

RM120751

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29 November 2012

K B Trout Properties Ltd
C/- Nikkel Surveying Ltd
PO Box 423
Motueka 7143

RECEIVED
04 DEC 2012
T.D.C. MOTUEKA

Dear Sir/Madam

**DECISION ON NON-NOTIFIED RESOURCE CONSENT APPLICATION NO. RM120751 –
K B TROUT PROPERTIES LTD, 40 WHARF ROAD, RIWAKA - TO CONSTRUCT A DWELLING
WITHIN THE COASTAL ENVIRONMENT AREA WITH A REDUCED SETBACK FROM MHWS**

Pursuant to Section 114 of the Resource Management Act 1991 ("the Act"), please find enclosed a copy of the Council's decision on your application for resource consent referred to above.

Section 357A of the Act provides you with the right to lodge an objection with the Council in respect of this decision and/or any associated conditions. Any such objection must be made in writing setting out the reasons for the objection and must be lodged with the Council, together with a deposit fee of \$200.00 (GST inclusive), within 15 working days of receiving this letter.

At this stage the Council has not calculated the final costs of processing your application. Should the final costs exceed the deposit already paid, then as previously advised, you will be invoiced separately for these costs. Should the final costs be less than the deposit already paid, then you will receive a refund. Where the costs are equal to the deposit already paid, no further action is required. You will receive a letter shortly regarding the final costs of processing your application.

You may commence your activity immediately unless you lodge an objection to this decision. However, it is important that you check the conditions of your consent carefully as some of them may require you to provide information and/or plans to the Council before you may commence your activity. In addition, in some cases you may also require other permits or building consents for your activity and these must be obtained before you can commence your activity.

Please note that under Section 125 of the Act, your consent will lapse in five years unless you have given effect to it before then.

Please feel free to contact me if you have any questions regarding any aspect of your consent or its conditions. My contact details are listed at the top of this letter.

Yours faithfully



Pauline Webby
Consent Planner, Subdivision

RESOURCE CONSENT DECISION

Resource consent number: RM120751

Pursuant to Section 104C of the Resource Management Act 1991 ("the Act"), the Tasman District Council ("the Council") hereby grants resource consent to:

K B Trout Properties Limited

(hereinafter referred to as "the Consent Holder")

Activity authorised by this consent: To construct a dwelling within the Coastal Environment Area. This activity will not meet permitted Rule 18.11.2.1 as it is a new dwelling or the controlled standard 18.11.3.1 as the dwelling will be within 30 metres of the MHWS.

Location details:

Address of property: 40 Wharf Road, Riwaka
Legal description: Lot 3 DP 2249
Certificate of title: NL88/60
Valuation number: 1933034600

Pursuant to Section 108 of the Act, this consent is issued subject to the following conditions:

CONDITIONS

General

- 1 The dwelling shall be in accordance with the application submitted, as shown on the attached plan marked Plan A RM120751 and dated 29 November 2012. Where there is any apparent conflict between the information provided with the application and any condition of this consent, the conditions shall prevail.

Height

- 2 The height of the proposed dwelling shall not exceed 5 metres above the natural ground level.

Height shall be measured in accordance with the definition in Chapter 2 of the Tasman Resource Management Plan, quoted below:

"Height, in relation to a building, means the vertical distance between ground level at any point and the highest part of the building immediately above that point. For the purpose of calculating height, account is taken of parapets, but not of:

- (a) *radio and television aerials, provided that the maximum height normally permitted by the rules for the zone is not exceeded by more than 2.5 metres;*

-
- Maximum Height**
- Earth Fill
- Retaining Wall
- Proposed earth filling and earth cutting have no effect on the height
- Earth cut under building for basement
- Maximum Height
- Ground Level (see definition)

For the avoidance of doubt, ground level is defined in the Tasman Resource Management Plan as follows:

Ground Level – means the natural ground level, or where that has been altered by subdivision, means the actual finished ground level when all works associated with the subdivision of the land are completed, and excludes any excavation or filling associated with the building activity.

3 The finished floor level of the dwelling on Lot 2 DP XXXX shall be at least 4 .6 metres above mean sea level (AMSL).

4 The exterior of the building shall be finished in colours that are recessive and blend in with the immediate environment. The Consent Holder shall submit to the Council's Consent Planner, Motueka 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:

- (a) the material to be used (eg, paint, Colorsteel);
- (b) the name and manufacturer of the product or paint;
- (c) the reflectance value of the colour;
- (d) the proposed finish (eg, matt, low-gloss, gloss); and

- (e) 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.

Advice Note 1:

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

Advice Note 2:

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.

Setback from MHWS

- 7 The setback for a dwelling on Lot 2 DP XXXX shall be no less than 4.5 metres from the Wharf Road boundary with Lot 2 DP XXXX.

Review

- 8 That pursuant to Section 128(1)(a) and 128(1)(c) of the Resource Management Act 1991, the Consent Authority may review any conditions of the consent within 5 years from the date of issue of this consent and thereafter within 1 month of the anniversary of the date of this consent) for any of the following purposes:
- (a) to deal with any adverse effect on the environment which may arise from the exercise of the consent and which it is appropriate to deal with at a later stage; or
 - (b) to deal with inaccuracies contained in the consent application that materially influenced the decision made on the application and are such that it is necessary to apply more appropriate conditions; or
 - (c) to assess the appropriateness of imposed compliance standards, monitoring regimes and monitoring frequencies and to alter these accordingly.

ADVICE NOTES

Council Regulations

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

Consent Holder

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

Development Contributions

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

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

Monitoring

- 5 Monitoring of this resource consent will be undertaken by the Council as provided for by Section 35 of the Act and a one-off fee has already been charged for this monitoring. Should the monitoring costs exceed this fee, the Council reserves the right to recover these additional costs from the Consent Holder. Costs can be minimised by consistently complying with conditions, thereby reducing the necessity and/or frequency of Council staff visits.

Archaeological

- 6 The proposed development is near known archaeological sites. If during any site disturbance works, any material is found that may have any archaeological significance, all work should stop immediately and the Consent Holder should contact Tiakina te Taiao Limited, the Tasman District Council and the New Zealand Historic Places Trust, who should be consulted so that appropriate action pursuant to the Historic Places Act 1993 is undertaken.

Interests Registered on Property Title

- 7 The Consent Holder should note that this resource consent does not override any registered interest on the property title.

REASONS FOR THE DECISION

Proposed Activity

The application is to construct a dwelling on proposed Lot 2 of subdivision RM120437 in the Coastal Environment Area with a setback that is less than the minimum of 30 metres from MHWS.

No plans have been provided for the dwelling at this stage. This consent authorises a future dwelling that complies with all applicable permitted standards of the Tasman Resource Management Plan (or subsequent document), with the exception of the matters covered by the conditions of this consent, which will need to be complied with.

Tasman Resource Management Plan ("TRMP") Zoning, Area, and Rules Affected

According to the TRMP the following apply to the subject property:

Zoning: Residential
Area(s): Land Disturbance 1, Coastal Environment Area

The activity authorised by this resource consent does not comply with Permitted Activity Rule 18.11.2.1 (new dwelling within the Coastal Environment Area) or the controlled activity Rule 18.11.3.1 (within 30 metres of MHWS) of the TRMP and is deemed to be a restricted discretionary activity in accordance with Rule 18.11.3.2 of the TRMP.

Principal Issues (Actual and Potential Effects on the Environment)

The principal issues associated with the proposed activity involve the actual and potential effects on the environment. For this application these were:

- (a) effects on the Coastal Environment Area;
- (b) natural hazards.

I consider that the adverse effects of the activity on the environment will be no more than minor for the following reasons:

Coastal Environment Area

- (a) The reduced setback from the coastal area is not considered to have adverse effects on amenity values as the setback of a future proposed dwelling in this location is consistent with the existing residential context and setbacks of nearby dwellings. The applicants have volunteered recessive colours for any exterior finishes of buildings on the new allotment, which will assist in reducing any adverse effects on coastal amenity values.

Natural Hazards

- (b) The effects of any coastal inundation have been mitigated by the imposition of a minimum finished floor level of 4.6 metres AMSL.

Relevant Statutory Provisions

In considering this application, I had regard to the matters outlined in Section 104 of the Act. In particular, I had regard to the relevant provisions of the following planning documents:

- (a) the Tasman Regional Policy Statement (TRPS);
- (b) the Tasman Resource Management Plan (TRMP); and
- (c) the New Zealand Coastal Policy Statement (NZCPS).

Most of the objectives and policies contained within the TRPS are mirrored in the TRMP. The activity is considered to be consistent with the relevant objectives and policies contained in Chapters 5 (Site Amenity Effects), 6 (Urban Environment Effects), 8 (Margins of the Coast), and 9 (Landscape) of the TRMP and Policy 13 of the New Zealand Coastal Policy Statement.

Part II Matters

I have taken into account the relevant principles outlined in Sections 6, 7 and 8 of the Act and it is considered that granting this resource consent achieves the purpose of the Act as presented in Section 5.

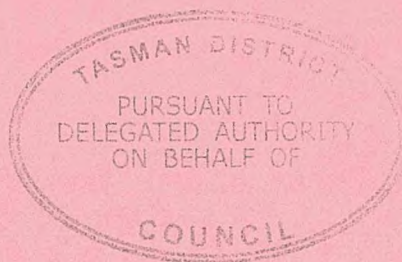
Notification and Affected Parties

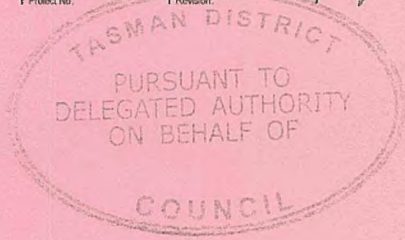
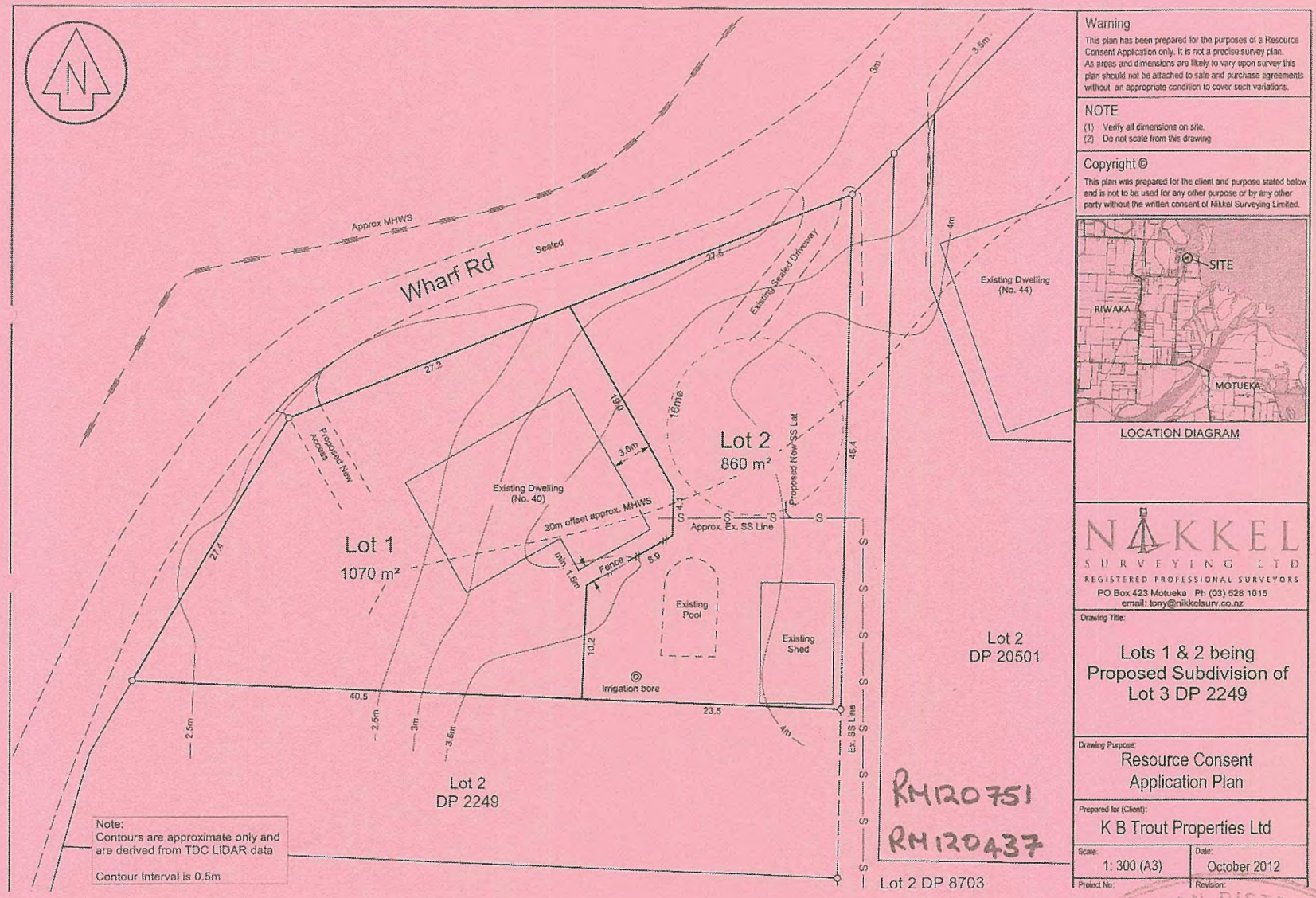
The adverse environmental effects of the activity are considered to be no more than minor. The Council's Resource Consents Manager has, under the authority delegated to him, decided that the provisions of Section 95 of the Act have been met and therefore the application has been processed without notification.

This consent is granted on 29 November 2012 under delegated authority from the Tasman District Council by:



Pauline Webby
Consent Planner, Subdivision





Shahly