

# MINUTES

**TITLE:** Environment and Planning Subcommittee  
**DATE:** Monday, 30 May 2005  
**TIME:** 9.30 am  
**VENUE:** Council Chamber, 189 Queen Street, Richmond

**PRESENT:** Cr E M O'Regan (Chair), Crs R G Currie, E C Wilkins.

**IN ATTENDANCE:** Manager, Consents (J S Hodson), Consultant Planner (G Rae),  
Administration Officer (B D Moore).

## 1. ROO ENTERPRISES LTD, GLADSTONE ROAD and WAVERLEY STREET, RICHMOND – APPLICATION RM041408

### 1.1 Proposal

The applicant sought consent to:

- a) use the existing dwellings on two adjacent properties located at 21 Gladstone Road and 64 Waverley Street, Richmond as motel units;
- b) establish a rental car and car grooming business on 64 Waverley Street, Richmond;
- c) erect signs on Waverley Street and Gladstone Road.

### 1.2 Presentation of Application

Mr F C Bacon tabled and read a statement of evidence for the applicant. He described the two residential properties, each with their own separate road access. The street addresses and legal descriptions of these properties are:

- a) 21 Gladstone Road, Part Lot 1 DP 3400, 900 square metres;
- b) 64 Waverley Street, Lot 1 DP 6106, 809 square metres.

The adjacent property at 19 Gladstone Road to the north-east is occupied by Destiny Motels, owned by the applicant but not part of this application

Mr F C Bacon advised that the applicant accepted the conditions of consent for the motel, proposed by Mr Rae and Transit New Zealand. He said that the proposed car hire business is small-scale and involves only seven vehicles, with no more than four on display at any time. The daily vehicle movements generated by this activity are small in number and more comparable with domestic use of the property than a commercial activity.

The evidence described the existing uses of properties in Gladstone Road, particularly those adjacent to the site. The vehicle hire business had been operated over a period of several months and has resulted in an average of one vehicle hire per day. The proposed signs would be about 1.6 square metres on Gladstone Road and 1.5 metres (attached to the building) on Waverley Street. The proposed mobile car grooming activity is an adjunct to the car rental activity, as the rental cars will require grooming after being rented out. Mr Bacon noted that the mobile car grooming activity could in fact operate as a home occupation on this site, if it was operated by an on-site resident.

Mr Bacon said that the existing vehicle entrance to 64 Waverley Street could be widened if necessary but he believed that the existing width was adequate. Mr Bacon said that the proposed conditions of consent would appear to enable the physical effects of the activities to be avoided, remedied or mitigated. Mr Bacon reminded the Subcommittee that the activities proposed are discretionary and of small-scale and with insignificant effect.

### **1.3 Presentation of Submissions**

Mr M F Robinson of 62 Waverley Street made a verbal submission and confirmed that he was happy with the proposed motel accommodation and sought that the existing hedge be replaced with a fence. He said that the car grooming business had been tidied up and that the shingle surface was satisfactory. He said that there has not been a problem with the business going on as it is, so long as it does not evolve into something greater. He spoke about the corner of Gladstone Road and Waverley Street presenting traffic safety problems and that vehicle access from Waverley Street is becoming more difficult.

A letter of 13 May 2005 from Transit New Zealand was tabled, which indicated support for the motel proposal being granted with Conditions 1-5 of the staff report but consent for the car rental business and associated second sign be declined.

### **1.4 Staff Report**

Consultant planner, Mr G Rae, spoke to his report contained within the agenda, noting that Council had received written approvals of five neighbouring property owners. He suggested that the car grooming and rental business should attract a development contribution. Mr Rae said that the car grooming proposal is not a home occupation and although precedent does not apply, it will send a signal out to prospective developers to encourage similar applications. Mr Rae recommended that the car rental and grooming business and advertising signs not be granted consent.

### **1.5 Right of Reply**

Mr Bacon noted that consent had been received from six neighbours. He said that the existing vehicle crossing may already be 5.5 metres wide at Waverley Street. He questioned whether this application could seriously be considered a commercial activity when placed into a strictly residential area. He noted that there were many other previous commercial activities located in this vicinity.

Mr Bacon referred to the existing environment as commercial and that it would not send a signal to prospective developers. He said that the existing commercial activities have evolved over a long period of time and spoke about the difficulty of locating businesses like this within commercial sites in the Richmond area.

Mr Bacon said that because of the high traffic volumes, this location cannot be considered an ideal residential location. He noted that because of the motel use the existing site still has a substantial residential component and that there will be an insignificant change of land use in terms of effects from the proposal. He said that it would probably be a good thing if Transit New Zealand was to require that there be no parking on Gladstone Road on the frontage of the subject site. Mr Bacon said that he doubted that on-site turning within the site is required.

Mr Bagust of Roo Enterprises Ltd said in conclusion that the proposal is a small operation and designed to assist the corporate motel guests with their needs of car rental and is provided as a convenience. He said that he believed that the operation will become smaller in scope rather than larger.

Mr Bacon reminded the hearing panel that the application is bound to the level of that applied for.

The Subcommittee reserved its decision at 11.40 am.

**Moved Crs O'Regan / Wilkins  
EP05/05/20**

**THAT the public be excluded from the following part of the proceedings of this meeting namely:**

Roo Enterprises Ltd

**The general subject of the matter to be considered while the public is excluded, the reason for passing this resolution in relation to the matter, and the specific grounds under Section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:**

<b>Subject</b>	<b>Reasons</b>	<b>Grounds</b>
Roo Enterprises Ltd	Consideration of a planning application.	A right of appeal lies to the Environment Court against the final decision of Council.

**CARRIED**

**Moved Crs Wilkins / Currie  
EP05/05/21**

**THAT for the purposes of discussing the application of Roo Enterprises Ltd as an "In Committee" item, the Manager Consents be authorised to be in attendance as advisor.**

**CARRIED**

**Moved Crs O'Regan / Wilkins  
EP05/05/22**

**THAT the public meeting be resumed and that the business transacted during the time the public was excluded be adopted and that the following resolutions be confirmed in open meeting.**

**CARRIED**

**2. ROO ENTERPRISES LTD, GLADSTONE ROAD and WAVERLEY STREET,  
RICHMOND – APPLICATION RM041408**

**Moved Crs Currie / O'Regan**

**EP05/05/23**

THAT pursuant to Sections 104B of the Resource Management Act 1991, Council grants consent to Roo Enterprises to:

- use the existing dwellings on two adjacent properties located at 21 Gladstone Road and 64 Waverley Street, Richmond as motel units and
- establish a rental car business in association with the motel business.

The Council thus has declined the part of the application for the car grooming business and the proposed signs.

The application is granted subject to the following conditions and for the following reasons:

**CONDITIONS - MOTEL UNITS AND CAR RENTAL BUSINESS:**

**Motel Units**

1. There shall only be one motel unit per title as in the application.
2. There shall be two carparks marked as reserved for each motel unit, i.e two parks for the 21 Gladstone Road unit and two for the 64 Waverley Street unit.
3. The external appearance and footprint of the existing dwellings shall not be altered other than that required for minor repair and maintenance purposes.
4. No dogs shall be permitted to be accommodated on the either 64 Waverley Street or 21 Gladstone Road.
5. Access to Lot 1 DP 6106 shall only be from the existing crossing on Waverley Street.
6. Adequate on site turning is to be provided on both Pt Lot 1 DP 3400 and Lot 1 DP 6106 so that traffic is able to access Gladstone Road and Waverley Street, respectively, in a forward direction and without the need to reverse out onto the carriageway. A plan drawn to scale showing compliance with this condition shall be provided to Council for approval prior to the commencement of the activity.

7. Yellow "No Stopping" lines shall be painted on the north-eastern side of Waverley Street between the intersection with Gladstone Road and the vehicle access to 64 Waverley Street. This shall be at the cost of the consent holder and shall be completed to the satisfaction of the Engineering Manager.
8. The Consent holder shall ensure that vegetation be trimmed so it is clear of the footpath and does not obscure sight lines for cars emerging from 64 Waverley Street.

### **Car Rental Business**

9. There shall be no on-site public advertising relating to the car rental business. The cars must be stored out of view of the public travelling on Gladstone Road and Waverley Street. Storage may take place either inside the three bay garage on 64 Waverley Street or at the rear of 21 Gladstone Road.
10. The maximum number of cars allowed to be stored on site for the purpose of renting is five.

### **Review Condition**

11. The Consent Authority may, for the duration of this resource consent and within the three month period following the 31 May each year, review the conditions of this resource consent pursuant to Section 128 of the Resource Management Act 1991 and/or for the purpose of dealing with any adverse effect on the environment which may arise from the exercise of this resource consent and which is appropriate to deal with at a later stage.

### **Notations**

- a) The applicant shall meet the requirements of Council with regard to all building and Health Bylaws, Regulations and Acts. In particular, stormwater from the site shall be disposed of via a reticulated supply as flooding is known to occur in this area.
- b) Any matters not referred to in this application for resource consent or otherwise covered in the resource consent conditions must comply with the proposed Tasman Resource Management Plan and/or the Resource Management Act 1991.
- c) Access by the Council or its officers or agents to the property is reserved pursuant to Section 332 of the Resource Management Act.

### **REASONS FOR THE DECISION:**

1. The land is zoned Residential in the Proposed Tasman Resource Management Plan.
2. The proposed activities are discretionary activity under the Proposed Plan as they fall within the definition of "commercial activities". Due to the progress of the Proposed Plan through the statutory process the provisions of the Transitional Plan are not considered relevant as there are no relevant references to the relevant rules of the Proposed Plan. The application has been considered pursuant to Part 2 and Sections 104B of the Resource Management Act 1991.
3. The Committee noted that there were two submissions received which raised the following issues:

- Potential adverse effects on traffic safety on the State Highway network,
- Increase in traffic accessing the site and associated traffic hazard
- Likelihood of increased parking on Gladstone Road which could obscure intersection sight lines and sight lines for the pedestrian crossing.
- Fencing of the boundary between 64 and 62 Waverley Street

The Committee also noted that the consents of five parties had been received.

4. The Committee carefully considered the concerns of submitters and also the additional planning issues raised in the staff report relating to:
  - The car rental and grooming business not being suitable or compatible within the residential zone,
  - Adverse visual and amenity effects of the car rental and grooming business and associated signage
  - “Precedent” effect
5. The Committee agreed that the outdoor display of rental cars as proposed by the applicant would have an adverse visual effect on the residential character and amenity of the site and the surrounding area. In addition the Committee considered that the visual effect would create adverse effects such as parking on Gladstone Road, loss of visibility for users of the intersection and in relation to the pedestrian crossing. This was considered to be an unsatisfactory situation and a traffic hazard which should be avoided. However, it was considered that the offering for hire of a small number of cars would be acceptable if done discreetly and as part of the operation of the motel business.
6. The Committee did not consider that the site at 64 Waverley Street was suitable for the combined use of the car rental business, car grooming and motel use. They were concerned about the car grooming activity would impinge on the parking and manoeuvring area for the motel parking. In addition it was considered that there had been inadequate provision made for the disposal of contaminated wash water from the proposed car grooming business. It was not considered to be appropriate to allow this kind of contaminant to drain into the stormwater system or be discharged to ground.
7. In terms of the issue of “precedent”, the Committee is aware that each application for a discretionary activity must be considered on its own merits, but it is also clear that the issue of consistency and fairness and the integrity of the Plan administration is an issue that is able to be considered. The Committee considered that in relation to this matter and in the context of the view that the visual effects of car rental and grooming business would be out of character with and detrimental to the amenity and traffic safety of the area, that the approval of these aspects of the application would send an inappropriate signal to others who may wish to open up a business in a residential dwelling in this area.

8. The Committee considered that use of the existing dwellings for motel units was a suitable use. However, they considered that it was appropriate to control car parking on Waverley Street outside the motel by the use of yellow “no stopping” lines. It was also considered appropriate that vehicles should be able to manoeuvre on-site and not have to back onto the road and that a plan should be provided to demonstrate how this can be achieved. It was not considered necessary to require the existing vehicle crossing to be widened although some trimming of vegetation to improve sight distances would be beneficial.
9. The Committee did not consider that it was appropriate to impose a condition on the consent to require a new fence to be constructed between 64 and 62 Waverley Street as the effect of the motel use would be very similar to that of a dwelling as it currently is. The land owners are able to use the normal terms of the Fencing Act to deal with the replacement of the hedge with a fence should they so desire.
10. The Committee was satisfied that the proposal to use the dwellings as motel units and to have a small car rental business in association with the motel business was consistent with the policies and objectives of the Proposed Plan and the purpose and principles of the Resource Management Act 1991. However, as stated, the Committee considered that the car grooming and the display and advertising of rental cars was inappropriate on this site and contrary to the policies and objectives of the Proposed Plan and the purpose and principles of the Act.

**CARRIED**

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**Confirmed:**

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**Chair:**