

Report No:	REP11-09-03
File No:	RM100632, RM100633
Report Date:	8 September 2011
Decision Required	

Report to: Environment & Planning Subcommittee
Meeting Date: 19 September 2011
Subject: CBH Ltd
Report Author: Pauline Webby, Consent Planner - Subdivision

1. SUMMARY OF PROPOSAL

Subdivision (RM100632)

To subdivide Certificate of Title 510443 creating 10 new residential allotments and their associated building location areas and adjustment of the building location areas within 18 allotments previously approved by RM030632. This report addresses both the subdivision and the land use consents for dwellings.

Access to these allotments will be from a new road and rights-of-way that extend from the existing Ridgeview Road and its intersection with State Highway 60 (Coastal Highway).

The new allotments will connect to the existing services for wastewater and water supply that have been established for the Appleby Hills Rural 3 subdivision (RM030632).

Land Use Consent (RM100633)

To erect buildings and a single dwelling on the each of the proposed building location areas and to erect dwellings up to, but no closer than 6.5 metres from the road reserve.

2. STATUS OF APPLICATION

Zoning: Rural 3
 Areas: Land Disturbance 1, Wastewater Management Area, 66 kVa Electricity Transmission Lines

Activity	Relevant permitted rule	Applicable rule	Status
Subdivision in Rural 3 zone	Nil	16.3.7.2	Non Complying
Roading	16.2.2.1	16.2.2.6	Restricted discretionary

Land use- construction of a dwelling	17.7.3.1	17.7.3.3	Restricted discretionary
Earthworks	18.5.2.1	18.5.2.5	Restricted discretionary
Discharge wastewater	36.1.2.4	36.1.4.2	Discretionary
Discharge Stormwater	36.4.2.1	36.1.2.3	Discretionary

Overall the proposal is a non-complying activity.

3. NOTIFICATION AND SUBMISSIONS

3.1 Written Approvals

Written approvals were received from New Zealand Transport Authority (NZTA) on 19 April 2011.

Pursuant to Section 104(3)(a)(ii) of the Act the decision-making panel must not have any regard to any effect on this party.

3.2 Notification

The application was fully notified and submissions closed on 8 April 2011.

- Affected parties are listed in **Appendix A**

3.3 Submissions

Submissions in support

Submitter	Reasons	Heard?
P N Stevenson	That the current development (Appleby hills) is a credit to the developer. The proposed subdivision will be a benefit to the local community.	Yes

Neutral submissions

Submitter	Reasons	Heard?
Transpower New Zealand Limited	Amended conditions provided. Transpower withdrew their opposition to the proposal and requirement to be heard at the hearing.	No
New Zealand Fire Commission	Conditions required, which have been volunteered. They have subsequently withdrawn their request to be heard at the hearing.	yes

Submissions in opposition

Submitter	Reasons	Heard?
Elizabeth Hodgkinson	Preserve current lifestyle values with out detrimental effects from further development.	Yes

	To maintain the visual rural aspect of their farm. If was granted would requires conditions limiting shading to their property from landscape plantings setbacks of sites, stock proof fences and rural emanation easements.	
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These parties' properties are shown in **Appendix B**.

4. STATUTORY CONSIDERATIONS

Section 104

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

- Part 2 (Sections 5, 6, 7 and 8)
- Effects on the environment (positive and negative)
- Objectives and Policies of the TRMP
- Coastal Tasman design Guide

Section 104D

Refer to section 6.11 of this report.

Section 106

According to Council records there are no known natural hazard issues on this site. This is confirmed by Council's Resource Scientist (Rivers and Coast), Mr Eric Verstappen.

5. SECTIONS 6, 7 AND 8

The following matters are relevant to this application:

Matters of national importance

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

Other matters

- S.7(c) the maintenance and enhancement of amenity values.

Treaty of Waitangi

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

6. KEY ISSUES

The key issues are:

- Rural productive land
- Rural Character, Landscape, and Amenity Values
- Coastal Tasman Subdivision and Development Guide
- Servicing
- Transport
- Reverse sensitivity
- Contaminated horticultural land
- Non complying two "gateway" tests

6.1 Rural Land Productive Value

Objectives and Policies relating to Rural Land Productive Values

Objective 7.1.0 *"Avoid the loss of potential for all land of existing and potential productive value to meet the needs of future generations, particularly land of high productive value".*

"High Productive Value" is defined in Chapter 2 of the TRMP as:

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

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

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

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

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

Policy 7.1.3.4: *"requires land parcels upon subdivision to be of a size and shape that "retains the land's productive potential, having regard to the actual and potential productive values, the versatility of the land, ecosystem values, the management of cross-boundary effects, access, and the availability of servicing."*

Objective 7.2.0 *"Provision of opportunities to use rural land for activities other than soil-based production, including papakainga, tourist services, rural residential and rural industrial activities in restricted locations, while avoiding the loss of land of high productive value."*

Policy 7.2.3.1: *"to enable activities which are not dependent on soil productivity to be located on land which is not of high productive value"*

Policy 7.2.3.2 *“to enable sites in specific locations to be used primarily for ...rural residential purposes with any farming or other rural activity being ancillary, having regard to (a) to (k)”.*

Policy 7.2.3.5 *“to ensure that activities which are not involved or associated with soil based production do not locate where they may adversely affect or be adversely affected by such activities”*

Matters of Discretion relating to Rural Land Productive Values

Rural 3 Subdivision 16.3.7.2(1) - *The extent to which the proposed subdivision retains and protects land with actual and potential productive values.”*

Subdivision Schedule 16.3A(1) *The productive value of the land in ...Rural 3 zones and the extent to which the proposed subdivision will adversely affect it and its potential availability.*

6.1.1 Rural Land Productive Values Assessment

An assessment of the site's productive land values is included with the application. The report is by Mr John Bealing, Agfirst. Council's Resource Scientist (Land), Mr Andrew Burton has reviewed this report which is attached as **Appendix D**. Overall Mr Burton identifies that there will be a loss of productive land available for any future use. This is considered to an effect that is more than minor as incremental reductions of productive land over time will result in a cumulative loss of land available for productive use.

6.2 Rural Character, Landscape, and Amenity Values

6.2.1 Objectives and Policies - Landscape, Rural Character and Amenity Values

(The underlined terms are defined below).

Objective 5.3.2 *“Maintenance and enhancement of the special visual and aesthetic character of localities.”*

Policy 5.3.3.2 *“To maintain the open space value of rural areas”*

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

Policy 7.4.3.1 *“To ensure that there is sufficient flexibility for a wide range of productive rural activities to take place, while avoiding, remedying or mitigating adverse effects”*

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

Objective 9.2.2 *“Retention of the contribution rural landscapes make to the amenity values and the environmental qualities of the District, and the protection of those values from inappropriate subdivision and development.”*

Policy 9.2.3.1 *“To integrate consideration of rural landscape values into any evaluation of proposals for more intensive subdivision and development than the Plan permits.”*

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

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

Matters of Discretion relating to Character and Amenity Values

Rural 3 Subdivision Matter of Discretion 16.3.7.2(2) - *The relationship between the subdivision proposed and the subsequent development, including effects of location and scale of buildings and other structures.*

Rural 3 Subdivision Matter of discretion 16.3.7.2(3) - *Effects on the rural landscape, on amenity values and on coastal character and values.*

Rural 3 Subdivision Matter of discretion 16.3.7.2 (4) - *Consistency with the Coastal Tasman Area Subdivision and development Guide (Part II, Appendix 3)*

Rural 3 Subdivision Matter of discretion 16.3.9D (10) - *The ability of the wider landscape to absorb the extent of development proposed without significant loss of rural character.”*

Rural Character and Amenity Values

“*Rural character*” is defined in the TRMP (Chapter 2) as:

“the character of the land as shown by the predominance of rural productive activities and includes:

- (a) a high ratio of open space to built features;*
- (b) large areas of pasture, crops, forestry, and land used for productive end;*
- (c) built features associated with productive rural land uses;*
- (d) low population density;*
- (e) predominant form of residential activity directly associated with a productive land use;*
- (f) social and economic activity associated with productive land use;*
- (g) cultural values associated with farming and living on the land.”*

Amenity Values

Amenity values, as defined in Section 2 of the Resource Management Act 1991, is set out below:

“Amenity values” means those natural or physical qualities and characteristics of an area that contribute to people’s appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes.”

6.2.2 Assessment of the Proposed Amenity, Landscape, and Rural Character

While the Plan anticipates that there will be residential and rural residential style development within the Rural 3 zone it provides a comprehensive set of guidelines to direct a cohesive and holistic decision making process. This was undertaken in the original subdivision and it is considered that this proposal does not achieve this outcome for Lots 79, 80, 81, 82, 83, 84 and 85 in terms of maintaining and enhancing the Rural 3 rural character and landscape values.

The current landscape of the immediate surrounding area comprises aspects of “rural character”, with the provision of open space, pastoral activities present, a low population density and a relatively open landscape with the existing development setback at distance from the Coastal Highway. It is acknowledged that there is further development approved but not yet completed or visible.

A full review of the landscape assessment provided by Mr Rory Langbridge has been undertaken by Mr Tom Carter and his review is attached as **Appendix C**.

The approved subdivision RM030632 that underpins this application was undertaken with sound environment principles; these principles sought to achieve a balance of open space and retain some land suitable for productive uses in the future with an outcome that maintained landscape, rural character and amenity values that were consistent with Rural 3 aspirations.

It is considered that this proposal puts in jeopardy the original core outcomes identified in the David Sisson’s original landscape assessment for RM030632 and that this proposal’s approach will contribute to a cumulative effect (loss of productive values and open space) over time with the subsequent erosion of Rural 3 qualities that the Plan’s policies and objectives strive to achieve.

The conditions volunteered for the land use consent and construction of dwellings on each allotment are consistent with assessment criteria for the Rural 3 zone. But for Lots 79, 80, 81, 82, 83, 84 and 85 these conditions will not in themselves mitigate the visual impact of residential housing in this location.

It is noted that no submissions were received from those residents already residing within the first stages of the earlier Rural 3 subdivision.

6.3 Cross Boundary and Reverse Sensitivity Effects

6.3.1 Matters of Discretion relating to Cross Boundary and reverse sensitivity

Rural 3 Subdivision Matter of discretion 16.3.7.2 (17) - Actual and potential cross-boundary effects, including the potential impact that complaints from new residential activities can have on existing productive activities.

Rural 3 Subdivision Matter of discretion 16.3.7.2 (18) - Noise exposure to the road network.

6.3.2 Cross Boundary and Reverse Sensitivity Assessment

NZTA has provided written approval and has not identified any concerns with reverse sensitivity issues in relation to its state highway network. There are not considered to issues relating to noise exposure from the road network due to the proposed development setback from the coastal highway being in excess of 100 metre.

The increase of residential development is likely to increase the risk of reverse sensitivity issues to rural productive activities for adjoining properties. However it is acknowledged that there is currently limited productive use being undertaken.

6.4 Transport

6.4.1 Objectives and Policies relating to transport

Objective 11.1.2 *“A safe and efficient transport system, where any adverse effects of the subdivision, use or development of land on the transport system are avoided, remedied or mitigated.”*

6.4.2 Matters of Discretion relating to transport

Rural 3 Subdivision Matter of discretion 16.3.7.2 (13)[9A proposed] - *The degree of compliance with Chapter 16.2 Transport rules, Chapter 18.10 [Road Area rules], and any current Tasman District Council Engineering Standards.*

Rural 3 Subdivision Matter of discretion 16.3.7.2 (14)[9B proposed] - *The relationship of any new road with existing roads, adjoining land, and any future roading requirements.”*

6.4.3 Assessment of Transport Matters

The proposed additional allotments will connect with the existing internal subdivision roading network and exit onto the coastal highway through the existing formed intersection. Council’s Development Engineer Mr Dugald Ley has indicated that they have no concerns relating to the internal roading layout and formation standards volunteered.

NZTA have confirmed by written approval dated 19th April 2010, that the intersection of Ridgeview Road with State Highway 60 (Coastal Highway) has adequate capacity to accommodate the increased in traffic generated from 10 additional rural allotments.

The transport matters are considered to be consistent with the TRMP policies and objects and any potential adverse effects are considered to have been mitigated through volunteered conditions.

6.5 Public Open Space and Links

6.5.1 Objectives and Policies relating to public access and links

Objective 14.1.2 *“Adequate area and distribution of a wide range of reserves and open spaces to maintain and enhance recreation, conservation, access and amenity values.”*

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

6.5.2 Matters of Discretion relating to public access and links

Rural 3 Subdivision Matter of discretion 16.3.7.1(9) - *“Provision for esplanade reserves and strips, and pedestrian, cycle and equestrian network.”*

6.5.3 Public Access and Links Assessment

The original linkages for public access are maintained by this proposal. This application also increases the land area that is held in common by the residents association by 6.68 hectares (Lot 60 and 88).

6.6 Ecological Values and Cultural Heritage

6.6.1 Objectives and Policies on ecological values and archaeological sites

Objective 8.2.3 - *“Maintenance and enhancement of the natural character of the margins of lakes, rivers, wetland and the coast, and the protection of that character from adverse effects of subdivision and development or maintenance of land or other resources, including effects on landform, vegetation, habitats, ecosystems and natural processes.”*

Policy 8.2.3.8 *“to preserve natural character by avoiding sprawling or sporadic subdivision, use and development.”*

Matters of Discretion on ecological values and cultural heritage

Rural 3 Subdivision Matter of discretion 16.3.9D (5) - *Provision for and protection of areas of ecological value, landscape value, indigenous vegetation, trees and cultural heritage sites.*

6.6.2 Ecological Values and Cultural Heritage Assessment

It is considered the proposed subdivision will not adversely affect ecological values. The site is highly modified and does not exhibit a significant level of ecological value. Proposed landscape plantings will further enhance the existing watercourses and the site in general.

There are no archaeological sites which are known to the Council on the property. Tiakina te Taiao has reviewed the applications and has not requested any specific conditions.

6.7 Contaminated Site Issues

6.7.1 Matters of Discretion relating to site contamination

Coastal Tasman Area Policy 7.3.3.20 *“To avoid potential effects of past land contamination on future residential and rural residential activities.”*

Rural 3 Subdivision Matter of discretion 16.3.7.2 (11) - *Effects of likely land contamination, such as by pesticide residues, on future activities on the land.”*

6.7.2 Assessment of potential for site contamination

The subject site is not listed on the Contaminated Sites Register. However, the site is identified as being in the Council’s mapped area of pre 1970’s orchard in the Council’s Explore Hazards database. The applicant has volunteered conditions requiring that prior to s224 testing for contamination by horticultural pesticides is undertaken in accordance with Councils standards and mitigation is undertaken if required.

6.8 Natural Hazards

6.8.1 Matters of Discretion relating to natural hazards

Rural 3 Subdivision Matter of discretion 16.3.7.2 (9) - *Management of natural hazards within and beyond the boundaries of the area.*

6.8.2 Assessment of potential for natural hazards

According to Council records there are no known natural hazard issues on this site. This is confirmed by Council’s Resource Scientist (Rivers and Coast), Mr Eric Verstappen. Should consent be granted, the proposed building sites on new allotments will be certified by a Chartered Professional Engineer as being suitable for residential development, conditions have been volunteered.

6.9 Servicing Matters

6.9.1 Policies relating to servicing

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

Matters of Discretion relating to servicing

Rural 3 Subdivision Matter of discretion 16.3.9D (4A) - *The interim provision of water supply and wastewater services for the land to be subdivided pending the availability of Council-provided reticulated services.”*

(Note that Council has determined not to supply sewer reticulation to this area.)

Subdivision Schedule matter 16.3A(8A) - *For water supply, the extent of compliance with the "Drinking Water Standards for New Zealand 1995" or any subsequent replacement of this standard.*

Subdivision Schedule matter 16.3A (10) - *The adequate provision of potable water and water for fire fighting.*

6.9.2 Assessment of servicing

The assessment of wastewater and stormwater discharges can be found within the associated report provided by Mr Croxford and is not duplicated here. Conditions on the subdivision consent linking the discharge consents have been included.

The existing water supply previously approved has been shown to have capacity to service and additional 10 allotments.

Provision of power and telephone servicing to the additional allotments can be achieved conditions have been volunteered.

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

6.10 Consistency with the Coastal Tasman Subdivision and Development Guide (The Guide)

The following table assesses the development against the relevant Chapter 3 general criteria and specific guidelines for Sub-Unit 10.

Guidelines (Chapter 3)	Proposal
3.1 High Productive Land	Mr Andrew Burton, Council's Resource Scientist (Land) advises that this proposal does reduce the land available for productive use. Refer to his report attached as Appendix C
3.2 Fresh Water Resources and the Coastline	The property is located over 400 metres from the coastline of the Waimea Estuary.
3.3 Drainage and Stormwater	The storm water discharge consents have been assessed by Mr Croxford.
3.4 Access and Transport	The access design remains consistent with the balance of the subdivision and these guidelines.
3.5 Wastewater	The waste water discharge consents have been assessed by Mr Croxford.
3.6 Water Supply	This subdivision will serviced by the existing water supply and firefighting water supply, it has been assessed that there is sufficient capacity for the existing system to service an additional 10 allotments.

3.7 Recreation, Conservation and Open Space.	An additional 5 hectares (Lot 60) and 1.68 hectares (Lot 88) are proposed as open space areas to be owned in common by the residents association.
3.8 Allotments	Refer to Tom Carters review
3.9 Building Location Areas	Refer to Tom Carters review
3.10 Buildings and Structures	Refer to Tom Carters review
3.11 Vegetation	Refer to Tom Carters review
Landscape Submission:-unit 10 criteria	Proposal
(a) The maintenance of open space and productive buffers when viewed from the Coastal Highway.	This development does bring the housing cluster into the closer foreground when viewed from the Coastal Highway.
(b) Focusing on cluster development within the internal landforms and gully system.	Refer to Tom Carters review
(c) Utilising riparian planting areas, ponds and wetland opportunities as buffer and open space areas.	Refer to Tom Carters review
(d) Consideration of the visual effects of development, when viewed from the Redwood valley areas.	Not considered an issue given there were no submissions from residents in this area.

6.10.1 Assessment

This proposal is consistent for most matters of The Guide other than Landscape, rural character and amenity values for Rural 3. It is considered that the application has undermined the integrity of the original Sisson Landscape design for these values. Mr Carter has indicated that some of the allotments can be supported along with the adjusted building locations, but that Lots 79, 80, 81, 82, 83, 84 and 85 are not supported.

6.11 Particular Restrictions for Non-Complying Activities

Section 104 of the RMA 1991 directs that a consent authority may grant resource consent for a non-complying activity only if it is satisfied that either the adverse effects of the activity on the environment will be minor, or the application is for an activity that will not be contrary to the relevant objectives and policies.

The Rural 3 rules require any second and subsequent subdivision proposal over land be assessed under the more stringent “non-complying” criteria.

The following design elements of this subdivision proposal are not considered to be consistent with the policies and objectives and that the effects on rural character and amenity values are considered to be more than minor and they are;

- a) The reduction of land available for productive purposes (not necessarily “high productive values”) and open space when compared to the original application which considered this land being reserved for future productive uses and formed part of the whole subdivision assessment for RM030632.
- b) The development of dwellings into an area that was specifically identified as being visible from a public viewpoint and the adverse impact of this on rural landscape values and qualities associated with this area.

These matters are assessed within the review reports by Mr Burton and Mr Carter who conclude that these effects are both more than minor.

In all other matters the potential adverse effects from the subdivision are either less than minor or are mitigated by conditions.

6.12 Other Matters (Section 104(c) RMA 1991)

Precedent

Case law has established that the granting of consent for one application may well have an influence on how another application should be dealt with. The extent of influence will depend upon the extent of similarities.

Within approvals for other Rural 3 subdivision, approaches to encourage the minimisation of the impact of built development that is highly visible from public view points have been promoted. This proposal seeks to develop an area that was originally not considered suitable because of visibility factors and it is considered that allowing this in terms of Lots 79, 80, 81, 82, 83, 84 and 85 could potentially increase trends of bringing the development into the foreground in an identified high visibility area detracting from Rural 3 qualities.

7. SUMMARY OF KEY ISSUES

- 7.1 There is an overall loss of productive land available for future use from Lot 60 with this represents a cumulative loss of productive land and open space from within the CBH development.
- 7.2 The location of Lots 79, 80, 81, 82, 83, 84 and 85 does not represent consistency with the rural character, amenity values and landscape outcomes anticipated by the Coastal Tasman Design Guide or the TRMP policies and objectives.
- 7.3 The Tasman Carter Ltd landscape review does not support all facets of the applicant's landscape assessment.
- 7.4 This proposal is considered to undermine the holistic approach of the original Rural 3 subdivision and detracts from the reasoning that supported its initial approval therefore potentially contributing to a cumulative erosion of Rural 3 values.
- 7.5 The differentiation between a rural residential zone development and Rural 3 developments is achieved in part by the maintaining a balance of areas for open space and land for future productive use, this application reduces that area originally identified in RM030632 as important to achieving Rural 3 values.

8. SECTION 5 AND RECOMMENDATION

Recommend decline

As a planner weighing up all of the relevant considerations in terms of Section 5 of the Act, I consider that a grant of consent **would not** promote the sustainable

management of natural and physical resources and, on balance, I **RECOMMEND** that the application(s) be **DECLINED**.

9. CONDITIONS, ADVICE NOTES, PLANS

General

1. The subdivision and development shall be carried out in accordance with the revised application plan by Aubrey Survey & Land Development Consultancy Job No. R593 dated September 2010 and attached to this consent as Plan A.

The Building Location Area for each residential allotment shall be set back at least 30 metres from any adjoining properties, outside the subdivision area.

Staging

2. The subdivision shall be completed in the stages as proposed within the application and as set out below:

Stage 7	Lots 42-44, 46 and 47
Stage 8	Lots 48-51, 58 (and 88)
Stage 9	Lots 52, 59, 65 and 69
Stage10	Lots 53-57
Stage 11	Lots 80-85 9 (and 86)
Stage 12	Lots 61-62, 75, 78 and 79 (and 60)
Stage 13	Lots 63, 64, 67, 68 and 74
Stage 14	Lots 70-72 (and 73)

(The proposed stages are identified on the revised Scheme Plan referred to in Condition 1 above).

3. Financial contributions attributable to each stage shall be payable upon application for Section 224(c) certificate for each stage, unless as otherwise provided for in this consent.
4. Land covenants/consent notices in accordance with conditions of this consent are to be placed on the lots as they are created, not on balance areas yet to be developed.
5. The following amalgamation conditions shall be imposed:
 - i) That Lots 2, 45, 60 and 88 hereon be amalgamated and one certificate of title issue.
 - ii) That Lot 73 hereon be transferred to the owner of Lot 3 DP 321214 (CT 84439) and one certificate of title issue.
 - iii) That Lot 74 hereon be transferred to the owner of Lot 2 DP 4535 (CT 116/69) and one certificate of title issue.
 - iv) That Lot 75 hereon be transferred to the owner of Section 1 SO 14337 and one certificate of title issue.

Land Information New Zealand reference to be advised.

Advice Note - Earthworks and Dam Construction

These matters are controlled under RM030462 and RM030463V1.

Roads, Footpaths and Walkways

6. The remaining formation of the main access road shall be a sealed width of 6 metres, 600 millimetre wide metalled shoulders with grassed swale drains, a maximum grade of 1-in-7 and a design speed of 50 kph and where there is no walkway within the road reserve, a 1.4 metre wide sealed footpath.

Footpaths and walkways shall be constructed to a minimum standard of chip seal.

7. All roads shall be constructed to meet the Tasman District Engineering Standards & Policies 2008, unless otherwise stated. Appropriate measures shall be incorporated in the road design to control scour of any swale drains.
8. Street names shall be submitted and approved by Council for the main access road and all the cul-de-sacs prior to the approval of the Section 223 certificate for Stage 2. Cost of name plates shall be met by the Consent Holder.
9. Walkways shall be constructed as shown on the David Sissons CBH Ltd Landscape Design Fig 4 Development Layout and Landscape concept dated 19 June 2003 and as amended by the revised Stages 7 to 14 as shown on the revised layout plan prepared by Rory Langbridge Landscape Architects Ltd (RC-L3-H, dated August 2010).

Walkways shall have a legal easement width of 4 metres (except where the walkway is part of road reserve) and be formed with a chip sealed (minimum) surface 1.4 metres wide prior to the application for the Section 224(c) certificate for each stage.

Walkway gradient shall not exceed 1-in-5.5 unless approved by Council's Community Services Manager.

A private walkway easement shall be granted over proposed Lot 45 in favour of Pt Section 183 (the property owned by S & J Eden).

Advice Note:

The purpose of this easement is to provide legal pedestrian access from the Eden property to the proposed walkway easement.

Rights-of-way

10. (a) Rights-of-way shall have a minimum 10 metre legal width, a minimum sealed width of 4.5 metres, shoulders of 500 millimetres and grassed swales for drainage and a maximum grade of 1-in-6. Where a site has a frontage to both an access road and a right of way (that it has access

rights to), the vehicle crossing shall be located onto the right-of-way, ensuring that the crossing is as far from the intersection as possible

- (b) For stages 7 to 14, the rights-of-way shall have the following formation widths. Rights-of-way A, B, C, E, F, G, I, J and K will be no less than 3 metres. Rights-of-way H and D will be no less than 4.5 metres.

Advice Note:

The minimum requirement for a permanent surface is a Grade 4 chip first coat, followed by a Grade 6 void fill second coat. All road and right-of-way formation to have a concrete edge restraint and 2 coat chip seal. Rights-of-way to have passing bays and or localised seal widening as shown on Aubrey Survey and land development job no R593 dated September 2010.

- 11. All lots shall have crossing places formed from the edge of the seal to the lot boundary in accordance with Tasman Engineering Standards & Policies 2008. The legal width of all rights-of-way shall include all associated swales, water tables, grassed verges, cuts and batters.

Pedestrian Lighting

- 12. Pedestrian lighting to be at the approval of Council's engineering manager.

Building Site Stability

- 13. The Consent Holder shall ensure that each building location area is subject to an investigation, evaluation and report by a chartered professional engineer to ensure the site is suitable for residential building, particularly in relation to any cuts, fills, or batters. If the engineer identifies any need for special design (especially foundation design) then that shall be recorded on the relevant title by way of consent notice.
 - i) The certification of building platforms constructed for residential development shall be in accordance with NZS 4404:2008 Schedule 2A.
 - ii) Where fill material has been placed on any of the residential sites, a certificate shall be provided by a suitably qualified and experienced engineer certifying that the filling has been placed and compacted in accordance with NZS 4431:1989 Code of Practice for Earth Fill for Residential Development.
 - iii) The engineering report shall also cover stormwater run-off from each building site, with any recommended conditions to ensure that the run-off does not adversely affect stability or cause adverse effects off-site.

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

Water Supply

14. The subdivision shall be reticulated for potable water supply, in accordance with the Connell Wagner Water Supply Concept Plan SKO3 dated 9 December 2004 and each stage of the development (except Stages 1 and 2) shall be provided with a water supply for firefighting purposes, to comply with NZS PAS 4509:2008 - NZFS Firefighting Water Supplies Code of Practice.

As-built plans and a water supply producer statement from a chartered professional engineer confirming that the allotments in each stage/substage comply with NZS PAS 4509:2008 - NZFS Firefighting Water Supplies Code of Practice shall be provided to the Council's Environment & Planning Manager prior to Section 224 approval for each stage/substage.

Advice Note:

If it can be shown that the proposed water supply complies with the New Zealand Community Drinking Water Standards 2005, then additional water treatment will not be required.

Wastewater

15. With the exception of, 45, 60 and 88, no Section 224(c) certificate will be issued until each allotment within the respective stage has a connection to an approved communal effluent disposal system constructed by the Consent Holder and authorised by a discharge consent.

Advice Note - Stormwater:

All stormwater management arising from the subdivision is controlled under RM030656V1

Consent Notice Required for Transpower Overhead Lines Protection Relating To Lots 7, 15, 26, 45, 69, 51, 71 and 72)

Construction Management Plan

16. The consent holder must submit a Construction Management Plan (CMP) for the Council's approval. The CMP is to include methods and measures to ensure the following.
 - (a) Adequate clearances between mobile plant and the overhead transmission lines are maintained at all times during construction. For the purpose of this condition adequate clearances are the distances to which Clause 5.2 of New Zealand Code of Practice for Electrical Safe Distances (NZECP 34:2001) refers;
 - (b) A minimum clearance of 6.5 metres between the ground and the overhead transmission lines will be maintained at all times during construction, and will be achieved following construction (refer Table 4, NZECP 34:2001);
 - (c) Any earthworks must be undertaken so that excavations:

- (i) greater than 300mm are not located within 2.2 metres of any pole supporting a high voltage transmission line (or stay wire if applicable); or
 - (ii) greater than 750mm are not located between 2.2 and 5 metres of any pole supporting a high voltage transmission line (or stay wire if applicable); or
 - (iii) do not create an unstable batter.
- (d) Dust and other particulate material do not accumulate on the insulators for the overhead transmission lines.
 - (e) Physical barriers to be constructed or installed to ensure that the structural integrity of any pole supporting a high voltage transmission line will not be compromised by vehicle impact during subdivision construction activities.
 - (f) Provisions to enable the existing high voltage infrastructure to be accessed for maintenance at all reasonable times, or emergency works at all times, whilst construction activities associated with the subdivision are occurring.

The CMP must also:

- (g) Specify the name, experience and qualifications of a person nominated by the owner to supervise the implementation of, and adherence to, the CMP.
- (h) Include details of the contractor's liability insurance held to cover any costs, direct or indirect, associated with damage to the Stoke - Upper Takaka A and B transmission lines directly or indirectly caused by subdivision construction activities.

- 17. No construction activities are to undertaken without the CMP being first approved by the Council, and all construction activities are to undertaken in accordance with the approved plan.

Engineering Plans for Road Construction

- 18. The engineering plans for road construction must include details of physical barriers to be constructed or installed to ensure that the structural integrity of Pole 79 on the Stoke - Upper Takaka A transmission line (and Pole 83 on the Stoke - Upper Takaka B transmission line if applicable) will not be compromised by vehicle impact following completion of the subdivision.

Landscaping

- 19. Where landscaping is to be undertaken as a condition of this consent the landscaping plan, when it is submitted to the Council, must be accompanied by certification for a suitably qualified person (eg: a registered landscape architect) confirming that any vegetation shown on the landscaping plan is of a species that does not have the ability to reach such a height that it is able to:

- (a) encroach into the growth limit zone under the Hazards from Trees Regulations; or,
- (b) fall within 5 metres of the conductors on the Stoke - Upper Takaka A and B transmission lines.

As-Built

- 20. Before submitting a survey plan to the Council for approval and following completion of earthworks, the consent holder must submit an earthworks as-built plan for the approval of Tasman District Council. This must be accompanied by a report by a suitably qualified and experienced electrical engineer determining the minimum ground (as-built) clearance below the conductors on the Stoke - Upper Takaka A and B transmission lines under worst case conditions. Where the compliance check indicates the required clearances are not achieved the consent holder must undertake the required remedial work within one month.

Survey Plan Condition

- 21. The survey plan submitted for the Council's approval must be in accordance with the plan of proposed subdivision submitted with the application except that the survey plan must define and label consent notice areas comprising corridors within Lots 46, 52, 53, 54, 69, 71, 72, and 88, parallel to the Stoke - Upper Takaka A and B transmission lines (as the case maybe).

The width of these corridors (as measured either side from the centreline of the transmission line) shall be:

- a) Either, 20 metres;
- b) Or, the maximum distance of the conductor swing as determined under worst case conditions and with an additional safety margin of 3 metres lateral distance included or, 12 metres whichever is the greater distance.

Advice note

The distance to which Condition 4(b) above refers must be determined by a suitably qualified electrical engineer experienced in high voltage transmission lines, and the engineer's assessment must be provided to Transpower for its review and comment at least one month before it is submitted to the Council.

Consent Notice Conditions

- 22. No building or structure shall be constructed within those parts of Lots 46, 52, 53, 54, 69, 71, 72, and 88 shown as Areas << consent notice label to be inserted >> on DP << to be inserted >>.
- 23. Regardless of the restriction imposed in Condition 8, buildings or any part of a building on Lot 88 must not be located within 6 metres of the closest visible edge of any high voltage transmission line support structure.

24. The owners of Lots 44, 46, 51, 52, 53, 54, 58, 69, 71, 72, and 88 must not plant or allow to be planted any trees or vegetation able to exceed a height of two metres where the tree or vegetation is:
- (i) within that part or parts of Lots 46, 52, 53, 54, 69, 71, 72, and 88 shown as Area << consent notice label to be inserted >> on DP << to be inserted >>; or
 - (ii) able to fall within 5 metres of any part of a transmission line.
25. All land use activities, including the construction of new buildings/structures, earthworks (filling and excavations), the operation of mobile plant and/or the construction of fences on Lots 46, 52, 53, 54, 69, 71, 72, and 88 must comply with the New Zealand Code of Practice for Electrical Safe Distances (NZECP 34:2001).

For the purpose of this condition the following are the most relevant considerations:

- (i) For Lot 88
 - (i) Clause 2.2.1 of NZECP 34:2001 which outlines restrictions on excavations within 5 metres of a pole supporting a transmission line; and,
 - (ii) Clause 2.3 of NZECP 34:2001 outlines restrictions on erection of conductive fences.
- (j) For 46, 52, 53, 54, 69, 71, 72 and 88
 - (i) A minimum clearance of 4 metres is required between mobile plant and overhead transmission lines (Clause 5.2.1 of NZECP 34:2001).
 - (ii) A minimum clearance of 6.5 metres is required between the ground and the conductors on the Stoke - Upper Takaka A and B transmission lines (Table 4 in NZECP 34:2001).
 - (iii) A minimum clearance between mobile plant and the overhead transmission lines of 4 metres must be maintained at all times (Clause 5.2 of NZECP 34:2001).

Advice Notes:

1. All new trees/vegetation planted in the vicinity of any transmission line are limited to those which at a mature height will not encroach upon the relevant growth limit zone [or notice zone] for the line, as defined in the Electricity (Hazards from Trees) Regulations 2003.
2. Under s23 Electricity Act 1992 Transpower NZ has a right of access its existing assets situated on Lot 88 and the land shown as legal road. Any development on Lot 88 and the legal road must not preclude or obstruct this right of access. It is an offence under s163(f) Electricity Act to intentionally obstruct any person in the performance of any duty or in doing any work that the person has the lawful authority to do under s23 of the Electricity Act 1992.

Power and Telephone

26. Each residential lot shall be serviced with underground power and telephone connections to the boundary of the lots. Written confirmation of servicing shall be provided to Council by the relevant utility provision prior to application for 224(c) certificate for each stage. All power and telephone reticulation in the subdivision shall be underground.
27. Electricity substations shall be shown as road to vest on the land transfer survey plan if they are located adjacent to a road or road to vest.

Residents' Association (Management Company) and Management Plan

28. The Consent Holder shall form a Residents' Association to which the transferee or its successors shall be members. The purpose of the Residents' Association is to manage and maintain communal assets and utilities (wastewater reticulation including any reserve disposal area, water supply, treatment and reticulation, and stormwater detention areas including dams), including the management of plant and animal pests on land under the control of the Residents' Association to ensure all the relevant consent conditions are complied with. Prior to the issue of the Section 223 certificate, a Management Plan setting out the purpose, responsibilities, accountabilities and procedural policies of the Residents' Association shall be submitted for the approval of the Environment & Planning Manager.

Council will issue a consent notice pursuant to Section 221 of the Resource Management Act 1991 requiring compliance with the Residents' Association Management Plan by lot owners on an ongoing basis.

This Management Plan shall also make provision for the Consent Authority to require work to be undertaken by or on behalf of the Residents' Association in the event that the Management Company/Residents' Association fails to meet its obligations to the standards identified as appropriate for such purposes, such that a breach of the conditions has occurred or seems likely to occur, and should the work not be undertaken, the Consent Authority has the power to undertake the work itself and recover the full cost of the work from the Residents' Association and its members.

Easements

29. Easements are required over any right of way, public or communal services, including water for irrigation for Lots, 45 and 60 where these pass through the lots in the subdivision, for any lots that have stormwater discharge that will cross adjoining property prior to discharging to a gully. Easements shall be shown on the land transfer title plan and any documents shall be prepared by solicitors at the Consent Holder's expense.

Provision for easements on any allotment where stormwater has to flow across adjoining land before it is discharged to gullies.

30. A rural emanations easement shall be registered against all residential allotments in favour of productive land use activities and their associated effects on those rural allotments (Lots 1 and 2, 7, 15, 26 and 60) within the subdivision.

Building Location Restrictions

31. The building sites identified on the application plan (attached) shall be shown on the land transfer title plan and the corners of the sites fixed by co-ordinates.
32. All buildings on all lots shall be erected within the 1,000 square metre building curtilage area identified on the application plan (attached).

Advice Note

This condition does not apply to any buildings associated with utilities within the subdivision.

33. No building on any of the allotments shall be higher than 6 metres above natural ground level.
34. No buildings shall be erected on Lots 45, 88 and 60.
35. Council will issue a consent notice pursuant to Section 221 of the Resource Management Act 1991 noting the requirements of Conditions 34-37 on the subsequent certificates of title.

Landscaping

36. A landscape management plan shall be prepared by a qualified landscape architect at the cost of the Consent Holder for the approval of the Council's Environment & Planning Manager and shall be submitted prior to the issue of the Section 223 certificate for Stage 1. The landscape management plan shall detail the following information:
 - (i) Planting plan specifying the type, number, and size of the plants for all the plantings shown on the David Sissons CBH Development layout and landscape concept plan dated 13 June 2003 as amended by the revised stages 7 to 14 as shown on the revised layout plan prepared by Rory Langbridge Landscape Architects Ltd (RC-L3-H dated August 2010)
 - (ii) Establishment works required to implement the planting plan.
 - (iii) Staging of planting in accordance with the subdivision staging.
 - (iv) The plantings shall be in accordance with the Landscape Design Report dated 16 March 2004 and the species in accordance with the "Proposed species and spacing for vegetative framework planting" set out in the report.
 - (v) Pest plant and animal controls and ongoing maintenance schedules.
 - (vi) Replacement planting.

- (vii) Ongoing maintenance of planted areas (developer and future owners).
 - (viii) Landscaping areas to be subject to land covenants to ensure their ongoing existence.
 - (ix) the mechanism designed to ensure the morning sunlight to the Broderick/Maisey property is not adversely affected by the proposed woodlot plantings.
37. The framework planting and conservation amenity plantings for each stage shall be completed for each stage prior to the approval of the Section 224(c) certificate. A written statement shall be provided from a suitably qualified landscaping professional approved by Council that the plantings have been fully completed in accordance with the above landscaping plan.
38. The Consent Holder shall be responsible for maintenance, pest control, replacement and management of the planting within the development for a minimum of three years following the signing of the Section 224(c) certificate for each stage. The responsibilities thereafter devolving to the owners of the lots.
39. Land covenants shall be imposed on all lots detailing the ongoing preservation and management requirements of the landscape plan. The Consent Holder shall provide a written undertaking from a solicitor that land covenants will be imposed on each lot of each stage following the issue of the Section 224(c) certificate.
40. Council will issue a consent notice pursuant to Section 221 of the Resource Management Act 1991 recording the requirements of Conditions 41 and 42 on each certificate of title.

Future Subdivision - Consent Notice

41. No further subdivision of any of the lots in the subdivision will be permitted, unless such subdivision constitutes a boundary adjustment where it does not result in the creation of additional lots (for a dwelling) or is for the provision of a utility site. Council will issue a consent notice pursuant to Section 221 of the Resource Management Act recording the requirements of this condition on the certificates of title.

Engineering Works, Services, Supervision and Plans

42. Prior to undertaking any engineering works, including earthworks, road works, water, wastewater, stormwater, other utilities and storage dams as outlined in this consent, engineering plans are to be prepared for each stage, in accordance with Council's Engineering Standards & Policies 2008 and submitted to the Council's Engineering Manager for approval. All construction is to be in accordance with the approved plans. Private services laid in the road to vest shall be to a standard approved by Council's Engineering Manager.

Advice Note:

A licence to occupy road reserve for any private reticulation services to be located within road to vest will be required.

43. "As-built" plans of services will be required at the completion of the works and approved by the Council's Engineering Manager prior to the issue of the Section 224(c) certificate for each stage.
44. All works undertaken and services and engineering plans shall be in accordance with the Tasman District Council Engineering Standards & Policies 2008, unless otherwise described above, or to the satisfaction of the Council's Engineering Manager. The Consent Holder shall advise the Council at least five working days prior to the commencement of any works on this subdivision.
45. The Consent Holder shall engage a chartered professional engineer to observe and test the construction of the works. The certificate pursuant to Section 224(c) of the Act will not be released by Council until a "Certificate of Supervision" signed by the engineer is provided and all necessary fees and levies attributable to the stages of the development have been paid.

Maintenance Performance Bond

46. The Consent Holder shall provide Council with a bond to cover maintenance of any roads or services that will vest in Council. The amount of the bond shall be \$1,100 per residential lot to a maximum of \$20,000 or a lesser figure agreed by the Engineering Manager and shall run for a period of two years from the date of issue of the Section 224(c) certificate of each stage.
47. The bond shall cover maintenance attributable to defects and the remedy of defects arising from defective workmanship or materials.

Financial Contributions

48. The Consent Holder shall pay a financial contribution for reserves and community services in accordance with following:
 - (a) the amount of the contribution shall be 5.62 per cent of the total market value of 2,500 square metres (rural)(at the time subdivision consent is granted) for 37 lots.
 - (b) the Consent Holder shall request in writing to the Council's Consent Administration Officer (Subdivision) that the valuation be undertaken. Upon receipt of the written request the valuation shall be undertaken by the Council's valuation provider at the Council's cost;
 - (c) if payment of the financial contribution is not made within two years of the granting of the resource consent, a new valuation shall be obtained in accordance with (b) above, with the exception that the cost of the new valuation shall be paid by the Consent Holder, and the 5.62 per cent contribution shall be recalculated on the current market valuation. Payment shall be made within two years of any new valuation.

Advice Notes:

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

Duration of Subdivision Consent

49. The five year extension is given to Stages 7-14 of the consent, meaning that the Section 223 certificate for each of these stages will need to be submitted for approval within 10 years of the issue of consent.

Esplanade Strips

50. An esplanade strip of 10 metres width shall be imposed along the northern bank of the Redwood Valley Stream that adjoins Lots 1 and 2 and a 5 metre wide strip shall be imposed along the southern bank.

Advice Note

The esplanade strip instrument shall be in accordance with the Tenth Schedule of the Resource Management Act.

Pesticide Residues

51. Prior to Section 223 approval for Stage 9, 11-13 an assessment of pesticide contamination be carried out on the building sites for Lots 59, 62, 63, 80-82 by a suitably qualified professional, acceptable to Council. It would also be a requirement that any recommended mitigation measures be completed prior to the Section 224 approval of this stage.

ADVICE NOTES

- (i) Council will not issue the Section 224(c) certificate in relation to the stages in this subdivision until all development contributions payable for each stage have been paid in accordance with Council's Development Contributions Policy under the Local Government Act 2002.
- (ii) The Development Contributions Policy is found in the Long Term Council Community Plan (LTCCP) and the amount to be paid will be in accordance with the requirements that are current at the time the relevant development contribution is paid for each stage.
- (iii) All consent notices shall be prepared by a solicitor and the cost met by the Consent Holder.

Land Use Consent RM100633

General

1. All proposed new buildings shall be within the building site area set down in condition 32 of the subdivision consent.

Landscaping Plan

2. Prior to the issue of a building consent for any dwelling on each lot, the owner of that lot shall submit to and have approved by the Council's Environment and Planning Manager, a landscape plan for that particular lot and building curtilage

area. The landscape plan shall be prepared by a suitably qualified landscaping professional approved by Council and shall include:

- i) How the proposed building will integrate with the site, natural landforms and riparian and landscape plantings on the site.
 - ii) Proposed planting to build on the planting established as part of the development and the management regime for it.
 - iii) The identification of views from adjacent properties and the features designed to preserve those views as part of the site development.
 - iv) The identification of the proposed building in relation to the centre and extent of the building curtilage area.
 - v) An earthworks plan showing the extent of earthworks required to implement the building on site, and mitigation measures proposed to avoid any adverse visual impacts.
 - vi) A planting implementation plan, including establishment, maintenance and management proposal for the first 5 years following the construction of the dwelling. The plan shall specify regular monitoring and reporting responsibilities of the owner to Council's Environment and Planning Manager to ensure compliance.
3. The landscape plan required under condition 2 shall be fully implemented within two years of the building consent for the dwelling being issued. The completion of the work shall be confirmed in writing by a suitably qualified landscaping professional approved by Council. The building consent for the dwelling shall be accompanied with a statement from a suitably qualified design professional showing compliance of the building design with the Building Design guidelines in Section 11 of the Design Guide for Subdivision and Development in the Coastal Tasman Area, Tasman District (September 2009)

Commencement of Consent

4. The commencement date for this consent is the issue of certificate of title for the respective allotment.

Height of Dwellings

6. The maximum height of the dwelling shall be 6 metres above natural ground level.

Water Storage

7. A minimum of 23,000 litres of rain water storage shall be provided with each dwelling. The water storage tanks shall be either incorporated into the structure of each dwelling building or partially buried and screened within the site so as to be not visible from any other lot or road outside of the said allotment.

Colours

8. The exterior of all buildings shall be finished in colours that are recessive and which blend in with the immediate environment. The Consent Holder shall submit to the Council for approval the following details of the colours proposed to be used on the walls and roof of the building:
- (i) The material to be used (e.g. paint, colour steel);
 - (ii) The name and manufacturer of the product or paint;
 - (iii) The reflectance value of the colour;
 - (iv) The proposed finish (e.g. matt, low-gloss, gloss); and
 - (v) Either the BS5252:1976 (British Standard Framework for Colour Coordination for Building Purposes) descriptor code, or if this is not available, a sample colour chip.

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

Advice Note:

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

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

* Based on BS5252:1976 (British Standard Framework for Colour Coordination for Building Purposes). Where a BS5252 descriptor code is not available, the Council will compare the sample colour chip provided with known BS5252 colours to assess appropriateness.

Setbacks

9. The dwelling shall be setback at least 6.5 metres from any road reserve boundary.

Overhead Lines (Transpower Conditions Relating to Lots 71 and 72)

10. All land use activities, including the construction of new buildings/structures, earthworks (filling and excavations) the operation of mobile plant and/or the construction of fences on Lots 46, 52, 53, 54, 69, 71, 72 and 88 must comply with the New Zealand Code of Practice for Electrical Safe Distances (NZECP 34:2001).

A handwritten signature in black ink, reading "P. J. Webby". The signature is written in a cursive style with a large initial "P" and "J".

Pauline Webby
Consent Planner - Subdivision

Plan A



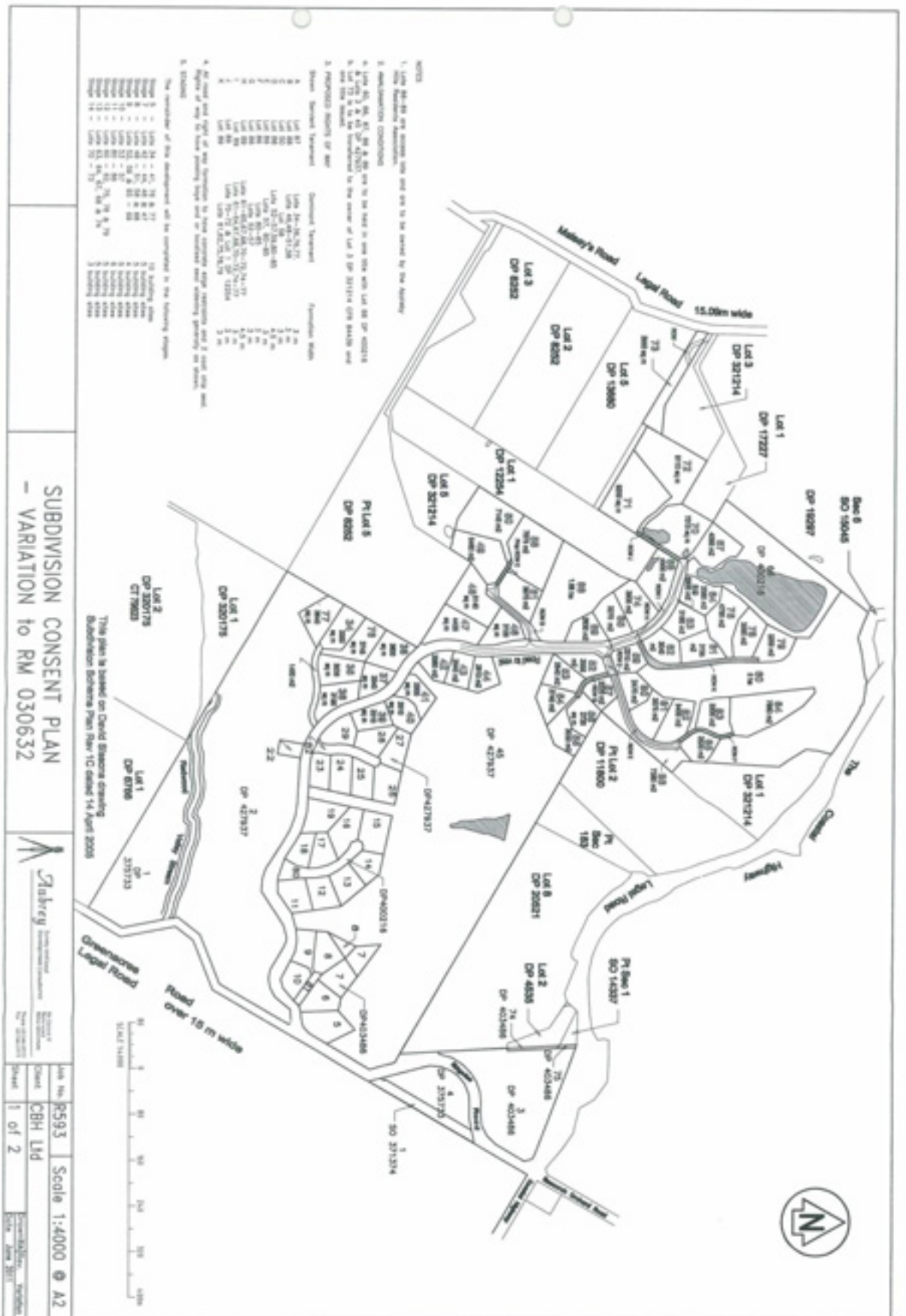
This subdivision consent plan is prepared on the basis of the information provided in the application and is subject to the conditions of the Resource Management Act 1991. Approved Date: 14/04/2005.

SUBDIVISION CONSENT PLAN
— VARIATION to RM 030632

This plan is based on David Skopec drawing Subdivision Scheme Plan No 10 dated 14 April 2005

This plan was prepared for the sole purpose of obtaining a Resource Consent and does not constitute any form of approval. The plan should not be used in any other way without the written consent of the relevant authorities.

Job No. 0593 Scale 1:4000 @ A2
 Client: CBH Ltd
 Sheet 2 of 2
 Plan A" RM100632



NOTES

1. Lot 1820 is an existing site and not to be covered by the highway.
2. Development conditions.
3. RECONSTRUCTION CONDITIONS
4. Lot 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

4. At least one copy of this document to be submitted with application for consent and 2 copies per unit figure of map to local planning body and or submitted with consent granting or other consent.

5. EXCLUDED

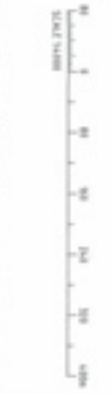
The remainder of the development will be completed in the following stages

Stage	Lot	DP	Priority
Stage 1	Lot 1	DP 11900	1
Stage 2	Lot 2	DP 11901	2
Stage 3	Lot 3	DP 11902	3
Stage 4	Lot 4	DP 11903	4
Stage 5	Lot 5	DP 11904	5
Stage 6	Lot 6	DP 11905	6
Stage 7	Lot 7	DP 11906	7
Stage 8	Lot 8	DP 11907	8
Stage 9	Lot 9	DP 11908	9
Stage 10	Lot 10	DP 11909	10
Stage 11	Lot 11	DP 11910	11
Stage 12	Lot 12	DP 11911	12
Stage 13	Lot 13	DP 11912	13
Stage 14	Lot 14	DP 11913	14
Stage 15	Lot 15	DP 11914	15

SUBDIVISION CONSENT PLAN
 - VARIATION to RM 030632



Lot No. P593 Scale 1:4000 @ A2
 Date CBH Ltd
 Sheet 1 of 2



Plan C



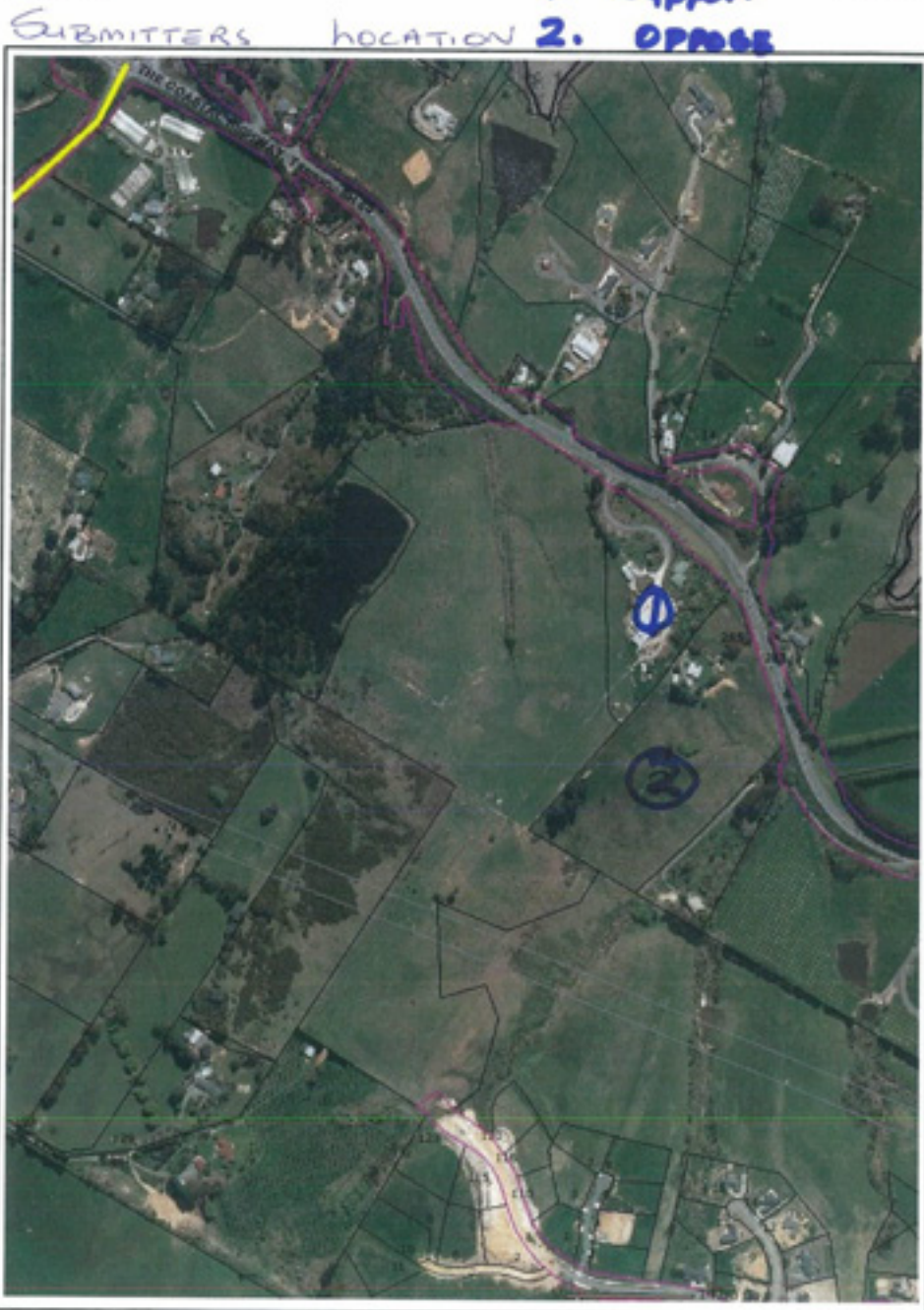
Appendix A Affected Parties

Name of Affected Person	How are they Affected?	Written Approval Provided? (Y/N)
PN and DA Stevenson 313 The Coastal Highway	Adjoining no expectation that the area could be developed.	No
EA Hodgkinson 285 The Coastal Highway	Adjoining no expectation that the area could be developed.	No
Housing NZ Corporation 343 The Coastal Highway	Adjoining no expectation that the area could be developed.	No
LKE Freeman & NM Duley 318 The Coastal Highway	Adjoining no expectation that the area could be developed, downstream land owner	No
TB Rickard & MA Gifford 36 Pukeko Lane	Downstream land owner with dam on property	No
New Zealand Transport Authority	Downstream land owner with culvert under State Highway	Yes
Jennian Homes Nelson Bays Limited 3 Bright Lane, Appleby	Owner of lot that discharges to wastewater system and traffic amenity effects	No
MI & GR Win 4 Bright Lane, Appleby	Owner of lot that discharges to wastewater system and traffic amenity effects	No
RJ & BB McDonald 8 Bright Lane, Appleby	Owner of lot that discharges to wastewater system and traffic amenity effects	No
CP & AS Robinson 9 Bright Lane, Appleby	Owner of lot that discharges to wastewater system and traffic amenity effects	No
Spice 08 Limited 12 Bright Lane, Appleby	Owner of lot that discharges to wastewater system and traffic amenity effects	No
PN & DA Stevenson 13 Bright Lane, Appleby	Owner of lot that discharges to wastewater system and traffic amenity effects	No
LE Inglis 14 Bright Lane, Appleby	Owner of lot that discharges to wastewater system and traffic amenity effects	No
AS & MM Collins 18 Bright Lane, Appleby	Owner of lot that discharges to wastewater system and traffic amenity effects	No
P & E Whalley 1 Ribbonwood Lane, Appleby	Owner of lot that discharges to wastewater system and traffic amenity effects	No
GJ & KT Harris 2 Ribbonwood Lane, Appleby	Owner of lot that discharges to wastewater system and traffic amenity effects	No
GJ & GA Lovelock 3 Ribbonwood Lane, Appleby	Owner of lot that discharges to wastewater system and traffic amenity effects	No
AK & LM Bradley 4 Ribbonwood Lane, Appleby	Owner of lot that discharges to wastewater system and traffic amenity effects	No
MD Allen & WM Giles 6 Ribbonwood Lane, Appleby	Owner of lot that discharges to wastewater system and traffic amenity effects	No
LR & MG Ching 7 Ribbonwood Lane, Appleby	Owner of lot that discharges to wastewater system and traffic amenity effects	No
DJ & SP Muirhead 8 Ribbonwood Lane, Appleby	Owner of lot that discharges to wastewater system and traffic amenity effects	No
CK Weir & JM Brydon Ridgeview Road, Appleby	Owner of lot that discharges to wastewater system and traffic amenity effects	No
SH & PE Arends 20 Ridgeview Road, Appleby	Owner of lot that discharges to wastewater system and traffic amenity effects	No
DJ & RJ Thompson 50 Ridgeview Road, Appleby	Owner of lot that discharges to wastewater system and traffic amenity effects	No
GE & SH Tregidga 90 Ridgeview Road, Appleby	Owner of lot that discharges to wastewater system and traffic amenity effects	No
WR & FSH Lloyd 2 Toetoe Lane, Appleby	Owner of lot that discharges to wastewater system and traffic amenity effects	No
CC & CD Lyon 3 Toetoe Lane, Appleby	Owner of lot that discharges to wastewater system and traffic amenity effects	No
SPT Properties Limited 5 Toetoe Lane, Appleby	Owner of lot that discharges to wastewater system and traffic amenity effects	No
WK & SJ Smalley 6 Toetoe Lane, Appleby	Owner of lot that discharges to wastewater system and traffic amenity effects	No
DJ & GSM Dixon 7 Toetoe Lane, Appleby	Owner of lot that discharges to wastewater system and traffic amenity effects	No
CE Robinson 38 Research Orchard Road, Appleby	Owner of lot that discharges to wastewater system	No
AN & MH Cliffe 42 Research Orchard Road, Appleby	Owner of lot that discharges to wastewater system	No
Errant Section Limited 16A Research Orchard Road, Appleby	Owner of lot that discharges to wastewater system	No
D & AM Carroll 40 Research Orchard Road, Appleby	Owner of lot that discharges to wastewater system	No
D & EJ Porritt 44 Research Orchard Road, Appleby	Owner of lot that discharges to wastewater system	No

Appendix B - Location of submitters

Map Output

Page 1 of 2



ExploreTasmanMap

7/9/2011 DISCLAIMER:

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

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

<http://tsrvims-9/servlet/com.esri.esrimap.Esrimap?ServiceName=ExploreTasman&Clie...> 7/09/2011

Appendix C- Landscape review by Tasman Carter Ltd

Introduction and Background

1. Tasman Carter Ltd is engaged to peer review the landscape report (7.9.2010) undertaken by Rory Langbridge Landscape Architects Ltd for Appleby Hills Subdivision and consider whether its findings including proposed development is consistent with the Coastal Tasman Area Subdivision and Development Design Guide (The Design Guide).
2. Consent for 56 rural - residential allotments, eight rural titles and one title containing three allotments for open space purposes were originally granted in 21 July 2005. The AEE accompanying the original application contained a landscape report and assessment undertaken by David Sisson's Landscape Architect pursuant to the Design Guide. The Langbridge landscape assessment adopts to some extent the findings of the Sisson's Report. The Sisson's report is considered to be a relevant background document in relation to the Peer Review. I have interviewed Mr Sisson's regarding aspects of his report to gain a better understanding of how his findings relate to appropriate development at the Application Site. I did not discuss with him the current application. I attached his report in Appendix B.
3. At the date of the Application (9 September 2010) 24 residential titles had been created of which 23 had been sold and 11 houses constructed.
4. During a site visit on 29 July 2011 I inspected the development constructed along Ridgeview Road off Toetoe Lane, Bright Lane and Ribbon Wood Lane. I walked over the land including the undeveloped portion of Ridgeview Road, Karamu Lane, Shirtcliff Lane and the landform spur extending down to SH60 on the west side of which proposed Lot 61, 75, 78 and 79 are located. I walked over the land where proposed Lots 80, 81, 82, 83, 84 and 85 are located. I assessed the site in terms of the visual amenity from SH60, travelling in both directions and from various other points within the surrounding area. Time constraints prevented me from obtaining permission and gaining a perspective of the proposed development area from the properties located further west. I understand that the neighbours have not lodged any objection.
5. During the site visit and following subsequent analysis I have formed my own conclusions regarding the Chapter 2 (Process) matters mapped by Mr Langbridge and Mr Sisson's and how they might translate into appropriate development in relation to the Design Guide, relevant TRMP provisions and other matters under the Act.

Proposed Development

6. The Application includes minor adjustment to the location and shape of existing Building Location Areas (BLAs) and seeks consent for ten additional residential allotments integrated with the consented water, wastewater and roading schemes. The additional allotments numbered 61, 75, 78 and 79 *have been created through utilising the land on the west-facing slope above the irrigation dam (Lot 66) more efficiently* (2.2.5)¹. Those lots will be accessed via new Right-of-Way "K"

¹ Application.

encompassing a three metre wide formation. Proposed allotments numbered 80, 81, 82, and 85 are located on the west facing land below the ridge west of the Stevenson Property. Those lots will be accessed via new Right-of-Way "E" encompassing a 4.5 metre wide formation. Additional proposed allotments 83 and 84 will be accessed via Right-of-Way "F" encompassing a three metre wide formation.

7. Sheet RC-L3-H provides an indication of the overall soft landscape (the planned planting and/or establishment of vegetation) proposed including:
- Structural planting in common areas
 - Riparian areas
 - Common area to be open space

Paragraph 3.0.3 of the Application states in relation to mitigation that *...the design process itself has already seen a variety of methods adopted and incorporated into the proposal in order to avoid adverse effects. For example... the landscape (framework) planting proposed...* The proposed structural planting lacks sufficient detail including an indicative species list or description to identify the proposed character i.e. the planting patterns proposed height, distribution, density and species mix of the structural planting and whether it will mitigate adverse landscape and visual effects particularly in relation to visual amenity from the Coastal Highway and the surrounding area or merely screen development from view.

8. A detailed description of riparian vegetation and watercourse development is contained within paragraph 3.2 of the Stormwater assessment by Tonkin & Taylor Ltd (Application Attachment E). The Report recommends that within the Eastern Sub Catchment (Tonkin & Taylor Ltd Appendix A) the existing channel is to be substantially re developed with all existing vegetation removed, slight realignment of the water course undertaken and regrading to create pools and riffles. Native riparian planting is recommended three metres (300m²) either side of the channel. That approach is supported.
9. The landscape report outlines that Stage 7 & 9 of the subdivision is the subject of a review on the grounds that at the time of the original consent application, development within the Rural 3 Zone represented a new paradigm and since then *definitions, outcomes and expectations have settled*. The report states that the Review Area contains *adjacent sites that could potentially gain access from within this development* and is *visually and physically contained*. The Review area is mapped as being the area contained within a dashed blue line on Annex 1: Fig A.
10. I have mapped and attached within Appendix A Sheet 1:
- The general areas of new housing in relation to the consented housing clusters;
 - The area mapped by Mr Sissons' as high visibility; and
 - The two particular areas mapped as constraints by Mr Langbridge.
11. I will return to the drawing on Sheet 1 later in my report.

Coastal Tasman Area Subdivision and Development Design Guide

12. The purpose of the Design Guide is to: *...promote and encourage well-designed and innovative developments in the Rural 3 Zone, which will retain the overall rural and coastal values and on-going opportunities to utilise land of high productive value.* (Emphasis added) The purpose is to be achieved by following the process set out in Chapter 2 of the Guideline. *...subdivision outcomes are intended to be the product of in-depth site assessments of key matters like productive values, landscape character and amenity values and wastewater disposal constraints. By overlaying all of the assessment information, development constraints and opportunities can be determined.”*
13. Figure 2 contains the explanation; *The subject site as seen from SH6 [60]. The location of the approved house sites has been estimated. I am concerned about the limited accuracy of that drawing and the conclusions that follow from it. The exact number of sites is difficult to estimate, what has been shown is what is estimated using Google relief model, however it is my opinion that the precise number is not itself significant as the [consented house sites] will be sufficient to read as a ‘comparatively large residential cluster’ comprising a number of houses. The houses shown on Figure 2 appear to extend further down the slope towards SH60 than those shown on Aubrey Subdivision Consent Plan dated October 2008. If that is correct and the houses are in fact located further back along the landform in accordance the Plan dated October 2008, then the houses constructed there will not read as a comparatively large residential cluster. Rather they will be set back and discrete from the undeveloped slopes which provide visual amenity from the Coastal Highway (SH60).*
14. Mr Langbridge maps the relevant matters on Figure 5. Analysis presented by Mr Sisson’s in support of the 2005 subdivision consent is including at Annex 1: Fig A an excerpt from Mr Sisson’s report showing the Visibility Analysis and the mitigating effect of the fore ground landform (on which proposed Right of Way K is located) on consented development located further south. Mr Langbridge adopts the location and extent of the area mapped by Mr Sisson as *Approx. Extent of high visibility from SH60 & Redwoods Valley*. However he describes the area as only the *Area Visible from SH60*. There is no apparent rationale for the reduced visibility of the areas mapped by Mr Sisson and Mr Langbridge. It is likely that the visibility of that area from SH60 has increased because the apple orchard has been removed.
15. The Design Guide sets out under 2.2.4 the process of Assessment and Evaluation and directs applicants to:
 - (i) *Map and describe areas of the site where land development would potentially result in adverse environmental effects because of environmental constraints. This information is termed “constraints information”.*
 - (ii) *Map and describe areas of the site where development could occur without adverse environmental effects that are more than minor. This information is termed “opportunities information”.*
 - (b) *Overlay the constraints information with opportunities information from (a)(i) and (ii) above. Use a map or maps to show areas that may be developed without adverse effects, and areas where development may result in conflict with one or*

more of the guidelines of the Design Guide.

(c) *Identify any measures that may be used to avoid, remedy or mitigate a constraint and how a constraint may be overcome in a way that enables the guidelines to be met.*

16. The opportunities and constraints are mapped on Figure B. On that plan the area mapped as affecting the visual amenity from SH60 - having been reduced from *High Visibility* to just being *Visible* is almost deleted as a constraint altogether leaving a narrow area *associated with the ridgeline where development is to be avoided* and lower down the slope an area where *open space is to be kept devoid of any structures*. That important step in the opportunities and constraints mapping appears to have effectively cleared the way for the location of proposed Lots 79, 80, 81, 82, 83, 84 and 85. I could not reconcile the apparent difference between those areas of the site. They appeared to me to be as Mr Sisson's had mapped them extending over the whole of that face and the gully, except the lower slopes which were affected by vegetation growing on a separate Lot - Sec 6 SO 15045. The sensitivity of the area to views from SH60 and the contribution made to the visual amenity from that transport corridor seem to me to be significant, identified during the 2005 consent process and set aside deliberately so as to retain the rural coastal and productive values of the area.

17. Chapter 3 of the Design Guide provides

...extra assistance to applicants seeking to achieve the policies and objectives of the TRMP in respect of Rural 3 Zone subdivision and development. They should be used to guide development and will be used in an assessment of consistency that is a requirement of the TRMP rules.

18. The Application refers to the landscape report for adjudication of the Guidelines against the proposed development scenario. Assessment against the Chapter 3 Guidelines concludes that the creation of ten additional lots is *not fully compliant* with only one guideline:

3.10 (b) Ensure that building location areas are in places that are not highly visible from the coastal and public viewing points.

19. The commentary in relation to Guideline 3.10 states:

The consented baseline development has buildings that will be visible from both these areas, and buffered by land with limited potential use. With the review, the additional lots will equally enjoy visibility from within the coastal environment, and partly visible from a short section of SH60. However, mitigation measures in the form of structural planting are now proposed as part of the buffering of new sites which will reduce the exposure of the development to both areas and therefore be better attuned to the ambitions of this guideline.

20. I agree that the development consented in 2005 will be buffered by land as identified by the screening effect of the foreground landform. I am unsure of the statement that *the additional lots will equally enjoy visibility from within the coastal environment*. Whether that relates to views out or results in effects on the visual amenity from the wider area looking in. As outlined earlier, the report lacks sufficient detail regarding the structural planting to ascertain the effect this will have on mitigating the adverse

visual effects of proposed Lots 79, 80, 81, 82, 83, 84 & 85 within this high visibility area. The proposed development of sites 79, 80, 81, 82, 83, 84 & 85 is inconsistent with the Guidelines or there is insufficient information to gauge consistency including in relation to 3.1 (a), (b), (d), 3.10 (c), 3.11 (g), 3.12 (a) & (c).

21. The proposed development of sites 61, 75 & 78 is inconsistent with Guidelines including 3.4 (b), 3.12 (a) & (c). Development of these sites may also be inconsistent with other Guidelines nevertheless neighbors lodge no objection.
22. Chapter 4 of the Design Guide provides location specific Guidelines:

Based on landscape characteristics and values, a series of landscape units and sub-units has been determined. The capacity of each unit and sub-unit to absorb more development in landscape terms has been assessed. The location-specific guidelines provided in this section are based on this assessment. Consistency with the location-specific guidelines can ensure that the landscape values of the coastal Tasman area are not compromised by inappropriate subdivision and development.

23. The CBH Ltd site is within Landscape Unit 10 - Maisey Road South. The landscape report notes that proposed development is wholly consistent with the Location Specific Guidelines. I consider that the development of sites 79, 80, 81, 82, 83, 84 & 85 is inconsistent with (a) and (b).

Conclusions

24. The rationale for proposed development of Lot 79, 80, 81, 82, 83, 84 and 85 appears to be based on estimated effects illustrated in Figure 2, which may inadvertently provide an inaccurate view of consented development effects in relation to consented Lots 60, 61 and 59. That situation is entrenched by the lack of consideration of the mitigating effect of a foreground spur identified by Mr Sisson and evident on the Application Site.
25. A further complication is the down grading of a mapped high visibility area affecting the visual amenity from SH60 and consideration of the effect that orchard removal has had on the Sisson's assessment. Generally for those reasons but also related to lack of detail regarding structural planting development of Lot 79, 80, 81, 82, 83, 84 and 85 is not supported.
26. Lots 61, 78 and 79 are located within slopes mapped as being in excess of 15 degrees. That does not accord well with Guideline 3.4(b) relating to earthworks and the minimization of those impacts on the landscape. However development based on the submissions received appears to be better aligned with the Design Guidelines.
27. I have included in Appendix B the background planting information from the 2005 Sisson's report. That information is considered to be appropriate in relation to the requirements of the Design Guide.

Tasman Carter Ltd

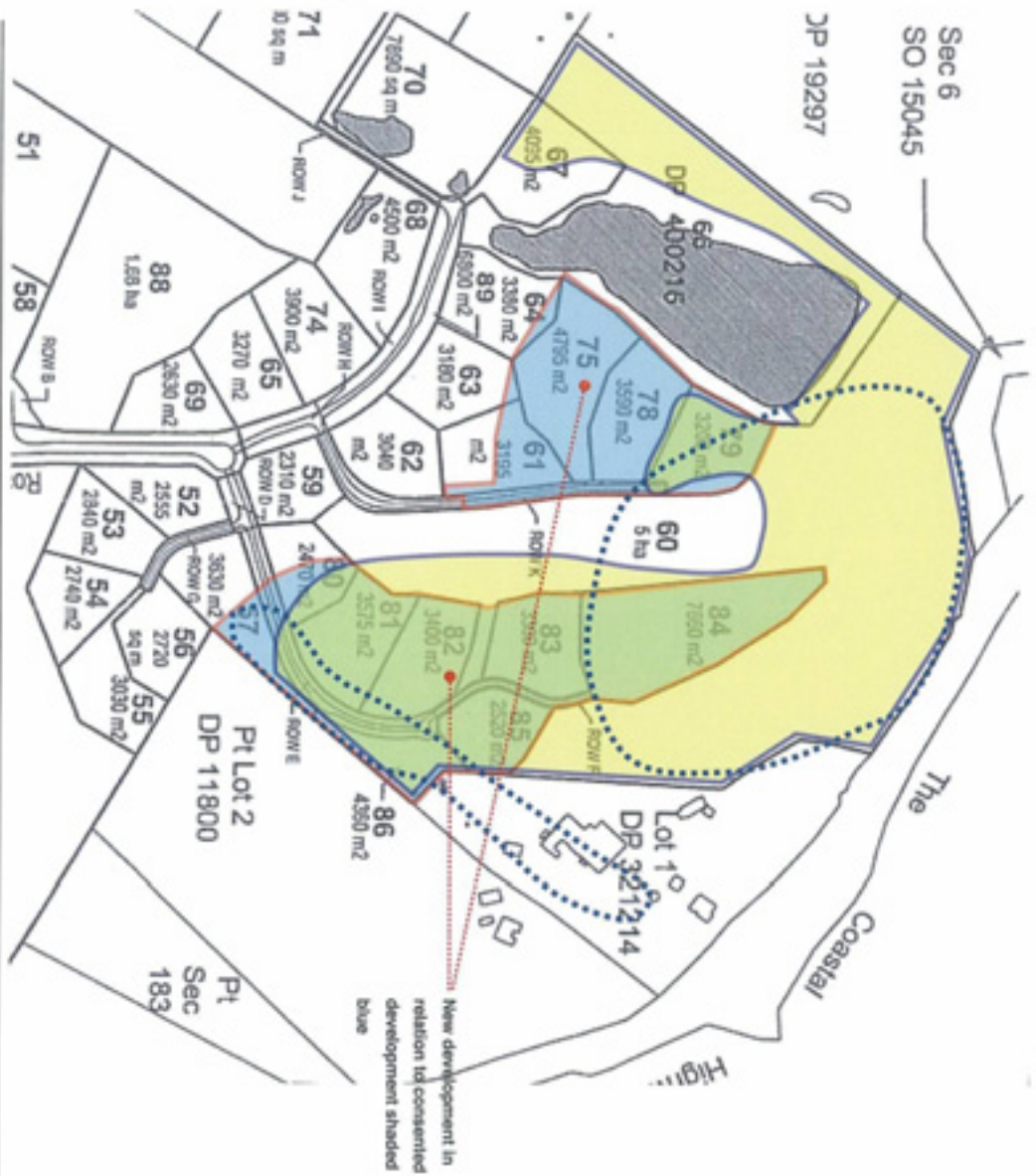
8 September 2011.

See attached Appendices A and B on next pages

Appendix A for Tasman Carter Ltd Report

Coastal Highway, Tasman District

Appleby Estates (CBH Limited) Landscape Assessment Peer Review



- LEGEND**
- APPROX. EXTENT OF HIGH VISIBILITY FROM SH60 & REDWOODS VALLEY. (Stinson 2005)
 - CONSTRAINTS MAPPED. (Lungeridge 2010)
 - THE GENERAL AREAS OF NEW HOUSING IN RELATION TO THE CONSENTED HOUSING CLUSTERS.



Appendix A Sheet 1

2 August 2011
Not to Scale

Appendix B for Tasman Carter Ltd report- David Sissons Landscape report

To be provided at the hearing or can be emailed, please contact Pauline Webby
(03) 528 2014

Appendix D- Soils and Land Productivity Assessment

Report by: Andrew Burton, Resource Scientist (land), 9/08/11.

RM100632 Appleby Hills Subdivision

This assessment has been made of the proposed residential development on that part of the application RM100632 that affects lot 60 of the existing Appleby Hills subdivision. The balance of the proposed allotments are either in slightly altered locations or have been put in different places but have all being approved in the earlier subdivision, in particular stages 7-9 RM030632 and associated variations.

Lot 60 is one of the original lots created in an effort to protect the more productive land of the original application area. The entire area of lot 60 was used for orcharding by the previous owners (see Figure 1).

The applicant wishes to create 10 additional allotments and an associated road network on this lot. This would effectively cover an area of approximately 4.1 hectares with residential development. Lot 60 would end up being 5.07 hectares in area.

As part of the application an assessment of the productive values of the subdivision has been carried out by John Bealing of Agfirst (Agricultural and horticultural consultants). That assessment was carried out for the land area in lot 60 only. It highlights that the land, up until a few years ago, was used for growing apples and pears. It is rated as class B land under the *“Classification System for Productive Land in the Tasman District”* hence is suitable for a limited range of horticultural crops.

The Agfirst report also details another “crop suitability” assessment that was used to provide information on the lands potential uses. That assessment was based on methodology used in the *“Tasman Regional Water Study, (Technical report, Stage 1) on Land and Climate Suitability for Irrigated Crops”*. Using that methodology the area of land in lot 60 is deemed capable of commercially growing a variety of crops including apples, pears, olives, grapes, hazelnuts, kiwifruit, feijoas, almonds, walnuts, stonefruit, but it does highlight that some limitations exist that may relate to soil, climate or topographic properties. Both classification systems indicate that although the block has some limitations a range of horticultural crops can effectively be grown.

The Agfirst report highlights that the proposed subdivision of lot 60 would leave a block very “broken” as to row length, aspect, proximity to roads, water and houses making it unlikely that it would be every be utilized for commercial production, *“... other than if any of the new residents are keen to plant an extended house garden or specialist crops (including apples, pears, olives, grapes etc.), that are not dependant on “returning a living”*



The Agfirst report concludes that although the chances of lot 60 being used in the future for intensive horticulture will be reduced as a consequence of the proposed subdivision the overall effect on productivity should be viewed as minimal because the block is too small to be an economic unit and has too many existing limitations to use.

There is agreement with the Agfirst report with regard to the classification of the land and its limitations. Many limitations can be minimized and recontouring, drainage, irrigation and fertilizing are common practises on the Moutere hill orchards. Orchardng on this block has existed for several decades despite any limitations that may exist.

The size and economic potential of a block does have an influence on its likely use. It is not clear from the Agfirst report what is meant by “economic unit” in the context that the “*block is too small to be an “economic unit”*”. If it means that the an owner could not derive a living solely from the block, then under today’s economic conditions, and with crops traditional to the area, then this statement is likely to be correct. However, this is not at issue and many small horticultural blocks exist that, by themselves are not economically viable but when managed as part of other operations are. The decision document for the original consent, RM030632, refers to this in its reasons for the decision. It states:

“8. In terms of the effect on productive land values, the Committee was satisfied that the majority of the productive land on the property would be able to be protected and made available for on-going productive use as it was contained within the larger lots. The Committee was clear that ensuring land was available for productive use was not the same as having to ensure the land use was necessarily viable in economic terms.”

Economic returns from crops are highly variable. Crops that one season may be extremely profitable can the next be unprofitable. Consequently valuing the potential productivity of land simply by the economic returns of a certain crop in a certain season is unsound.

It is clear that reducing the size of lot 60 from 9.1 hectares to 5.07 hectares does significantly affect the economies of scale inherent to the larger size of the existing lot. This will affect land use opportunities and options.

Although the existing lot 60 is not regular in shape it does appear possible to develop a feasible planting pattern for horticultural crops that maximizes the area available. The proposed lot 60, see figure 2, produces a much more demanding and inefficient shape with regard to providing a planting pattern for crops.

The number of residential sections now adjoining Lot 60 increases from 5 to 10. As a consequence the likelihood of cross boundary issues arising between residential and rural land use increases significantly.



The application highlights that a significant component of the proposal is to set aside Lot 60 along with lot 88 and combined with two existing lots as open space areas to be owned in common by the residents association. The application comments that the purpose of this area is simply to be an “open space” area for the residents’ visual and physical enjoyment and that combining them into common ownership leads to an efficient management and sustainable use of the land. It sees this use as far more beneficial than, as the application states: “...*setting aside relatively large blocks of land in private ownership in the hope that one day this might be used for something “productive” (agricultural or horticultural)*”.

The plan to have proposed lot 60 owned and managed for recreational purposes, in my view permanently removes it from any productive use in the future.

The Tasman Resource Management Plan recognises that the Rural 3 area has land of varying productive value. The relevant rules for the Rural 3 zone have been developed to accommodate a level of residential development through a framework that recognises areas of more productive land and manages the process in such a way that much of the most potentially productive land in the area is retained.

The land in Lot 60 is land that comes within this category of having higher productive values. The original consent, RM030632, set it aside to retain its productive potential. This new application effectively reduces its size by half and suggests a proposed use and ownership structure that removes it from any future productive use.