

MINUTES

TITLE: Environment and Planning Subcommittee
DATE: Wednesday, 22 June 2005
TIME: 9.30 am
VENUE: Council Chamber, 78 Commercial Street, Takaka

PRESENT: Cr E M O'Regan (Chair), Crs N Riley and S J Borlase

IN ATTENDANCE: Manager Consents (J S Hodson), Consent Planner, Subdivision and Land Use (P J Gibson), Resource Scientist, Land (A S Burton), Administration Officer (B D Moore).

1. M L and J M BAIRD, CORNER CARLYLE STREET and CLIFTON ROAD, CLIFTON, TAKAKA – APPLICATION No. RM041292

1.1 Proposal

The applicant sought consent to subdivide Lot 1 DP 5704 in CT NL 146/21 of 4,047 square metres and Part Section 152 District of Takaka in CT NL 146/22 Ltd of 3.6422 hectares. The application is for three proposed allotments as follows:

- a) Lot 1 is part of CT NL 146/21 and has an area of 2,000 square metres containing the dwelling and a car garage;
- b) Lot 2 is part of CT 146/22 Ltd and has an area of 1,000 square metres with no buildings;
- c) Lot 3 is the balance of the land in CT NL 146/21 and CT NL 146/22 Ltd and has an area of about 3.75 hectares. It contains an old dwelling, shearing shed and other ancillary buildings.

1.2 Presentation of Application

The applicants appeared at the hearing together with their surveyor, Mr T Gowland. Mr Gowland outlined the applicant's family involvement with this property for 150 years. He explained that the effects of the proposal will be minor because the scale of the activity is small. He said that 1,000 square metres for proposed Lot 2 of productive soil lost from the farm block is more than compensated for the gain of 2,000 square metres returned to the farm from the home block. He said that the immediate neighbours have all consented and the house will have little visual impact on anyone else.

A neighbouring property owner, Mrs N M Jimenez, confirmed her agreement to the proposed subdivision plan for proposed Lots 1 of 2,000 square metres, Lot 2 of 1,000 square metres and Lot 3 of 3.75 hectares.

Cr O'Regan questioned the applicants' agreement with the staff proposal that the new 1,000 square metre lot would be required to connect to the reticulated sewer. Mr Baird advised that an estimate of \$30,000 had been obtained as the price to hook up to the public sewer. He said that this cost was prohibitive and the applicants proposed that a Biocycle 8000 on-site effluent disposal system is to be installed and the cost would be about \$10,000. He advised that a granny flat was previously located on this site and that a septic tank system was used. When the granny flat was removed the septic tank was also removed.

1.3 Staff Reports

Consent Planner, Subdivision and Land Use, Mr P Gibson, spoke to his report of 9 June 2005 contained within the agenda. The report discussed the key planning issues relating to this proposal, including:

- a) productive land values and fragmentation;
- b) amenity values, rural character and cross-boundary effects;
- c) traffic matters;
- d) servicing matters;
- e) cultural heritage matters;
- f) contamination matters;
- g) financial contributions.

Mr Gibson recommended that the application be declined but listed proposed conditions of consent should the Council wish to grant consent.

Resource Scientist, Land, Mr A Burton, spoke to his report contained within the agenda on the subject of soils and land productivity at Clifton. He spoke about the land and location as having a favourable climate with good soil and having a number of agricultural and productive farming uses.

1.4 Right of Reply

Mr Gowland responded for the applicants, saying that the Council's objectives and policies within the Tasman Resource Management Plan were not relevant for a non-complying activity of this type. He reminded the Subcommittee that essentially the applicants were transferring 1,000 square metres from one corner of a site to another area and that a further 1,000 square metres was going back into the farm. Mr Gowland addressed the proposed conditions of consent, noting that the applicants opposed a proposed corner snipe on the corner of Clifton Road and Carlyle Street and objected to the proposed new vehicle crossing access rules. He said that stormwater from the site could be put into an on-site water storage tank for use within the property and that the overflow could go into the open drain on Carlyle Street. He questioned the need for electricity and telephone lines to be put underground.

The hearing concluded at 11.15 am.

**Moved Crs Borlase / Riley
EP05/06/53**

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

M L and J M Baird

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:

Subject	Reasons	Grounds
M L and J M Baird	Consideration of a planning application.	A right of appeal lies to the Environment Court against the final decision of Council.

CARRIED

**Moved Crs O'Regan / Borlase
EP05/06/54**

THAT for the purposes of discussing the application of M L and J M Baird as an "In Committee" item, the Manager Consents be authorised to be in attendance as advisor.

CARRIED

**Moved Crs O'Regan / Riley
EP05/06/55**

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. M L and J M BAIRD, CORNER CARLYLE STREET and CLIFTON ROAD, CLIFTON, TAKAKA – APPLICATION No. RM041292

DECISION - SUBDIVISION AND LAND USE:

**Moved Crs Borlase / O'Regan
EP05/06/56**

THAT pursuant to Sections 104 and 104D of the Resource Management Act 1991, Council DECLINES consent for M L and J M Baird to subdivide Lot 1 DP 5704 and Part Section 152 District of Takaka into three allotments and to construct a dwelling on the land shown as proposed Lot 2.

The reasons are stated below.

REASONS FOR THE DECISION – SUBDIVISION AND LAND USE:

The land is zoned Rural 1 under the Proposed Tasman Resource Management Plan. The subdivision is a discretionary activity under Rule 16.3.7A of the Proposed Tasman Resource Management Plan in that the proposed lots are less than the 12 hectares required under rule 16.3.7(b) for a controlled activity subdivision in the Rural 1 zone. Schedule 16.3A of the Proposed Plan sets out the matters the Council will have regard to in assessing the application.

The land is zoned Rural A under the Transitional Plan and the status of the activity is non-complying.

The Committee is aware that there is one reference pertaining to the subdivision rules and policies and objectives particularly relating to the Rural 1 zone and therefore the application is considered as a non-complying activity. However, more weight has been given to the policies and objectives of the Proposed Plan due to the stage of its progression through the statutory process.

The application has been considered subject to Part 2 of the Act i.e. the purpose and principles of sustainable management of natural and physical resources, and Section 104.

In relation to non-complying activities, Section 104D states that Council may only grant such an application if it is satisfied that either;

- The adverse effects of the activity on the environment are no more than minor or,
- The activity is not contrary to the objectives and policies of relevant plan and the proposed plan.

The applicants explained that the subdivision was desired to create an additional allotment which can then be disposed of and the capital used to construct a new dwelling for the applicant's relatives.

The Committee was told that the adverse effects of creating a new lot of 1000 m² would be more than compensated for by the addition of 2000 m² to the larger "farm" title. They were also told that the land had been in the family's ownership for 150 years which was a highly unusual situation and therefore granting it would not create a "precedent" for other applications which may follow.

The Committee noted that two submissions were received, both in support of the application. It was also noted that the surrounding property owners had provided their consents.

The issues which the Committee considered were of concern in relation to the Tasman Resource Management Plan policies and objectives are essentially:

- Productive land values and fragmentation effects
- Amenity values, rural character and cross-boundary effects
- Traffic effects
- Servicing effects
- Cultural heritage matters
- Financial contributions

The proposed subdivision is in a very attractive area characterised by pastoral activities, rural open space and some rural residential uses further down Clifton Road and Abel Tasman Drive. The land is now used for grazing.

The Committee considered that the proposed subdivision of this residential sized lot in this location was unacceptable both in terms of the policies and objectives and the actual effects of the subdivision on the environment.

Fragmentation of rural land is a matter which is of major concern to the Council and features prominently in the issues, policies and objectives of the Proposed Tasman Resource Management Plan, particularly Objective 7.1. The general aim is to ensure that the lots created in the Rural 1 and 2 zones are of a size to ensure the lots have a degree of versatility of productive uses. This is stated in Policy 7.1.3. It was considered that the subdivision of the land in this case would not achieve this outcome.

The Committee noted the discussion about the soil type and productive value of the land in question. However it was clear to the Committee that the soil had high productive value and they did not accept that creating an additional small title was consistent with the aims of the Plan or with sustainable management principles.

The Committee accepted that there were other small allotments in the vicinity but in relation to the one next door, this was created sometime ago. In relation to a more recent subdivision on Clifton Road, this was considered to be quite a different situation whereby that subdivision was in an area which was “substantially fragmented already and the lots did not protrude into productive farmland.” In that situation the subdivision was seen as “infill” of land already substantially fragmented.

In terms of this application, the Committee was concerned about the precedent effect of granting such an application in the absence of any distinguishing features. It was considered that the approval of this application would send a signal to the community of Golden Bay that rural-residential subdivision of rural land was acceptable and this message is incorrect. The framework established by the Proposed Plan is such that rural residential subdivision and development should be focused in the areas zoned for that purpose or where distinguishing features mean that there would be no adverse effects. There was concern about consistent administration of the Plan and that like applications should be treated as like in the future.

The Committee noted that despite the small existing allotment to the east of the subject land, the area had a strong rural character and the additional small title proposed would not be consistent with the overall pattern of development or be something which would be expected in the Rural 1 zone. Therefore, the Committee considered that granting the consent would have an adverse effect in terms of rural character and amenity and open space values of the area.

In addition the Committee noted that Carlyle Street is a narrow rural road and the Committee was in agreement with the concerns of the Engineering staff in terms of the potential cumulative effect which occurs with the approval of additional lots on rural roads leading to pressure on Council to upgrade those roads eventually in an area seen as inappropriate for this kind of development.

The Committee did not consider that the proposed subdivision enhanced any statutory “heritage” matters, and that it was not possible to take account of personal circumstances as they were not matters referred to in the Tasman Resource Management Plan.

In summary, the Committee considered that the application was inconsistent with the purpose and principles of Part 2 of the Resource Management Act and the policies and objectives of the Proposed Plan and the Regional Policy Statement. The Committee did not consider that this case could meet either of the tests in Section 104D.

CARRIED

Confirmed:

Chair: