

Report No:	REP11-12-01
File No:	RM110371 and 110372
Report Date:	23 November 2011
Decision Required	

Report to: Commissioner Hearing

Meeting Date: 5 December 2011

Subject: RM110371 and RM110372

Report Author: Mark Morris, Co-ordinator - Subdivision Consents

1. SUMMARY OF PROPOSAL AND BACKGROUND.

The applicants, Peter, Marie, Lisa and Brydie Hill are applying for the following consents:

1. Subdivision consent (RM110371) to subdivide Lot 1 DP 7938 into the following allotments:
 - Lot 1 of 1.9 hectares (containing an existing dwelling)
 - Lot 2 of 2.0 hectares
 - Lot 3 of 0.1454 hectares to vest as Local Purpose Reserve (Recreation and Drainage)
 - Lot 4 of 26 square metres to vest as road.
2. Land use consent to erect a dwelling on the proposed Lot 2.

1.1 Description of the Property

The applicants are the owners of the property and currently live in the existing dwelling on the proposed Lot 1.

The property is on the corner of Paton Road and Whites Road, with roughly half of the property at the southern end being relatively flat and currently in pasture. The northern half of the property is hillier and contains the applicants' house and surrounding landscaping and pasture. The property is bisected by old drainage channel know as the Whites Drain, together with a dam and associated pond.

1.2 Background to the Application

Although the site is all zoned Rural 1 the northern half property is contained within the Richmond South Development Area (RSDA). The RSDA proposed under Plan Change 5 in 2006 allowed for new deferred residential zoned areas adjoining Hart Road and Bateup Road in Richmond. The plan change also introduced new policies for development in the RSDA including Policy 6.8.3.7 which allowed for consideration of future residential development on the land between Hart Road and White Road.

In 2009 the Tasman District Council publicly notified a notice of requirement (RM090604) which included the designation of a 10 metre strip of land along the Whites Drain from Paton Road down to the Main Road, Hope as part of a designation requirement along most of the Borck Creek catchment from Hill Street to the sea. Appendix 1 shows the proposed designation route in relation to the applicant's property.

A large number of submissions were received on the designation proposal, including one from the applicants.

The proposed designation was approved on 22 October 2010, but was appealed on 12 November 2010. The appeal has not been resolved, though the appeal is only in regard to the lower reaches of Borck Creek and would not change the proposed designation over the applicant's property.

2. STATUS OF APPLICATION

Zoning: Rural 1

Areas: Aquifer Protection Area, Special Domestic Wastewater Area.

Activity	Relevant permitted rule	Applicable rule	Status
Subdivision in a Rural 1 zone.	Nil	16.3.5.2	Discretionary
Consent to erect a dwelling in the Rural 1 zone	Nil	17.5.3.3	Restricted Discretionary

Overall the proposal is a discretionary activity.

3. NOTIFICATION AND SUBMISSIONS

3.1 Written Approvals

Prior to notification written approvals were received from:

- R & D Gaskin
- M & J McLean
- Alexander Dobbin
- M & M Reid
- R & C Bennison
- A Johnston
- C & R Moreland
- D & C Ewers
- P & P Malcolm
- D & K Orange

Pursuant to Section 104(3)(a)(ii) of the Act the decision-making panel must not have any regard to any effect on these parties. The locations of these parties' properties are shown on the Map in Appendix 2.

3.2 Notification

The application was fully notified and submissions closed on 18 June, 2011.

3.3 Submissions

One submission was received.

No submissions in support

Neutral submission

Submitter	Reasons	Heard?
New Zealand Fire Service Commission	Wanted a condition imposed on the proposed dwelling on Lot 2 that access and water supply for fire fighting purposes be installed in accordance with SNZ PAS 4509:2008 and that the optimal means of compliance with the code is the installation of a domestic fire sprinkler system.	Yes

No submissions in opposition

3.4 Comments on Submissions

The property does have access to the Council water supply line which runs along Whites Road, though it is only a low pressure line that would not be able to provide the urban high pressure water supply required for fire fighting.

I have included in my recommended land use conditions for the dwelling on Lot 2, a condition requiring that the dwelling be provided with a fire fighting water supply in accordance with SNZ PAS 4509:2008.

4. STATUTORY CONSIDERATIONS

Section 104

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

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

Section 106

A decision on this application must take into account the effects of natural hazards and if there are adverse effects, decide whether to decline the application or impose conditions to avoid, remedy or mitigate the hazards.

5. SECTIONS 6, 7 AND 8

The following matters are relevant to this application:

Other matters

- S.7(b) the efficient use and development of natural and physical resources.
- S.7(c) the maintenance and enhancement of amenity values.
- S.7(d) intrinsic values of ecosystems.
- S.7(f) maintenance and enhancement of the quality of the environment.
- S.7(g) any finite characteristics of natural and physical resources.

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:

- Fragmentation of productive land.
- Rural Amenity.
- Servicing Effects
- Permitted baseline
- Public Access and recreation
- Precedent and cumulative Effects
- Flooding Effects

6.1 Fragmentation of productive land.

A soil productivity report by on the subdivision has been prepared by Council's Resource Scientist (Land) which is attached to this report as Appendix 4.

Mr Burton advises that the predominate soils of the block are Richmond Clay loams which has a high water table which would limit the potential for horticultural use. In terms of the report *Land classification system for Productive Land in the Tasman District (1994)*, the land is classified as Class C which is means that the soil productivity is less than most of the Rural 1 zone which is virtually all Class A and B land.

The application also included a brief statement (Appendix D of the application) from the adjoining vineyard owner David Orange, advising that he had considered the land within the proposed Lot 2 as a possible expansion for his vine yard, but had decided against it because of soil limitations and susceptibility to frost during budding.

Andrew Burton's report does however state that the soils of this property have potential for other uses such as market gardening and pastoral use (which is the current use). The property is on the Waimea East Irrigation Scheme which means there is plentiful water for irrigation of crops.

It is likely that erection of a dwelling on the proposed Lot 2 would effectively remove the long term potential for productive use of Lot 2, which is the most productive part of the site.

The creation of a 2 hectare title in the midst of a productive rural area does have the potential for creating cross boundary conflict between the new "lifestylers" and the existing horticultural properties. However, it is acknowledged that the owners of the adjoining horticultural properties have given their written consent to the proposal.

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.

The minimum subdivision lot sizes for the Rural 1 and 2 zones are based around providing for a minimum level of productive versatility within each allotment, namely 12 hectares in the Rural 1 zone and 50 hectares in the Rural 2 zone. This is set out in policy 7.1.3.4 which states:

"To require 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 availability of servicing."

Clearly, in this case the proposed Lot 2 will have insufficient area to provide productive versatility for long term productive use of the site. However, this needs to be tempered by the fact that the property itself has little productive versatility to start with, with only about 2 hectares of usable productive land.

6.2 Rural Amenity

The site is within an area that is predominately small rural landholdings of between 2 and 20 hectares. There are some smaller properties under 1 hectare, but these have been created by boundary relocations, whereby two existing parcels have been amalgamated together in exchange for allowing a smaller title.

Even though the site is very close to Richmond, it does have a high degree of rural amenity with a mixture of smaller pastoral lots and larger horticultural sites such as the Orange Vineyard with 11.2 hectares and the Malcolm Orchard of 19 hectares.

The proposed Lot 2 is a very open site and it would be extremely difficult to mitigate the amenity effects of the proposed dwelling.

At present the existing dwelling is well screened from adjoining properties, by virtue of its topography and long established tree plantings. It is unlikely that the same sort of screening could be achieved for the Lot 2 dwelling, though conditions such as exterior colours and landscaping can mitigate some of the effects.

It is acknowledged that there is an acceptance of the amenity effects of the subdivision from the adjoining property owners in that they have all given their written consent to the proposal. Also, as part of the public notification, no opposing submissions were received concerning amenity effects.

The objectives and policies in Chapter 7 of the TRMP seek to remedy or mitigate the effects of subdivision and associated land use activities on rural character and amenity values.

Policy 7.4.3.3 states:

“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.”

In this case, what was a single open rural grassed paddock will become a rural residential allotment, dominated by residential activity rather than productive rural activities.

In conclusion, the proposed subdivision will change the rural amenity of the site, to a more rural residential amenity though this needs to be balanced against the fact that the surrounding area could be considered to be rural residential in character too.

6.3 Servicing Effects

Although the property is within the special wastewater disposal area, it can be reticulated for wastewater and in 2000 the applicant paid for a connection into the White Road sewer line.

The property can be connected into the Council low pressure water supply line in White Road. Because the water supply is low pressure, an additional fire fighting supply in accordance with SNZ PAS 4509:2008 would have to be provided with the proposed dwelling on Lot 2.

There do not appear to be any problems with providing servicing for power and telephone communications to the proposed Lot 2.

There is sufficient area within Lot 2 to deal with storm water discharges from the dwelling and hard surface areas within the site without adversely affecting other properties.

6.4 Permitted Baseline

The permitted baseline is not considered relevant to the subdivision as there is no permitted activity for subdivision in the District Plan.

The permitted baseline is not relevant for the dwelling either, in that there is no permitted activity for a dwelling in the Rural 1 zone. However, it is acknowledged that accessory farm buildings could be erected on Lot 2 (up to a total of 2000 square metres for the whole property), though given the small size of the property and the existing farm buildings already on the site, it is unlikely that this would happen.

6.5 Public Access and Recreation

There is an increasing demand these days for pedestrian public access opportunities that are separate from the main roads. This proposal for the drainage/recreation reserve (Lot 3) makes provision for pedestrian and cycle access along the maintenance track for the Whites Drain which when fully completed and vested through the downstream properties, would provide an important recreation asset, that will enable users to bypass the Paton Road “switch backs” which can be hazardous for cyclists and pedestrians. Council’s Community Services department supports the creation of the reserve link and this is confirmed in the memo from the Council’s Reserves Planner, Rosalind Squire which is attached to this report as Appendix 6.

It is clear that this is a positive benefit of the proposed subdivision. The provision of the drainage/ recreation reserve would be accordance with policy 6.8.3.9 which states:

To establish the Richmond South Development Area a linked open space network with public access, integrated with:

- (a) walkways and cycleways; and*
- (b) waterway networks to ensure effective stormwater management.*

6.6 Precedent and Cumulative Effects

The approval of a subdivision in the Rural 1 zone to create a small rural residential allotment has the potential to set a precedent for other similar sized Rural 1 properties to want do something similar and expect similar treatment. If this continued, it would create a cumulative adverse effect that could significantly change the amenity of the surrounding area.

While, there are many properties of similar size to this one, there would be very few that would be able to provide the positive benefits in terms of the vesting of the recreation/drainage reserve and be able to be reticulated for sewer. In this respect, the precedent set by the approval of this proposal is not considered to be significant.

6.7 Flooding Effects

In the past, localised flooding has occurred at the intersection of Whites Road and Paton Road, which has been caused by gravel and debris being washed down from Whites Road and clogging the road culvert under Paton Road.

Eric Verstappen Council’s Resource Scientist - Rivers & Coast has advised that a condition requiring that the floor level for any dwelling be at least 500mm above the surrounding natural ground level.

7. SUMMARY OF KEY ISSUES

- 7.1 The proposed subdivision will result in the loss of productive potential within the proposed Lot 2, though considering the low productivity of the soils, and small area of the existing property, the actual productive loss will not be significant.
- 7.2 The proposed Lot 2 will not have a level of productive versatility (in terms of area) that is anticipated with Rural 1 subdivisions.
- 7.3 The erection of a dwelling on Lot 2 will result in some loss of rural amenity.
- 7.4 The provision of written consent from all adjoining properties and the absence of any opposing submissions, indicates a local acceptance of the loss of rural amenity resulting from the proposed subdivision.
- 7.5 The property is partly within the Richmond South Development Area (RSDA) which has policies such as 6.8.3.6 and 6.8.3.7 that allows for a limited amount of residential development, subject to servicing and access restrictions.
- 7.6 There do not appear to be any restrictions in regard to servicing and access for this subdivision proposal.
- 7.7 There is a definite positive benefit from the subdivision resulting from the vesting of Lot 3 as a Drainage/recreation reserve which will allow for improved storm water drainage and public access in the area as part of the Whites Drain/Borck Creek greenway network.
- 7.8 There are other examples of similar rural subdivisions where the positive benefits of the provision of reserves have outweighed the fragmentation effects of the creation of rural residential allotments. Examples of these are:
- RM10092 - Three lot subdivision at 293 Ranzau Road to facilitate the vesting of a drainage reserve for the Eastern Hills Drain that would bisect the property where a separate rural residential title was created.
 - RM080373 - Three lot subdivision at 42 Hart Road that allowed for a drainage reserve to be created that is part of the RSDA drainage reserve network.
 - RM100613 - Five lot subdivision that created rural residential allotments in exchange for an extension to the Ngatimoti Recreation reserve.

8. SECTION 5 AND RECOMMENDATION

As a planner weighing up all of the relevant considerations in terms of Section 5 of the Act, I consider that the considerations are finely balanced and I do not wish to make a recommendation in this case.

9. CONDITIONS, ADVICE NOTES, PLANS

9.1 Subdivision Consent RM110371

Subdivision Plan

1. The subdivision and development shall be carried out generally in accordance with the application plan prepared by Newton Survey titled "*Proposed Subdivision of Lot 1 DP 7938*", dated 8 April 2011 and attached to this consent as **Plan A - RM110371**

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. Easements shall be provided for secondary flows over the pond, until Lot 3 is fully developed for capacity flows in the future.
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 for Lot 2 off White Road 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.

The existing farm gate on to Paton Road shall be removed and replaced by a permanent fence.

Lot 3 Drainage/Recreation reserve.

8. The existing dry channel from the culvert under Paton Road to the existing channel in lot 2 DP396397 shall be altered to cope with a Q₁ flow for the principal flow for Whites Drain.

Any secondary flows shall be directed through the existing pond alignment.

Engineering plans for the above works shall be provided for approval by the Council's Engineering Manager prior to the commencement of any works.

Easements for the above over the pond are required until Lot 3 is fully developed for capacity flows in the future.

Water Supply

9. Lot 2 shall be provided with a water connection in accordance with Council's Engineering Standards 2008.

Advice Note:

Please note that water connection fees under Council's Long Term Council Community Plan will be payable.

Engineering Works

10. 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.

Existing Fences and Hedges.

11. The existing hedge along the Paton Road frontage of Lot 1 shall be removed.

The fences along the Paton Road and Whites Road frontage of Lot 2 and 4, shall be relocated back to the boundary.

Engineering Certification

12. Certification from a Chartered Professional Engineer that the nominated building site on Lot 2 is suitable for the erection of residential buildings shall be submitted to the Council's Consent's 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

13. The following consent notices shall be registered on the certificates of title for Lot 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 be in accordance with the condition set out in RM110372.
- (b) Any recommendations or recommended conditions resulting from the engineering certification required under Condition 12 of resource consent RM110371.

Financial Contributions

14. 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 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, 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, water, wastewater and stormwater.

9.2 RM110372- Land Use Consent to Erect a Dwelling on the Proposed Lot 2.

1. The commencement date for this consent is the date of the issue of title for the proposed Lot 2 of RM110371.
2. The dwelling shall be located within the Building Location Area set out in the application plan prepared by Newton Survey titled "*Proposed Subdivision of Lot 1 DP 7838*", dated 8 April 2011 and attached to this consent as **Plan A - RM110371/RM110372**
3. The dwelling shall be connected to Council's wastewater reticulation. The wastewater connection shall be installed by an approved Council contractor at the applicant's expense at the existing cleaning eye opposite Lot 1 DP9941.
4. The area of the dwelling and associated garaging shall be no more than 300 square metres.
4. The maximum height of the dwelling shall be 7.5 metres.
5. The dwelling shall have a floor height at least 500mm above the natural ground level or 500mm above the crest level of Whites Road perpendicular to the house site, whichever is the higher.
6. 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.

7. The dwelling shall be provided with a water supply for fire fighting in accordance with the *New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008*.

Advice Note:

The New Zealand Fire Service Commission considers the optimal means of compliance with the Code is the installation of a domestic sprinkler system in accordance with *Fire Sprinkler Systems for Houses NZS 4517:2010*.

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

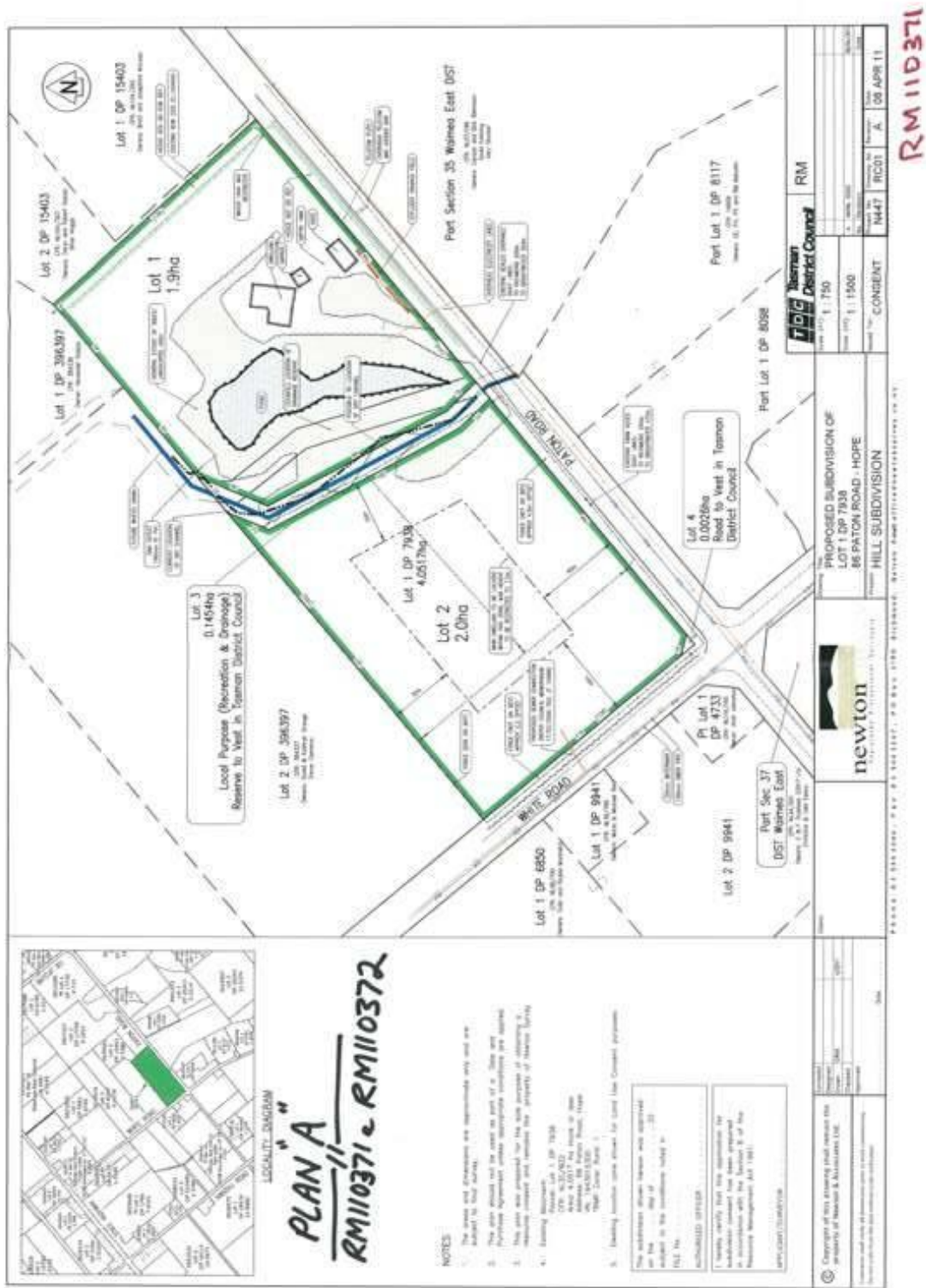
2. Any activity not covered in this consent shall either comply with: 1) the provisions of a relevant permitted activity rule in the Tasman Resource Management Plan; or 2) the conditions of separate resource consent for such an activity.

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.

Mark Morris

Mark Morris
Co-ordinator - Subdivision Consents



APPENDIX 1: Land Requirement Plan - Whites Drain RM090604



Land Requirement Plan - Whites Drain
Draft August 2009

**APPENDIX 2:
Location of parties providing written approval**



RM110371 P, M, L and B Hill 86 Paton Road, Hope

The application area consists of a 4.05ha rural block situated on the eastern margin of the Waimea Plain at Paton Road, Hope. The block has several distinct landscape features. A small area of hill, 0.8ha approximately is situated at the north eastern end of the block. The area is currently in pasture. Its potential for more intensive uses is very limited by slope. Adjacent to this area is the dwelling, its curtilage which includes a large pond. This area, consisting of 1.2ha, is considered unavailable for productive use, although potentially, the pond could be used for irrigation purposes. The remaining 2 hectares is flat land currently been used for grazing. On this area the soil type has been mapped as a Ranzau gravelly silt loam, however an onsite inspection indicated that this area is dominated by clay loams more likely to be associated with the Richmond soil group than with the Ranzau soils.

The clay loam soils on the block consisted of a deep firm topsoil (20-25cm) over pale grey clays with many brown and orange mottles. The mottling indicates high water table levels and long term wetness. This would be a major limitation to some uses. Drainage may help reduce the wetness limitation but the high clay content would potentially limit some farming and horticultural operations. This area would be classed as C under the *Agriculture New Zealand Classification of Productive Land in the Tasman District*. This indicates that it could be used for some intensive uses including nursery, vineyards, market garden, cropping, pastoral and productive forestry but there are some major restrictions on the range of crops that could be grown.

The productive potential of the application area is influenced by a number of factors. As discussed already there are some soil limitations. A significant portion (1.2ha) of the block is unproductive due to dwelling and the associated curtilage. Slope limits intensive use on the hill area of the block. Also impacting on potential productive use is the small size of the block. Effectively only the 2 hectares of flat land are available for any intensive use. Although the shape of the block is regular its small size would limit or make it unattractive for development for more intensive productive uses. The block's current land value indicates that lifestyle rather than productive worth is the major influence. The value is much higher, per hectare, than land of similar productive potential of larger sized blocks more suitable for intensive production. This also would discourage investment for farming purposes.

The application is to undertake a two lot rural residential subdivision. Associated with this is the vesting of a Local Purpose Reserve for drainage purposes. The vesting of this reserve does not significantly influence the potential land use of the application area. Effectively the proposal is to divide the 2 ha area of flat land from the dwelling and hill block. Associated with the subdivision would be the construction of a dwelling and development of the curtilage which would effectively reduce the amount of land available for productive purposes.

There is potential for the amalgamation of the 2ha block of land with adjoining land. This would have the benefit of improving the productive potential of this block and possibly the adjoining block through economies of scale associated with larger blocks. As this block of land is bordered by roads on two sides, the only possible option for amalgamation is with property adjoining on the north-western boundary which is currently being used intensively. The applicant has explored this possibility and the application highlights that

the adjoining owner has viewed such an option as unviable due to size, price, soil and climate limitations. It must be remembered that these limitations have been assessed by the adjoining owner's with his current landuse, being viticulture, in mind. Other intensive crops may be grown that are less influenced by the present climate and soil factors.

The construction of an additional dwelling on the application area as a consequence of subdivision may impact on adjacent land uses hence suitable setbacks would be required to ensure cross boundary effects are negligible.

Report prepared by

Andrew Burton
Resource Scientist (Land)
30-06-11

TO: Mark Morris, Coordinator, Subdivision Consents
FROM: Dugald Ley, Development Engineer
DATE: 9 November 2011
FILE NO: RM110372
SUBJECT: Subdivision - P and M Hill, 86 Paton Road

Introduction

This application is to subdivide the existing 4.05 ha property into four lots, two for rural-residential purposes and two for infrastructure works, ie lot 3 drainage reserve to vest, ie White's Drain and lot 4 corner splay to vest as road.

Background

The property is located on the corner of Paton and White Roads generally on the immediate south side of the Paton Road switchbacks.

Drainage Works

The property is generally a lifestyle block with a large pond located towards the north-eastern end. The pond and stream through it generally bisect the property. The stream is locally known as Whites Drain and was subject to a designation process in the last two years. What resulted was a drainage designation of 10 metres which generally straddles the existing drainage path.

The designation has now been confirmed. However it is not envisaged that the construction works to form the enlarged channel plus access lane on the downstream side will be completed for a number of years.

Staff agree with the owner on the location of the proposed channel (shown as lot 3) compared with the conceptual alignment as proposed in the designation process. (10.0 metres is adequate to form an approximate 6.0 metre drainage channel and a 4.0 metre access lane on the downstream side, ie southwest side). As part of the consent conditions it is proposed that stream works will be required to redirect flows from the culvert under Paton Road into the old dry channel which lot 3 will cover. This work will be at the cost of the subdivider.

The proposed lot 2 of 2.0 ha will need the above and other drainage works constructed to protect any future building site from inundation or flooding from surrounding areas.

Roading Works

Paton Road has a history in this location for vehicle accidents and any new entrances need to reflect the speeds and sight visibility at this location.

Speed bumps have been installed in front of the applicant's property. However these may have a limited life until works are carried out to improve the switchback vertical alignment.

In this regard staff would not support an application for a new entrance off Paton Road and this also reflects the TRMP rule 16.2.2.1(f) which requires access to be achieved off the lesser road.

I confirm that engineering staff would support the new entrance to lot 2 being off White Road with the existing farm gate removed and fenced on the Paton Road frontage. In addition the existing fence lines around the proposed lot 2 should be relocated back to the true legal boundary once the road to vest area has been taken.

Wastewater

Council acknowledges that a wastewater pipe is located along White Road and has the capacity to accept additional users. The connection shall be made at the existing cleaning eye and immediately downstream of it. An inspection cleaning eye will be required at the boundary on White Road and this will be installed by Council's approved contractor. All fees and charges are to be paid prior to works commencing.

Conclusion

In Engineering terms the subdivision will create the drainage reserve envisaged by the designation process and subsequently will separate the land parcel into two areas. I agree that it would be difficult to continue to farm or maintain the two parcels if held together. Engineering staff therefore support the application subject to the following suggested conditions of consent if the application is approved.

Recommended Conditions

1. The existing dry channel from the culvert under Paton Road to the existing channel in lot 2 DP396397 shall be altered to cope with a Q_1 flow for the principal flow for Whites Drain. Any secondary flows shall be directed through the existing pond alignment. Easements for the above over the pond are required until lot 3 is fully developed for capacity flows in the future.
2. Existing fences and hedges along the frontage of lots 1 and 2 and 4 shall be relocated back to the true legal boundary prior to the issue of a 224 certificate.
3. Vehicle access to lot 2 shall be off White Road and comply with the TRMP rule. A vehicle crossing permit shall be required from Council's Engineering Department. All conditions of the crossing permit shall be complied with, prior to the signing of the Sec 224 (c) certificate. The existing farm gate on Paton Road shall be removed.
4. A wastewater connection shall be installed by an approved Council contractor at the applicant's expense at the existing cleaning eye location opposite Lot 1 DP9941.
5. All works shall be shown on the engineering plans to be submitted to Council for approval and compliance with the Council Engineering Standards 2008.

Dugald Ley
Development Engineer

Memorandum:

Environment & Planning Department

To: Mark Morris, Consents Co-ordinator - Subdivisions
From: Rosalind Squire, Forward Planner, Reserves
Reference: RM110872
Subject: **P and M Hill, 86 Paton Road, Hope.**

1. INTRODUCTION

1.1 The purpose of this report is to respond on behalf of the Community Services Department to the proposal outlined in the application with respect to the vesting of land as Local Purpose (Recreation and Drainage) Reserve. I am familiar with the site and surrounding area and have considered the application in the context of existing formed roads, reserves and walkways in the vicinity of the site.

2. APPLICATION AND COMMENTS

2.1 The application site is bisected by the ephemeral stream commonly referred to as Whites Drain. The existing alignment of the stream is the subject of a 10 metre wide designation application and is part of the upper Borck Creek catchment. The purpose of the designation is principally for stormwater drainage and detention, but also provides for public access linkages via a 4 metre wide dual maintenance/access strip.

2.2 The application proposes the vesting of Proposed Lot 3 (0.145 hectares) as Local Purpose (Recreation and Drainage) Reserve. Although the proposed reserve does not fall in the same location as the designation our concern is the connectivity that the proposed reserve provides and this is not affected by the proposed alternative location.

3. CONCLUSION

3.1 The Community Services Department supports the vesting of the Proposed Lot 3 as a Local Purpose (Recreation and Drainage) Reserve as this will give effect to the purposes of the designation.

I am happy to discuss the above as and when required.

Rosalind Squire
Forward Planner, Reserves