildings.
Use plantings to screen buildings and structures.	Partially achieved.
Seek to use vegetation and plantings in the design of the subdivision in accordance with the location-specific guidelines of Chapter 4.	Partially achieved.

Summary of Design Guide Assessment

When comparing this application to the relevant assessment criteria of The Guide in the table above it can be seen that out of a total of 45 relevant criteria 26 were fully met, 8 criteria were partially met and 11 criteria were not met. Those that were not met or only partially met primarily relate to land productivity, visual effects in relation to buildings on Lot 3 and Lot 4 and the provision of public access.

6.1.8 Summary of Assessment of Effects

In the end an assessment is required to be made as to the level of the effects where compliance with The Guide is not considered to be achieved. When assessing the level of adverse effects in relation to land productivity I am persuaded that some loss of productive opportunity is anticipated within the Rural 3 Zone planning framework and that land productivity while important is one of a large number of issues that are required to be considered.

There are also visual effects from this proposal in its current form. Mr Carter has provided some comments about how these effects may be reduced which will be taken into account when considering recommended conditions.

However my assessment is that the adverse effects on the environment from this proposal are no more than minor when considering the effects in relation to the Design Guide for Subdivision and Development in the Coastal Tasman Area and taking into account the suite of recommended conditions.

6.2 Relevant Objectives and Policies of the TRMP

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

- Chapter 7 “Rural Environment Effects”
- Chapter 11 “Land Transport Effects”;
- Chapter 14 “Reserves and Open Space”

6.2.1 Chapter 7: Rural Environment Effects

7.3.3.1 To identify an area (Rural 3 Zone) within the Coastal Tasman Area within which rural residential and residential development is enabled while avoiding, remedying and mitigating adverse effects on the environment.

This policy seeks to enable residential and rural residential development within the Rural 3 Zone while avoiding, remedying or mitigating the adverse effects of this development. Any development of this site will present some adverse effects, and in the case of land productivity it is difficult to see how these effects could be mitigated apart from allowing very minimal development. The remaining effects can be mitigated.

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.

It is not considered that this site is one of those sites that should not be considered for further development due to the loss of productive values given the existing productive constraints and relative compliance with The Guide overall. Therefore this proposal is not considered to represent inappropriate subdivision and development.

7.3.3.5 To protect land of higher productive values within the Coastal Tasman Area.

This application will reduce the productive values of this site.

7.3.3.8 To avoid, remedy or mitigate adverse effects of development on land, surface and ground water resources, and the coastal marine area.

This application would generally meet this policy while recognising land productivity effects and visual effects.

- 7.3.3.10 *To ensure that adverse effects arising from servicing of subdivision and residential development are avoided, whether by way of on-site management, or provision of off-site reticulation.*

Full servicing of this subdivision has been provided for with effect no more than minor.

- 7.3.3.12 *To progressively develop a network of interconnected pedestrian, cycle and equestrian routes, and reserves within the Coastal Tasman Area, including to and along the coast.*

While this subdivision is not near the coast public access providing walking and or cycling access over the longer term is important. The provision of a public access link would meet this policy.

- 7.3.3.13 *To mitigate adverse effects on rural landscape and character by evaluating subdivision, development and wastewater discharge proposals together, when providing for further residential and rural residential development in the Coastal Tasman Wastewater Management Area.*

This application is a comprehensive design package.

- 7.3.3.14 *To take into account, and avoid or mitigate potential cumulative adverse effects on rural character, rural landscapes and amenity values, including the potential impact that complaints from new residential activities can have on existing productive activities, arising from adverse cross-boundary effects, when assessing the effects of subdivision and development in the Coastal Tasman Area.*

This policy considers the cumulative visual effects on rural character and cross boundary effects. As there are suitable setbacks from the existing productive activities and while there are visual effects these would not represent cumulative effects in relation to this application.

- 7.3.3.20 *To avoid potential effects of past land contamination on future residential and rural residential activities.*

Very likely that land contamination effects can be mitigated in this case.

- 7.3.3.22 *To avoid adverse off-site effects, including cumulative effects and water contamination effects, resulting from the disposal of domestic wastewater to land arising from inappropriate scale, design, or location of subdivision and development of land for residential purposes in the Wastewater Management Area.*

Suitable stormwater and wastewater disposal is proposed which is able to mitigate the effects of these services.

6.2.2 Chapter 11: Land Transport Effects

The land transport effects of this proposal are related to the upgrade of the existing cross providing access onto Dominion Road and the creation of a shared access that is 1.0 metre narrower than that required by Figure 16.2A.

Policy 11.1.3.1 is considered relevant:

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

Considering the number of users along this access and the relatively small scale of the non-compliance it would be considered to meet this policy.

6.2.3 Chapter 14 “Reserves and Open Space”

14.1.3.4 To provide for new open space areas that are convenient and accessible for users, including the provision of walking and cycling linkages in and around townships, between townships and between reserves.

With the provision of a walkway linkage this application would meet this policy.

While this application does not meet every point of the relevant Objectives and Policies of the TRMP it is not considered that overall this application meets the standard of being contrary to the Objectives and Policies of the TRMP.

7. SUMMARY AND CONCLUSIONS

- 7.1 It is proposed to subdivide Lot 2 DP 9848 (CFR NL5B/655) to create six new lots. Lots 1 - 4 are proposed to be for rural residential development and vary in size from 0.66 hectares up to 3.21 hectares. Lot 5 is an access lot that will be amalgamated in equal shares with Lots 1 - 4.
- 7.2 Mr Daryl Henehan, Consent Planner - Natural Resources has assessed the effects of the proposed earthworks, works in a water course, wastewater discharge and stormwater discharges and these effects are considered to be less than minor or no more than minor.
- 7.3 Where land is broken up into smaller parcels, as in this case, there is a loss of productive opportunity as the range of soil-based production activities that can be physically or economically undertaken, progressively reduces in scope. Also the progressive breaking up of land parcels increases the value of the land which presents a barrier to future amalgamations for productive uses and therefore the effect of this subdivision on land productivity is effectively irreversible. The soils on this site are considered to be highly productive. However there are limitations with regard to size and contour and with the existing water supply that reduce to some extent the productive versatility of this land. It may be possible to increase the water take from the existing bore at some future time.

- 7.4 A number of restrictions have been volunteered to reduce the visual impact of the proposed dwellings which in effect limit the dwellings to single storey buildings on Lots 1-3. However this proposal is not considered to be fully consistent with the Unit 8 and 8A Guidelines or The Guide due to concerns about the location of the dwelling constructed on Lot 3, the height of the dwelling on Lot 4, the scale of the earthworks and lack of structural plantings on Lot 4. Mr Carter has suggested some mitigation that would lessen the level of inconsistency with The Guide and the potential adverse effects, and this mitigation has been incorporated within the proposed conditions.
- 7.5 Within this application a public access linkage has not been offered to be included within this subdivision. However in line with Ms Squire's recommendation a public access link has been required, should consent be granted.
- 7.6 With regard to transport effects these are limited and no more than minor.
- 7.8 This proposal is considered overall to meet the Objectives and Policies of the TRMP for the Rural 3 Zone and has achieved a reasonable level of compliance with The Guide (refer to Section 6.1.7 above), which would be improved with the recommended conditions.

8. RECOMMENDATION

- 8.1 That Subdivision and Land Use Consent (RM090798 and RM090800) can be GRANTED subject to the following conditions:

9. CONDITIONS (RM090798)

9.1 Subdivision Consent and Land Use Consent RM090798

Subdivision Plan

1. The subdivision and development shall be carried out generally in accordance with the application plan prepared by Newton and Associates Limited, Project No. N163, and attached to this consent as **Plan A - RM090798**

Landscape Planting Plan

2. A Landscape Planting Plan shall be prepared by a qualified Landscape Architect at the cost of the consent holder for the approval of the Council's Environment and Planning Manager and shall be submitted at the time engineering plan approval is sought. This Landscape Planting Plan shall be prepared for the areas identified on the Rory Langbridge **Plan C - RM090798** attached to this consent and modified to provide screen planting between the buildings on Lot 2 and the amended area on Lot 3 and planting of the earthworks within Lot 4.

The Landscape Planting Plan shall detail the following information:

- i) Planting plan specifying the type, number, and size of the plants;

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

Contaminated Soils

5. That prior to the survey plan being submitted for the purposes of Section 223 of the Act, a contaminated soil sampling and assessment in accordance with the Soil Sampling and Assessment Guidelines for Horticultural Sites in TDC and NCC, dated June 2003, shall be undertaken on Lots 1 - 4 by a suitably qualified person. The results of such sampling shall be provided to Council's Environment & Planning Manager to determine whether any remedial works are required for residential development, should any contamination be found.
6. No further earthworks shall take place on Lots 1 - 4 prior to the Soil Sampling and Assessment being carried out in accordance with Condition 11.
7. That prior to a completion certificate pursuant to Section 224(c) of the Act being issued by the Council written confirmation that the pesticide residues meet the Interim Residential Soil Criteria of the Soil Sampling and Assessment Guidelines for Horticultural Sites in TDC and NCC shall be provided to Council's Environment & Planning Manager.

Public Access

8. Notwithstanding Condition 1 a 5.0 metre wide public access easement shall be provided parallel to the boundary of Lot 58 DP685 from Dominion Road to the boundary with Lot 49 DP640.

Easements

9. Easements are to be created over any services located outside the boundaries of the lots that they serve as easements-in-gross to the Tasman District Council for Council reticulated services or appurtenant to the appropriate allotment.
10. 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. The building location areas shall be shown on the Land Transfer title plan.
11. A rural emanations easement shall be registered over Lots 1 - 4 in favour of Lot 55 DP685 (CFR NL13A/1082) and Lot 56 DP685 CFR NL1346/116). This easement shall be in general accordance with the wording set out in Appendix 2 attached to this consent.
12. Easements for the provision of irrigation water supply over Lots 1, 3 and 4 shall be provided for to allow Lots 1 and 3 to access the irrigation water contained in the existing pond on Lot 4. Also water supply easements over Lot 5 shall be provided to allow for future water supply to be installed from Dominion Road.
13. Reference to easements is to be included in the Council resolution on the title plan at the section 223 stage.

Amalgamations

14. That Lot 6 hereon be transferred to the owners of Lot 1 DP 9848 (CFR NL5B/654) and one Computer Register be issued to include both parcels.
15. That Lot 5 hereon (legal access) be held as to four one-fourth shares by the owners of Lots 1-4 hereon as tenants in common in the said shares and that individual Computer Freehold Registers be issued in accordance therewith.
16. The LINZ consultation reference is 910568.

Power and Telephone

17. Full servicing for power and telephone cables shall be provided underground to the boundary of Lots 1 - 4 inclusive. The consent holder shall provide written confirmation from the relevant utility provider(s) to the Tasman District Council Engineering Manager that power and telephone cabling has been installed from the existing network to the boundaries of the abovementioned allotments.
18. Confirmation that these requirements have been met shall be provided in a written statement from the supply authority. A copy of the supplier's certificate of compliance shall be provided to the Tasman District Council Engineering Manager prior to a completion certificate being issued pursuant to Section 224(c) of the Resource Management Act 1991.
19. All servicing shall be accordance with Tasman District Engineering Standards and Policies 2004.

20. Electricity sub-stations, where required, shall be shown as road to vest on the land transfer survey plan if they are located adjacent to a road or road to vest. These shall be shown on the survey plan prior to section 223 approval.

Stormwater

21. The management of stormwater shall be carried out in accordance with the Conditions of the relevant associated stormwater discharge permits, RM090802 and RM100208.

Access Formation, Lot 5

22. The access shown as Lot 5 on **Plan A - RM090798** shall be formed as follows:
- i) A minimum legal width of 5.0m;
 - ii) A maximum gradient of 1:5;
 - iii) A two coat chip sealed surface if the gradient is greater than 1:6;
 - iv) Two side drains;
 - v) Two 500mm wide metal shoulders;
 - vii) Total carriageway width of 4.5m with passing bays as shown on **Plan A - RM090798**

Crossing, Lot 5

23. The vehicle access crossing for Lot 5 shall be a minimum carriageway width of 9.0 metres and shall be designed and constructed in accordance with Figure 1 with:
- i) a formed and sealed surface between the edge of the seal of the carriageway of the road to at least 5.0 metres inside the Lot 5 boundary;
 - ii) the first 6 metres in from the access formation shall be more or less level with the Dominion Road carriageway formation;
 - iii) A culvert drain with a minimum diameter of 300 millimetres shall be provided where the access is crossing a roadside drain.
 - iv) The access crossing shall be permanently surfaced with a minimum requirement of a Grade 4 chip first coat, followed by a Grade 6 void fill second coat.

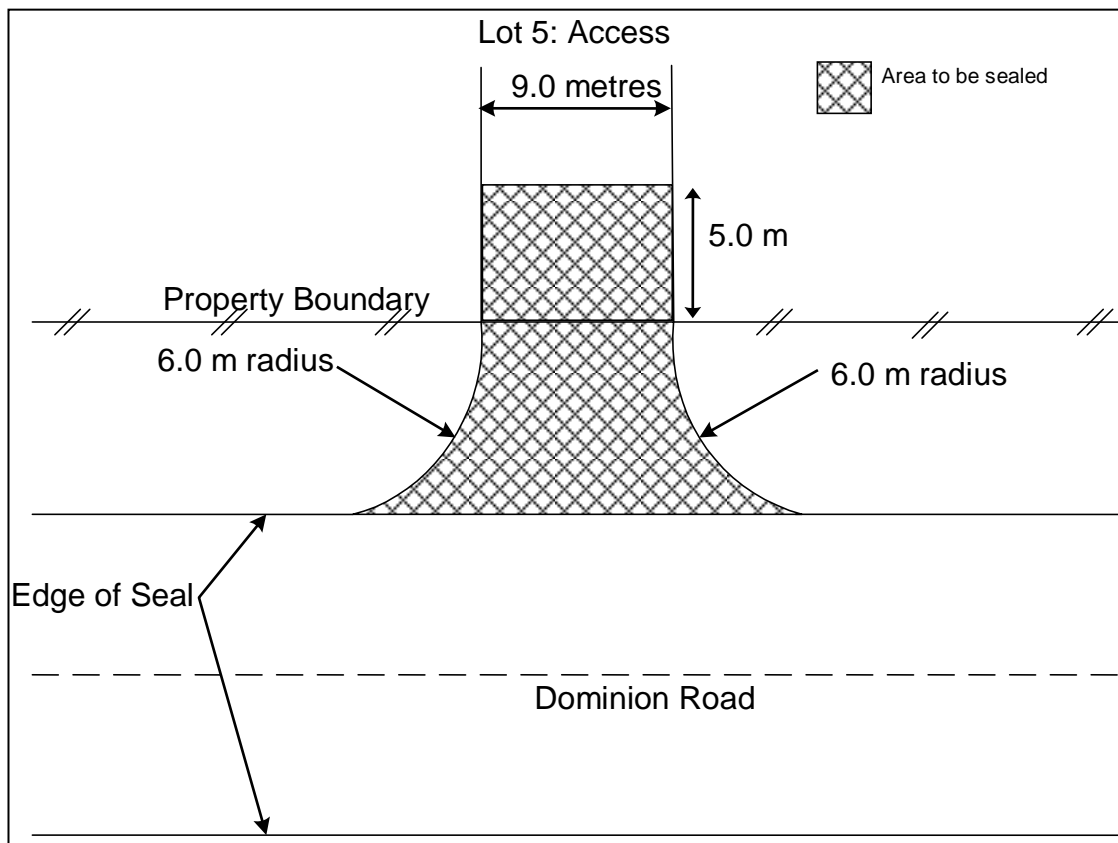


Figure 1 - Lot 5 Crossing Design
Access to Building Location Areas

24. The access to Lots 1 - 4 shown on **Plan A - RM090798** shall be formed as follows:
- i) A maximum gradient of 1:5;
 - ii) Compacted basecourse surface;
 - iv) Two side drains;
 - vii) Total carriageway width of 3.5 metres, with passing bays at 50 metre intervals.

Water Supply

25. A Council approved water meter shall be installed at the bore within Lot 5 to enable future monitoring of the water take.
26. The existing water permit NN010343 shall be varied to take into account the new land ownership arrangements.

Engineering Plans

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

Commencement of Works and Inspection

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

Engineering Works

30. All works shall be constructed in strict accordance with the Tasman District Council Engineering Standards and Policies 2008, or to the Tasman District Council Engineering Manager's satisfaction.
31. The construction of the proposed accesses, stormwater control and earthworks for the construction of the Building Location Areas on Lots 2- 4 shall be completed prior to an application being made for s224 approval.

Engineering Certification

32. 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 Council approved amendments.
33. Certification that the nominated building sites on Lots 1 - 2 and Lot 4 as shown on **Plan B - RM090798**, and for revised Lot 3, are suitable for the construction of a residential building shall be submitted from a chartered professional engineer practicing in civil engineering. This certificate shall define on Lots 1 - 4 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.
34. Where fill material has been placed on any part of a lot, a suitably experienced chartered professional engineer shall provide Certification that the filling has been placed and compacted in accordance with NZS 4431:1989 Code of Practice for Earth Fill for Residential Development and shall be provided to the Tasman District Council Engineering Manager.

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

Consent Notices

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

The consent notices shall be prepared by the applicant's solicitor and submitted to Council for approval and signing. All costs associated with approval and registration of the consent notices shall be paid by the consent holder.

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

A. Building Location Restrictions

The location of buildings within Lots 1- 4 shall be within the areas identified on the Land Transfer Plan. There shall be no dwelling constructed within the lower Building Location Area identified on Lot 1.

All buildings shall be fully contained within each Building Location Area, except that these conditions do not apply to any buildings solely associated with utilities within the subdivision.

B. Maximum Building Heights

Buildings shall not exceed the following building heights:

- i) Dwellings and accessory buildings on Lots 1 - 4 shall be to a maximum height of 5.5 metres above the Relative Levels (RL) shown on the plans prepared by Newton and Associates Limited, Project No. N244 and attached to this consent as **Plan A - RM090798**

Advice Note:

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

C. Building Site Stability

Any recommended conditions resulting from the engineering certification required under Condition 33.

D. Building Colour

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

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

Colour Group*	Walls	Roofs
Group A	A05 to A14 and reflectance value $\leq 50\%$	That the roof colour is complementary

Group B	B19 to B29 and reflectance value ≤50%	with the rest of the building/s and is no greater a percentage than 25 per cent reflectance value.
Group C	C35 to C40, reflectance value ≤50%, and hue range 06-16	
Group D	D43 to D45, reflectance value ≤50%, and hue range 06-12.	
Group E	Excluded	
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, a sample colour chip equivalent to acceptable BS5252 colours is satisfactory.

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

The exterior surfaces of all buildings shall be non-reflective.

E. Wastewater

Each residential allotment in this subdivision shall be provided with wastewater treatment and disposal in accordance with the conditions of the relevant associated wastewater discharge permit, RM090815, RM090813, RM090811 and RM090810.

F. Stormwater

The management of stormwater shall be carried out in accordance with the conditions of the stormwater discharge permits RM090802 and RM100208. Maintenance of the stormwater systems is required.

G. Landscaping

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

- a) How the proposed buildings would be integrated within the site. The Landscape Plan shall take into account the natural form of the land, the form of the buildings and any existing plantings.
- b) Issues of privacy and views shall be specifically identified on the Landscape Plan and shown how these will be addressed and/or protected.
- c) The Landscape Plan shall include a planting schedule and maintenance program. Any dead plants shall be replaced within the next planting season.

The appropriately qualified person shall also confirm that the proposed style and form of the new buildings is suitable for the surrounding landscape.

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

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

The existing landscape plantings on site established in accordance the approved Landscape Planting Plan required by Condition 2 of RM090798 shall be maintained. Any dead plants shall be replaced within the next planting season.

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

H. Retaining Walls and Planting

All unsupported batters, including the use of rock stacking, created on these sites shall not exceed a height of 2.5 metres or a gradient of 1:3 and shall be planted so that no bare earth remains visible one year after construction.

All retaining walls external to the dwelling shall be a maximum of 1.5 metres in height and planted so that 80% of the retaining wall area is screened within two years following construction.

I. Water Storage for Fire fighting

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

J. Buildings

Any buildings constructed on Lots 1 - 4 shall comply with the requirements of Land Use consent RM090800.

Financial Contributions (based on three new sites)

36. Payment of financial contributions assessed as follows:

Reserves and Community Services

5.5% of the assessed market value of the area of a notional 2,500 square metre area within each of Lots 2, 3 and 4.

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

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

Advice Note - Development Contributions

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

The Development Contributions Policy is found in the Long Term Council Community Plan (LTCCP) and the amount to be paid will be in accordance with the requirements which are the amount to be paid and will be in accordance with the requirements that are current at the time the relevant development contribution is paid in full.

This consent will attract development contributions for three new lots in respect of roading and water.

9.2 Conditions: Land Use Consent (Application RM090800)

Should subdivision consent RM090800 be granted, construction of a single dwelling and accessory buildings is GRANTED subject to the following conditions:

1. Commencement Date and Lapsing of Consent

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

2. Building Location Restrictions

The location of buildings within Lots 1-2 and Lot 4 shall be within the areas shown on the application plans prepared by Rory Langbridge Landscape Architects, Sheet L1-SP-D and attached to this consent as **Plan B - RM090798**.

There shall be no dwelling constructed within the lower Building Location Area identified on Lot 1.

All buildings shall be fully contained within each Building Location Area, except that these conditions do not apply to any buildings solely associated with utilities within the subdivision.

The building location area within Lot 3 shall be located off the ridge at approximately the 70 metre contour.

All buildings shall be fully contained within each Building Location Area, except that these conditions do not apply to any buildings solely associated with utilities within the subdivision.

3. Building Height

Dwellings and accessory buildings on Lots 1 - 4 shall have a maximum height restriction of 5.5 metres above the Relative Levels shown for each building platform on **Plan A - RM090798.**

4. Water Tanks

Water tanks are to be incorporated within the structure of the buildings or buried below ground level or screened to not be visible beyond the site.

5. Retaining Walls and Planting

All unsupported batters, including the use of rock stacking, created on these sites shall not exceed a height of 2.5 metres or a gradient of 1:3 and shall be planted so that no bare earth remains visible one year after construction.

All retaining walls external to the dwelling shall be a maximum of 1.5 metres in height and planted so that 80% of the retaining wall area is screened within two years following construction.

6. Building Colour

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

The building shall be finished in colours that meet the following standards:

Colour Group*	Walls	Roofs
Group A	A05 to A14 and reflectance value $\leq 50\%$	That the roof colour is complementary with the rest of the building/s and is no greater a percentage than 25 per cent reflectance value.
Group B	B19 to B29 and reflectance value $\leq 50\%$	
Group C	C35 to C40, reflectance value $\leq 50\%$, and hue range 06-16	
Group D	D43 to D45, reflectance value $\leq 50\%$, and hue range 06-12.	
Group E	Excluded	
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, a sample colour chip equivalent to acceptable BS5252 colours is satisfactory.

Advice Notes:

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

7. Fire Fighting Water Storage

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

8. Landscape Plan

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

- a) How the proposed buildings would be integrated within the site. The Landscape Plan shall take into account the natural form of the land, the form of the buildings and any existing plantings.
- b) Issues of privacy and views shall be specifically identified on the Landscape Plan and shown how these will be addressed and/or protected.
- c) The Landscape Plan shall include a planting schedule and maintenance program. Any dead plants shall be replaced within the next planting season.

The appropriately qualified person shall also confirm that the proposed style and form of the new buildings is suitable for the surrounding landscape.

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

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

The existing landscape plantings on site established in accordance the approved Landscape Planting Plan required by Condition 2 of RM090798 shall be maintained. Any dead plants shall be replaced within the next planting season.

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

ADVICE NOTES

Council Regulations

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

Other Proposed Tasman Resource Management Plan Provisions

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

Consent Holder

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

Development Contributions

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

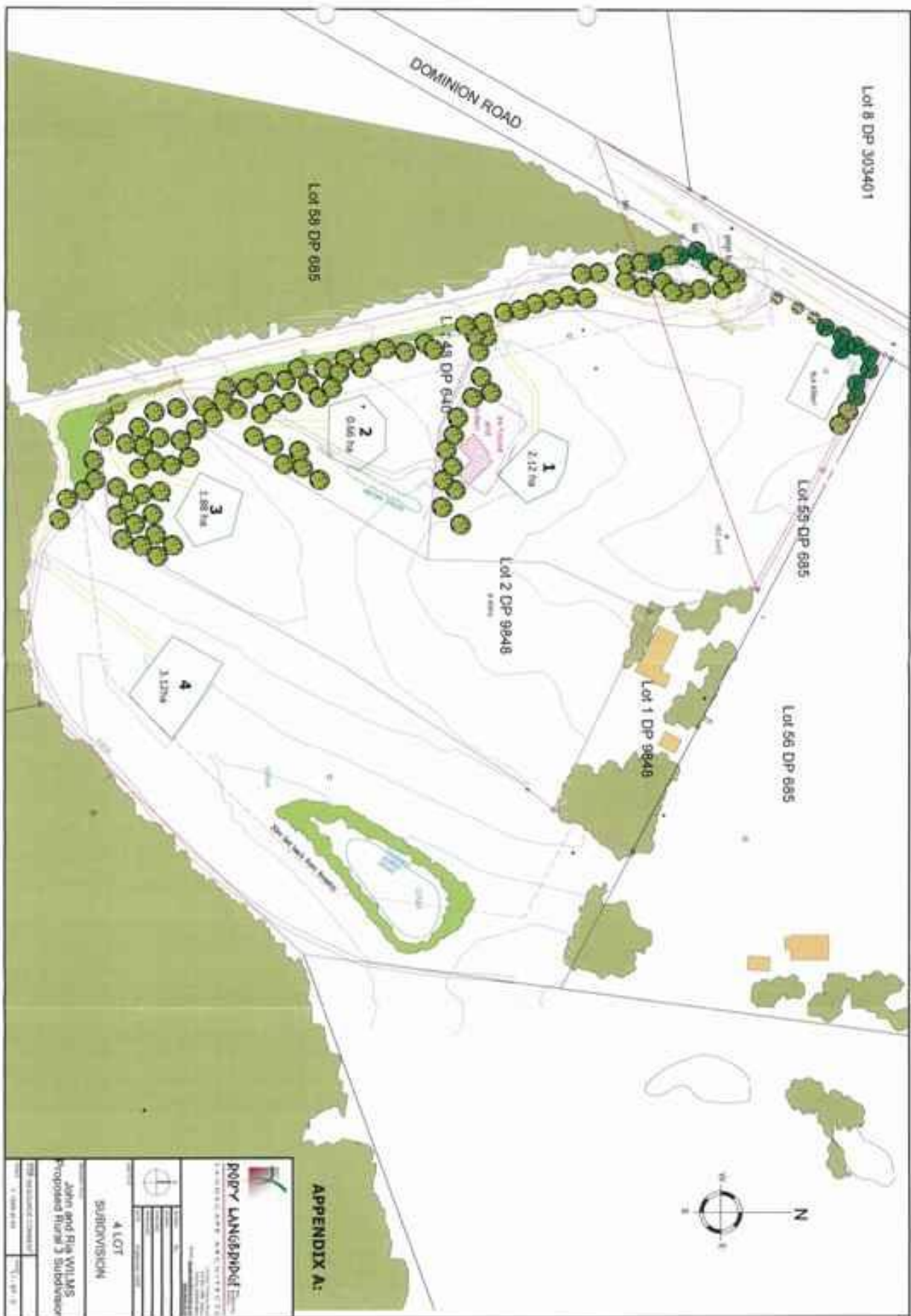
Council will not issue a Code Compliance Certificate until all development contributions have been paid in accordance with Council's Development Contributions Policy under the Local Government Act 2002.

Cultural heritage

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

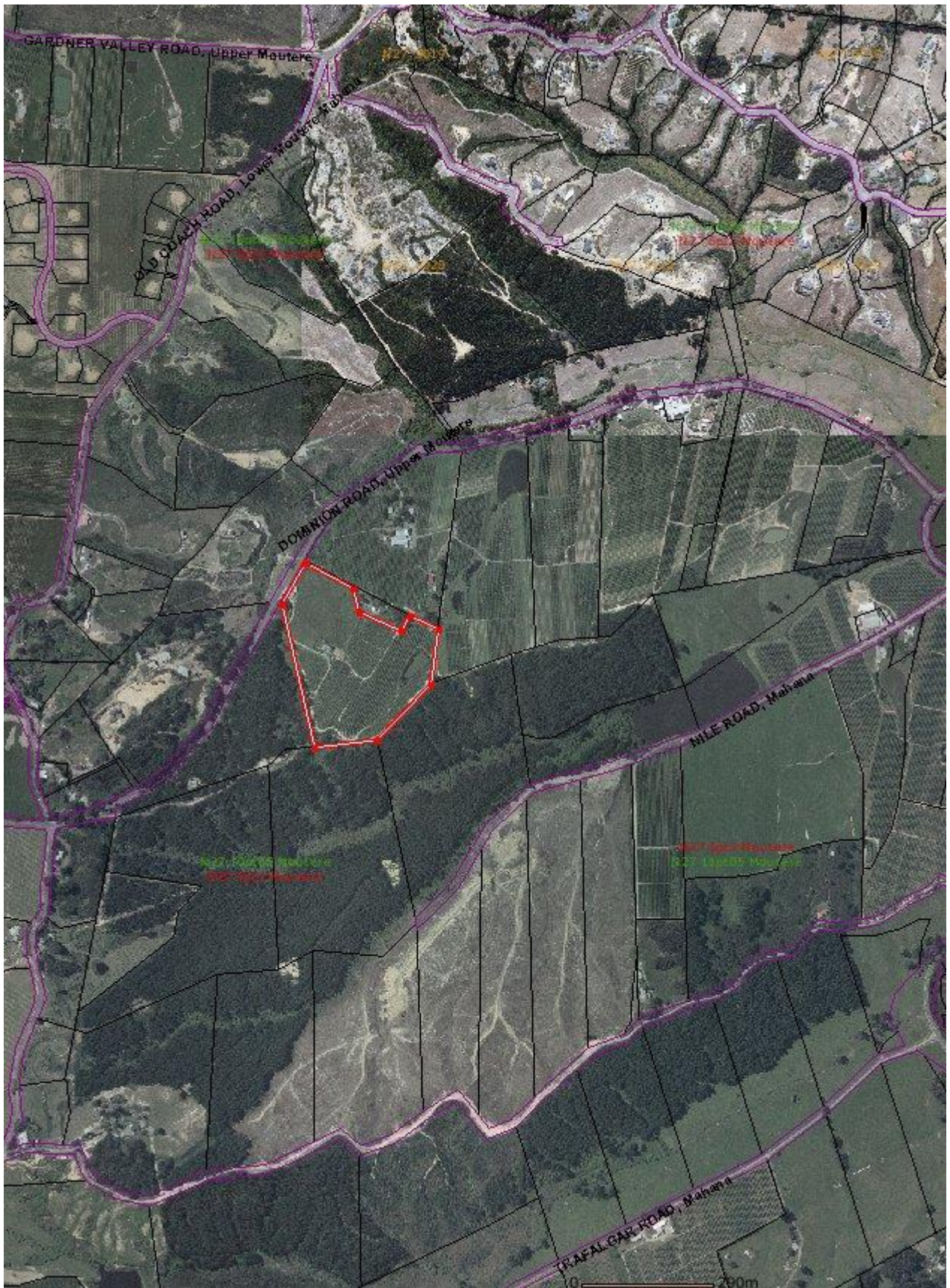
Wayne Horner
Consent Planner - Subdivision







APPENDIX 1
Location of the Subject Site



Right to Emit Noise from Rural Activities and Drift from Agricultural and Horticultural Sprays

1. Definition

In this easement the term “authorised farming activities” means all rural activities, including farming and horticultural crop production (and in particular, odour and noise from farming activities, the spraying for weeds and horticultural pests and diseases and the use of hail cannons to protect against hail damage to fruit crops) together with any other activity permitted under the relevant District Resource Management Plan for the time being in force and any existing uses and any activity permitted by any resource consent(s). The term “authorised farming activities” shall also include any other activity ancillary to the activities already defined or necessary therefore.

2. Rights and Powers

The owners or occupiers from time to time of the Dominant Tenement shall have the full, free, uninterrupted and unrestricted right, liberty and privilege for themselves and their respective servants, tenants, agents, licensees and grantees from time to time to emit noise from hail cannons and other farming practices and equipment, odour from farming activities, and drift from agricultural and horticultural sprays and to allow such emanations to escape, pass over or settle on the Servient Tenement in the course of the use of the Dominant Tenement for rural purposes with the intent that such aforementioned rights shall run with the Servient Tenement and be forever appurtenant to the Dominant Tenement.

3. Terms, Conditions, Covenants, or Restrictions in Respect of the Above Easement

- (a) The owners or occupiers from time to time of the Servient Tenement shall allow authorised farming activities to be carried out on the Dominant Tenement without interference or restraint.
- (b) All noise emitted from hail cannons, frost protection devices and farming practices and equipment shall not exceed the maximum level permitted in any relevant District Resource Management Planning document.

The owners or occupiers from time to time of the Servient Tenement shall not:

- (i) make or lodge; nor
- (ii) be party to; nor
- (iii) finance nor contribute to the cost of;

any submission, application, proceeding or appeal (either pursuant to the Resource Management Act 1991 or otherwise) designed or intended to limit, prohibit or restrict the continuation or recommencement of the authorised farming activities by the owners or occupiers from time to time of the Dominant Tenement.

- (c) The owners or occupiers from time to time of the Dominant Tenement shall at all times use sprays in accordance with usual agricultural and horticultural practices in the District.

Landscape Review

J & R Wilms

A Report Prepared for:
 Tasman District Council
 Private Bag 4
 Richmond

Written by:
 Tom Carter

Report Status:
 Final 19.4.10

Review Summary

- 52 Following a site visit on 25.3.10 and a preliminary review of the Rory Langbridge Landscape Architects Ltd (RLLAL) report, a meeting was held with Mr. Langbridge on 6.4.10. A summary of issues was provided to the Applicant 7.4.10. The Applicant provided further information 14.4.10.
- 53 The review finding is that due to the approach taken to landscape assessment, the proposal, in relation to the building site on Lot 3 and the type of development proposed on Lot 4 is relatively inconsistent with the Coastal Tasman Area Subdivision and Development Design Guide (the Guide).
- 54 The guidelines which identify particular inconsistency are:
- 4.3 (g) *Keeping all development off significant landforms and ridges that are characteristic of or define the landscape sub-units.*
 (h) *Avoiding development that is visually prominent on internal ridges and landforms.*
 (i) *Avoiding development on steep slopes where extensive earthworks are required.*
- 4.3.3(c) *Generally confining building development to areas below spurs and ridgelines within the sub-unit.*
 (d) *Avoiding any development on the central ridge between Nile Road and Dominion Road.*
 (e) *Adopting an infilling approach to development within areas used for rural productive activity.*
- 55 That inconsistency extends to wider issues contained in the Guide. These are addressed in more detail later in the review.

Introduction

Background assessment issues

- 56 There are three background issues, which in combination lead to a level of inconsistency with the Design Guide and the thrust of the Guidelines set forth for

development within Landscape Unit 8 and Sub Unit 8A. I set these out below. I also wish to provide a point of clarification in respect of the 2003 Advisory Notes.

Is the Application Site properly assessed under the 8A provisions?

- 57 The RLLAL report identifies at Para. 100 that “... *the precise allocation of the application site into a landscape subunit appears to be in accurate and problematical*”. The assessment finding is that the application site is on the boundary of two differing landscapes (Para. 54) the northern boundary of this subunit extends beyond the “visual catchment” of the valley itself extending to Dominion Road along its northern boundary (Para. 94).
- 58 The conclusion from that is provided at Para. 95 “*Based on the above observations there is an area of subunit 8A that is described as part of the Nile Valley landscape that I consider would fall within the visual catchment of Dominion Road and more specifically the Old Coach Road South (Unit 7) and the Rural residentially zoned land of Mapua Heights.*”
- 59 However the Guide does not refer to visual catchments. Redefining the location and extent of the landscape sub units is not appropriately addressed under a subdivision consent application.
- 60 I consider the extent and location of Subunit 8A and the application site within it is logical and coherent. It relates well to the Location Specific Guidelines. The RLLAL approach results in an assessment of effects to some extent based on the rural residential pattern within Sub Unit 7 not the rural character within Sub Unit 8A, above Dominion Road. “*any new development is seen from within an area that has rural residential character, all occupants of this area have development within the views currently enjoyed from their respective residents and rural residential development forms an integral component of this rural landscape. These factors in my view establish a level of sensitivity this in my opinion is not totally averse to further development within this landscape.*” (RLLAL 14.4.10).
- 61 I disagree with that approach. I consider the north side of Dominion Road has intact rural character and the Guidelines particularly in relation to discrete infilling and development on the spur and ridge landforms are developed to maintain those landscape qualities.

The Role of the Plantation Pines in Mitigating Adverse Effects

- 62 The pines will be removed at some point and may or may not be replanted. The pines in their current mature state increase the development absorption capacity of the site. Removal of the pines will affect the current screening levels of the proposed development from the following areas:
- Old Coach Road (BLAs Lots 1 - 3);
 - The remainder of the Sub Unit 7;
 - The Nile Valley catchment (BLAs Lots 3 & 4).
- 63 It is appropriate that the BLAs and the landforms on which they are located are assessed in terms of sensitivity under the scenario of the pines being removed or at least consideration of that scenario in the mapping. That part of the assessment required under the Chapter 2 process as outlined above is not mapped in the application or additional information. I consider when the pines are removed the visual sensitivity of in particular BLA 3 will increase to the extent that that aspect of

the development does not compare favourably to the Sub Unit 8A location specific guidelines.

The Role in Sub-unit 8A of the Central Ridge between Nile Road and Dominion Road

- 64 The Central Ridge between Nile Road and Dominion Road is located along the southeast boundary of Lot 4. Any development there is to be avoided (4.3.3(d)). The Lot 4 Pad level is located 30m west of the crest of the ridge but 1 - 2m above it. The building height restriction from the pad level is 7.5m. There is no planting mitigation proposed.
- 65 It is important to note that while it is the central ridge between Nile Road and Dominion Road referred at (4.3.3(d)) the ridgeline on which the Lot 3 BLA is located is a sensitive feature because it is nominally 7m higher than the central ridge between Nile Road and Dominion Road. That needs to be considered in the context of the RLLAL conclusion that the Lot 3 ridge is not a prominent feature within Sub-unit 8A. I consider it is and is caught up in the guidelines relating to 4.3.3(d) and is certainly relevant in respect of guideline 4.3(g) & (h).

2003 Advisory Notes

- 66 The Advisory Notes are not part of the Rural 3 assessment criteria. Mr Langbridge notes correctly that I referred to the Advisory Notes during the meeting in relation to Location Specific Guideline 4.3.3(a). In that case the Advisory Notes provide useful background information as to what appears to be a typo in that sentence. It appears to me that the sentence should read... the southern (being with the Nile Valley catchment) and the north facing slopes within that catchment is where "*development should largely be confined to*". I don't see 4.3.3(a) as a matter in contention in this application.
- 67 My comments were limited to 4.3.3(a). I don't wish to comment on the further use of the Advisory Notes by Mr. Langbridge in regard to 4.3.3f.

The Proposal

- 68 J & R Wilms (the Applicant) propose to subdivide Lot 2 DP 9848 and Lot 1 DP 9848 (167 & 159 Dominion Road) to create 4 rural residential allotments ranging in size from 0.66ha to 3.21ha. The pattern of development (the lot sizes, shape and locations) is rural residential due to marketing reasons set forth in the RLLAL report.
- 69 Proposed lot 1 will contain the existing dwelling, which is to be removed. Lot 5 is an Access Lot to serve proposed lots 1 - 4. Lot 5 will contain at the site entry a stormwater detention pond. Lot 6 will be amalgamated with NL5B/654.
- 70 Lot 5 is located along the west boundary and appears to be aligned with an existing track that is currently benched above contour 58m into west side of the Lot 1 & 2 landform spur. The existing track located south of Lot 3 is dug through the ridgeline up to approximately 3.5m deep before turning north to access Lot 4.
- 71 Lots 1 & 2 Building Location Areas (BLAs) are located on landform spurs within the Dominion Road catchment. Lot 3 BLA is on a ridgeline associated with central ridge between the Dominion Road / Nile Road catchments referred to at 4.3.3(d). Lot 4 BLA is located 30m west of the central ridge between Nile Road and Dominion Road at the head of a small drainage basin.

- 72 Building height restrictions of 5.5m (Para 3a) are taken above proposed pad levels for each of the lots. The height restriction recommended in the additional information for Lot 4 is increased to 7.5m (a double story house) in line with the Application document.

Earthworks

- 73 Significant excavation to create Pad Levels (house sites) Lot 1 & 4 are estimated in the Tasman Consulting Engineers (TCE) report (SD Report pg. 2).
- 74 There is some uncertainty regarding the earthworks on Lot 4 because "*this forms the fill site*". The Newton Surveys Plan shows revised contour lines around Lot 1 & 4 Building Location Areas. The contours indicate a more rounded approach to benching and filling.
- 75 RLLAL recommendation 4a is amended to mitigate the extensive cut (and fill) earthworks at Lot 1 BLA but also covering off house sites 2 & 3 such that after 2 growing seasons "no bare earth remains visible". The earthworks on Lot 4 are removed from the earthworks mitigation package (RLLAL 14.4.10). There is no mitigation of the significant earthworks proposed there. The proposed Pad Level (the ground level at which the new dwelling will be constructed) at Lot 4 is 66m RL which is between 1 - 2m higher than the adjacent central ridge between Nile Road and Dominion Road.
- 76 RLLAL recommendation 4c requires that "*All earth works are to be married into the profile of the existing ground in such a manner as to form a seamless transition between the new and old landforms.*" The Lot 1 and Lot 4 earthworks indicated on SPL3A differ from the earthworks shown on the Newton Survey Plan and appear not to achieve a seamless outcome between the old and the new. The earthworks at Lot 1 will remove some of the existing trees within the existing house garden.
- 77 Under RLLAL recommendation 4d water tanks are to be incorporated in such a way as to be invisible from beyond the site.

Stormwater

- 78 Storm water within proposed lot 4 will be conveyed via an existing seepage beneath the Lot 4 house site to an existing irrigation pond. The pond is recently planted in flaxes and pittosporums. As outlined above, a new pond is proposed at the base of proposed Lot 5.

Cladding colours

- 79 Colours are controlled by reference to the Coastal and Rural Tasman Building Colour Guidelines.

Planting - amenity

- 80 Detailed design of the proposed amenity, riparian and wetland planting will be completed prior to 223 and implementation prior to 224. There is no indication of grade at planting although in 10 - 15 years the amenity trees will be 8m tall (RLLAL 14.4.10). It is unclear who will maintain the planting and replace dead plants to ensure the planting mitigates the adverse effects in the way proposed.

Planting - riparian

- 81 There is planting recommended around a new storm water attenuation pond at the

base of the Access Lot. Tom Kroos Fish & Wildlife Services Ltd recommends planting there and an overall approach to development of a "Good Pond/Wetland". A useful cross section is provided at Pg. 6 of the TCE report. As set out above the detail of the riparian plantings and wetland development are deferred to 223 and implementation prior to 224. A plant list is provided at RLLAL Annex A.

Subsequent Development within Lots 1 - 4

82 Control over development of landscaping around the individual houses sites is framed within 3 outcomes including a responsive approach to natural landforms, the forms of buildings and the new framework plantings. Privacy and views are to be addressed; timing and management of the plantings to ensure that bulk of the plantings are implemented within 3 years following house construction. The ability to achieve those outcomes will be affected by the development configuration determined now.

Consistency with the Design Guide

Chapter 2 - Process

83 The process driven approach under Chapter 2 is intended to show by way of documentation consistency with the relevant policies and objectives in the TRMP. In the Rural 3 Zone consistency with the Design Guide (the Guide) is a matter to which Council has restricted its discretion. Chapter 2 sets out the "how to" provisions relating to identification of development opportunities.

Mapping requirements under the guide

84 2.2.3(a) requires that various land and landscape / rural amenity attributes are mapped. That information then feeds into a comparative assessment against a set of development guidelines at the wider Landscape Unit scale and at the Location Specific (Sub Unit Scale). The comparative assessment contained in the RLLAL report is reviewed below.

85 The Chapter 2 matters are mapped in combination on Sheet SP-L3-A. That is considered to provide useful information about the site and its development capacity in relation to the development guidelines in Chapter 4.

86 The RLLAL report identified inconsistencies with the Chapter 4 development guidelines for this area are summarised as follows:

- Extensive earthworks on Lot 4
- Extensive earthworks on Lot 1
- Building site 3 located on local spur

Comments on the Chapter 2 mapping

87 I consider the following relevant landscape qualities have not been fully mapped (Ref SP-L4 - A).

- "Areas Visible From Sub Unit 7 and Mapua Heights" - Views into Lot 4;
- "Visual Catchment of Nile Valley" - Views extend into Lot 4 and the ridge within Lot 3.

88 These aspects should be added into the mix. The first bullet point arises from an omission in the assessment of a view point from the east part of Sub Unit 7; Mapua Estates (Ref. Photo 1). I don't consider this in its self a key issue except that the omission has perhaps led to there being no mitigation planting proposed at Lot 4.

- 89 The second bullet point perhaps stems from Mr. Langbridge's position that the pines although not on the application site will provide on going screening. Therefore the visibility mapping is undertaken on the basis that they will always be there, not that they will come and go or even be removed permanently. It is noted in the additional information that "*lot 3 may be visible from higher elevations at the southern end of the subunit*". (Nile Valley).
- 90 If for whatever reason the pines and gums are harvested, the Lot 3 ridgeline and the dwelling on it will be visible from the Nile Valley catchment as ridgeline and probably skyline development.
- 91 For the reasons set out above I disagree with the conclusion that "*no development [is] associated with the significant ridgeline - 4.3(g)*". The Lot 4 BLA Pad Level is between 1 - 2m higher than the adjacent central ridge between Nile Road and Dominion Road. It is possible that appropriate planting, a revised Pad Level and/or a building height restriction could mitigate those effects however there is no mitigation of either earthworks or the proposed building on Lot 4.
- 92 Finally, as set out above it is important to note that while it is the central ridge between Nile Road and Dominion Road referred at (4.3.3(d)) the ridgeline on which the Lot 3 BLA is located is a sensitive feature because it is nominally 7m higher than the central ridge between Nile Road and Dominion Road. That needs to be considered in the context of the RLLAL that the Lot 3 ridge is not a prominent feature with Sub-unit 8A. I consider that it is prominent to the extent that the proposed planting will not mitigate the effects so as to be consistent with the Chapter 4 Guidelines.

Level of Consistency with Chapter 4 Guidelines

Unit 8 Guidelines

- 93 Relevant Unit 8 matters not achieved by the proposal are:
- (g), (h),(i).

Sub-unit 8 Guidelines

- 94 Relevant Sub-Unit 8 matters not achieved by the proposal are:
(c), (d) & (e).

- 95 The following table assesses the proposal against the relevant outcomes anticipated by the Guide:

Table 1.

<i>The Guide</i>	<i>Wilms Proposal</i>	<i>Status</i>
Avoid built development on visually prominent landscape features, such as ridgelines and hilltops.	Lot 3 BLA primarily but also given the lack any proposed controls, Lot 4 development will not achieve the outcome.	Not achieved
Retain the rural character of the site, including but not limited to a predominance of un built open space and built features associated with rural productive activities.	Achieved in relation to special development outcomes within the Rural 3 Zone. However the development pattern is Rural Residential more in line with Mapua Estates.	Partially achieved
Determine allotment	-	Achieved

boundaries in a way that is sensitive to the topography of the land.		
Ensure consistency with the relevant location-specific guidelines of Chapter 4 of the Design Guide.	Not achieved in relation to 4.3.3(c), (d) & (e) BLAs at Lot 3 and Lot 4.	Not achieved
Cluster built development in locations that are less visually prominent when viewed from public roads and other public places, including the coastline	Not achieved in relation to BLA Lot 3.	Partially achieved
Apply the matters relating to location-specific guidance (Chapter 4) to the design and layout of allotments, when considering a pattern of allotments that will be sensitive to landscape values.	Not achieved in relation to BLAs Lot 3 & 4.	Not achieved.
Provide for allotment shapes and sizes, which are sensitive to the topography of the site and sensitive to the landscape character of the surrounding environment.	-	Achieved
Seek to retain dwelling privacy and outlooks to the rural and/or coastal landscape in the selection of building location areas.	-	Achieved
Ensure that building location areas are in places that are not highly visible from the coast and public viewing points.	BLA Lot 3 is in a highly visible location.	Partially achieved
Develop an uncluttered pattern of building location areas on the landscape.		Achieved
Use the location-specific guidance (in Chapter 4) to assist in determining appropriate locations for building location areas	BLA 3 is an inappropriate building location. BLA 4 as proposed is in an inappropriate location.	Not achieved
Locate buildings and structures, including water storage tanks, on sites that are not visually prominent.	Not achieved by BLA Lot 3.	Partially achieved

Seek to use vegetation and plantings in the design of the subdivision in accordance with the location-specific guidelines of Chapter 4.	Achieved except not on Lot 4 BLA.	Partially achieved
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Conclusion

- 96 Overall the proposal is weighted towards being inconsistent with the Design Guide.
- 97 The key areas of inconsistency are the building location area on Lot 3. Given the level of inconsistency with the Guide in that instance and in relation to constraints information mapped on SP L3 the proposed mitigation package there is not considered to produce development anticipated in the Design Guide. The building location area on Lot 4 and the lack of any controls to ensure that development on that site is consistent with the Guide.
- 98 If the committee are minded to grant consent; the following controls may lessen to some degree the level of inconsistency with the Guide and the potential adverse effects.
- 99 On Lot 3;
- Either delete the proposed BLA or relocate it further northwest along and diverging west away from the ridge to approx contour 70m with height control. Providing mitigation of the earthworks as for Lot 1 and extend existing proposed separation amenity planting.
- 100 On Lot 4;
- An appropriate building height restriction;
 - Planting mitigation in relation to views from the south and from Sub Unit 7;
 - A Pad Level in relation to the adjacent central ridge between Nile Road and Dominion Road.

Tasman Carter Ltd

Tom Carter
Registered Landscape architect



J & R Wilms
Photo taken by Tom Carter 25.3.2010
Not to scale

View south west from Dawson Road

Ref. 2404
PHOTO 1

Memorandum

Environment & Planning Department

To: Wayne Horner

From: Rosalind Squire, Forward Planner, Reserves

Date: 19 April 2010

Subject: J & R Wilms subdivision, 167 & 159 Dominion Rd, Mahana

The report by the principal planner outlines the proposed subdivision. This memorandum summarises Community Services interests with respect to this subdivision proposal.

Background

The application was lodged in November 2009 and stated the following with respect to the provision of walkways and reserves within the proposed subdivision:

3.3 Public Access and Recreation

The site is not located adjacent to the coastal marine area nor any lakes and rivers and hence there are no public access matters that are relevant to the consideration of this application for resource consent. On occasion the Consent Authority has identified some benefit for the public to gain access through a subdivision in order to provide a strategic linkage across or through the Rural 3 Zone. It is considered highly unlikely that this subdivision would provide such benefits.

No provision for reserves or public access from Dominion to Nile Road is provided for.

Whilst the Department does not see the need for any open space reserves in this location would be desirable to secure the first part of a future walk/cycle link from Dominion to Nile Road. It is acknowledged that the link would not be able to be completed until the adjoining land owned by Carter Holt Harvey (or Mr Thawley if his interest in the land is secured) is subdivided.

Guidance documents

Apart from the objectives and policies in the Tasman Resource Management Plan (which are covered in the subdivision officer's report), there are a number of other pieces of legislation and strategies which provide guidance to Council with respect to the provision and support of public access, walking and cycling.

National Policy

New Zealand Transport Strategy

The New Zealand Transport Strategy sets out the government's vision for transport.

The objectives of the New Zealand Transport Strategy include:

- improve access and mobility;
- protect and promote public health; and
- ensure environmental sustainability.

New Zealand Land Transport Management Act

The Act envisages an integrated long-term approach for land transport funding and management, with more emphasis on social and environmental needs.

Land Transport Act

The Land Transport Act requires Council to develop and implement a Regional Land Transport Strategy (RLTS). The Tasman District Council's RLTS identifies the land transport needs of the region and provides Council with a set of policies and 'means of achievement' for meeting needs.

The RLTS identifies the land transport needs of the region and provides a range of policies and means of achieving those needs.

The Tasman Walking and Cycling Strategy is one method of achieving the land transport needs of the region.

Tasman Walking and Cycling Strategy

The walking and cycling strategy summarised below reflects the broader New Zealand Transport Strategy:

The document provides a framework for developing and implementing a range of cycling and walking related initiatives including cycle lanes, walking facilities, promotion and education.

The strategy responds to community needs identified through consultation with stakeholder groups and members of the public. The broad community needs identified are:

- improved safety;
- demand for pedestrian and cycling facilities to link schools with residential centres;
- demand for safe cycling facilities on high-speed arterial roads linking urban centres;
- improved access to establish recreational cycling and walking facilities;
- improving access to cycle and pedestrian facilities that support an increase in cycling or walking.

The vision of the Strategy is to progress Tasman District towards being a safe and enjoyable place to walk and cycle.

The objectives of the Strategy are to:

- increase the percentage of people who cycle or walk to work as well as those who cycle recreationally and increase the number of children walking and cycling to school;

This includes increasing the percentage of people who choose to cycle or walk and increasing the provision of walkways and cycle facilities

- reduce the number of injuries involving pedestrians and cyclists;
- increase the understanding and response to the identified needs of cyclists and pedestrians;

This includes ensuring that new road construction, reconstruction and maintenance are undertaken in way that enhance cycling and walking.

The initiatives to improve cycling and walking include education, encouragement, engineering and enforcement initiatives such as:

- ongoing development of recreational walkways and cycle facilities and improvement of recreational opportunities;
- promoting land use planning and urban design that complements the use of cycling and walking as a viable option for commuters;
- encourage cycle tourism;
- networking walkways and cycle facilities in new subdivisions

This includes Council encouraging developers/subdividers to provide cycling and walking facilities for both amenity and connectivity. From an amenity perspective this is to provide a pleasant and safe place to walk and cycle thereby providing an alternative off road route. The connectivity aspect is to ensure that linkages are provided between road networks as well as other public areas and facilities such as reserves, car parks, swimming pools etc thereby providing an alternative and possibly more direct route. By providing attractive and ideally more direct routes, other forms of transport [will] be encouraged.

The Strategy highlights the benefits of walking and cycling including:

- helping to create a sense of community and increasing social interaction and providing access to public and private facilities;
- improving health and well-being;
- providing sustainable transport;
- reducing air pollution, road maintenance, energy consumption and the need for additional parking;
- economic benefits through reduced vehicle usage, reliability of travel time, and the cost of cycling and walking infrastructure is cheaper than for motor vehicles.

Other National Policies

There are a number of national policy papers, all of which encourage increased provision and use of walkway and cycle facilities. These include the Road Safety 2010 Strategy, Energy Efficiency and Conservation Strategy and the Healthy Action and Healthy Eating Strategy.

Cycling and Walking in the Tasman District

There are three main user groups using cycling and walking facilities in the Tasman District;

- Commuters - those who use cycling or walking as a means to access places of employment, schools, services, shops and other people;
- Recreational users - those who cycle or walk for exercise, leisure, sport or as a hobby;
- Domestic and international tourists - those who use cycling or walking as a means of travelling around Tasman District for tourism purposes.

Suppressed demand

Suppressed or latent demand results from people not willing to cycle or walk on the basis of the existing services provided. When services are provided the demand for cycling and walking increases.

Suppressed demand can be influenced or improved by factors such as perceptions of safety, pleasantness of cycling/walking facilities, and directness of route. Upgrading facilities improves the desirability of cycling and walking. Promotion of walking and cycling activities in Tasman District cannot be completed without having a clear understanding of the suppressed demand for services. Council has undertaken three investigations of key user groups to identify the suppressed demand for cycling and walking facilities in Tasman District.

Consultation with user groups indicated that existing patterns of cycle/pedestrian use were endorsed in so far as they are confined primarily to urban areas. Responses from certain sectors (particularly in Golden Bay) indicated that there is a demand for improved cycle facilities in the rural areas linking urban centres to outlying areas.

An internet demand survey indicated that 71% of respondents said that they would cycle or walk more if facilities were improved. Participants were also invited to add comments on specific services and facilities they would like to see Council provide. The most common facility requested included cycling and walking links between smaller urban settlements linked by arterial roads that currently are unsuitable for cycling, walking, links to existing and new recreational resources, specific off road pedestrian facilities linking residential areas to schools, particularly where children have to walk down high volume or high speed roads.

Existing walk/cycle ways within the Rural 3 zone

Council is progressively developing a network of walk/cycleways within the wider Rural 3 zone (Attachment 1 - Shows the extent of the southern section of the Rural 3 zone). The network is, and will continue to be developed in the future by existing formed and unformed legal roads, existing reserves and walk/cycleways and the creation of new links on subdivision.

One of Community Services objectives within the Rural 3 zone is to link SH 60 with the inland highway and link all roads running perpendicular to the two. The development of walk/cycle ways within the area is consistent with both national and local governments objectives to promote alternative methods of transport, improve pedestrian safety, improve access to established recreational cycling and walking facilities and improve access to cycle and pedestrian facilities that support an increase in cycling or walking. The development of this walk/cycle network within the Rural 3 zone is also consistent with the vision, objectives and initiatives in the Tasman Walking and Cycling Strategy.

Council has secured walkway reserves or easements for public access in the majority of multi lot Rural 3 subdivisions. The purpose has been to create walk/cycle links from the roads which bisect the Rural 3 zone between the Inland and Coastal Highways. These include the following:

Subdivision	Link Achieved
CBH	Link from SH to Maisey Road
Highland Estate	Link from the Inland Highway and Stringer Road to Bronte Road West
Old Coach Developments	Link from Old Coach Road to Nuttal Road
Mapua Estates	From Chaytor Road to the Coastal Highway
Carter Holt Harvey	Northern part of link from Harley to Dicker Road
Westenbroek	First part of the link from Old Coach/Harley Ridge to Harley Road
Pyke	Second and final part of the link from Old Coach/Harley Ridge to Harley Road
Ruby Bay Developments	Link from Awa Awa Road to Old Coach Road

RECOMMENDATION

The Community Services Department recommends that 5 metre wide walk/cycleway easement in gross be created in favour of the Tasman District Council for future walk/cycleway purposes in the location shown by the red hashed line on Attachment 2.

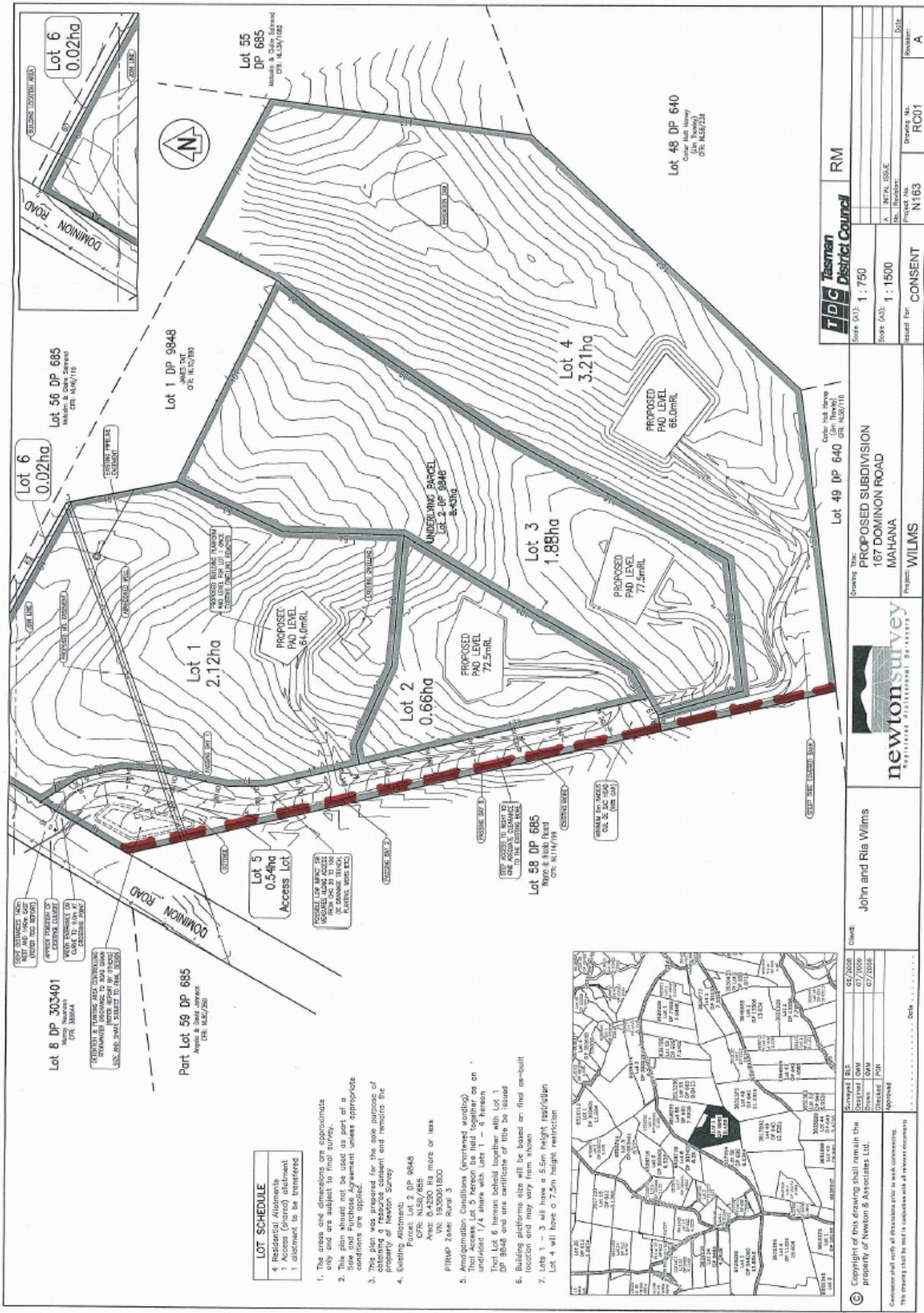
Rosalind Squire

Forward Planner, Community Services Department

**ATTACHMENT 1
EXTENT OF THE SOUTHERN RURAL 3 ZONE**

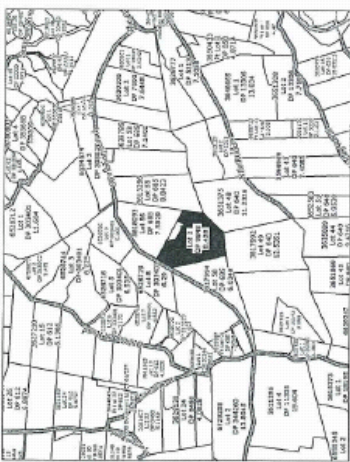


ATTACHMENT 2 LOCATION OF EASEMENT FOR FUTURE WALK/CYCLEWAY



LOT SCHEDULE

1. Residential Allotments
 2. Easement for future walk/cycleway
 3. Easement for future walk/cycleway
1. The areas and dimensions are approximate only and are subject to final survey.
 2. This plan should not be used as part of a Site and Purchase Agreement unless appropriate conditions are applied.
 3. This plan was prepared for the sole purpose of obtaining a Planning Permit and remains the property of Newton Survey.
 4. Existing Allotment:
 - Parcel: Lot 2 DP 9848
 - CPR: 84,520/1830
 - VN: 183300/1830
 5. Adaptation Conditions (excerpted wording)
 - That Access, Lot 5 hereon be held together as an undivided 1/4 share with Lots 1 - 4 hereon
 - That Lot 6 hereon be held together with Lot 1 DP 9848 and one certificate of title be issued
 - 6. Building platform size will be based on final on-built location and may vary from shown
 - 7. Lots 1 - 3 will have a 5.5m height restriction
 - Lot 4 will have a 7.5m height restriction



TDC Tasman District Council		RM
Scale (A3):	1:750	
Scale (A2):	1:1500	
Project No.	CONSENT	Revision: A
Drawn For:	RC01	
Showing This PROPOSED SUBDIVISION 167 DOMINION ROAD MAHANA Project: WILMS John and Ria Wilms		
Lot 49 DP 640 Center Road Hwy (See Town) CPR 1050/110		
Lot 48 DP 640 Center Road Hwy (See Town) CPR 1050/110		
Lot 56 DP 685 Mahana & Oak Street CPR 1050/110		
Lot 58 DP 685 Ave & Oak Road CPR 1050/110		
Lot 1 DP 9848 James Mt CPR 1050/110		
Lot 2 DP 9848 Underway Parcel 8-4319		
Lot 3 1.88ha PROPOSED PAD LEVEL 77.5mRL		
Lot 4 3.21ha PROPOSED PAD LEVEL 80.0mRL		
Lot 5 0.54ha Access Lot		
Lot 6 0.02ha		
Lot 1 2.12ha PROPOSED PAD LEVEL 84.0mRL		
Lot 2 0.66ha PROPOSED PAD LEVEL 72.5mRL		
Part Lot 59 DP 685 Ave & Oak Street CPR 1050/110		
Lot 8 DP 303401 Mervyn Norman CPR 1886/4		
Lot 6 0.02ha		
Lot 55 DP 685 Mahana & Oak Street CPR 1050/110		

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Consent shall only be issued in compliance with all relevant documents.

This drawing shall be used in conjunction with all relevant documents.

Drawn By: [Name]

Checked By: [Name]

Approved By: [Name]

Date:

Land Productivity Report

RM090800, J & R Wilms

The application area is situated at the coastal end of the Moutere Formation at Dominion Road. The applicant has provided a report produced by Dick Bennison, Duke and Cooke Ltd, on the productive value of the land. That report describes those factors that influence the potential productivity or versatility of the land. Those factors in particular include climate, topography and soils.

Climatic factors in this part of the region are recognised as being of minor limitation with possibly low rainfall being the most significant limiting factor but able to be minimized by irrigation.

The topography is undulating with the predominant slope ranges from 5 to 14 degrees. Steeper areas have in the past been terraced to accommodate orchard operations. In general the slope will limit the versatility of the block and intensive operations like market gardening would be inappropriate to establish but many of the horticultural crops such as pipfruit, viticulture and olives could be effectively grown and managed on this block. This has been demonstrated effectively in the past as virtually the entire block was once established in pipfruit for many years.

The soils are mapped as Mapua sandy loams¹. An inspection carried out by the writer confirms this is correct. In general the soil consists of 15 to 25cm of sandy loam topsoil with little to no structural development except for the top 5 to 7 cm. Under lying the topsoil is a deep clay subsoil. No indications of impeded drainage were evident from the observations made. An inspection of the recently cut road batter on Dominion Road adjacent to the application area indicates that the clay subsoil is relatively stone free, well structured and over a metre deep. There is variability in topsoil depth over the block. Most of this variability is associated with the terracing that has been carried out on the block and also where the major access lanes associated with the past horticulture operation has been established. Generally there was little natural variability found from the top to the bottom of the slope.

The Mapua soils are suitable for some horticultural crops, in particular pipfruit, grapes and olives. The good water holding capacity of the subsoils means that tree crops can be grown effectively with less reliance for irrigation compared to the soils on the plains. The Duke and Cook report states that these soils are now considered unsuitable for pipfruit production. However nothing has changed to the soil's inherent characteristics, i.e. its texture, structure or depth, to alter its suitability for growing crops. What is believed that the Duke and Cook report is trying to point out is that the economics of growing pipfruit on these soils has changed and that presently it is now uneconomic to do so. The economics of one particular crop is no justification for assessing the productivity of this land, nor does it play a part in any land productivity classification system. The economics of a crop is temporally highly variable.



The Classification System for the Productive Land in the Tasman District² maps the application area as class B. An assessment carried out by the writer indicates that the classification for the application area is justified. The slope is nearing the limit for horticultural use on some parts of the application area but the development of “terraces” and possibly some minor recontouring has reduced this limitation for past horticultural operations.

The past and current land use demonstrates well the potential productivity of this land. Almost the entire block has, in the past been in orchard as demonstrated in the adjacent aerial photo. Land of similar topography and soil type in the surrounding area has been used for a variety of crops ranging from pastoral and production forestry through to orchard and viticulture production.

Class B land is the second most versatile in a 7 class ranking system for the Tasman District and within the Rural 3 zone is the most versatile land present as no land has a class A ranking.

At the scale that the classification system was carried out, the Rural 3 zone is a mix of 1600 hectares class B land and 2400 hectares of class E land. Class E land is land of no horticultural capacity but capable of intensive grazing and forestry. The Tasman Resource Management Plan specifically requires the protection of land of higher productive values within the Rural 3 zone. The land in the application area falls within this category of having higher productive values.

The proposed application is to subdivide the land into 4 lots comprising of 0.66 hectares, 1.88 hectares, 2.12 hectares and 3.12 with the remaining 0.65 hectares used to provide access ways to the lots and an adjacent lot. Boundaries for the lots generally follow

topographic features. Effectively the result of such a proposal will have a significant effect on the productive potential of the application area through the direct loss of land, (effectively over 1 hectare will be lost to building sites and access requirements) and the fragmentation of the area through the location of the boundaries. The block sizes are of a rural residential or lifestyle block size and are not conducive to the efficient use of the land for productive purposes. That is not to say that the remaining productive land on the small blocks will not be used for productive purposes however a NZ study ³ carried out on the effect of lifestyle blocks on land productivity indicate strongly that people live on lifestyle blocks primarily because of the desire for a rural lifestyle, and production off the land is only a secondary consideration.

It is considered in light of the productive potential of the land and the small size and landscape limitations that already exist on the application area that any reduction in size will have a significant effect on the productive potential of the block consequently any subdivision is not appropriate for this block.

Report prepared by

Andrew Burton
Resource Scientist (land)

21.12.09

References:

¹ *Soil Map of Waimea County South Island, New Zealand. Soil Bureau Bulletin 30.*

² *Classification System for Productive Land in the Tasman District, Agriculture New Zealand, 1994*

³ *Characteristics of Smallholdings in New Zealand: results from a National Survey. A Cook and J Fairweather, Research Report No.278, Lincoln University.*