

MINUTES

TITLE: Environment & Planning Subcommittee
DATE: Monday, 19 September 2005
TIME: 9.30 am
VENUE: Council Chamber, 189 Queen Street, Richmond
PRESENT: Cr R G Kempthorne (Chair), Crs S Bryant and E E Henry

IN ATTENDANCE: Manager, Consents (J S Hodson), Senior Consent Planner, Subdivision (M D Morris), Administration Officer (B D Moore)

1. APPLICATION RM040464 - G THOMSON, MAIN ROAD, SPRING GROVE, WAKEFIELD

1.1 Proposal

The applicant sought consent by boundary adjustment to subdivide the land in CT NL 69/299 and CT NL 175/43 (with a total of 6.14 hectares) into Lot 1 of 3.8349 hectares and Lot 2 of 2.4118 hectares instead of the minimum requirement area of 12 hectares. The land is zoned Rural 1 and CT NL 69/299 currently has two dwellings, while CT NL 175/43 has no buildings. The proposal is to rearrange the title boundaries so that each allotment will have an existing dwelling and CT 175/43 will get incorporated into Lot 2. Each of the existing titles has a licensed crossing place from the State Highway and the proposal is that the two lots will have a shared crossing place and that the existing crossing place 38 will be closed.

The applicant also sought to have a separate new crossing place for Lot 1 to be formed at a future date. The applicant was not able to obtain the written consent from Transit New Zealand regarding the additional crossing for Lot 1, so Transit was served notice under limited notification.

1.2 Presentation of Application

Mr and Mrs G Thomson attended the hearing together with their representative, Mr R I Aubrey.

Mr Aubrey introduced the application and explained the proposed subdivision layout and the history of the existing and proposed ownership of the subject site. Mr Aubrey said that the two allotments have used the one access for some time and the desire to shift and retain the second crossing place would not appear to have any impact on the functioning of the State Highway.

Mr Thomson tabled and read a statement and explained the reasons why a separate access was sought and demonstrated how the applicant intended to widen the existing access by shifting crossing place 38. He said that it was proposed to construct a relocated crossing place 38 at a later date but if necessary the applicant would be prepared to undertake this alteration immediately.

Mr Aubrey then read his statement of evidence and referred to Section 90 of the Transit New Zealand Act 1989 regarding access to and from land adjacent to a State Highway and provided copies of the notices authorising licensed crossing places 37 and 38, which had been granted in 1975. He said there would be no difference in the number of vehicles accessing the proposed subdivision and noted that the existing bare title now has a right for a dwelling to be constructed on it. He said that the proposed boundary adjustment would remove that right.

1.3 Presentation of Submissions

Evidence from Transit New Zealand was tabled and spoken to by Mr B Holland and Ms K Tootell. Transit New Zealand sought that both houses gain access from existing crossing place 37 and that crossing place 38 be closed. Ms Tootell said that crossing place 38 provides field access only and has not been designed to a standard suitable for any other use. She said that the proposed subdivision will have an adverse effect on the State Highway network. Transit New Zealand requested that Council impose the conditions as recommended in Section 8 of the Council officer's report, or alternatively that the resource consent application be declined. Ms Tootell added that Transit New Zealand's approval is required when a change of use occurs in relation to a crossing place.

Mr B J Holland read a statement of evidence for Transit New Zealand and said that in the immediate 1 kilometre stretch of highway centred on the Thomson's property there are 15 accesses. He quoted a research report that stated that a common rule of thumb is that each access point increases the accident rate by 10 accidents per 100 million vehicle kilometres. Ms Tootell said that legislation has changed the situation where an existing authorised crossing place can be formed up to provide for a changed use.

Cr Henry questioned Mr Holland about the potential removal of the power pole located next to the proposed 6 metre wide crossing. Mr Holland said that the power pole could be a significant safety issue for visibility of motorcycles.

Mr Holland said that the number of conflict points is the determinant.

1.4 Staff Report

Senior Consent Planner, Subdivision, Mr M Morris, spoke to his report contained within the agenda. He said that a joint shared crossing is quite a common situation and this is proposed for only a short distance within the property and is unlikely to affect the property value. Mr Morris did not amend his recommendation as a result of evidence presented at the hearing.

1.5 Right of Reply

Mr Aubrey responded for the applicant and referred to Section 90 of the Transit New Zealand Act 1989, which he had presented during his evidence and reminded the Subcommittee that the wording said "*reasonably practical alternative access to some other road*". He said that the words "*to some other road*" are the qualification. He said that the crossing place authorisation did not contain any qualification that these are limited to farm accesses. He acknowledged that Transit New Zealand had a record of how those crossing places are formed.

Mr Aubrey said that subsequent legislation cannot affect this. Mr Aubrey said that in 1975 the existing land within that certificate of title could have had a dwelling located on it and using the existing crossing place.

Mr Aubrey said a single width entrance for the combined access for the two titles would present a traffic safety problem when vehicles meet on the driveway. He said the proposed double width entrance is far safer than the present situation. Mr Aubrey said that the power pole adjacent to the road frontage has potential to cause an accident and the applicant has volunteered to remove the power pole for safety reasons.

Mr Aubrey said that in summary the desired situation is what the applicant is proposing and it is safer than the present situation and what Transit New Zealand is seeking. He said the situation sought by the applicant is safer and infinitely better than what Transit New Zealand is trying to force the applicant into.

The Subcommittee reserved its decision at 11.30 am.

Moved Crs Bryant / Henry EP05/09/21

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

G Thomson

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
G Thomson	Consideration of a planning application.	A right of appeal lies to the Environment Court against the final decision of Council.

CARRIED

Moved Crs Henry / Kempthorne EP05/09/22

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

**Moved Crs Kempthorne / Henry
EP05/09/23**

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. APPLICATION RM040464 - G THOMSON, MAIN ROAD, SPRING GROVE, WAKEFIELD

**Moved Crs Kempthorne / Henry
EP05/09/24**

THAT pursuant to Sections 104 and 104B of the Resource Management Act 1991, the Council **GRANTS** consent to G Thomson to subdivide Pt Section 64 (CT NL69/299) and Sec 194 (CT 175/43) to create two allotments.

The consent is subject to the following conditions:

CONDITIONS – SUBDIVISION:

1. Access

- i) Access to proposed Lots 1 & 2 shall be in accordance with the attached application plan.
- ii) The existing Crossing Place 38 shall be physically closed and cancelled.

Written confirmation from Transit New Zealand shall be provided confirming that this has been completed.

2. Plans of Proposed Relocated Access (CP 38) to be Prepared and Approved by Transit NZ

The consent holder shall prepare engineering plans of the proposed new location of CP 38 in accordance with Transit NZ requirements and submit the plans for approval to Transit NZ and obtain any relevant necessary authorisation before any work is commenced.

All work shall be in accordance with the approved plans.

3. Formation and Sealing of Accessway to Lot 1

The new access formation extending from the new CP 38 serving Lot 1, shall be a two-coat bitumen chip seal (grade 4 bitumen chip seal and grade 6 locking coat) for a length of 10 metres from the edge of the State Highway carriageway and a minimum of 3 metres in width. Water tables shall be provided to adequately dispose of stormwater.

4. Easements

All services located outside the boundaries of the lots that they serve to be protected by an appropriate easement referenced in Council's Section 223 Recital.

REASONS FOR THE DECISION - SUBDIVISION:

1. The land is zoned Rural A under the Waimea Section of the Transitional District Plan under which the activity is deemed to be a non-complying activity. Under the Proposed Tasman Resource Management Plan the land is zoned Rural 1 and the minimum lot size for a controlled activity is 12 hectares thus the application would be deemed to be a discretionary activity as it does not comply with this rule.
2. The Committee notes that there are no outstanding references regarding the zoning of the land. The Committee is aware of an unresolved reference seeking further investigation of the extent of Class A soils and associated non-complying status of subdivision thereof; or, alternatively makes subdivision of both Rural 1 and Rural 2 land containing Class A soils non-complying activities (Klaus Thoma v Tasman District Council - dated 24 December 1998 - RMA 001/99). The application has therefore been considered as non-complying in relation to the subdivision. However, greater weight has been accorded to the policies and objectives of the Proposed Plan than the Transitional Plan as it has progressed a significant way through the public process under the Resource Management Act 1991.
3. 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 104D which states that the Committee may only grant the application if one of the two gateways of Section 104 D are met i.e:
 - If the adverse effects on the environment will be minor, or
 - If the activity will not be contrary to the objectives and policies of the relevant plan (including the proposed plan if one exists).

In addition Section 104 requires the Committee to have regard to:

- a) any actual and potential effects on the environment of allowing the activity
- b) the relevant provisions of:
 - Regional Policy Statement
 - Plan or Proposed Plan
 - Any other matter considered relevant and reasonably necessary to determine the application.

Greater weight has been accorded to the subdivision provisions and zoning of the Proposed Plan as it has progressed a significant way through the public process under the Resource Management Act 1991.

4. The Committee noted that the application had received one submission from Transit New Zealand as a result of the Limited Notification process.

The concerns raised were:

- This portion of State Highway 6 has an unacceptable number of crossing places which represent potential conflict points and thus can lead to increased traffic accidents,
 - Transit New Zealand are not willing to support the creation of an additional crossing place for Lot 1, instead its sole access should be the shared access for Lots 1 & 2 with the right-of-way easement to gain access to the crossing.
5. The Committee noted the amendments to the proposed crossing arrangements which were tabled at the hearing. Those amendments included the moving of Proposed CP 38 slightly closer to CP 37, the removal of the existing telephone pole and the offer to form up the crossing before the approval of the Section 224 certificate.
 6. The Committee noted that this application is essentially a boundary adjustment whereby Sec 194 is increased in size and Pt Sec 64 is reduced. Both lots are in the same ownership and each lot will contain an existing dwelling. Therefore the subdivision does not represent a situation where there will be any increased potential for development or traffic generation to the site(s). Therefore the Committee did not hold any concerns about the approval of the subdivision leading to a loss of potential productive value of the land resource in this case.
 7. While the Committee acknowledges and supports the principles of traffic safety which Transit New Zealand promotes in relation to the State Highway network, the Committee considered that the relocation of CP 38 to adjacent to the common Lot 1 /Lot2 boundary and the existing crossing to Lot 2 as shown on the attached application plan, would not result in a more potentially dangerous crossing place than having both properties using the existing CP 37. In fact the crossing place as proposed could create an area where traffic can safely stop on the road verge, which may improve safety for certain road users e.g. mail delivery and school bus stop.
 8. The Committee considered that there were benefits which arise from the (amended) proposed crossing arrangements which included removing the power pole and citrus trees and other vegetation which currently adversely affect sight lines towards the northeast. The Committee considered that having the two crossings so close together, that in fact they would merge into one and therefore effectively the proposal was reducing the number of crossings by removing the existing farm gate CP 38 and “extending” the existing CP 37, albeit that this “extension” may be classed as a new crossing in terms of Transit New Zealand’s classification.
 9. The Committee was not persuaded in their deliberations by the argument that the shared crossing would create an unacceptable loss of privacy, amenity or value for either property.
 10. The Committee considered that it was appropriate for the consent holder to provide plans of the proposed CP 38 to Transit New Zealand’s standards and that all work should be authorised in the normal manner.

11. In summary the Committee considered that the proposal was consistent with the objectives and policies of the Proposed Tasman Resource Management Plan, the Regional Policy Statement and the Resource Management Act 1991 and that the adverse effects would be no more than minor provided the recommended conditions were fulfilled.

CARRIED

Confirmed:

Chair: