

**Zwart v Tasman District Council 20/8/02, Judge Kenderdine, EnvC Wellington
W33/2002**

Unsuccessful appeal against decision declining resource consent - Z applied for resource consent to subdivide land to produce two smaller lots, one of which was to be sold - Z claimed subdivision of land would potentially make it more productive - TDC opposed proposal because it believed purpose of application was not to facilitate production but instead to allow optimum sale of part of horticultural unit - TDC submitted proposal contravened regional policy statement as fragmentation of high quality productive land is undesirable.

Held, land fragmentation is not necessary in circumstances, instead it is merely Z's personal preference - proposal meets some of the objectives and policies of transitional plan but not others, which are collectively important - subdivision will have adverse effects on environment by not retaining potential for land to be developed as productive unit - reducing lot size will reduce options for production of biomass for future generations - because proposal is non-complying in terms of traditional plan, Court is required to use discretion and in this case it does so by refusing resource consent - appeal dismissed.