

STAFF REPORT

TO: Environment & Planning Subcommittee
Commissioner Hearing

FROM: Wayne Horner (Consent Planner, Subdivision)

REFERENCES: RM090764 (Subdivision and Land Use - Access)

SUBJECT: **COBA HOLDINGS - REPORT EP10-05-08** - Report prepared for hearing of 10 and 11 May 2010

1. DESCRIPTION OF THE PROPOSED ACTIVITY

COBA Holdings Limited has lodged resource consent applications relating to a nine lot subdivision, and earthworks to form a Right-of-Way, at 94 and 170 Excellent Street, Collingwood.

The following report assesses application **RM090764** relating to the subdivision and land use aspects of the development. The consent addressing earthworks to form the Right-of-Way in the Coastal Environment Area are in a complementary report (REP10-05-09 authored by Mr Daryl Henahan, Consent Planner - Natural Resources. This report should be read in conjunction with the aforementioned staff report.

1.1 Subdivision Consent and Land Use Consent: **RM090764**

To subdivide three existing titles to create the following:

- Proposed Lot 1 comprising 1.23 hectares, which will provide Right-of-Way access, and be amalgamated with Lot 4;
- Proposed Lot 2 comprising 2530 square metres which will be amalgamated with Lot 5;
- Proposed Lot 3 comprising 2.21 hectares which contains an existing dwelling;
- Proposed Lot 4 comprising 12.64 hectares;
- Proposed Lot 5 comprising 6.77 hectares which contains an existing dwelling;
- Proposed Lot 6 comprising 2.08 hectares which contains an existing dwelling;
- Proposed Lot 7 comprising 18.10 hectares; and

- Proposed Lot 8 comprising 2.25 hectares, as Esplanade Reserve which would be vested with the Council.
- Proposed Lot 9 comprising 1140 square metres Reserve to Vest in Council as a public access walkway.

A land use consent is also sought to construct a Right-of-Way with access onto Excellent Street that does not meet the permitted activity criteria specified in Figure 16.2A. due to the Right-of-Way being over length.

1.2 Land Use Consent: RM090868

To undertake earthworks for the construction of the Right-of-Way associated with the subdivision application RM090764.

1.3 Site Location and Background

This site is located approximately 2.0 km south of the Collingwood township and is adjacent to the coast. The settlement of Milnthorpe is approximately 1.5 km south of this site.

The existing access to this site is via a formed Right-of-Way from the intersection of Excellent Street and Orion Street over proposed Lot 1, Lot 2 and Lot 5 to the existing dwellings. It is proposed to augment this access with the formation of Right-of-Way B, C and D to provide access to Lots 3, 4, 6 and 7.

There are existing residential dwellings on Lots 3, 5 and 6 with consent for short term living accommodation on Lot 5 being permitted in accordance with RM040678.

The more productive parts of these lots are the cleared flatter parts running parallel to the coast. The soils in this location are considered to be Class E soils which have a lower range of productive versatility.

Based on a brief desktop assessment of the legal boundaries along the coast in this location it appears that there has been some coastal erosion over time, particularly to the north of this site. It is unknown if in the longer term an erosion - accretion cycle is operating along this section of coast. While a Building Site 4/B is one of those supported by the Landscape Report as being acceptable for development no information has been provided that would confirm this site is suitable for residential development when considering possible coastal erosion.

The steeper slopes are covered by regenerating broadleaf native vegetation that is generally more mature in the area of the existing gullies and streams.

This land is held in three separate titles which are all adjacent to each other and owned by the applicant.

The Protected Ridgeline identified on the Planning Maps is further inland from this site and is above the potential building sites identified in the Landscape Report.

While two new building sites, out of the four possible building sites identified within the Landscape Report, may eventually be developed no specific building designs have been included as part of this subdivision application. Depending on the location of the building sites and the extent of the earthworks required to develop these sites further resource consents may be required. This application has recognised that additional buildings would be the likely outcome of this application and the effects of these have been assessed in the Landscape Report. However this application clearly states that land use consent for specific dwellings is not part of this application.

There is no public access to the coast or esplanade reserve in this area. The applicants have volunteered as part of their application to vest a 20 metre wide esplanade reserve (Lot 8) along the coast with a connecting walkway (Lot 9) to a section of unformed road reserve to provide for future public walking access.

There is a known midden oven within proposed Lot 7 inland from the potential Building Site 7/B and the applicant has consulted with the Department of Conservation file keeper regarding the effects of their proposal. This oven is identified as a Cultural Heritage Site M25-034 within Schedule 16.13C of the TRMP. There may be further historic material discovered during any earthworks carried out on this site.

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

1.4 Location and Legal Descriptions

This site is located on the coastline of Golden Bay approximately 2.0km south of Collingwood, being 94 and 170 Excellent Street, Collingwood and is comprised of the following titles:

- CFR NL10C/1020 comprising Part Section 21-22 Survey Office Plan 4359 and Part Section 411 Survey Office Plan 13346 containing 24.2740 hectares;
- CFR NL3D/1385 Ltd, comprising Section 1-3 and Part Section 4 Reserve J Square 14 containing approximately 13.9313 hectares;
- CFR NL6A/387 comprising Section 120 Milnthorpe Suburban District containing 2.7370 hectares.

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

The subject land is zoned Rural 2 and Open Space. It is within the Coastal Environment Area and contains a Protected Ridgeline as defined by the Tasman Resource Management Plan. Orion Street and Excellent Street are classified as Access Roads under the TRMP.

The application is considered to be a Discretionary Activity under subdivision rule 16.3.6.2 in that the proposal has allotment areas less than the Controlled Activity standard of 50 hectares and the proposed Rights-of-Way will not meet the permitted access standards required by Figure 16.2A, as they are over length.

This application is a Restricted Discretionary Activity under rules 16.4.2.1 and 16.4.2.2 in relation to the creation of Esplanade Reserves.

Subdivision within the Open Space Zone is a Discretionary Activity under Rule 16.3.9.1.

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

3. SUBMISSIONS

The application was notified on 9 January 2010 and eighteen submissions were received. Twelve submissions oppose the application with nine of these submitters the submitters wishing to be heard. Four submitters seek the grant of this application with two of these submitters wishing to be heard. One submission sought conditions should consent be granted while reserving the right to be heard.

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. NZ Historic Places Trust	The New Zealand Historic Places Trust is concerned about the potential disturbance of archaeological sites in the area of this subdivision and requests an advisory note be attached to any consent issued.	Neutral Requests Advice Note
3. EJ Watson	Considers that the provision of public access is inadequate with this proposal.	Decline Wishes to be heard.
4. M E Smith	Supports the entire application.	Grant Does not wish to be heard
5. M Gearity	Considers that the coastal area between Collingwood and Milnthorpe is a special coastal margin that should be protected from further development.	Decline Does not wish to be heard
6. M Fisher	Supports this application subject to public access being granted for vehicle and or pedestrian access to the coast.	Grant Does not wish to be heard
7. J Vaughan	Concerned about the loss of natural character and visual effects.	Decline Wishes to be heard
8. A Vaughan on behalf of Royal Forest & Bird Society (Golden Bay)	Concerned about the loss of natural character and visual effects and seeks conditions if granted such as no further subdivision, no more than one dwelling per lot, mitigation for visual effects of dwellings and no cats to be kept.	Decline Wishes to be heard
9. Incredible Adventures Limited	Concerned about traffic effects/noise and the lack of public access to the beach.	Decline Wishes to be heard
10. H Wallace	Concerned about the loss of natural character and visual effects.	Decline Wishes to be Heard

Submitter	Reasons	Decision
11. R Cosslett	Concerned about the loss of natural character and visual effects.	Decline Does not wish to be heard
12. P W Smith	Lack of public access to the coast provided by this application.	Decline Wishes to be Heard
13.S Chapman	Supports the application and would like Council to require public access to the beach.	Grant Wishes to be heard
14. G & B Solly	Potential cross boundary effects from this subdivision.	Decline Does not wish to be heard
15. T H Riley	Practical public vehicle access to the coast if granted. Concerned about the loss of natural character, visual effects and increased fire risk to Milnthorpe area.	Decline Wishes to be Heard
16. G Wells & W Drummond	In conjunction with this proposal the submitters seek the rationalisation of the existing legal access arrangement to their property through additional road legalisation and Right-of-Way arrangements.	Grant Wishes to be heard
17. A J Bell	Concerned about the loss of natural character, visual effects and public access.	Decline Wishes to be Heard
18. Friends of Golden Bay Inc.	Concerned about the loss of natural character and visual effects, seeks building controls if granted along with no further subdivision permitted and public access. Also need to allow for coastal erosion with the width of any esplanade reserve.	Decline Wishes to be heard

It can be seen from the summary of the submissions that there is concern over the lack of public access provided and the potential loss of natural and coastal character. The issues raised by these submissions regarding public access have been considered in detail within Appendix 4 and natural and coastal issues considered within Appendix 2.

4. PRINCIPAL ISSUES

The principal issues associated with the applications are:

- a) Has the preservation of the natural and coastal character been achieved?
- b) Is the proposed development consistent with the requirements of the New Zealand Coastal Policy Statement?
- c) Will public access to the coast be provided for?

5. STATUTORY PROVISIONS

The application is a Discretionary activity within the Rural 2 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. Relevant matters to this application are:

- 6(a) the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development;
- 6(b) the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development;
- 6(c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna;

- 6(d) the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers;
- 6(e) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga;
- 6(f) the protection of historic heritage from inappropriate subdivision, use, and development:

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).

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 8 “Margins of Rivers, Lakes, Wetlands and the Coast”
- Chapter 9 “Landscape”

- Chapter 11 “Land Transport Effects”;

These chapters articulate Council’s key objectives: To ensure land uses do not significantly adversely affect the natural and coastal character, affect the safety and efficiency of the transport system and provide for public access to the coast.

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

- Chapter 16.3.6 Subdivision; Rural 2 Zone,
- Chapter 17.7.3 ‘Rural 2 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 2 Zone so the permitted baseline test is not considered relevant for subdivision.

Building Construction

In the Rural 2 Zone some buildings could potentially be constructed as permitted activities provided they meet the permitted activity criteria including being 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 not located within the Coastal Environment Area.

The construction of buildings within the Building Site areas 4/A and 7/A, identified on Plan A, would not need further resource consent approval in relation to the Coastal Environment Area Rules of the TRMP. However buildings constructed within Building Site areas 4/B and 7/B identified on Plan A would need further resource consent approval in relation to the Coastal Environment Area and are therefore not part of the permitted base line for this application.

It may be that consent for these buildings would meet the Controlled activity criteria of Rule 18.11.3.1 and be granted without the serving of notice or notification but as consent is required the effects of these dwellings would not be considered permitted effects under the TRMP.

Land Use Activity

Only a narrow range of land use activities are permitted within the Rural 2 Zone, subject to compliance with other applicable permitted activity criteria. Permitted activities include rural activities and one residential activity per site subject to location.

6.1.2 Coastal and Natural Character Values

Introduction

The applicant has provided a detailed assessment of the visual effects of this proposal prepared by a landscape architect Mr Tom Carter as part of further information provided.

The assessment of the visual effects of this proposal is important due to this subdivision being located within the coastal environment and the cautious approach required under the New Zealand Coastal Policy Statement. Also Section 6 of the RMA refers to the preservation of the natural character of the coastal environment as a matter of national importance. A number of submissions raised the issue of visual effects and preservation of natural character. Mr Carter's detailed report is attached in full as Appendix 2 of this report. Following are some extracts from Mr Carter's report that highlight main issues regarding landscape effects:

30. *The factors affecting the sites visibility from the beach are summarised as follows:*

Areas within the CEA

- *The site's varied topography has the potential to absorb planned development including, use of the existing tracks to provide access and carefully sited buildings.*
- *In areas where the coastal vegetation (within the proposed Esplanade Reserve) is continuous, the narrow coastal terrace (Area A) and toe slopes leading to the steeper land (Area B) are well screening from the beach. (Ref. Sheet 2).*

Areas outside the CEA

- *Within the steeper land, areas that are set back from the beach and - contain broad leaf vegetation and sunken landforms have either low visibility or are not visible from the beach.*
- *Rounded landforms immediately adjacent and above the beach are sensitive to development. In those areas development should be avoided.*

- *The ridgeline identified in the TRMP is set well back from the Application Site.*
31. *The existing buildings, roads and tracks, powerlines, past vegetation clearances for farming, and within the CEA, at the narrow coastal paddocks continuing farming, reduce the natural character at the Application Site. Within the coastal segment overall the northern end including the Application Site has lower natural character values than the southern end. On a scale from very low to very high the site is assessed as moderate to moderate / high.*

Proposed Development Outcomes

66. *A comprehensive landscape analysis was undertaken to identify potential house sites where development with controls could occur without adverse effects on the coastal amenity values and natural character. The analysis included consideration of the site's landforms, land use and land cover.*
67. *Areas that are sensitive to development are identified and development there avoided. Low impact development solutions are proposed including utilising low visibility locations and where possible, existing tracks for access.*
68. *The proposed development pattern is not considered be ribbon development or create cumulative effects, because potential house sites are clustered within existing development or located such that the effects from the beach will be less than minor.*

Conclusion

70. *The Application site within the coastal segment between Milnthorpe and Collingwood has been assessed in terms of its potential to accommodate two additional dwellings without adverse landscape and visual effects. The assessment included consideration of the landscape elements that comprise the sites natural and landscape character. Views from the beach and surrounding area have been considered.*
71. *Two building site options on Lots 4 & 7 were identified. Two respectively are within the CEA and will be subject to District Plan provisions for development in those areas and two are located outside of the CEA. Those will not require resource consent to build, however it is considered prudent to impose design and landscape controls to be addressed at building consent stage to ensure appropriate landscape mitigation.*
72. *Provided those controls are put in place the outcome in terms of landscape and natural character values will be appropriate and no more than minor.*

Landscape Discussion

With this application the visual effects relate to the construction of new buildings, the visual effects in relation to earthworks for building platforms and vegetation clearance for access. The assessment carried out by Mr Carter identified two potential building sites within Lots 4 and 7 with high level and low level options. However it is proposed to only develop one of these potential building sites within Lot 4 and one within Lot 7.

There is a band of vegetation along the frontage of this site that does provide some screening to the lower parts of this site when viewed from the coast. The remaining hillsides are covered in regenerating natives. These regenerating natives would not meet the definition of Indigenous Forest within Chapter 2 of the TRMP. However these natives are maturing in the gully systems and could meet this definition over time.

The existing buildings within Lots 3, 5 and 6 are contained within the northern part of this site. There is some existing residential development extending to the north of this site towards Collingwood. However there is no building development close to the coast south of Lot 6 until the settlement of Milnthorpe. This undeveloped part of the coast is valued by a number of the submitters and has been identified by Mr Carter as having moderate to moderate/high natural character values. The southern boundary of Lot 7 is adjacent to land administered by the Department of Conservation where further building development is unlikely.

When assessing the visual effects of this proposal it is necessary to also consider what buildings could be constructed without resource consent approval. This application contains three titles and two of these titles contain existing dwellings and therefore any additional dwellings would require further resource consent approval on these two titles.

Dwellings constructed within Building Site areas 4/B and 7/B identified on Plan A would need further resource consent approval in relation to the Coastal Environment Area and are therefore not part of the permitted base line for this application. It may be that consents for these dwellings would meet the Controlled activity criteria of Rule 18.11.3.1 and be granted without the serving of notice or notification but as consent is required the effects of these dwellings would not be considered permitted effects under the TRMP.

Rule 17.6.3 covers the permitted criteria for buildings constructed within the Rural 2 Zone. While only one dwelling is permitted per site within the Rural 2 Zone other farm buildings are able to be constructed as a permitted activity up to 7.5 metres in height. Resource consent approval may be required for earthworks depending on the extent of these works.

While CFR NL6A/387 is clear of buildings at present the formalisation of the access arrangements and formed practical access would be required before Council would be in a position to issue a Building Consent for a dwelling on CFR NL6A/387.

Therefore additional buildings, other than dwellings, could be constructed within the area of this subdivision as a permitted activity outside the Coastal Environment Area. There would be no specific controls on design or appearance for these buildings under the TRMP.

The Boffa Miskell 2005 report considered that a proposed expanded Coastal Environment Area can reasonably accommodate appropriate development without compromising the areas coastal and rural values and recommends applying some of the Rural 3 Zone principles. This report recommended that the Coastal Environment Area be expanded to the Protected Ridgeline inland and above this site. The approach taken by Mr Carter is typical of the approach taken when assessing development within the Rural 3 Zone. However the policy framework for development is more advanced for the Rural 3 Zone than for this Rural 2 Zone as has been mentioned within a number of submissions.

Mr Carter's report identified:

- The topography of the site;
- Ridgelines;
- Streams;
- Existing tracks;
- Overhead power lines;
- Native vegetation;
- The location of the existing buildings;
- The sites natural and landscape character;
- The effects on views from the beach;
- Use of existing access tracks.

Following consideration of all these factors the four potential building sites were identified as shown on Plan A.

The applicant has offered the following as mitigation to reduce the visual effects of the building within the Building Sites on Lots 4 and Lots 7 by:

- Limiting the location of the dwellings;
- The provision of underground services;
- The use of recessive colours;
- Control over building form;
- Landscape plantings;
- Minimal removal of native vegetation;
- Replanting of natives where required.

The Landscape Report concludes that subject to the above mitigation the proposal is considered to be appropriate for this environment, with effects no more than minor.

Conclusions

A detail landscape assessment has been carried out and identified four potential Building Sites as shown on Plan A with only two being proposed for development.

The permitted baseline is considered to be relevant when assessing this application. Additional non residential buildings could be constructed as a permitted activity within this site out side of the Coastal Environment Area without any controls on design or appearance.

This application is considered to be consistent with the Boffa Miskell landscape assessment.

With the controls on building location along with the mitigation measures proposed this application is considered to be appropriate for this coastal environment. This proposal would present a lower level of visual effects than those permitted by the TRMP with regard to buildings constructed outside the Coastal Environment Area.

6.1.3.1 Transport Effects

The proposal does not meet the right-of-way formation standards as laid out in Figure 16.2A as they are over length.

Council's Development Engineer Mr Dugald Ley has reviewed this application and provided a report on the transport effects which is attached in full as Appendix 3. Following are extracts from his report that highlight the main areas of concern.

Excellent Street subsequently exits on to SH60 at a point where limited sight visibility is available. Orion Street exits into the residential area of Collingwood itself (Collingwood School).

In my opinion additional traffic generation would amount to approximately 2 lots x 6 VPD = 12 additional vehicle movements per day from this application.

Existing traffic flows in Excellent Street amount to approximately 10 to 20 per day and 100 per day in Orion Street.

Both road surfaces are gravel formation with Excellent Street being approximately 2.5 to 3.5 m wide and Orion Street 5.0 metres wide. These two streets are being used by locals more regularly as a back road into their community. Two accidents were recorded either side of the Excellent SH60 intersection back in 2000 and 2001 – both were “vehicle out of control” incidents.

The intersection of Excellent Street with SH60 has only approximately 3.5 metres of seal back from the limit lines and sight visibility is not ideal. It would be my view that an increased length of seal, ie 20 metres would mitigate gravel being tracked on to the highway and increase the ability to stop at the limit lines when vehicles approach at speed. I consider that if the committee chose to grant consent then a condition that a 20m x 5m wide length of Excellent Street from the limit lines at SH60 be reformed with a 2-coat chip seal and to the satisfaction of the Engineering Manager.

It is my view that this application will increase traffic on Orion Street and therefore it should contribute funds to a further extension of the seal of Orion Street, much like RM090581 has. I consider a contribution of \$5000 would be fair and reasonable in this instance. This together with Council's other half share will extend the seal for approximately 40 metres further.

The application proposes Rights-of-Way, ie A, B and D. ROW A will have the most users and Council's recommended standard is a 5.0 metre gravel formation together wide side drains and appropriate culverts is confirmed.

Access to the Coast- Access has been achieved in this application by way of paper roads and a walkway via lot 9 (Vesting of a legal rd to the Coast is not viable due to the construction standards required by Council in this hill environment).

Transport Discussion

Excellent Street and Orion Street are both gravel formations with Excellent Street being formed to about 3.5 metres in width and Orion Street being approximately 5.0 metres in width.

Mr Ley considers that there will be additional traffic demand generated by this subdivision and the effects of this demand would be mitigated by way of a seal extension on Orion Street and a seal extension at the Excellent Street - State Highway intersection.

A copy of this application was served on the New Zealand Transport Agency (NZTA) as part of the public notification process. No submission was received from the NZTA regarding this proposal.

Right-of-ways B and C have not been fully formed at present. A significant portion of the existing access will become a private access for Lot 5. The majority of the bulk earthworks have already been carried out for the formation of right-of-ways B and C with the remaining earthworks the subject of RM090868.

Council's standard Right-of-Way construction standards in accordance with Figure 16.2A have been recommended for the construction of the Rights-of-Way.

6.1.4 Public Access

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

The southern boundary of the site adjoins an unformed legal road and Milnethorpe Scenic Reserve which is administered by the Department of Conservation (Figure 3). Pedestrian access to the coast is provided via walkways through the reserve which emerge adjacent to the southern boundary of the applicant's property within the unformed legal road (Refer Photograph 4 below).

In summary the application has been amended to provide for public access from the north western boundary of proposed lot 5 as requested in a number of the submissions. The submissions requesting a Right-of-Way in favour of the Tasman District Council adjoining the access road are acknowledged. It would be possible to provide for this but there would need to be some separation of the formed Right-of-Way from any formed pedestrian access and some additional signage or other works to prevent the public from driving over the Right-of-Way and parking at the western end of the walkway reserve. If a walkway is able to be formed from the Cemetery walkway (in consultation with DoC) or via the unformed eastern end of Excellent Street via Mars Street to the reserve this would provide a pleasant bush walk.

Assessment

Part 2 Matters

The maintenance and enhancement of public access to the coastal marine area is one of the seven matters of national importance in Part 2 of the Resource Management Act 1991 (RMA) which Council is required to recognise and provide for.

The vesting of a walkway reserve adjoining proposed Lot 5 and the creation of a 20 metre esplanade reserve or strip will enhance public access to the coastal marine area and will be consistent with Part 2 of the Act.

Esplanade Mechanism and erosion protection options

Both the RMA and the TRMP provide for the creation of esplanade reserves without compensation when allotments less than 4 hectares are subdivided adjoining the coastal marine area. However, Council has the ability to create an esplanade strip as opposed to a reserve where a strip will achieve the purposes in Section 229 of the Act and is preferable because the location is one where there is a high likelihood of movement of the margin through erosion, inundation or land movement.

Recommendation

Vesting of a walkway reserve

The vesting of a walkway reserve shown as proposed Lot 5 is supported, its creation will enhance public access to the esplanade reserve or strip and the coastal marine area.

The topography is quite steep, particularly at the western end of the proposed reserve and as such a 5 metre width is considered to be the minimum required to enable the formation of a walkway which will comply with the formation standards required. The final width at the western end of the reserve may need to be up to 10 metres (See photograph 5 below). The final width will need to be subject to agreement and survey prior to section 223 approval. It is recommended that a condition to this effect be included if consent is granted to the subdivision.

It is recommended that the formation of the walkway will be undertaken at a later date in consultation with the local community and when appropriate linkages can be agreed and a walkway formed.

Esplanade provision

The creation of a 20 metre wide esplanade strip is the preferred method to enhance public access to and along the coast. The principle reason being that the coastline has, and will continue to be, subject to erosion (Refer photograph 6 below). A strip will preserve public access along the coast regardless of the location of mean high water springs. It will also mean that any ongoing erosion protection required will not be the burden of the general ratepayer.

It is recommended that the purpose of the esplanade strip shall include all the purposes in section 229 of the Resource Management Act 1991 i.e. to contribute to the protection of conservation values and to enable public access and recreational use of the strip. It is recommended that the provisions of closure under Clause 7 of the tenth schedule shall not apply.

It is also recommended that approval shall be gained from the Reserves Manager prior to the Consent Holder erecting any structures or undertaking any landscaping within the strip.

Public Reserves Discussion

At present there is no public access to the coast in this location. The coast is a sandy beach with good walking access other than at times of high tide.

Ms Squires provides a detailed consideration of the issues raised in the submissions relating to public access. While public walking access over Right-of-Way A would be easier and more direct there are potential conflicts with vehicles and some signage or perhaps a locked gate required to prevent walkway users from accessing the private Right-of-Way with vehicles.

As there is some coastal erosion visible an esplanade strip is recommended where future erosion or accretion is catered for with the underlying land being in private ownership.

Councils Development Engineer Mr Dugald Ley is not recommending that the existing access or proposed Right-of-Way be vested as road as significant engineering works would be required before these accesses would meet the standards required under Chapter 18 of the TRMP for roads to vest in Council.

Ms Squires considers that the proposed public walkway link shown as Lot 9 and an esplanade strip will provide reasonable public access to the coast and meets the intentions of the RMA with regard to the provision of public access. Some increase in width of up to 10.0 metres will be required to allow for physical construction of the walkway. The public access link will not be complete until works are carried out within the unformed road reserve to Excellent Street at some future time.

6.1.5 Servicing Effects

Provision for Fire Fighting

A minimum of 23,000 litre capacity storage tank is to be provided to any future dwelling, with a connection suitable for fire fighting purposes which will 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.

6.1.6 Earthworks for Right-of-Way

This matter is assessed in Report REP10-05-09 and is not duplicated here.

6.1.7 Other Matters - New Zealand Coastal Policy Statement 1994

The New Zealand Coastal Policy Statement 1994 is relevant when assessing this application as this subdivision is close to the coast.

The NZCPS encourages development to be within areas that have already compromised and discourages sprawling or sporadic subdivision in the coastal environment. Also the natural character of the coastal environment is required to be taken into account with the mitigation of adverse effects and providing public access to the coast.

The provision of a public access link and esplanade reserve with this application is considered to meet the intention of the NZCPS with regard to public access. This application is not considered to represent sprawling or sporadic subdivision or have effect more than minor on the natural character of the area considering the existing development, permitted baseline and mitigation proposed.

6.1.8 Cultural Heritage

There is a known midden oven within proposed Lot 7 inland from the potential building site 7/B. This oven is identified as a Cultural Heritage Site M25-034 within Schedule 16.13C of the TRMP. There may be further historic material discovered during any earthworks carried out on this site.

The applicant has consulted with the Department of Conservation file keeper Mr Steve Bagley, regarding the effects of their proposal on this Cultural Heritage Site. Mr Bagley considered there is a reasonably high likelihood of other unrecorded sites in this area. These may become apparent during any earthworks.

This notice of this application was also served on the local iwi who made no specific submission on this application.

6.1.9 Coastal Erosion

Based on a brief desktop assessment of the legal boundaries along the coast in this area it appears that there has been some coastal erosion over time, particularly to the north of this site. At the time of my site visit some erosion was evident. It is unknown if in the longer term an erosion - accretion cycle is operating along this section of coast. Ms Squire considered that an esplanade strip was more appropriate due to the potential for an esplanade reserve to be eroded.

While a Building Site 4B is one of those supported by the Landscape Report as being acceptable for development no information has been provided that would confirm this site is suitable for residential development when considering possible coastal erosion.

6.1.10 Summary of Assessment of Effects

With the controls on building location along with the mitigation measures proposed this application is considered to be appropriate for this coastal environment. This proposal would present a lower level of visual effects than those permitted by the TRMP with regard to buildings constructed outside the Coastal Environment Area.

Mr Ley considered that additional traffic effects generated by this subdivision could be mitigated by way of a seal extension on Orion Street and a seal extension at the Excellent Street – State Highway intersection.

The majority of the bulk earthworks have already been carried out for the formation of Right-of-ways B and C with the remaining earthworks the subject of RM090868.

The proposed public walkway link shown as Lot 9 and an esplanade strip is considered to provide reasonable public access to the coast and would meet the intentions of the RMA with regard to the provision of public access. The public access link will not be complete until some future time as development of unformed road reserve is required.

The provision of a public access link and esplanade reserve with this application is considered to meet the intention of the NZCPS with regard to public access. This application is not considered to represent sprawling or sporadic subdivision or have effect more than minor on the natural and coastal character of the area considering the existing development, the permitted buildings and mitigation proposed.

Mr Bagley the Department of Conservation file keeper considered there is a reasonably high likelihood of other unrecorded sites in this area and these may become apparent during any earthworks.

While a Building Site 4B is one of those supported by the Landscape Report as being acceptable for development no information has been provided that would confirm that this site is suitable for residential development when considering possible coastal erosion.

Overall my assessment is that the adverse effects on the environment from this proposal are no more than minor.

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 8 “Margins of Rivers, Lakes, Wetlands and the Coast”
- Chapter 9 “Landscape”
- Chapter 11 “Land Transport Effects”;

6.2.1 Chapter 7: Rural Environment Effects

Policies

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

The soils within this site are Class E Soils and therefore there will be limited effects from the loss of productive land as a result of this subdivision.

6.2.2 Chapter 8: Margins of Rivers, Lakes, Wetlands and the Coast

Objective

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

At present there is no public access to the coast in this area. The proposed vesting of Lot 9 will allow a future walkway link to the coast and esplanade strip access along the coastal margin.

Policies

8.1.3.1 To maintain and enhance public access to and along the margins of water bodies and the coast while avoiding, remedying or mitigating adverse effects on other resources or values, including: indigenous vegetation and habitat; public health, safety, security and infrastructure; cultural values; and use of adjoining private land.

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

The applicant is volunteering to vest Lot 9 in Council as a walkway reserve to provide a linkage to some unformed road reserve. At some future time a formed access can be developed to complete this link from the Excellent Street/Orion Street intersection.

6.2.3 Chapter 9: Landscape

Objectives

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

Policies

9.1.3.3 To ensure that structures do not adversely affect:

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

This coastal landscape has not been formally recognised as an outstanding natural landscape within the TRMP. Mr Carter assesses this landscape as having moderate to high natural character. The proposed development will be limited, with the visual effects mitigated to a reasonable degree. There will be no development on or above the ridgeline to the rear of this site.

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

The proposed earthworks will be limited to existing tracks and the visual effects of any earthworks for the Building Sites can be considered at the time of building construction by a landscape architect.

9.2.3.4 To encourage landscape enhancement and mitigation of changes through landscape analysis, subdivision design, planting proposals, careful siting of structures and other methods, throughout rural areas.

The applicant has provided a detailed assessment of the visual effects of this proposal which considered the ability of the existing landscape to absorb further development in conjunction with a mitigation package.

6.2.4 Chapter 11: Land Transport Effects

Policy

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.

6.2.5 Summary

Overall I consider that this application is not contrary to the relevant Objectives and Policies of Chapters 7, 8, 9 and 11 of the TRMP.

7. SUMMARY AND CONCLUSIONS

- 7.1 It is proposed to create five new titles resulting from the subdivision of three existing titles. These titles range in size from 2.2 hectares up to 18.1 hectares in area. The underlying zone is Rural 2.
- 7.2 Mr Daryl Henehan, Consent Planner - Natural Resources has assessed the effects of the proposed earthworks for the construction of the Right-of-Way and these are considered to be less than minor subject to conditions. The majority of the bulk earthworks have already been carried out for the formation of Right-of-Ways B and C.
- 7.3 The soils on this site are classed as Class E soils and therefore there are considered to be limited effects on the productive opportunity of this land as a result of this subdivision.
- 7.4 With the controls on building location along with the mitigation measures proposed this application is considered to be appropriate for this coastal environment. This proposal would present a lower level of visual effects than those permitted by the TRMP with regard to buildings constructed outside the Coastal Environment Area.
- 7.5 Mr Ley considered that additional traffic effects generated by this subdivision would be mitigated by way of a seal extension on Orion Street and a seal extension at the Excellent Street - State Highway intersection.
- 7.6 The proposed public walkway link shown as Lot 9 and an esplanade strip is considered to provide reasonable public access to the coast and would meet the intentions of the RMA with regard to the provision of public access. The public access link will not be complete until some future time as development of unformed road reserve is required.
- 7.7 The provision of a public access link and esplanade reserve with this application is considered to meet the intention of the NZCPS with regard to public access. This application is not considered to represent sprawling or sporadic subdivision or have effect more than minor on the natural and coastal character of the area considering the existing development, the permitted buildings and mitigation proposed.
- 7.8 Mr Bagley, the Department of Conservation File Keeper, considered there is a reasonably high likelihood of other unrecorded sites being in this area and these may become apparent during any earthworks. There is one recorded Cultural Heritage site within Lot 7. Building Site 7/B is outside of the Cultural Heritage site area identified on the Planning Maps of the TRMP.
- 7.9 While a Building Site 4B is one of those supported by the Landscape Report as being acceptable for development no information has been provided that would confirm that this site is suitable for residential development when considering possible coastal erosion.

7.10 The staging proposed by the applicant would leave two residential dwellings within the balance title for which no land use consent has been sought. Including Lot 3 within Stage 1 retains one dwelling per title.

7.11 The adverse effects of this proposal are considered to be no more than minor and this application would meet the Objectives and Policies of the TRMP for the Rural 2 Zone. Also this application would meet the intentions of the NZCPS.

8. RECOMMENDATION

8.1 That Subdivision and Land Use Consent (RM090764) be GRANTED subject to the following conditions:

9. CONDITIONS (RM090764)

9.1 Subdivision Consent and Land Use Consent RM090764

Subdivision Plan

1. The subdivision and development shall be carried out generally in accordance with the application plan prepared by Planscapes New Zealand Limited, titled Coba Holdings Ltd, and attached to this consent as **Plan A – RM090764**

Easements

2. 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.
3. 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 Sites on Lot 4 and Lot 7 shall be shown on the Land Transfer title plan.
4. A rural emanations easement shall be registered over Lots 3, 4 and 7 in favour of Part Lot 2 DP 13273. This easement shall be in general accordance with the wording set out in Appendix 5 attached to this consent.
5. The easements over Right-of-Way areas A-D shall include access rights for Tasman District Council staff and contractors to carry out works on the Esplanade Strip, walkway reserve and for track formation on road reserve.
6. Reference to easements is to be included in the Council resolution on the title plan at the section 223 stage.

Amalgamations

7. That Lot 1 and Lot 4 hereon be held together and one Computer Register be issued to include both parcels.

8. That Lot 2 and Lot 5 hereon be held together and one Computer Register be issued to include both parcels.

The LINZ consultation reference is 913580.

Staging

9. Stage 1: Lots 2, 3, 5 and 9 with an esplanade strip over Lot 5 and balance area.
Stage 2: Lots 1, 4, 6 and 7.

Earthworks

10. The earthworks for the formation of the Right-of-Way B, C and D shall be carried out in accordance with the Conditions of RM090868.

Esplanade Strip

11. An instrument shall be registered over Lots 5, 4, 6 and 7 that allows the creation of an esplanade strip in favour of Tasman District Council in accordance with the following:
 - a) An esplanade strip 20 metres wide shall be created over Lots 5, 4, 6 and 7 adjoining mean high water springs. The purpose of this strip is to enable public access to and along the coast and to enable public recreational use of the strip and the coast. All the prohibitions of Clause 2 of the Tenth Schedule apply to the strip, with the exception of subsection (e); Clause 3 shall apply to allow the esplanade strip to be fenced with any existing fencing relocated or removed; Clauses 4 and 7 shall not apply, however Clauses 5 and 6 shall apply.
 - b) No structures shall be erected within the esplanade strip without the written approval of Councils Reserves Manager. Approval may be granted subject to conditions.
 - c) The owner of the underlying land shall not carry out any landscaping or planting within the esplanade strip without the written approval of the Council's Reserves Manager.

Lot 9

12. The Reserve to vest shown as Lot 9 on **Plan A - RM090764** shall be a minimum of 5.0m in width and up to a maximum width of 10.0m to allow for track construction on the steeper gradients. The location of the boundary shall be subject to agreement and survey prior to section 223 approval.

Access Formation, Right-of-Way A

13. The access shown as Right-of-Way A and formation on Mars Street shown on **Plan A - RM090764** shall be formed as follows:
 - i) A minimum lane 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 1.0 metre side drains with concrete culverts;
- v) Two 500mm wide metal shoulders;
- vii) Compacted basecourse if gradient is less than 1:6.

Access Formation, Right-of-Way B,C & D

14. The access shown as Right-of-Way B, C and D on **Plan A - RM090764** shall be formed as follows:

- i) A minimum lane width of 4.5m plus passing bays;
- ii) A maximum gradient of 1:5;
- iii) A two coat chip sealed surface if the gradient is greater than 1:6;
- iv) One 1.0 metre side drain with concrete culverts;
- v) Two 500mm wide metal shoulders;
- vii) Minimum legal width of 6.5m plus allowance for passing bays;
- viii) Compacted basecourse if gradient is less than 1:6.

Excellent Street / State Highway Intersection

- 15. A 20m x 5m wide length of Excellent Street from the limit lines at SH60 shall be reformed with a 2-coat chip seal and to the satisfaction of Councils Engineering Manager.
- 16. A cash contribution of \$5,000 towards the cost of seal extension of Orion Street shall be paid to Council.

Engineering Plans

- 17. 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

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

Engineering Works

- 20. 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.

Engineering Certification

21. 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.

Consent Notices

22. 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

For Lot 7 all buildings shall be located within Building Site 7/A or Building Site 7/B as identified on the Land Transfer Plan.

For Lot 4 all buildings shall be located within Building Site 4/A or Building Site 4/B as identified on the Land Transfer Plan.

Further resource consent approval will be required for buildings constructed within the Coastal Environment Area of the TRMP.

B. Native Vegetation Protection

The Broadleaf Native Vegetation identified on Sheet 4 of the Tasman Carter Landscape Report for Coba Holdings Limited, dated 22 April 2010 and attached as Appendix 2 of RM090764 shall not be removed or cleared except as required for the construction of buildings, for the location of water storage tanks, the construction and maintenance of walkways, driveways or Rights-of-Way.

C. Building Site Stability/Hazards

At the time a Building Consent is submitted to Council Certification that an area within the selected Building Site as shown on **Plan A – RM090764** on Lots 4 and 7 is suitable for the construction of a residential building shall be submitted from a chartered professional engineer practicing in civil engineering. This certificate shall define the area suitable for the construction of residential buildings within the selected Building Site and shall be in accordance with NZS 4404:2004 Schedule 2A.

Any application for the construction of a building within Building Site 4/B shall be supported by a report from a suitably qualified person addressing the coastal hazards for this site and any recommended mitigation for these hazards if required.

D. Building Colour

The exterior of all new buildings (including water tanks) on Lots 3 - 7 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 < 50%	A09 to A14 and reflectance value < 25%
Group B	B19 to B29 and reflectance value < 50%	B23 to B29 and reflectance value < 25%
Group C	C35 to C40 and reflectance value < 50%, and hue range 06-16	C39 to C40 and reflectance value < 25%, and hue range 06-16
Group D	D43 to D45 and reflectance value < 50%, and hue range 06-12	Excluded
Group E	Excluded	Excluded
Finish	Matt or Low-Gloss	Matt or Low-Gloss

* Based on BS5252:1976 (British Standard Framework for Colour Co-ordination for Building Purposes). Where a BS5252 descriptor code is not available, 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. Landscaping and Building Construction

At the time of Building Consent a Landscape Architect shall confirm in writing to Council's Environment & Planning Manager that:

- a) There are no large unrelieved expanses of roofs and walls within the building design;
- b) The shape of the building generally reflects the background landforms;

- c) The vertical height of the building and scale of earthworks to form the building site have been minimised;
- d) The proposed style and form of the new building is suitable for the surrounding landscape;
- e) The visual prominence of the building and earthworks, when viewed from the coast, has been minimised and how that has been achieved;
- f) Confirm if a Landscape Plan is required to help integrate the building into the landscape and/or to mitigate visual effects of earthworks.

If a Landscape Plan is required then it shall:

- I. Show how the proposed buildings would be integrated within the landscape;
- II. Take into account the natural form of the land, the form of the buildings and any surrounding vegetation;
- III. Include a planting schedule and maintenance program. Any dead plants shall be replaced within the next planting season.
- IV. Include a plant schedule to ensure compatibility of the plant selection with the adjacent land generally in accordance with Annexure C of the Tasman Carter Landscape Report, dated 22 April 2010.

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

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

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.

F. Water Storage for Fire fighting

Any new dwelling constructed on Lots 3 - 7 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." This system shall be maintained.

G. Access to Building Sites

The access to the selected building site within Lot 4 and Lot 7 as shown on **Plan A - RM090764** shall be formed as follows:

- a) A maximum gradient of 1:5;
- b) Compacted basecourse surface;
- c) One side drain;
- d) Concrete culverts;
- e) Total carriageway width of 3.5m, with passing bays at 50 metre intervals.

H. Services

Power and telephone cables within Lots 4 & 7 shall be laid under ground and aligned so as to create minimum disturbance of landform and vegetation (ie within the formation or upgrading of internal access to the building sites)

I. Cultural Heritage

There is a known Cultural Heritage site within Lot 7 and there may be other undiscovered sites within this area. The discovery of any pre-1900 archaeological site (Maori or non-Maori) which is subject to the provisions of the Historic Places Act needs an application to the Historic Places Trust for an authority to damage, destroy or modify the site.

Financial Contributions (based on two new sites)

23. Payment of financial contributions assessed as follows:

Reserves and Community Services

5.5% of the assessed market value of the area of one notional 2,500 square metre area within a Building Site on Lots 4 and 7 as identified on **Plan A RM090764**.

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.

The value of Lot 9, esplanade strip and access easement over Rights-of-Way A-D will be credited against the Reserves and Community Services Financial Contributions.

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 two new lots in respect of **roading**.

Advice Note - Cultural Heritage

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

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



Wayne Horner
Consent Planner, Subdivision



Lots 1 - 9 being Proposed Subdivision of
 Pt Sec 411 SO 13346, Pt Sec 1-3 &
 Pt Sec 4 Sq 14 RS J, Pt Sec 21 & 22 SO 4359,
 & Section 120 Milnthorpe SD



Locality Diagram

Lot Number	Area	Boundary Description	Boundary Reference
1	1.23 ha	Lot 1, 2 & 3	Lot 1, 2 & 3
2	2.51 ha	Lot 2, 3 & 4	Lot 2, 3 & 4
3	2.21 ha	Lot 3, 4 & 5	Lot 3, 4 & 5
4	12.64 ha	Lot 4, 5 & 6	Lot 4, 5 & 6
5	5.77 ha	Lot 5, 6 & 7	Lot 5, 6 & 7
6	2.08 ha	Lot 6, 7 & 8	Lot 6, 7 & 8
7	18.10 ha	Lot 7, 8 & 9	Lot 7, 8 & 9
8	2.25 ha	Lot 8, 9 & 10	Lot 8, 9 & 10

Boundary Reference	Area	Boundary Description	Boundary Reference
1	1.23 ha	Lot 1, 2 & 3	Lot 1, 2 & 3
2	2.51 ha	Lot 2, 3 & 4	Lot 2, 3 & 4
3	2.21 ha	Lot 3, 4 & 5	Lot 3, 4 & 5
4	12.64 ha	Lot 4, 5 & 6	Lot 4, 5 & 6
5	5.77 ha	Lot 5, 6 & 7	Lot 5, 6 & 7
6	2.08 ha	Lot 6, 7 & 8	Lot 6, 7 & 8
7	18.10 ha	Lot 7, 8 & 9	Lot 7, 8 & 9
8	2.25 ha	Lot 8, 9 & 10	Lot 8, 9 & 10

This subdivision was prepared in
 accordance with the Survey Act 1976.
 The survey was conducted in accordance
 with the Survey Act 1976 and the
 Survey Regulations 1978.

PROVISIONAL CERTIFICATE
 This subdivision was prepared in
 accordance with the Survey Act 1976.
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Coba Holdings Ltd.
 Executive Street
 Coblenzwood

Resource Consent/
 Application Plan

@ A3-1:5000

0232 761 101

1 of 1

22/04/2010



APPENDIX 1
Location of the Subject Site



APPENDIX 2



Landscape Report **Coba Holdings Ltd – Excellent Street, Collingwood**

Tasman District

A Report Prepared for:
Duncan Cotterill
PO Box 827
Nelson

Written by:
Tom Carter

Report Status:
Final 22.4.10

Introduction

10. Tasman Carter Ltd is engaged by Duncan Cotterill regarding an application to subdivide a 45ha property into five new titles.
11. The report is set out under the following headings.

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Scope

12. The scope of the report is outlined in a Council request for further information (8.3.10). The request requires the identification of building sites and access to those sites within Lots 4 & 7. The request sets out that the building sites and access to them should be located to minimise the visual effects of the buildings and avoid areas of mature native vegetation. An assessment of the landscape and visual effects of the buildings within Lot 4 & 7 and associated earthworks is required. The assessment is based on a study of the sites landscape and natural character components and the sensitivity of areas when viewed from the coast.
13. The assessment area is the coast between Milnthorpe and Collingwood from the beach generally to the coastal ridge.
14. The assessment is based on a revised Scheme Plan 19.3.10 overlaid onto an aerial photograph showing 20m contour lines obtained from the Council's GIS database. The assessment is based on the assumption that there are no large vegetation clearances proposed on the property such as a return to pastoral farming or forestry. There is also an assumption that any future walkway within the proposed Esplanade Reserve (Lot 9) would be interwoven between existing vegetation with minimum disturbance.
15. In terms of landscape character and the landscape planning framework within the Partially Operative Tasman Resource Management Plan (TRMP) the existing landscape features and how they form the existing environment between Milnthorpe and Collingwood are mapped on Sheets 1 – 5 within Annexure A.
16. Photos illustrating relevant parts of the existing environment are attached in Annexure B.
17. A plant list with species appropriate for the revegetation of areas affected by earthworks and riparian watercourse revegetation is contained within Annexure C.

18. The report addresses the residential subdivision i.e. the location of buildings and infrastructure elements within the coastal environment area and adjacent areas, access to those buildings and recommended controls.
19. The Annexures are set out as follows:

Annexure A – Analysis Plans

- Sheet 1 – Landscape Context
- Sheet 2 – Topography
- Sheet 3 – Landscape Character Features
- Sheet 4 – Vegetation
- Sheet 5 – Existing Development
- Sheet 6 – Potential Building Sites

Annexure B – Photos

Annexure C - Revegetation Planting Lists

- Plant List A – Revegetation of Water Courses Crossing Paddocks
- Plant List B – Revegetation of Earthworks

The Proposal

20. The application site is in three existing titles. Coba Holdings Ltd (CHL) wishes to subdivide the 45ha property into five titles. Three of the proposed lots will formalise titles containing existing dwellings as follows:
 - ***Lot 3 (2.21ha)*** 94 Excellent Street - Margaret Smith's house
 - ***Lot 6 (2.08ha)*** 170 Excellent Street - The late Colin Baas' house (The Baas House)
 - ***Lot 5 (6.77ha)*** Is to be amalgamated with ***Lot 2 (2530m²)*** 162 Excellent Street – Containing land currently leased (2.25ha) to John Haugh
 - ***Lot 4 (12.64ha)*** Is to be amalgamated with proposed ***Lot 1 (1.23ha)*** as one title (13.87ha)
 - ***Lot 7 (18.10ha)*** Is a vacant hill block at the southern end of the application site.
 - ***Lot 8 (2.25ha)*** Is an Esplanade Reserve to Vest (20m wide) along the coast
 - ***Lot 9 (1,140m²)*** Is a Walkway to Vest in TDC (5m wide), linking road reserve with the coast. Its creation is subject to agreement and survey.
21. Proposed Lots 3, 6 and 5 have established residential activities.
22. Proposed Lots 4 & 7 may in the future be developed with a residential building. An assessment of potential building sites and any earth works required to reach those sites is addressed later in this report. Future dwellings will collect and store rain water in a 30,000ltr tank. Wastewater will be treated and discharged to the land on each site. There will be power and telephone supplied to the boundaries of proposed Lots 4 & 7 as part of the subdivision.
23. There is vehicle access to the dwellings on Lots 3, 6 & 5 via a well-formed Right-of-Way and internal driveway as shown on the scheme plan. There is also an existing and secondary farm track sidling the hill slope generally between Margaret Smith's

house and the late Mr Baas's house. This will be upgraded as Right-of-Way to Lots 4, 6 and 7 as part of the subdivision. Within Lot 4 & 7 there are numerous tracks (mostly overgrown) left over from past farming activities. These for the most part will be utilised to provide access to potential house sites on Lots 4 and 7. More information on this is provided below.

24. Proposed ROW C is to be upgraded and the lower portion of the formation is to be realigned to ease the grade. Those works are subject to detailed design, however they are likely to involve two areas of fill estimated to be 2-3m in depth and require the removal of a small amount of vegetation.
25. Public access to the coastline is to be provided via Lot 9 (along the north side of proposed Lot 5); a 5m wide Reserve to Vest in TDC. The location and dimensions of the feature are subject to agreement and survey. A 20m wide Esplanade Reserve is proposed along the coastline where there is riparian coastal vegetation. The proposed Esplanade Reserve is currently fenced off from existing paddocks on a narrow coastal terrace.

Landscape character and visibility

26. On the west side of Golden Bay, the coastal segment between Milnthorpe Quay and Collingwood is 4km long (Ref. Sheet 1). The segment is contained on the north side by Ruataniwha Inlet and on the south side by Parapara Inlet. The Inlets are noted as areas 9 & 10 respectively in TRMP Schedule 25.1F.
27. From the northern end of the segment to a line through Excellent Street the land adjacent the beach rises steeply to a ridgeline identified in the TRMP.
28. South of a line from Excellent Street, the toe of the ridge diverges inland, away from the beach. There is a narrow coastal terrace behind the beach. The terrace increases in width, setting back the steeper land from the coast until at the Application Site within proposed Lot 5 there are paddocks 50m wide adjacent the beach level. The paddocks are screened from the beach by riparian coastal vegetation, however there are glimpses from the beach of the house leased to John Haugh and more visibly, the Baas House. (Ref. Photo 1). There are overhead monopole powerlines and further back from the coast double pole transmission lines visible at the Application Site and extending northwards.
29. Within the above-described section of the Coastal Segment there is a pattern of low-density rural residential development consisting of dwellings looking over the beach or with views to the bay further out. Most development is located within broadleaf coastal forest.
30. Within the Application Site the coastal terrace extends to the south boundary (proposed Lot 7). There is an abrupt transition on the inland side of the paddock to steeper country. The steeper country is a large area containing 4 broad topped spurs and 3 well defined gullies with mostly ephemeral watercourses (Ref. Sheet 3). There are also incidental gullies and minor spurs. The gullies have enclosing sides, which restrict lateral views in i.e. views from the side. The above-described topographic features are mapped on Sheet 2.

31. The ridgeline identified in the TRMP is set back from views from the beach because of the way the upper landforms roll over to form a broad ridge crest. As a result of the landform shape some of these areas are less visible from the coast, including the house on the Solly property and the house on proposed Lot 3. The latter has low impact on natural character values due to set back from the coast and regenerating vegetation patterns (Ref Sheet 4). The vegetation in that area and on the west side of proposed ROW C is typically 4m high.
32. The steeper country was cleared for farming but is now regenerating to native. During the farming period many tracks were cut. Some of these are evident today including the proposed ROW C; a benched formation lined on the seaward side with pines. It is assumed that the pines will at some point be at least partially removed. The formation is to be upgraded, generally meeting the controlled activity Right-of-Way standards in the TRMP. ROW C at its base - in the area of the proposed realignment, is largely hidden from the beach by the coastal riparian vegetation within the proposed Esplanade Reserve (Ref. Photo 2).
33. At the north end of the Application site there is a good gravel road from the ridge down to proposed Lot 5. Other tracks have been maintained however some have been left to grow over. These, provided the existing formations are kept, could be opened up without significant impacts on landscape values or vegetation.
34. At the south end of the site there is an intermediate terrace, recently re cleared for pastoral management. The area is known as the "airstrip paddock". A creek on the north side marks the landform transition from the steeper land on the north side of the terrace. A high coastal bluff extending inland at right angles to the coast marks the southern boundary to the site. There are mature gums within the Application Site along the crest. The area encompassing the "airstrip paddock" is contained within an existing title. A dwelling set back more than 100m from MHWS could be located on the title as of right.
35. The coastal segment has open and expansive coastal views¹. The above-described features are mapped on Sheets 1 – 5.
36. South of the Application Site, at Milnthorpe, the ridge extends further inland. There is a large wetland managed for its conservation values. At the south end of the coastal segment, the absence of coastal development and evident natural patterns provide that area with wilderness values. The landscape is intimate and enclosed².
37. Vegetation within the coastal segment is at various stages of succession back to regenerating coastal forest. Due to recent farming at the Application Site when compared to the segment overall the successional process is at an earlier stage. In general terms there are significant areas of broad leaf vegetation centred on the gullies and some faces. There are also limited pockets of exotic vegetation - mostly pines. Between the areas of broad leaf vegetation there are areas where successional processes have been slower. These areas are dominated by gorse. Provided no further clearances are undertaken the steeper areas of the site will in time regenerate to taller coastal forest.

¹ TDCLCA (the Boffa report) 8.2005 Para.3.11.1

² Ibid

38. The sandy beach is fringed by Marram and is gently shelved. Accessible sand flats are exposed at low tide and extend for some distance off shore.
39. The factors affecting the sites visibility from the beach are summarised as follows:
- Areas within the CEA
- The site's varied topography has the potential to absorb planned development including, use of the existing tracks to provide access and carefully sited buildings.
 - In areas where the coastal vegetation (within the proposed Esplanade Reserve) is continuous, the narrow coastal terrace (Area A) and toe slopes leading to the steeper land (Area B) are well screening from the beach. (Ref. Sheet 2).
- Areas outside the CEA
- Within the steeper land, areas that are set back from the beach and - contain broad leaf vegetation and sunken landforms have either low visibility or are not visible from the beach.
 - Rounded landforms immediately adjacent and above the beach are sensitive to development. In those areas development should be avoided.
 - The ridgeline identified in the TRMP is set well back from the Application Site.
40. The existing buildings, roads and tracks, powerlines, past vegetation clearances for farming, and within the CEA, at the narrow coastal paddocks continuing farming, reduce the natural character at the Application Site. Within the coastal segment overall the northern end including the Application Site has lower natural character values than the southern end. On a scale from very low to very high the site is assessed as moderate to moderate / high.

Issues raised in the Submissions

41. The following landscape related issues are raised:
42. The submissions identify that natural character and scenic values between Milnthorpe and Collingwood are the key drivers to the valued landscape quality. The current landscape quality is enjoyed primarily from the beach where there is for some a "*coastal wilderness experience*". The south end of the segment does provide a wilderness experience. The northern part of the coastal segment including the application site is more developed. However, the development pattern in landscape terms is sufficiently integrated so as to maintain a relatively natural coastal experience - even with the evident development. Thus the landscape is able to "*accommodate further planned development without compromising the landscape and natural values of the area*". That is the finding of the Boffa Miskell Report (para. 3.12.1), discussed below.
43. The Submissions highlight the Tasman District Council Landscape Character Assessment (TDCLCA); a coastal landscape character assessment completed in 2005, and otherwise referred to in submissions as the "Boffa Miskell Report". Council did not adopt the report. However its findings provide useful background information when considering low impact development solutions such as is proposed on the Application site.

44. The submissions raise concerns over ribbon development and potential cumulative effects of that particular development pattern. Development that is co located with existing dwellings as discrete infill is not considered to be ribbon development. Where a dwelling is proposed beyond the existing cluster provided the visual effects of that dwelling including when assessed from the beach are mitigated, that is not considered to be inappropriate.

The landscape-planning framework

45. Council has not identified at a district scale the Outstanding Natural Landscapes and Features under s.6(b) of the Act. The “Boffa Miskell Report” recommended the Ruataniwha Inlet and the Parapara Inlet be considered for classification as Outstanding Natural Features. However Council has not adopted any of the recommendations made in the Boffa Miskell Report and therefore it does not have any statutory effect. The Application Site is also not located within those inlet areas. The 2005 report locates the Application Site within the Parapara District Coastal Area and the South Collingwood Local Character Area.
46. Section 6(a) of the Resource Management Act provides for the preservation of the natural character of the coastal environment (including the coastal marine area), ... and their margins, and the protection of them from inappropriate subdivision, use, and development as matter of national importance.
47. The NZ Coastal Policy Statement (NZCPS) sets out the national priorities and the issues surrounding activities within the coastal environment. The coastal environment within the TRMP is defined as extending 200m inland from MHWS. The NZCPS is currently under review. The 2004 Draft amendments to the CPS do not have any statutory effect.
48. Under the NZCPS it is a priority to preserve the natural character of the coastal environment. That outcome is to be achieved by:
- Encouraging development where the natural character of the coastal environment has already been compromised;
 - Avoiding sprawling or sporadic subdivision in the coastal environment, effects on natural character values within and outside the immediate location need to be taken into account;
 - Cumulative effects of subdivision in the coastal environment need to be avoided; and
 - Use of the coast by the public should not be allowed to have
- significant adverse effects on the coastal environment or amenity values, nor on the enjoyment of the coast by the public.
49. The Application Site is assessed to have a moderate to moderate / high natural character. This assessment relates to the Application Site overall. The result would be lower if it related only to the coastal environment, which is the most modified area of the site. However it is important to ensure that new development is recessive and will not create adverse landscape or visual effects. Sprawling or sporadic development is to be avoided. New development needs to relate to existing development, e.g. the Haugh and Baas dwellings, or be recessive such that its visual effects are no more than minor.

50. Chapter 9 of the TRMP contains the following relevant landscape provisions:

Objective 9.1.2 ... management of other land, especially in the rural area and along the coast to mitigate adverse visual effects.

Policy 9.1.3.3 To ensure that structures do not adversely affect:

(a) visual interfaces such as skylines, ridgelines and the shorelines ... (of) the sea;

(b) unity of landform, vegetation cover and views.

51. The provisions deal primarily with landscape patterns such as vegetation and landforms and visual interfaces. In terms of Objective 9.1.2, the future management aspirations for the site include keeping the regenerating bush cover.

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

52. In the coastal environment the potential effects of land disturbance and vegetation removal on landscape and rural character in the Coastal Environment need to be mitigated. This includes the proposed realigned section of ROW C.

Objective 9.2.2 Retention of the contribution rural landscapes make to the amenity values and rural character of the District, and protection of those values from inappropriate subdivision and development.

Policy 9.2.3.3 To retain the rural characteristics of the landscape within rural areas.

53. The coastal environment area of the application site has rural character. The steep country behind that coastal terrace is reverting to native bush and is unlikely to be cleared in the future.

Policy 9.2.3.4 To encourage landscape enhancement and mitigation of changes through landscape analysis, subdivision design, planting proposals, careful siting of structures and other methods, throughout rural areas.

54. Retention of the regenerating native forest is considered to be a significant enhancement of the landscape values within the coastal segment as opposed to an expansion of farming or forestry activity, neither of which are proposed in this application.

Policy 9.2.3.5 To evaluate, and to avoid, remedy or mitigate cumulative adverse effects of development on landscape values within rural areas.

55. The application site is zoned Rural 2. Subdivision below 50ha is a discretionary activity. The following assessment criteria under Schedule 16.3A are considered relevant to landscape related aspects of the Application:

(2) The potential effects of the subdivision on the amenity values and natural and physical character of the area.

(4) The potential effects of the subdivision on the natural character of the coastal environment,

(23) The extent to which any earth cut or fill will remove existing vegetation, alter existing landforms, affect water quality, or affect existing natural features, such as water courses.

(24) The extent to which any cut or fill can be restored or treated to resemble natural landforms.

(25) The extent to which the earthworks will have an adverse visual effect on the surrounding area.

(28) *The ability of any existing or proposed building to comply with this Plan, including avoiding adverse effects on ridgelines shown on the planning maps.*

(28) *The ability of any existing or proposed building to comply with this Plan, including avoiding adverse effects on ridgelines shown on the planning maps.*

(43) *The effect of roads and private vehicular access on waterways, ecosystems, drainage patterns or the amenities of adjoining properties.*

56. The TDCLCA, although not adopted by Council, contains the following comments in relation to landscape sensitivity within the Parapara Coastal Area:

Para. 3.12.1 “..appropriate development can be more readily absorbed in the Parapara landscape. The areas topography, visual containment and diverse rural patterns enable the area to accommodate further planned development without compromising the landscape and natural character values of the area”.

Para. 3.12.2 “All development should be seen to be subservient in terms of its visual dominance or prominence and appear as discrete clusters in what should remain as a predominantly rural / coastal landscape.”

57. The proposed development is considered to be consistent with the above-identified outcomes.

Potential adverse visual effects and proposed mitigation

Potential Building Sites on Lots 4 and 7

58. In order to identify appropriate house sites, the site was assessed in terms of its landscape character (landform, land use and land cover) and natural character. These factors were analysed from the beach and surrounding area. Subsequently, two sites were identified on proposed Lot 4 and two sites on proposed Lot 7. These are shown on Sheet 6, building sites. Sites 7A and 7B are also located on photos 3 & 4 attached. We consider it likely that with further assessment due to the area's topography, visual containment and diverse rural patterns other appropriate house sites could be identified. The following assessment and any associated controls arising as a consequence of this subdivision is however limited to the four sites identified.

59. Of those house sites, only one on each title should be developed for residential purposes. The potential building sites themselves will be fixed by consent notice on the new titles for Lots 4 and 7, with provision for one to be chosen to be developed at the time of the building consent application. For each proposed title one house site falls within the Coastal Environment Area (CEA) and one outside. Sites 4A and 7A (outside) will not require resource consent to build, however to ensure appropriate mitigation it would be prudent to impose design and landscape controls now that will be addressed at building consent stage. Those controls should be registered on the title as consent notices (so that they are known at the time of building design) but would not be acted upon until building consent.

60. Sites 4B and 7B are within the TRMP Coastal Environment Area (CEA). The current application does not extend to land use consent to build in those locations. The CEA rules provide for buildings of less than 6.5m in height and 100m from MHWS as a controlled activity. Application would need to be made to build on site 7B, once building plans are known, however providing the height control is met then consent is assured.
61. Site 4B falls within 100m of MHWS. Due to that, land use consent to build on that site would be a restricted discretionary activity.
62. This assessment confirms the acceptability of locating a residence on Sites 4B and 7B, however the visual impacts of the proposed design and appearance of dwellings and ancillary buildings on each will fall for consideration as part of the resource consent applications for those sites if chosen for development. Further landscape or visual controls over the proposed development, other than recommended in the conclusion of this assessment, may arise at that time.

Potential Building Site Options Lot 4

63. The proposed building site 4A is located relatively high on the side slopes below the ridge and just above ROW C. It is also well removed from the Coastal Environment Area. The site is located 300m back from the beach³. Here there is a minor gully and dense broad leaf vegetation approximately 4m high. The gully although shallow has raised spurs on either side, which restrict views in from the side. The site can be accessed via a new short leg-in from ROW C; approximately 70m long if on level grade.
64. Site 4B is located at the toe of the side slope below the ridgeline. The site is at the transition point between the coastal terrace (paddock) and the broad leaf forest. The site is marked generally by a large gum tree beyond the apex of the proposed realignment section of ROW C. Here the building site is located in a similar landscape context to the existing Haugh dwelling. A dwelling here with more robust coastal riparian vegetation patterns could be better screened from the beach than the existing house north of it, although the Haugh dwelling is considered to be appropriate in the landscape context.

Potential Building Site Options Lot 7

65. On proposed Lot 7 two sites are identified. 7A is located within the mid elevation of the side slopes below the ridge. The site is set back 210m from the beach. Here there is a broad topped spur (Spur 4 – ref. Sheet 3) and primarily gorse with taller kanuka specimens poking through. The site is set back, beyond and behind the front of the spur i.e. not within the front of the spur which is sensitive to development when viewed from the beach. The spur at 7B is broad, such that the site is not considered to be susceptible to views from the side. There is an existing track access to the site, which can be cleared with only minor effects. Site 7A is not within the Coastal Environment Area.
66. Site 7B is within the lower slopes of the Airstrip paddock but set back from the edge; the area which is sensitive to development from the beach. The terrace landform is wide enough to prevent views particularly from the Milnthorpe area and the associated coastline. A building located here is part of the permitted baseline for

³ These are horizontal or plan measurements, so in fact they are further away than indicated.

development in this area.

Proposed Earthworks

67. The proposed earthworks within and at the base of ROW C, where realignment is proposed to lessen the grade over a short distance towards the toe of the hill, will be subject to engineering design and with the intention to where practical meet the controlled activity Right-of-Way standards in the TRMP. The detailed design of those earthworks will be carried out at a later stage, subject to an Engineering Plan approval by the Council. If the preferred engineering solution to the protection from erosion and sedimentation of any side cuts, fill or bare ground resulting from those earthworks is revegetation, then the plant list in Annexure C is an appropriate reference document.
68. Access already exists to potential building sites 4B, 7A & 7B. In relation to building site 7A the track is over grown. However the practical formation remains and can easily be cleared. The track is located lower down at the toe of Spur 4 where it will avoid impacts on the natural patterns in that area. The track climbs up onto the spur back from the coast and in an area visually discrete from the Milnthorpe catchment.
69. Access to building site 4A will be a new feature. Based on the Council GIS information the slope in that area is approximately 20°. Based on a 3m wide formation, the cut with no side casting will be between 1.1m and 1.7m high. The vegetation in that area is generally 4m high. Based on those factors and the setback from the coast there are not considered to be adverse visual effects.

Proposed Vegetation Removal

70. There will be vegetation removed to provide access to building sites 4A and 7A. As set out above those impacts will be minor. At 4A & 7A it is important that apart from the building footprint, and immediate construction zone, existing vegetation is kept. As noted above that outcome can be addressed at building consent stage.
71. In relation to Sites 4B and 7B, vegetation control and other visual mitigation will be addressed at the time of any land use consent application for those sites and their specific development. This will ensure that the building platform, and associated earthworks and vegetation clearance, is appropriate to the coastal context.
72. Public access is proposed along the north boundary of Lot 5 as part of the subdivision consent application. That area although very steep is well vegetated and contains at least in part an existing walkway track. There are not considered to be impacts that are more than minor for walkway development. Although a walkway could at some time be developed within the Esplanade Reserve it is unlikely council would wish to remove significant amounts of vegetation to develop a walkway particularly given the extensive inter-tidal characteristics of and accessibility along the beach fronting the Application Site. Rather the assumption is that any future walkway would be interwoven within existing vegetation thus minimising disturbance and using beach crossings around watercourses.

Services (Lots 4 & 7)

73. Under ground power and telephone within Lots 4 & 7 would maintain natural character values.

Potential Enhancement of Natural Character

Riparian Values Water Courses 1 - 3

74. Although minor features, the watercourses where they cross the coastal terrace paddocks could be fenced off from stock, at this small scale have weeds removed and appropriate planting carried out. A plant list is contained within Annexure C.

Proposed Development Outcomes

75. A comprehensive landscape analysis was undertaken to identify potential house sites where development with controls could occur without adverse effects on the coastal amenity values and natural character. The analysis included consideration of the site's landforms, land use and land cover.

76. Areas that are sensitive to development are identified and development there avoided. Low impact development solutions are proposed including utilising low visibility locations and where possible, existing tracks for access.

77. The proposed development pattern is not considered be ribbon development or create cumulative effects, because potential house sites are clustered within existing development or located such that the effects from the beach will be less than minor.

Recommendations

78. Recommended consent conditions are summarised below.

R1. A future dwelling on Lots 4 & 7 shall be located within Building Sites 4A or 4B, and 7A or 7B. These sites shall be fixed by consent notice on the new titles for Lots 4 and 7.

R2. Power and telephone connections within Lots 4 & 7 shall be laid under ground and aligned so as to create minimum disturbance of landform and vegetation (ie within the formation or upgrading of internal access to the building sites)

R2. Development at Building Site 4A and 7A is subject to a consent notice in the following form:

- The shape of structures should generally reflect background landforms, avoiding large unrelieved expanses of roofs and walls.*
- Materials for buildings should respond to and link with the surrounding landscape.*
- The vertical height of houses located in this landscape should be discouraged in favour of horizontal spread.*

Recessive colours should adhere to the specifications of the following:

Colour Group	Walls	Roofs
Group A	A05 to A14 and reflectance value $\leq 50\%$	A09 to A14 and reflectance value $\leq 25\%$
Group B	B19 to B29 and reflectance value $\leq 50\%$	B23 to B29 and reflectance value $\leq 25\%$
Group C	C35 to C40 and reflectance value $\leq 50\%$, and hue range 06-16	C39 to C40 and reflectance value $\leq 25\%$, and hue range 06-16
Group D	D43 to D45 and reflectance value $\leq 50\%$, and hue range 06-12	Excluded
Group E	Excluded	Excluded
Finish	Matt or Low-Gloss	Matt or Low-Gloss

- All landscaping shall be in accordance with, if necessary, a Landscape Plan prepared by a Registered landscape Architect, in conjunction with the Building*

Consent Plans for Lots 4 & 7. These shall detail how the owners plan to landscape and shall be submitted for approval of the Manager Consents TDC.

- *The Landscaping shall demonstrate satisfactorily:*
 - I. *How the proposed building will integrate with the site including, the natural landforms, any riparian vegetation or landscape plantings.*
 - II. *The proposed planting, if any, intended for the Building Area must include a plant schedule along with the landscape plan to ensure compatibility of the plant selection with the adjacent land.*
 - III. *A planting implementation plan, including establishment, maintenance and management proposal shall be presented that will demonstrate completion of the proposal within 18 months of the completion of the house.*
 - IV. *Plants that die or do not thrive within the establishment period identified must be replaced with the same or a more suited species at the earliest possible opportunity following detection.*

Advice note: The Building Area is the area surrounding the final position of the house, which is intended to be constructed within the Building Site shown on the Scheme Plan.

R3. Native vegetation within the Building Sites identified except for the purpose of building within the building site, location of water storage tanks and walkway or driveway construction or maintenance shall not be removed.

Conclusion

79. The Application site within the coastal segment between Milnthorpe and Collingwood has been assessed in terms of its potential to accommodate two additional dwellings without adverse landscape and visual effects. The assessment included consideration of the landscape elements that comprise the sites natural and landscape character. Views from the beach and surrounding area have been considered.
80. Two building site options on Lots 4 & 7 were identified. Two respectively are within the CEA and will be subject to District Plan provisions for development in those areas and two are located outside of the CEA. Those will not require resource consent to build, however it is considered prudent to impose design and landscape controls to be addressed at building consent stage to ensure appropriate landscape mitigation.
81. Provided those controls are put in place the outcome in terms of landscape and natural character values will be appropriate and no more than minor.

Tasman Carter Ltd

Tom Carter B.L.A (hons)

22 April 2010

Annexure A – Analysis Plans and Building Site Locations

- Sheet 1 – Landscape context
- Sheet 2 – Topography
- Sheet 3 – Landscape character features
- Sheet 4 – Vegetation
- Sheet 5 – Existing development
- Sheet 6 – Potential Building Sites



Landscape Context

Coba Holdings Ltd

22.4.10 Not to scale

Sheet 1



Legend

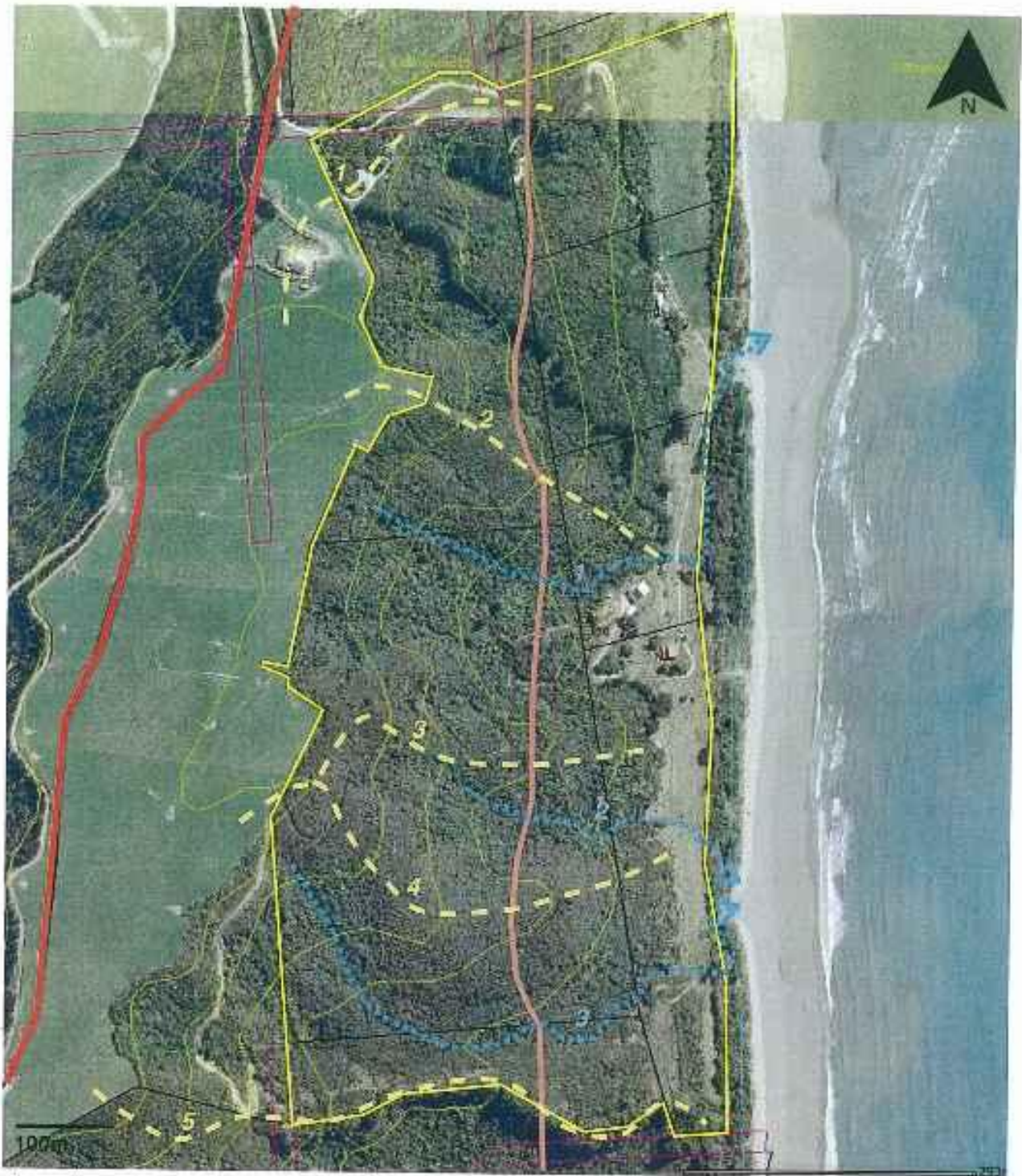
- A Narrow coastal terrace (paddocks)
- B Regenerating steeper land
- C Intermediate terrace "the Airstrip Paddock",

Topography





Coba Holdings Ltd

22.4.10

Sheet 2



Legend

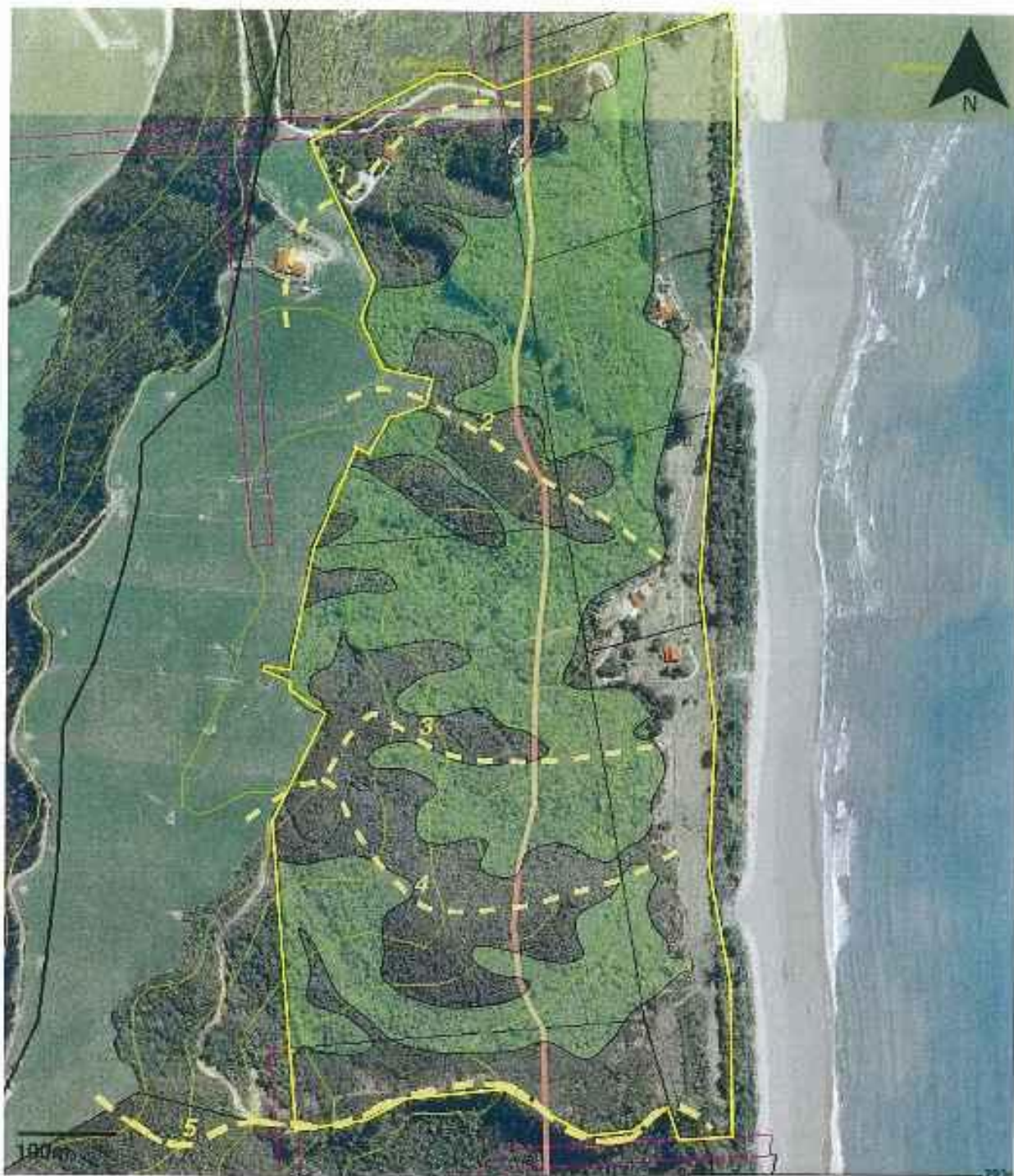
-  Identified ridge line (TRMP)
-  Indicative watercourses (Numbered for reference)
-  Spurs (Numbered for reference)
-  Coastal Environment Area (TRMP)

Landscape Character Features

Coba Holdings Ltd

22.4.10

Sheet 3



Legend



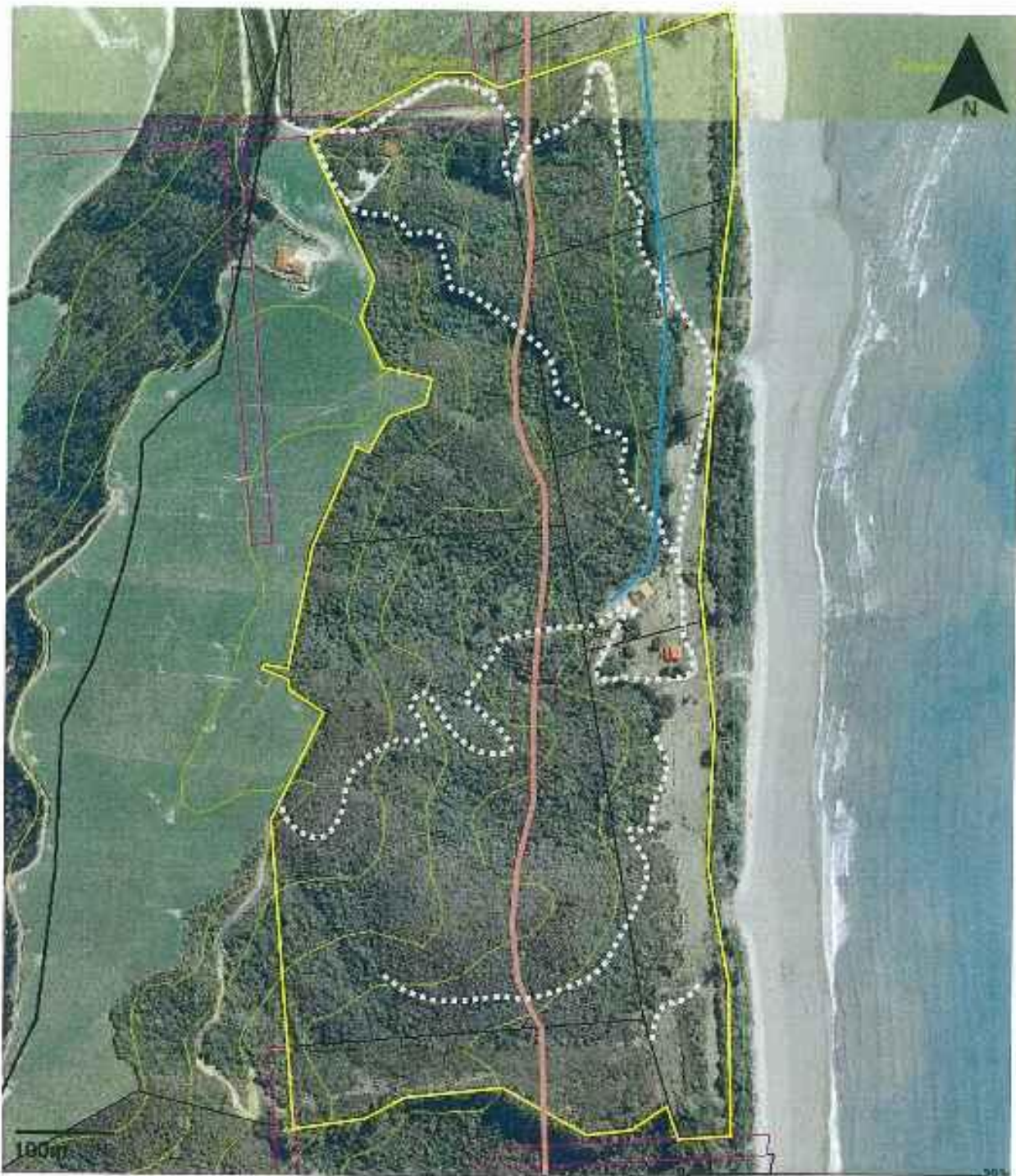
Indicative Distribution of Broadleaf Native Vegetation

Vegetation

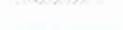


Coba Holdings Ltd

22.4.10

Sheet 4



Legend

-  Existing roads and tracks
-  Power lines (approx.)
-  Coastal Environment Area (TRMP)

Existing development

Coba Holdings Ltd

22.4.10

Sheet 5



Note: Planscapes Ltd Information takes precedence

Building Sites

Coba Holdings Ltd

22.4.10

Sheet 6

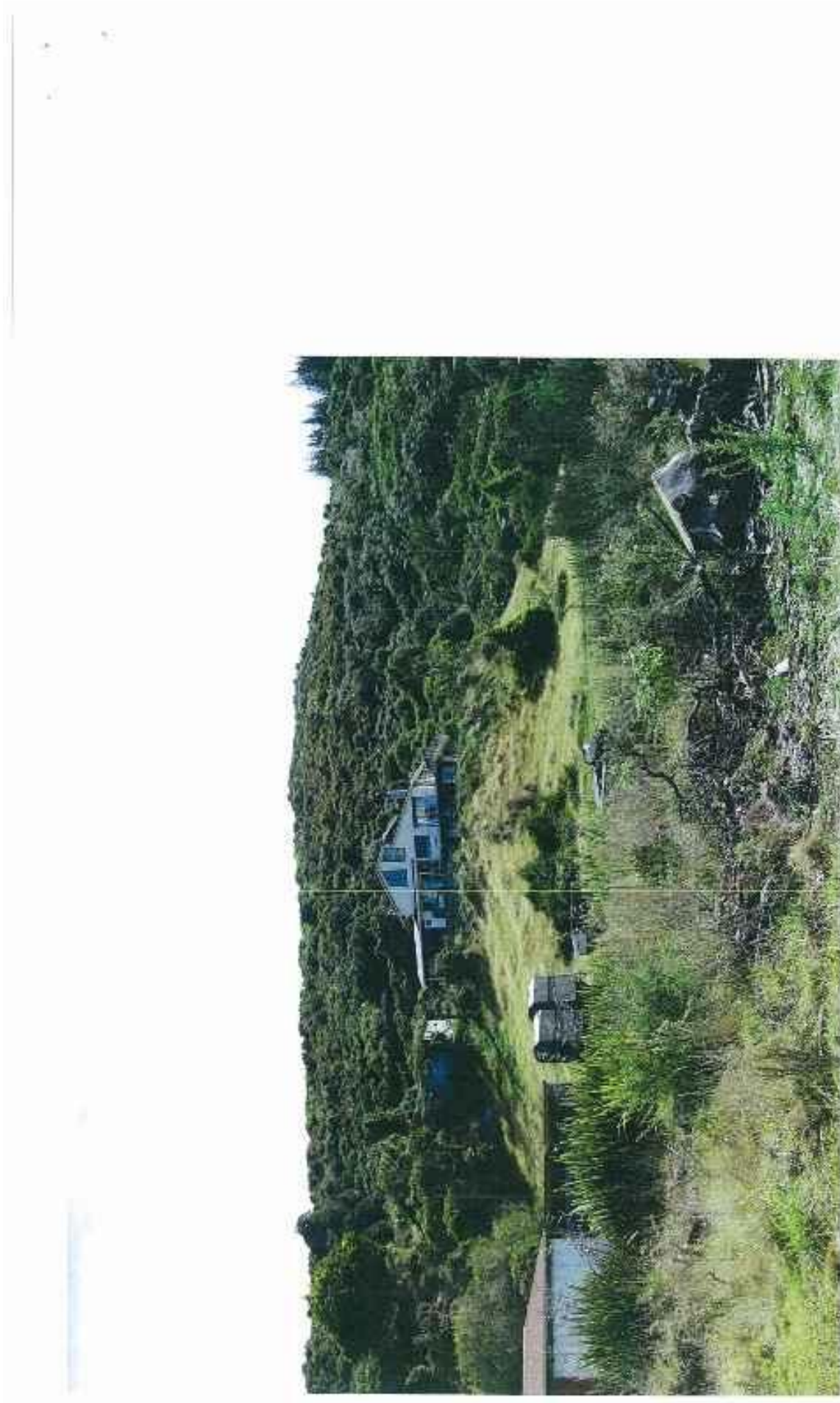
Annexure B – Photos



Photo points plan

Coba Holdings Ltd

19.4.10



View north west from the beach

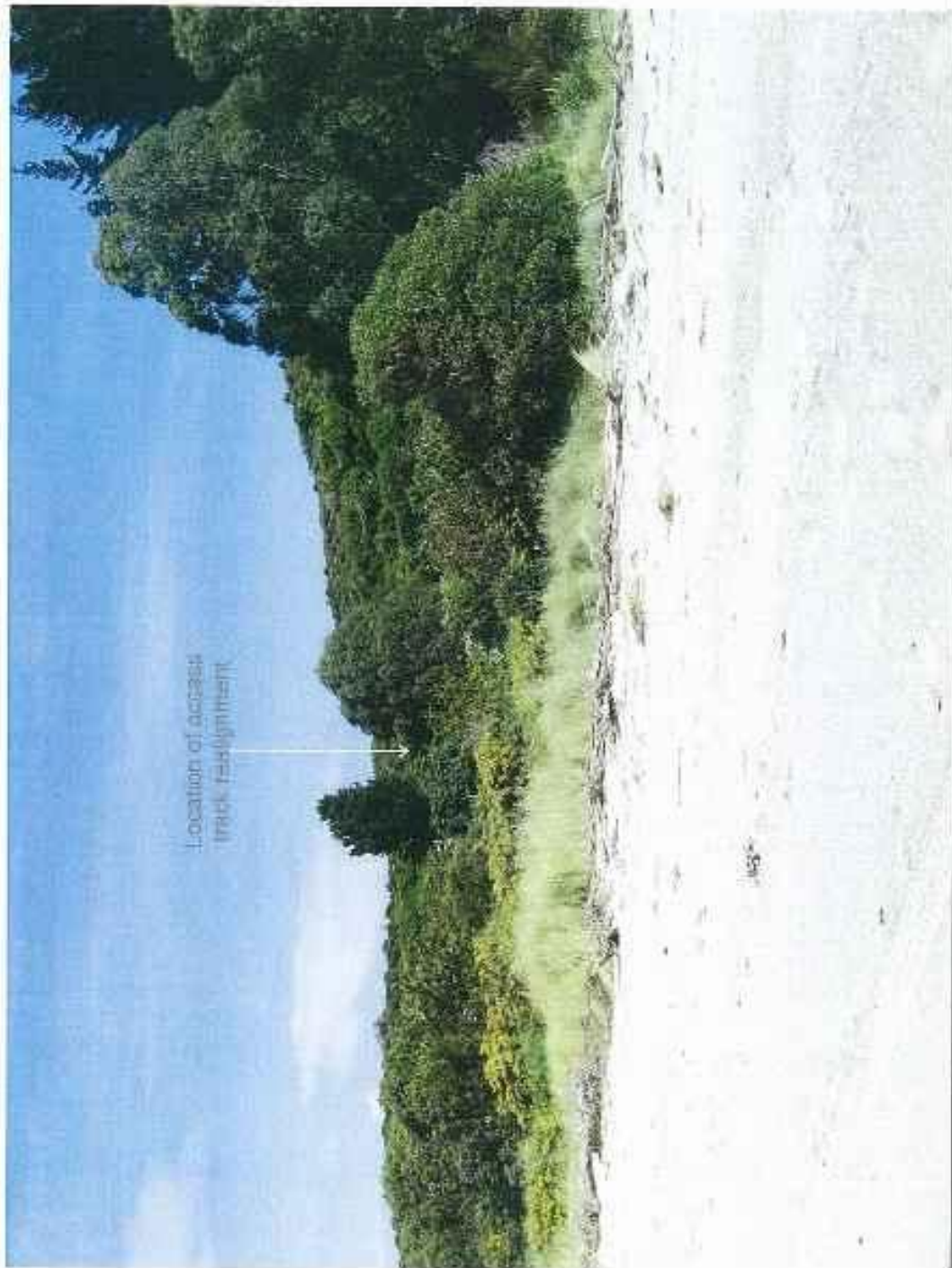
Coba Holdings Ltd

Photo taken by Tom Carter 3.4.2010

Not to scale

Ref. 2724

PHOTO 1



Coba Holdings Ltd

Photo taken by Tom Carter 3.4.2010

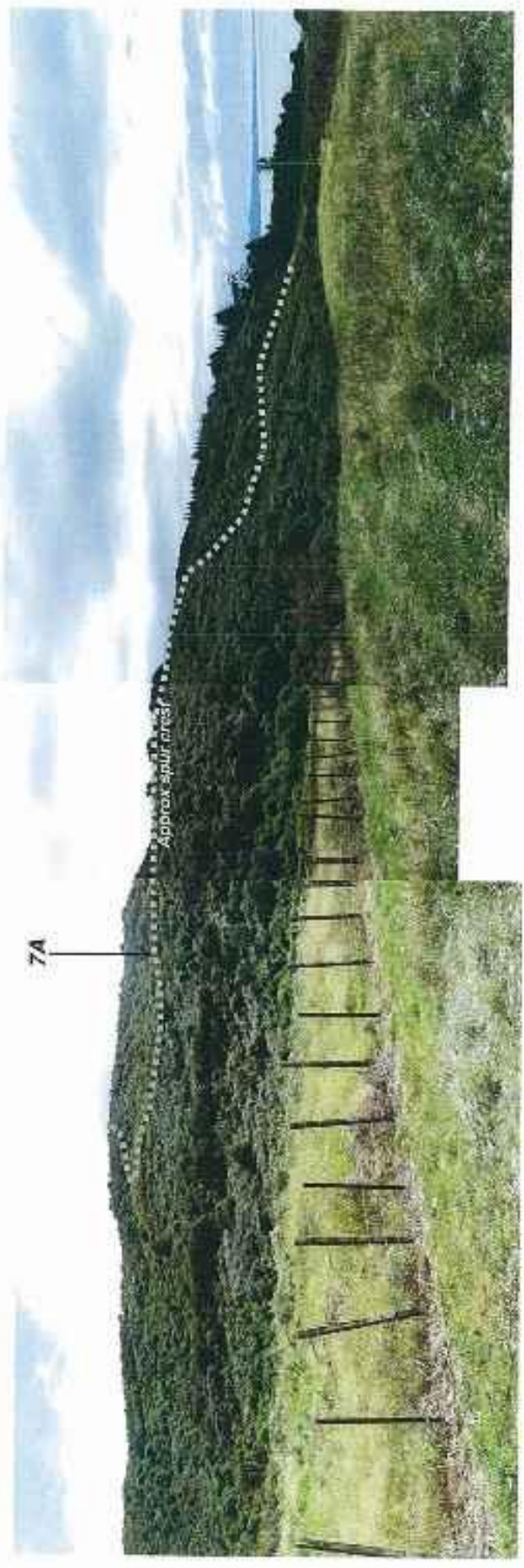
Not to scale

View south west from the beach

Ref. 2719

PHOTO 2

2010/05/28



Coba Holdings Ltd

Photos taken by Tom Carter 3.4.2010

Not to scale

View north from the south boundary

Ref. 2657 - 2659

PHOTO 3



Coba Holdings Ltd

Photo taken by Tom Cairns 3-4-2010

Not to scale

View south west from the beach

Ref. 2574

PHOTO 4

Annexure C - Revegetation Planting Lists

Plant list A – Revegetation of Water Courses Crossing Paddocks

Coprosma repens	taupata
Griselinia lucida	puka
Myoporum laetum	ngaio
Bolboschoenus caldwellii	purua grass
Carex geminata	toe toe rautahi
Phormium cookianum	wharariki, coastal flax

Plant list B – Revegetation of Earthworks

Coprosma lucida	shining karamu
Coprosma repens	taupata
Coprosma robusta	karamu
Cordyline banksii	ti ngahere
Kunzea ericoides	Kanuka
Metrosideros robusta	northern rata
Myrsine divaricata	weeping mapou
Pittosporum tenuifolium	kohuhu
Pseudopanax crassifolius	horoeka, lancewood

TO: Wayne Horner, Consent Planner
FROM: Dugald Ley, Development Engineer
DATE: 23 April 2010
FILE NO: RM090764
RE: **COBA HOLDINGS LTD – EXCELLENT STREET, COLLINGWOOD**
PROPOSAL: **SUBDIVISION OFF THE END OF EXCELLENT STREET/ORION STREET TO CREATE TWO EXTRA LOTS**

Background

This application lies at the eastern end of Excellent Street and the southern end of Orion Street.

Excellent Street subsequently exits on to SH60 at a point where limited sight visibility is available. Orion Street exits into the residential area of Collingwood itself (Collingwood School).

In my opinion additional traffic generation would amount to approximately 2 lots x 6 VPD = 12 additional vehicle movements per day from this application.

Existing traffic flows in Excellent Street amount to approximately 10 to 20 per day and 100 per day in Orion Street.

Both road surfaces are gravel formation with Excellent Street being approximately 2.5 to 3.5 m wide and Orion Street 5.0 metres wide. These two streets are being used by locals more regularly as a back road into their community. Two accidents were recorded either side of the Excellent SH60 intersection back in 2000 and 2001 – both were “vehicle out of control” incidents.

It is noted that the NZ Transport Agency have not submitted to this proposal.

The intersection of Excellent Street with SH60 has only approximately 3.5 metres of seal back from the limit lines and sight visibility is not ideal. It would be my view that an increased length of seal, ie 20 metres would mitigate gravel being tracked on to the highway and increase the ability to stop at the limit lines when vehicles approach at speed. I consider that if the committee chose to grant consent then a condition that a 20m x 5m wide length of Excellent Street from the limit lines at SH60 be reformed with a 2-coat chip seal and to the satisfaction of the Engineering Manager.

Upgrading of Orion Street

This was considered due to increased traffic and it is noted that a recent subdivision application for an additional lot and subsequent land use (RM090581) incurred a \$20,000 roading contribution to an extension of the seal in Orion Street, being half the cost of sealing works.

It is my view that this application will increase traffic on Orion Street and therefore it should contribute funds to a further extension of the seal of Orion Street, much like RM090581 has. I consider a contribution of \$5000 would be fair and reasonable in this instance. This together with Council's other half share will extend the seal for approximately 40 metres further.

Rights-of-Way

The application proposes rights-of-way, ie A, B and D. Right-of-Way A will have the most users and Council's recommended standard is a 5.0 metre gravel formation together wide side drains and appropriate culverts is confirmed.

Appropriate passing bays shall be formed at strategic locations, ie bends, or where site visibility is restricted.

All the above details shall be shown on engineering plans to be approved by the Engineering Manager and works shall subsequently be signed off by a CPEng or Registered Professional Surveyor.

In respect of other services (except power and telephone which shall be underground) these will be self-sufficient in that respect.

Access to the Coast- Access has been achieved in this application by way of paper roads and a walkway via lot 9 (Vesting of a legal rd to the Coast is not viable due to the construction standards require by Council in this hill environment).

Recommendation

That if the committee choose to grant consent the above conditions form part of the consent.

Dugald Ley
Development Engineer

Environment & Planning Department

To: Wayne Horner

From: Rosalind Squire, Forward Planner, Reserves

Date: 26 April 2010

Subject: **RM090764 – Coba Holdings Limited, Collingwood, Golden Bay**

Introduction

The scope of this report is confined to the provision of public access to and along the coastal marine area via a walkway reserve volunteered in the amended application and the proposed esplanade reserve. I have visited the site and surrounding area and have considered the application in the wider context of existing formed and unformed legal roads, reserves and walkways in the vicinity of the site.

Application

The application as lodged involved the subdivision of three existing titles with a total area of 41 hectares to create five rural residential titles and an esplanade reserve to be vested in the Council. Following lodgement of the application the Department requested that public access be provided through the site to the esplanade. This was acknowledged by the applicant as a matter for negotiation but the application was not amended to provide for any public access. The application was then publicly notified and a number of submissions received which requested the provision of public access. Following receipt of submissions an amended scheme plan was submitted to Council that included a proposed walkway reserve adjoining the northern boundary of proposed Lot 5 as shown in Figure 1 and Photographs 1 and 2.



Photograph 1 – location of proposed walkway reserve



Photograph 2 – Location of walkway reserve on the low lying land adjacent to the coast

There is an existing informal walkway in this location which was created by the former owners of the property now owned by Incredible Ventures – see Photograph 3



Photograph 3 – Part of the existing informal walkway

Context

The property is located between Collingwood Township and Milnthorpe Reserve and has a coastal frontage to Golden Bay of approximately 1.1 kilometres. Access to the property is provided via a Right-of-Way off Excellent Street where it intersects with Orion Street. There also is an existing legal road (Mars Street) to the north of the site and east of Orion Street as shown in Figure 2.

There is a legal road adjoining the coast to the north east of the applicant's property which has been lost through erosion and now lies partly above and below mean high water springs.

The southern boundary of the site adjoins an unformed legal road and Milnethorpe Scenic Reserve which is administered by the Department of Conservation (Figure 3). Pedestrian access to the coast is provided via walkways through the reserve which emerge adjacent to the southern boundary of the applicant's property within the unformed legal road (Refer Photograph 4 below).



Photograph 4 - Walkway adjacent to the southern boundary of the property

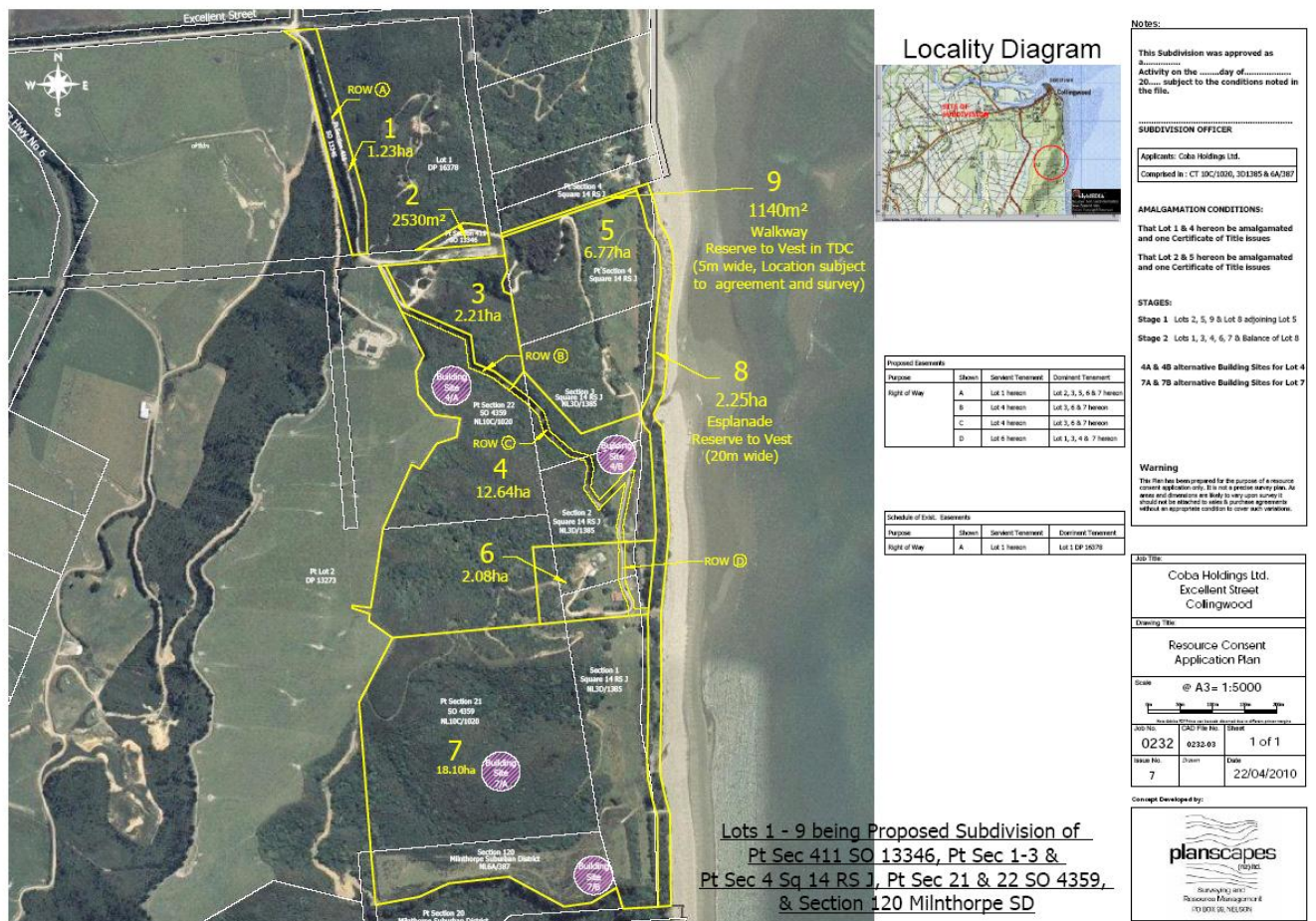


Figure 1 – Amended application showing walkway and esplanade reserve



Figure 2 – Location of existing access opportunities



Figure 3 – Location of access at the southern end of the property provided via Milnethorpe Reserve and the existing unformed legal road.

Submissions

There were 18 submissions to the application. The following summarises the main issue raised with respect to public access and the proposed esplanade reserve.

Eileen Watson opposes the application on the basis that it does not make sufficient provision for public access through the site to the coastal marine area. She submits that it would not be difficult to utilise a combination of Excellent Street and the unformed portion of Mars Street to access the western edge of Proposed Lot 5 and to then have a 3 metre wide access strip through the application site to the coastal marine area. The submission acknowledges the benefits of the proposed esplanade reserve, but points out that the provision of esplanades is simply meeting the requirements of the Resource Management Act 1991.

Martyn Fisher conditionally supports the application subject to the provision of vehicle and/or pedestrian access from Excellent Street via the proposed access way to the proposed esplanade reserve.

I will leave the question of the provision of vehicle access to the beach to the Engineering Department for comment. The application has been amended to provide for pedestrian access to the coastal marine area via the existing legal road and a proposed walkway reserve. Whilst it would be possible to provide pedestrian access via the existing Right-of-Way there would need to be some separation of the formed Right-of-Way from any pedestrian access.

Jo-Anne Vaughan opposes the application for a number of reasons including concern with respect to provision of public access to and along the coastal marine area.

Incredible Adventures Limited oppose the application for a number of reasons and state that the Council should take the opportunity to encourage the public to walk through to the beach. They request that the Council impose a condition requiring a public walkway through the subdivision to the esplanade.

Patrick Smith opposes the application due to the lack of public access through the application site to the coastal marine area. He acknowledges the benefits of the esplanade reserve, but states that this is a requirement of the Resource Management Act 1991 upon subdivision. He submits that it would not be difficult to utilise a combination of Excellent Street and the unformed section of Mars Street to access the western edge of proposed Lot 5 to then have a 3 metre wide public pedestrian access strip through the application site to the coastal marine area. He seeks that the application be declined due to the lack of satisfactory public access through the site.

Sara Chapman supports the application but submits that Council consider a condition requiring an emergency access and a public walkway providing access to the beach from Excellent Street.

Trevor Riley opposes the application for a number of reasons. He submits that if some development is permitted then full and practical access to the foreshore must be provided. He also submits that the esplanade reserves in the vicinity are (and will be here)

impassable. He also submits that ratepayers have to fund the protection of esplanade reserves in response to coastal erosion and sea level rise.

The issue of sea level rise and coastal erosion is acknowledged by the Community Services Department and the recommendation is that an esplanade strip be created as opposed to a reserve. Public access will be maintained over time regardless of the location of mean high water springs and the owners of the proposed lots retain ownership of the land and the responsibility for the ongoing maintenance of any coastal protection works.

Esplanade strips are created under Section 231 of the RMA, and are different from esplanade reserves in three main aspects:

- *The esplanade strip is owned by the landowner not the Council. However the public have the right of access over all parts of the strip and it can be used for public recreation provided it is created for recreation purposes as well as public access.*
- *Esplanade strips “move” with changes in the location of mean high water springs, if there is any erosion of the coastal margin there will always be a 20 metre strip retained for one or all of the purposes in Section 229 of the RMA.*
- *The landowner is responsible for the maintenance of any coastal protection works with an esplanade strip.*

Alan Bell opposes the application for a number of reasons. He submits that while the proposed esplanade reserve is a plus, the foreshore is erosion prone and erosion is likely to continue. He also submits that public access is an issue in this area. He notes that there are partial legal unformed roads which could be linked by easements and that there needs to be a holistic plan for the area showing indicative links and loop accesses.

While the comments are noted with regard to a holistic plan for walkway links in the vicinity of Collingwood, the Department does not have a plan at present but would encourage any feedback from the community with respect to this issue. The Department supports the proposed walkway reserve coupled with the development of walkways within the existing unformed legal roads which will provide for public access off Excellent and Mars Streets to the coastal marine area.

Friends of Golden Bay oppose the application. They submit that the esplanade reserve is a positive outcome, but as the coast is actively eroding it is important that the current boundary to the property is accurately surveyed. They submit that the proposed driveway should be designated as a public Right-of-Way and connect Elizabeth [Excellent?] Street with the reserve.

In summary the application has been amended to provide for public access from the north western boundary of proposed lot 5 as requested in a number of the submissions. The submissions requesting a Right-of-Way in favour of the Tasman District Council adjoining the access road are acknowledged. It would be possible to provide for this but there would need to be some separation of the formed Right-of-Way from any formed pedestrian access and some additional signage or other works to prevent the public from driving over the Right-of-Way and parking at the western end of the walkway reserve. If a walkway is able to be formed from the Cemetery walkway (in consultation with DoC) or via the unformed eastern end of Excellent Street via Mars Street to the reserve this would provide a pleasant bush walk.

Assessment

Part 2 Matters

The maintenance and enhancement of public access to the coastal marine area is one of the seven matters of national importance in Part 2 of the Resource Management Act 1991 (RMA) which Council is required to recognise and provide for.

The vesting of a walkway reserve adjoining proposed Lot 5 and the creation of a 20 metre esplanade reserve or strip will enhance public access to the coastal marine area and will be consistent with Part 2 of the Act.

Esplanade Mechanism and erosion protection options

Both the RMA and the TRMP provide for the creation of esplanade reserves without compensation when allotments less than 4 hectares are subdivided adjoining the coastal marine area. However, Council has the ability to create an esplanade strip as opposed to a reserve where a strip will achieve the purposes in Section 229 of the Act and is preferable because the location is one where there is a high likelihood of movement of the margin through erosion, inundation or land movement.

Recommendation

Vesting of a walkway reserve

The vesting of a walkway reserve shown as proposed Lot 5 is supported, its creation will enhance public access to the esplanade reserve or strip and the coastal marine area.

The topography is quite steep, particularly at the western end of the proposed reserve and as such a 5 metre width is considered to be the minimum required to enable the formation of a walkway which will comply with the formation standards required. The final width at the western end of the reserve may need to be up to 10 metres (See photograph 5 below). The final width will need to be subject to agreement and survey prior to section 223 approval. It is recommended that a condition to this effect be included if consent is granted to the subdivision.

It is recommended that the formation of the walkway will be undertaken at a later date in consultation with the local community and when appropriate linkages can be agreed and a walkway formed.



Photograph 5 – Western end of proposed walkway reserve

Esplanade provision

The creation of a 20 metre wide esplanade strip is the preferred method to enhance public access to and along the coast. The principle reason being that the coastline has, and will continue to be, subject to erosion (Refer photograph 6 below). A strip will preserve public access along the coast regardless of the location of mean high water springs. It will also mean that any ongoing erosion protection required will not be the burden of the general ratepayer.



Photograph 6 – Coastline subject to the creation of an esplanade strip

It is recommended that the purpose of the esplanade strip shall include all the purposes in section 229 of the Resource Management Act 1991 i.e. to contribute to the protection of conservation values and to enable public access and recreational use of the strip. It is recommended that the provisions of closure under Clause 7 of the tenth schedule shall not apply.

It is also recommended that approval shall be gained from the Reserves Manager prior to the Consent Holder erecting any structures or undertaking any landscaping within the strip.

Rosalind Squire
Forward Planner, Reserves

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.