

STAFF REPORT

TO: Environment & Planning Subcommittee
Commissioner Hearing

FROM: Wayne Horner (Consent Planner, Subdivision)

REFERENCES: RM110322 (Subdivision)

SUBJECT: **PENTEWAN FARMS LIMITED - REPORT REP11-10-09** - Report prepared for hearing of 19 October 2011

1. DESCRIPTION OF THE PROPOSED ACTIVITY

Pentewan Farms Limited has applied to subdivide Lot 2 DP 424341 (CFR 495852) to create two new lots, with Lot 1 containing 37.0 hectares and Lot 2 containing 8.0 hectares. There is an existing dwelling and workshop within Lot 1 and no buildings within Lot 2.

The applicant has provided a report prepared by Mr Dick Bennison of Duke & Cooke in support of their application.

An assessment of the visual effects of this proposal has also been submitted prepared by a landscape architect Mr David Sissons as part of further information provided and a number of changes were proposed to reduce the visual impact of the new dwelling on Lot 2.

The applicant has volunteered a no further subdivision consent notice as part of their application.

1.1 Subdivision Consent: RM110322

To subdivide an existing title to create the following:

- Proposed Lot 1 comprising 37.0 hectares;
- Proposed Lot 2 comprising 8.0 hectares.

1.2 Site Location and Background

This title was created as part of subdivision consent RM070886V1 that was applied for at the time the new road boundaries for the Ruby Bay bypass were established in 2009. Also as part of RM070886V1 there were three smaller titles created to the east of this bypass, within the residual land.

The boundaries of this current title were established to contain the Class E land within this larger title which was close to the Controlled activity minimum of 50 hectares and the Class B land were contained within Lot 1 DP 424341 that fronts Gardner Valley Road to the south of this site.

1.3 Location and Legal Descriptions

This site is located between Gardener Valley Road and Tasman View Road to the west of the Ruby Bay bypass and is legally described as Lot 2 DP 424341, CFR 495852.

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

The subject land is zoned Rural 2 and the site is within Land Disturbance Area 1. Tasman View Road will provide access to Lot 2 and is classified as a Collector Road under the TRMP.

The application is considered to be a Discretionary Activity under subdivision rule 16.3.6.2 in that the proposal has allotment areas less than the Controlled Activity standard of 50 hectares.

3. SUBMISSION AND NOTIFICATION

The application was notified on 20 August 2011 and one submission was received from The New Zealand Fire Service that seeks a fire fighting water supply to the new dwelling that complies with the New Zealand Standard SNZ PAS 4509:2008. The New Zealand Fire Service advised that this is best achieved by the installation of a domestic sprinkler system constructed in accordance with NZS 4517:2010.

The New Zealand Fire Service is neutral with regard to the granting of this application and has advised that they wish to be heard.

4. PRINCIPAL ISSUES

The principal issues associated with the applications are:

- a) To what extent will there be a loss of potential productivity?
- b) To what extent will this proposal set a precedent that may result in adverse cumulative effects?
- c) Are there visual effects relating to the loss of Rural Character?

5. STATUTORY PROVISIONS

The application is a Discretionary activity within the Rural 2 Zone and therefore the Council must consider the application pursuant to Section 104 of the Resource Management Act 1991.

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

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

5.1 Resource Management Act Part II Matters

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

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

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

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

The principal adverse effect on the environment resulting from this application is the effect on potential land productivity through fragmentation. The cumulative effects of land fragmentation are significant within the Tasman district and this application would add to those cumulative effects, which are unsustainable.

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

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

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

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

- 7(c) the maintenance and enhancement of amenity values, and
- 7(g) any finite characteristics of natural and physical resources

Section 8 of the Act shall Council is required to take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).

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

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

5.2 Tasman Regional Policy Statement

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

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

5.3 Tasman Resource Management Plan

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

- Chapter 7 “Rural Environment Effects”;
- Chapter 9 “Landscape”

These chapters articulate Council’s key objectives: To retain and enhance the productive potential of the land and to ensure visual effects are minimised and appropriate for surrounding environment.

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

- Chapter 16.3.6 Subdivision; Rural 2 Zone,
- Chapter 17.6.3 Buildings ‘Rural 2 Zone’,

Details of the assessment of the proposed activity in terms of these matters are addressed through the assessment of actual and potential effects in paragraph 6.1 below, Other matters in paragraph 6.2 and analysis and discussion on the relevant policies and objectives in paragraph 6.3 of this report.

6. ASSESSMENT

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

6.1 Actual and Potential Environmental Effects

6.1.1 Permitted Baseline

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

Subdivision

In terms of the subdivision there is no permitted activity rule in the Rural 2 Zone so the permitted baseline test is not considered relevant for subdivision.

Building Construction

In the Rural 2 Zone some buildings can be constructed as permitted activities provided they meet the permitted activity criteria including being a maximum height of 7.5 metres, setbacks of 10 metres from roads, 5.0 metres from internal boundaries, 30 metres from plantation forestry, among other criteria.

Land Use Activity

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

6.1.2 Rural Character and Visual Effects

Introduction

The applicant has provided an assessment of the visual effects of this proposal prepared by a landscape architect Mr David Sissons as part of further information provided and a number of changes were proposed to reduce the visual impact of the new dwelling with Lot 2. No real assessment of the effects on the loss of rural character has been provided.

Landscape Discussion

The proposed building site will be cut into a small north facing gully with the ridgeline being behind the proposed dwelling. Some small scale contouring of the ridgeline is proposed. However the majority of the building platform is a cut and fill design below the ridge as shown on Plan B.

The applicant has volunteered a number of mitigation conditions to reduce the visual impact of the dwelling on Lot 2. These include:

- Restricting the dwelling to one level with a second storey no larger than 20% of the first floor area;
- Recessive grey colour roof;

- Accessory buildings and water tanks not placed on the southern spur behind the dwelling.

The new dwelling will be visible from Tasman View Road and may appear to be above the ridgeline when travelling east along Tasman View Road. At present there is very little traffic on Tasman View Road due to the low level of current development. This is expected to increase as more of the adjacent Rural 3 zoned land is developed in the long term and Tasman View Road is upgraded.

There will be some restricted view of the dwelling from south bound vehicles using the Ruby Bay bypass. Views of the dwelling from the east of the building platform will be limited with the smaller upper storey being the most prominent feature. No specific landscape plantings were considered necessary by Mr Sissons.

Farm buildings could be constructed within the current title subject to specific criteria.

Rural Character is defined within Chapter 2 of the TRMP as:

Rural Character - means 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 a 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.

The new dwelling will be clearly identifiable as a dwelling and not a farm building with Tasman View Road established as the Rural 3 boundary. At present the land to the south of Tasman View Road has few buildings visible from the road and would meet the definition of Rural Character above.

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

6.1.3 Land Productivity and Fragmentation

Chapter 7 of the TRMP discusses the effects of land fragmentation on the productive values of land. The introduction to Chapter 7 is particularly relevant to the current application and reads as follows:

“The fragmentation of rural land is the progressive breaking up of land parcels through subdivision in association with subsequent land use activities such as buildings, other structures and roads. Land fragmentation may occur for a variety of reasons. While fragmentation may allow for more intensive use of rural land for soil-based and other rural activities, with resulting social and economic benefits, the principal effect of land fragmentation in the Tasman District has been the

cumulative reduction in opportunities for the productive potential of land to be taken up, either within sites or over larger areas. As subdivisional lots become smaller, and as new structures or services are established, the range of soil-based production activities that can be physically or economically undertaken, progressively reduces in scope. The reduction in productive potential of any land, together with the physical coverage of productive land, may reinforce the demand for further fragmentation. This effect is particularly significant for the relatively small amount of land in the District with high productive value (approximately five per cent). This land is a finite resource and its loss through fragmentation is effectively irreversible.”

“The effect of land fragmentation on productive potential is also significant for less productive land where soil, climate or other natural characteristics currently present limitations to intensive use.”

From the above Chapter 7 Introduction, the following points are most relevant to this application:

- a) There has been a cumulative reduction in opportunities for the productive potential of land to be taken up within the Tasman District as a result of land fragmentation.
- b) As lots become smaller, and as new structures or services are established, the range of soil-based production activities that can be physically or economically undertaken, progressively reduces in scope.

The subject land is zoned Rural 2 and is not land of high productive value.

The subdivision rules for this zone recognise that productive activities are generally low intensity and therefore the subdivision size Controlled activity threshold is larger than for the more inherently productive soils within the Rural 1 Zone.

The applicant has provided a report prepared by Mr Dick Bennison of Duke & Cooke in support of their application. This application and Mr Bennison’s report were reviewed by Council’s, Resource Scientist, Land, Mr Andrew Burton. Mr Burton’s report is attached in full as Appendix 2.

Land Productivity and Land Fragmentation Discussion

After reading both Mr Burton’s and Mr Bennison’s reports on land productivity related to this proposal it is apparent that there is general agreement on a number of issues such as:

- that the site contains Class E land under the Classification System for Productive Land in the Tasman District AgNZ 1994;
- there is limited versatility, with intensive pastoral grazing and forestry being the most suitable use;

- there is no significant difference in gradient between proposed Lot 2 and Lot 1;
- there is potential erosion of shallow Mapua Sandy Loam Soils;

However Mr Burton raised a number of additional points in his report:

- Smaller lots have an increased land value which has a negative effect on the likely investment in the property and which effectively prevents amalgamation of smaller titles back into larger titles:
- The access constraints regarding Lot 2 are not a significant issue with this being a common farm management issue:
- Lot 2 is considered to be a lifestyle block which is provided for within other zones of the Tasman District, including the adjacent Rural 3 Zone:
- The likelihood of Lot 2 being managed and maintained for primarily productive use is diminished due to its size:
- There are no positive land productivity effects resulting from this subdivision.

Mr Bennison's report only identifies one effect on land productivity from this proposed subdivision, and that relates to the loss of productivity due to the proposed dwelling and curtilage area, which is identified as being approximately 3,000 square metres. No comment is offered regarding the loss of productive potential resulting from the proposed land fragmentation or cumulative effects.

The applicant has advised that the current block is being leased out for pastoral grazing and that post subdivision this would continue for both titles. The lease includes the pastoral management of the land. A no further subdivision consent notice is also offered by the applicant. There is no long term certainty that both titles will continue to be leased as one block.

There is a positive relationship between the size, versatility and the economics of pastoral blocks. To retain the productive potential of this land would require retaining the existing title.

6.1.4 Servicing Effects

Provision for Fire Fighting

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

Wastewater, Stormwater and Earthworks

Discharge of domestic wastewater and stormwater from the proposed dwelling on Lot 2 and the earthworks to form the building platform are likely to be a permitted activity under Rules 36.1.4, 36.4.2 and 18.5.2 respectively. This is because the land is zoned Rural 2, there are no area overlays, there is a large area available, the erosion of land or sedimentation of watercourses can be avoided and the building site is not close to neighbouring properties, surface water or a bore.

In the unlikely event that the discharge of wastewater or stormwater or for the earthworks to construct the platform are not a permitted activity it is best dealt with through the resource consent process at the time of building consent application.

6.1.5 Traffic Effects

There will be limited traffic effects resulting from this application. The proposed access onto Tasman View Road allows good visibility and the intersection onto the State Highway has long sight lines and very good formation. Tasman View Road is likely to be upgraded in future as the Rural 3 Zone develops and traffic flows increase. Council's Development Engineer, Mr Dugald Ley has no concerns regarding the traffic impact of this proposal.

6.1.6 Assessment of Effects Summary

The principal adverse effect on the environment resulting from this application is the effect on land productivity through fragmentation. The cumulative effects of land fragmentation are significant within the Tasman district.

In this case there seems to be little to differentiate this application from presenting only land fragmentation effects which would present a precedent if granted.

The adjacent Rural 3 Zone contemplates rural residential development, subject to a number of criteria. Also to the east of this site there is an area of Rural Residential Zoned land that has been specifically set aside for lifestyle development.

The TRMP should be viewed as a coherent document that guides and directs specific areas for development and this application has effects on plan integrity.

Discharge of domestic wastewater and stormwater from the proposed dwelling on Lot 2 and the earthworks to form the building platform are likely to be a permitted activity under Rules 36.1.4, 36.4.2 and 18.5.2 respectively.

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

6.2 Other Matters

Under s104(1)(c) Council is able to consider other matters that are relevant to this application, precedent and Plan integrity.

Precedent

Precedent itself is not a direct effect on the environment. Council has already granted a number of subdivisions within the Rural 2 Zone resulting in titles around 8.0 hectares in area, with their own specific and unique set of reasons for granting those consents.

In this case there seems to be little to differentiate this application from presenting only land fragmentation effects. It is probable that if this application is granted other applications would be made with similar, but not exactly the same, reasons in support of their application which would be difficult for Council to decline. This would then result in greater cumulative effects on land productivity that have been identified within the Chapter 7 Introduction and also a loss of Rural Character.

Effects on Plan Integrity

The TRMP provides a number of zones where more intensive lifestyle development may be considered. For example within the adjacent Rural 3 Zone residential and rural residential development is contemplated, subject to a number of criteria. To the east of this site there is an area of Rural Residential Zoned land that has been set aside for lifestyle development. The TRMP should be viewed as a coherent document that guides and directs specific areas for development.

6.3 Relevant Objectives and Policies of the TRMP

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

- Chapter 7 “Rural Environment Effects”
- Chapter 9 “Landscape”

6.3.1 Chapter 7: Rural Environment Effects

Objectives

Objective 7.1.2 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.

Relevant Chapter 7 Policies

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

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

7.1.3.4 To require land parcels upon subdivision to be of a size and shape that retains the lands 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.

7.1.3.5 To facilitate the amalgamation of land parcels and relocations of the boundaries of land parcels in rural areas where this would enable a greater range of soil-based production activities.

7.1.3.6 To enable minor adjustments in the location of boundaries of land parcels in rural areas where this will increase the life-supporting capacity of the soil or the potential of the land for soil-based production purposes.

Comment on Chapter 7 Policies

While this site does not contain highly productive soils there will be a loss of productive potential resulting from this subdivision resulting from the creation of Lot 2. There will not be an increase in potential for soil based production purposes nor will this subdivision allow a greater range of soil based production activities.

Under Section 7.1.30 Principal Reasons and Explanation it is clear that the intention of Rural Residential zones and the Rural 3 Zone are to relieve pressure for fragmentation of the rural land resource. This is relevant, not because the fragmentation should only occur in those zones, but because fragmentation in those zones serves the outcomes sought by the TRMP and it is clear that fragmentation outside of those areas is not desirable without good reason or positive effects.

The Policies above seek to retain or improve the productive potential of the land as a result of subdivision and this application is inconsistent with these policies and this objective.

6.3.2 Chapter 9: Landscape

Objective

9.2.2

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

Policies

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.

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

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

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

Comment on Chapter 9 Policies

This area is not within an outstanding landscape area and not close to the coast. The proposed dwelling will appear as being above the skyline when viewed from parts of Tasman View Road. At present there are low traffic volumes and another dwelling in this location would not present significant adverse effects on the landscape as identified in Mr Sissons' report. However there would be some loss of rural character as there would be another dwelling close to a public road.

6.3.3 Summary

Overall I consider that this application is contrary to the relevant Objectives and Policies of Chapter 7 of the TRMP and to meet the relevant Objectives and Policies of Chapter 9. However more weight has been given to the Objectives and Policies of Chapter 7 due to the Rural 2 zoning of the site and therefore overall this application is considered to be contrary to the Objectives and Policies of the TRMP.

7. SUMMARY AND CONCLUSIONS

- 7.1 It is proposed to create two new titles from one existing title with Lot 1 containing 37.0 hectares and Lot 2 containing 8.0 hectares. The underlying zone is Rural 2.
- 7.2 The principal adverse effect on the environment resulting from this application is the effect on land productivity through fragmentation. The cumulative effects of land fragmentation are significant within the Tasman district and this application would add to those cumulative effects, which are unsustainable.
- 7.3 In this case there seems to be little to differentiate this application from presenting only land fragmentation effects and that would present a precedent if granted.
- 7.4 The adjacent Rural 3 Zone contemplates rural residential development, subject to a number of criteria. Also to the east of this site there is an area of Rural Residential Zoned land that has been specifically set aside for lifestyle development. The TRMP should be viewed as a coherent document that guides and directs specific areas for development and this application has effects on plan integrity.
- 7.5 Discharge of domestic wastewater and stormwater from the proposed dwelling on Lot 2 and the earthworks to form the building platform are likely to be a permitted activity under Rules 36.1.4, 36.4.2 and 18.5.2 respectively.
- 7.7 The Landscape Report concludes that subject to the above mitigation the proposal is considered to be appropriate for this environment, with effects no more than minor.
- 7.8 More weight has been given to the Objectives and Policies of Chapter 7 due to the Rural 2 zoning of the site and therefore overall this application is considered to be contrary to the Objectives and Policies of the TRMP.

8. RECOMMENDATION

- 8.1 After weighing up all the Section 104 matters it is my recommendation that the application (RM110322) be DECLINED. However should the Committee decide to grant consent I recommend the following conditions:

9. CONDITIONS (RM110322)

9.1 Subdivision Consent RM110322

Subdivision Plan

1. The subdivision and development shall be carried out generally in accordance with the application plan prepared by Aubrey Survey and Land Development titled Proposed Subdivision of Lot 2 DP 424341, dated April 2011 and attached to this consent as **Plan A – RM110322**

Easements

2. Easements are to be created over any services located outside the boundaries of the lots that they serve as easements-in-gross to the Tasman District Council for Council reticulated services or appurtenant to the appropriate allotment.
3. Easements shall be shown on the Land Transfer title plan and any documents shall be prepared by a Solicitor at the consent holder's expense.
4. The Proposed Location for New Dwelling on Lot 2 as identified on **Plan B RM110322** shall be shown on the Land Transfer title plan.
5. Reference to easements is to be included in the Council resolution on the title plan at the section 223 stage.

Electricity and Telephone

6. Full servicing for power and telephone cables shall be provided to the boundary of Lot 2. The Consent Holder shall provide written confirmation to the Council's Engineering Manager from the relevant utility provider that power and telephone cabling has been provided to the boundaries of the allotments. The written confirmation shall be provided prior to a completion certificate being issued pursuant to Section 224(c) of the Act.

Access

7. A Vehicle Access Crossing Permit shall be applied for from Council's Engineering Department prior to any construction works taking place on the crossing for Lot 2. The formation of the crossing construction shall be to the standards required by Vehicle Crossing Access Permit and no works shall be undertaken until the crossing permit has been approved. Inspections by Council's Engineering staff are required during the construction process.

Engineering Works

8. All engineering works shall be constructed in accordance with the Council's Engineering Standards & Policies 2008 or else to the Council's Engineering Manager's satisfaction.

Engineering Certification

9. Certification from a geo-professional that the nominated building site on Lot 2 is suitable for the erection of residential buildings shall be submitted to the Council's Engineering Manager. The certificate shall define on Lot 2 within the building site, the area suitable for the erection of residential buildings and shall be in accordance with Schedule 2A of NZS 4404:2010. Any limitations identified in Schedule 2A shall be noted on a consent notice pursuant to Section 221 of the Resource Management Act 1991 prior to the issue of the Section 224(c) certificate. This consent notice shall be prepared by the Consent Holder's solicitor at the Consent Holder's expense and shall be complied with by the Consent Holder and subsequent owners on an ongoing basis.

Consent Notices

10. The following consent notices shall be registered on the certificates of title for Lots 1-2 pursuant to Section 221 of the Resource Management Act. The consent notices shall be prepared by the Consent Holder's solicitor and submitted to the Council for approval and signing. All costs associated with approval and registration of the consent notices shall be paid by the Consent Holder.
 - (a) The construction of the dwelling on Lot 2 shall only be within the areas identified on the Land Transfer Plan for Lot 2 and shown as Proposed Location for New Dwelling on Plan B of RM110322.
 - (b) Any recommendations or recommended conditions resulting from the engineering certification required under Condition 9 of resource consent RM110322.
 - (c) The new dwelling on Lot 2 shall be a maximum height of 5.0 metres above RL 116.5 metres with the exception that up to 20 percent of the ground floor area of the building may be up to 7.5 metres above RL 116.5 metres.
 - (d) The ridge heights to the south of the Proposed Location for New Dwelling shall be maintained to be no less than those shown on Plan B RM110322.
 - (e) No water storage tanks, accessory buildings or structures shall be located on the ridgeline that runs south of the Proposed Location for New Dwelling.
 - (f) The owners of Lot 1 and Lot 2 shall not apply for further subdivide their titles with the exception of a boundary adjustment and amalgamation.
 - (g) The exterior of the dwelling on Lot 2 shall be finished in colours that are recessive and blend in with the immediate environment. The Consent Holder shall submit to the Council for approval prior to applying for building consent the following details of the colours proposed to be used on the walls and roof of the building:
 - (i) the material to be used (eg, paint, Colorsteel);

- (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 Co-ordination for Building Purposes) descriptor code, or if this is not available, a sample colour chip.

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

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 Co-ordination for Building Purposes). Where a BS5252 descriptor code is not available, the Council will compare the sample colour chip provided with known BS5252 colours to assess appropriateness.

- (h) A tank containing not less than 23 000 litres and fitted with an accessible 100 millimetre female camlock coupling to enable connection with firefighting equipment shall be provided on Lot 2.

Financial Contributions

11. 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 (at the time subdivision consent is granted) of a notional 2500 square metre building site within Lot 2;
 - (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 2 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, less the value of the public access easement, shall be recalculated on the current market valuation. Payment shall be made within 2 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.

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

ADVICE NOTES

Council Regulations

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

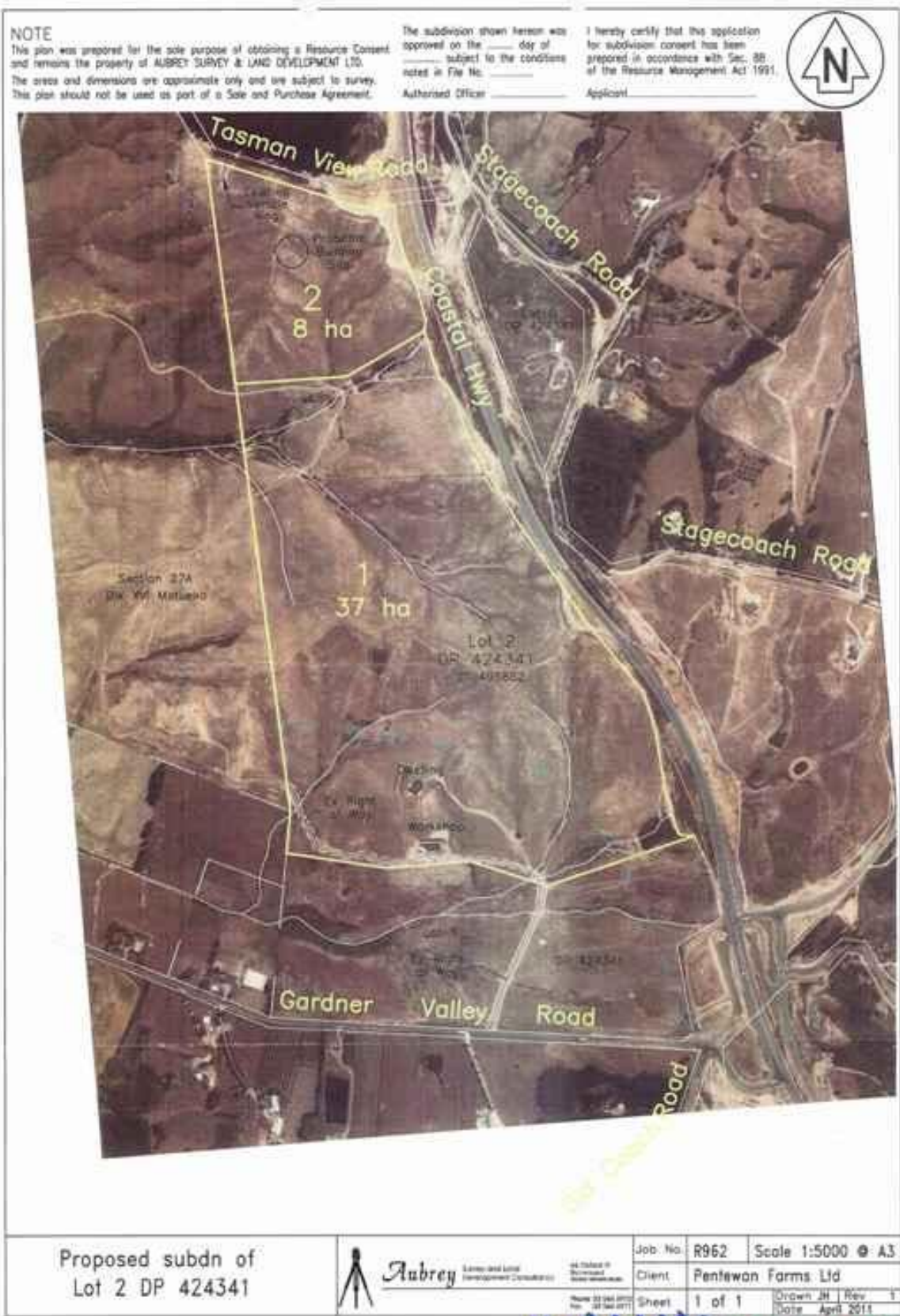
Other Tasman Resource Management Plan Provisions

2. Any activity not covered in this consent shall either comply with: 1) the provisions of a relevant permitted activity rule in the Tasman Resource Management Plan; or 2) the conditions of separate resource consent for such an activity.

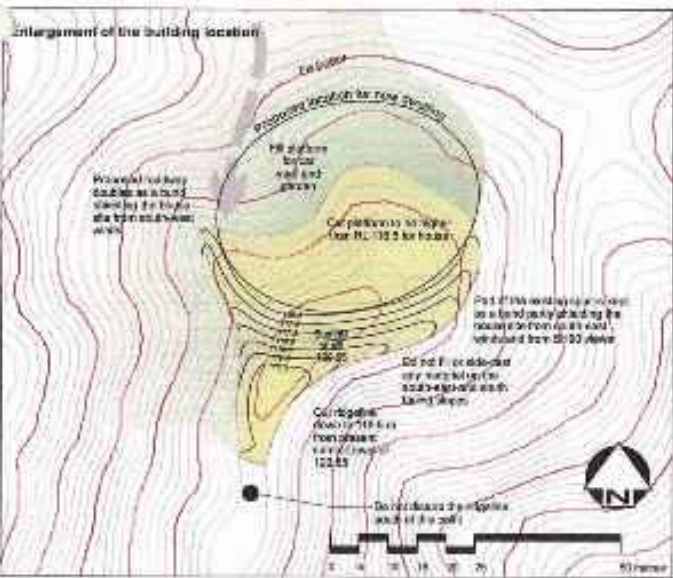
Resource Management Act 1991

3. Access by the Council's officers or its agents to the property is reserved pursuant to Section 332 of the Resource Management Act 1991.
4. Pursuant to Section 127 of the Resource Management Act 1991, the Consent Holder may apply to the Consent Authority for the change or cancellation of any condition of this consent.
5. The Development Contributions Policy is found in the Long Term Council Community Plan (LTCCP) and the amount to be paid will be in accordance with the requirements that are current at the time the relevant development contribution is paid in full. This consent will attract a development contribution on one lot in respect of roading.

Wayne Horner
Consent Planner, Subdivision



PLAN 'A' RM 110322



Proposed visual mitigation

- The house location is a gently north of the road.
- The summit is not down from 120.00 to 102.50 meters above mean sea level.
- The house platform is to be not higher than 100.00.
- A level of existing ground is to be kept existing and form the lowest contour to the east side of the platform, and tapering as shown on this plan about 1:1 to the top of the hill slope.
- There is no cutting of the ridgepole that runs north from the house.
- No material is to be used or taken out on the east-east and south facing slopes.

Notes

All details and locations are to be confirmed on site. Details of the 3D areas and accessory locations are not shown because they are not needed for visual mitigation. Contours were derived from TDC LIDAR - 2007/08. Use aerial photography, 1:50,000 scale, to check and correct as shown. Contour interval is 0.5 metres.

KEY

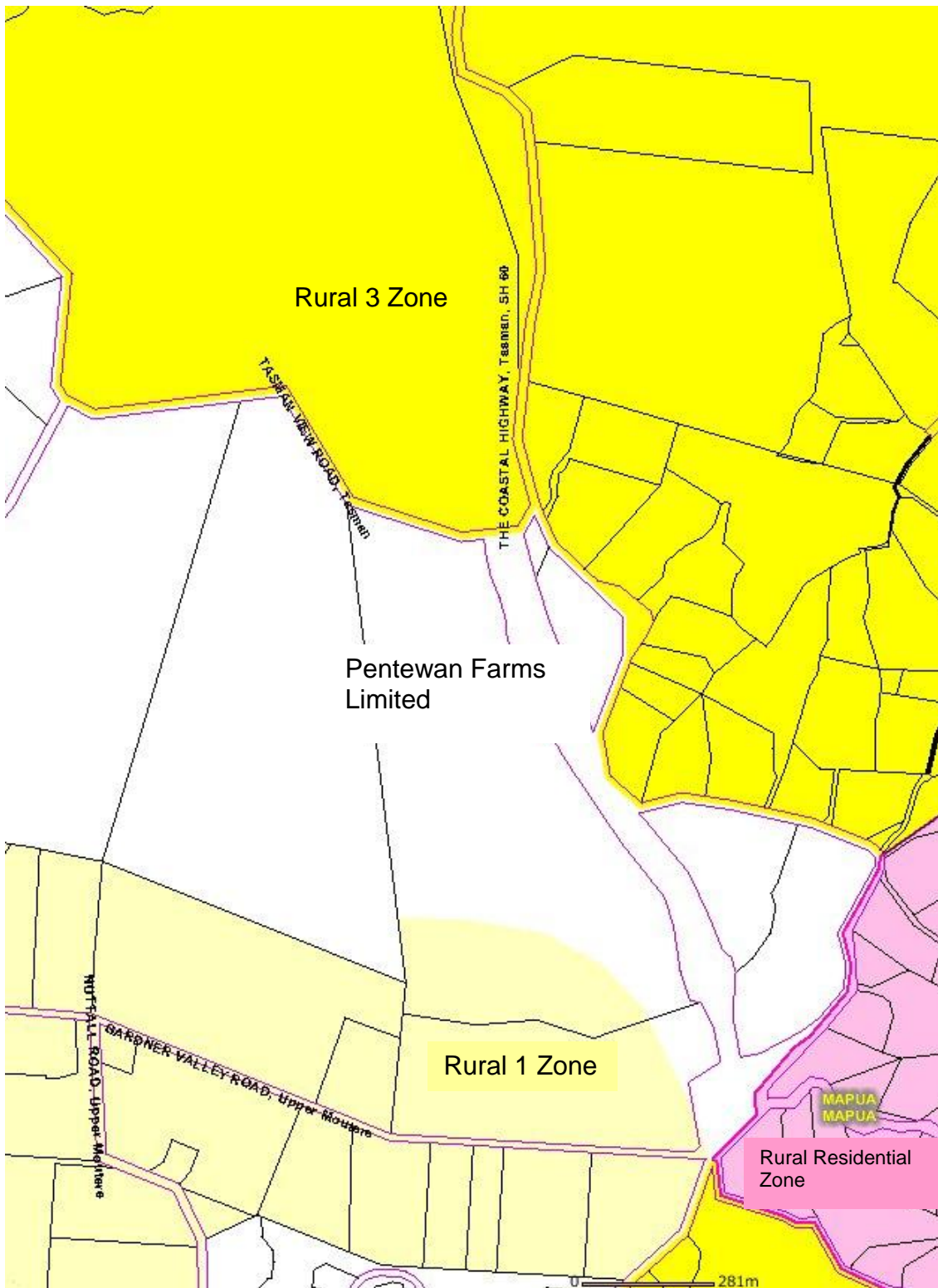
- Existing contour (contour interval 0.5m)
- Proposed contour for mitigation
- Area to be cut
- Proposed location of house (on site)
- Boundary of existing landscape
- Building location

PENTEWAN FARMS LTD
RM10322

TWO LOT SUBDIVISION, OLD COACH ROAD, MAHANA

Proposed building platform and earthworks for visual mitigation
1:50 June 2011

APPENDIX 1: Zone Map



Soil and Land Productivity Report**RM110322, Gardner Valley**

The application area is situated in the upper catchment of Gardner Valley which is situated on the undulating Moutere hill country in the coastal location of Tasman. It ranges in predominant slope from 7 to 20 degrees. Some small areas of flatter land are found on the ridges and valley floors and some steeper areas along the sides of gullies and some southern facing slopes.

The soils on the application area are Mapua soils which are formed on the Moutere Gravels. They are generally shallow sandy loams. On this block the soils have been modified by previous exotic forestry operations. The physical nature of the soil limits the versatility of the application area. Typically the top soil is shallow with a weak structure which is easily eroded when cultivated. Consequently land based activities involving intensive cultivation would only be advisable on the gentlest slopes. The underlying clays are very firm and are also subject to erosion when exposed.

The slope and dissected nature of the land is the major limitation to use in this area. Although most of this area is accessible by tractor, it is limited and one would only want to access the land on an infrequent basis for the purpose of annual topdressing, weed control or pasture renewal. On this block cropping and horticultural activities are not practical. The area is class E land under the Classification System for Productive Land in the Tasman District AgNZ 1994. Class E land has a very limited crop range of intensive and extensive grazing and production forestry.

The application is to subdivide the existing title into two lots of 8 hectares and 37 hectares. The reasons given in the application for the proposed subdivision are based on the remoteness of the northern section of the property from the existing house and the influence this has on security of stock. This is highlighted as the main problem. Additionally proposed lot 2 (8ha) is recognised, in the application, as a little steeper than the rest of the block and is more easily accessed from the northern access point off Tasman View Road.

These issues are not unique to this block of land and are in fact typical to rural properties. Most farmers on hill country face the issues of variable topography, access and security on their farms. These issues are factored in to the day to day management of their enterprises. The application area is just over 1 km in length along its longest boundary; the property is 45hectares in size; it cannot be considered seriously that some parts of the property are remote or isolated.

The applicant has provided an assessment, produced by Duke and Cooke, on the productivity of the existing block and the effect of the proposed subdivision. That report highlights that the land is capable of sustaining high yielding pastures and is currently being grazed commercially under a lease arrangement. It assesses the effect of the proposed subdivision on productivity is only limited to the loss of grazing associated by the curtilage on the new 8 hectare block. That area has been estimated at 0.3 hectares.

It is agreed that the area lost from productivity is not large but there are other relevant effects that subdivisions have on land productivity that need to be considered as well.

Inevitably the subdivision would lead to two blocks being farmed as separate units. A consequence of this is that the economies of scale that existed with the original block would be reduced for both proposed lots.

The proposed 8 hectare block is essentially a lifestyle block. Lifestyle blocks can be productive and be well managed for productive purposes but the likelihood that their productive potential is achieved and maintained is low as lifestyle blocks are primarily occupied for lifestyle values rather than productive purposes.

The resulting increase in property value that occurs with the creation of a lifestyle block usually ends up with a per hectare value far beyond levels that would encourage investment for farming purposes. A comparison of land values between small rural 2 (lifestyle) blocks and larger productive units indicates that there is generally over a twofold increase in per hectare value for the lifestyle blocks. This is likely to have a negative impact on potential farm amalgamation, farm adjustment and the “buy-in” cost for agricultural investors. This effect would be further compounded through the increase in rates that naturally accompanies land value rise.

It is also likely that the property value of the remaining larger block (proposed lot 1 – 37ha) would rise as well on the expectation that future subdivision into lifestyle size blocks was probable.

The predicted result of this proposed subdivision is land fragmentation. The TRMP clearly describes the effects of rural land fragmentation. The effect is not just confined to land of high productive value and it emphasises that it is a cumulative effect. This application is no exception in that although its effect, in isolation, may be small, cumulatively it is significant.

Council has various measures in place to control or minimize rural land fragmentation processes. Within the Rural 2 area, which is applicable to this application, the minimum lot size for subdivision as a controlled activity is set at 50 hectares.

There are also instruments in place in the plan that provide for and encourage the relocation of property boundaries and the amalgamation of lots to enhance the productive capacity of properties. The TRMP also provides for rural residential and lifestyle development opportunities through zoning particular areas. It is clear that the intention of Rural Residential zones and the Rural 3 Zone are to relieve pressure of fragmentation on the rural land resource. This is relevant, not because the fragmentation should only occur in those zones, but because fragmentation in those zones appears to best serve the outcomes sought by the plan and that fragmentation outside of those areas is not desirable without good reason or positive effects.

The applicant has not highlighted any meaningful positive effects that the proposed subdivision will have and from my assessment there are no positive effects.

In summary the proposed subdivision will lead to fragmentation of productive land. This is a negative effect and it is significant. The applicant has not highlighted any meaningful positive effects that the proposed subdivision will have and from my assessment there are no positive effects.

Report prepared by:
Andrew Burton, Resource Scientist (land).
26 September 2011