

MINUTES

TITLE: Environment & Planning Subcommittee
DATE: Friday, 28 October 2005
TIME: 9.35 am
VENUE: Golden Bay Service Centre
PRESENT: Crs E M O'Regan (Chair), N Riley, E E Henry

IN ATTENDANCE: Consents Manager (J Hodson), Planner (L Davidson),
Corporate/Engineering Administrator (V M Gribble)

1. R and A WALKER, C CAHUSAC & D BUSH, PIGEON SADDLE, WAINUI, GOLDEN BAY - APPLICATION RM050272

1.1 Proposal

The application is to establish a small low-key visitor accommodation facility for up to 12 people on Lot 2 DP 304783 at Pigeon Saddle, Totaranui Road, Golden Bay.

1.2 Presentation of Application

Mr Cahusac and Mr Walker presented the application on behalf of the applicants.

Cr Riley asked if there were known figures of accidents on Totaranui Road. D Bush said she had been involved in an accident on Totaranui Road and they know of three others.

Mr Cahusac didn't believe traffic would be increased, as he considered they would be catering for people already there.

Mr Walker said earth materials are used for the walls, concrete floors, timber and solar panels for heating.

Mr Walker said the section from Pigeon Saddle to Lots 3 and 4 is 800 metres and from there to the car park is about another kilometre then another 200 or 300 metres to the visitor accommodation.

Cr Henry asked what "very minor earthworks" means.

Mr Walker said there would be cuts for the building and minor earthworks on the road to widen passing bays from half a metre to one metre and also where the car park is.

Mr Walker said trucks would only be using the right of way during construction. The legal width of the right of way is 20 metres.

Mr Walker said the road markers would be maintained.

Cr O'Regan asked if the culverts have presented problems with blockage and scouring.

Mr Walker said culverts are approximately every 50 metres along the roadway and during a storm event they check that they are clear.

Mr Walker said when the road was constructed it was done with an excavator and the down slope side was benched out and the passing bays are located on spurs or ridges. He said the bottom side has revegetated in natives after three years.

Cr Henry noted there will only be toilets in the main building, yet the distance from the accommodation is quite some way.

Mr Cahusac said it is part of the experience of the people we will be attracting.

1.3 Presentation of Submissions

J Hilson tabled and spoke to the submission on behalf of M Robertson and S King.

Cr Henry noted that one of the lots has an identified building site that is 50 metres from the right of way. She asked if any consideration has been given to whether it could be mitigated against by moving either the dwelling site or the right of way.

Mr Robertson said it is the most appropriate site, but could be moved further up the hill, although the noise from Totaranui Road is not the biggest problem affecting the amenity of the block, it is the intrusion of people passing through the block and lack of control of the land owner over the use of the right-of-way.

J Hilson noted there were issues of erosion to be taken into account as the land is very steep.

Mr Robertson said in about 1996 they bought the farm from his father and it had 26 titles and they did some boundary adjustments and some of the smaller titles were created on Rural 2 land under 50 hectares. Those two smaller titles at the same time had building covenants put on them. He said the covenant was removed two or three years ago and Mr Walker was well aware that the covenant was to be removed.

J Hilson said in light of the officer's report it looks like there is a high probability because of the nature of the rules in the plan that a consent would be required for the upgrade of the right-of-way.

Cr O'Regan said the applicants have volunteered to delete the sign.

J Hilson said the right-of-way is owned by Lots 3 and 4 and others have right of access over it. She read a letter from Mr R Wells, Cameron Gibson and Wells Ltd, providing an engineering assessment of the existing access to the applicants' property and comment on its suitability in the light of its possible use for commercial activities.

Mr Robertson read a statement. He said it had always been made clear to the applicants that the covenants would be lifted on Lots 3 and 4. He said in earlier meetings it was indicated that we did not have a problem with the road suitability and access and the only consideration was the impact on the value of our land. That is incorrect, we had other concerns. At the last meeting we talked about the adequacy of the road and comparison was made with the Awaroa Road at this time.

Cr O'Regan asked if there was thought given at the time to restrict vehicle type.

J Hilson said if you give an easement, one of the things as landowner you take into account is permitted uses in a rural zone. That is the permitted baseline against which someone will assess the sort of traffic expected.

Cr O'Regan said Council has issued consent for two houses on the applicant property and the plan specifies up to six persons per household is a permitted activity for home activities, does the two households give an automatic right to 12.

J Hilson said the plan says one residence per property for tourist accommodation and you can have six in that, but it does not give a right to 12 with the two houses. It is discretionary.

Mr Robertson said he is asked to pull 10 – 15 vehicles, including the school bus out of the ditch with his tractor each year.

Mr Walker said the right-of-way was established before the houses were built. The agreement with Mr Robertson was we would buy the block subject to right-of-way being granted and established.

Mr Robertson said his father had indicated the sale of the land did not hinge on us giving the easement. The reasons we gave the easement were what we stated before.

J Hilson said in terms of subdivision consent in 1996 they were deemed to have frontage to Totaranui Road.

1.4 Officer's Report

L Davidson asked that his report be taken as read and highlighted the main points.

The land is located in Land Disturbance Area 2 where there are earthworks proposed to form building platforms, a carpark and a fire fighting storage pond that require resource consent. He said landscape effects are very important as noted in the Boffa Miskell report. Particular care is required when using this section of the district from Cow Shed Corner through to Totaranui and Awaroa. There are sections where it is subject to erosion and slippage which make it treacherous to drive on. He considered the surface should be formed to a metalled surface that is maintained on a regular basis to provide safe two-wheel drive access.

Mr Davidson said if consent is granted, condition 8 needs to be rationalised. He also suggested an additional condition relating to road markers. He suggested there are some places on the access where vision rails (not safety barriers) would be better than road markers. A further condition suggested is that the passing bays on the right-of-way need to be more clearly defined. It would be easy for them to fall into disrepair. He stated that it is very clear what is being applied for, it is a type of accommodation that has got characteristics of its own, unserviced sleeping quarters and central amenities building with ablutions and kitchen.

Cr O'Regan noted a 20 kph speed limit was imposed. He asked the ability of a resource consent condition. Is it legally binding?

J Hilson said the condition legally does not bind any driver as it is on private property but it does act as a caution.

Cr Riley asked if consideration of overflow of itinerant visitors to this particular development had been given.

Mr Davidson said there will be no advertising at the start of the right-of-way, it would be a marketing thing where accommodation is advertised and perhaps somebody would make a phone call. It is possible that there could be some overflow traffic.

Cr Henry asked if without any sign at all would it cause traffic safety problems with people going along Totaranui Road looking for the place.

Mr Davidson said it is a low speed environment at the top of Pigeon Saddle and believes it is relatively easy to find.

Mr Davidson said in relation to the length of passing bays, he used the standard from the TRMP for a passing bay and where it can be achieved that is the appropriate standard to use. Mr Walker said 6 metres is suggested to be used in some instances as a 6 metre bay will fit in but it would be more difficult to fit a 9 metre bay. If that is going to be done, then the condition should reflect an on site visit to be made to determine appropriate positions for them.

1.4 Applicant's Right of Reply

Mr Walker said there have been no problems from slips. People coming to the accommodation will be booking and will telephone and we will give them instructions. There is a big sign indicating Pigeon Saddle. Once on the right-of-way there is no opportunity for them to go off the side to adjacent properties.

In terms of speed advisory sign, that is not dissimilar to where there is a sharp bend on a road, it is warning people of a sensible speed to travel and he believes three signs will be perfectly adequate. They do not believe there is any significant change to the amount of traffic coming into the area. We have agreed there are one or two places where we can ensure 3 metres and we regularly maintain and make repairs to culverts. The road is well established.

The average gradient of the road from Pigeon Saddle to Lot 2 boundary is 1:8 and one location of 1:6 and that is wider (about 30 metres long). Because the passing bays are not used of course they will become re-vegetated. 6 metres is sufficient for two cars to pass in a passing bay, 9 metres for a truck. 50 – 100 metre spacing is more appropriate for the second section. Most places will be widening the road from half to one metre. A bench can be formed on the downside of the road to place the excavated material.

Gravel has been added to the road which tends to get buried when the grader comes along. It has been a perfectly adequate access for two-wheel drive vehicles.

Mr Cahusac said they would not have entered into an agreement where there were restrictions on commercial activities being undertaken. For the safety of cyclists and walkers, there will be a speed limit of 20 kmh. Tourists will generally abide by that. Department of Conservation have no opposition to the application which shows, despite bordering on a National Park, they don't think it will affect the general amenities.

The Committee reserved their decision.

The hearing adjourned at 12.25 pm and a site visit was undertaken by the panel.

**Moved Crs Riley / Henry
EP05/10/23**

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

R and A Walker, C Cahusac & D Bush

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
R and A Walker, C Cahusac & D Bush	Consideration of a planning application.	A right of appeal lies to the Environment Court against the final decision of Council.

CARRIED

**Moved Crs Henry / O'Regan
EP05/10/24**

THAT for the purposes of discussing the application of R and A Walker, C Cahusac & D Bush as an "In Committee" item, the Manager Consents be authorised to be in attendance as advisor.

CARRIED

**Moved Crs O'Regan / Riley
EP05/10/25**

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. R and A WALKER, C CAHUSAC & D BUSH, PIGEON SADDLE, WAINUI,
GOLDEN BAY - APPLICATION RM050272**

**Moved Crs O'Regan / Riley
EP05/10/26**

THAT pursuant to Sections 104 and 104B of the Resource Management Act 1991, Council **DECLINES** consent to construct the proposed visitor accommodation and the associated earthworks.

The reasons are stated below.

REASONS FOR THE DECISION:

The land is zoned Rural 2 under the Proposed Tasman Resource Management Plan. The visitor accommodation is a discretionary activity under rule 17.5.3 of the Proposed Tasman Resource Management Plan and the associated earthworks are a discretionary activity as they are greater than 2 metres in height.

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 which 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.

The applicant explained that the intention was to create a low key visitor accommodation facility and a small craft workshop which would be utilised in conjunction with the accommodation. The proposed sign was deleted from the application. The location of the buildings would be virtually hidden within the 54 hectare property which is mainly native bush. The access to the property is from Totaranui Road via an existing right-of-way and on-site access which was granted resource consent to be constructed in 2001 for residential use. The land is adjacent to the Abel Tasman National Park and the land itself is on Separation Point Granite which is known to be susceptible to erosion. The slope of the land varies from moderate to very steep.

The Committee noted that two submissions were received, one in opposition and one providing conditional support. The submissions raised the following concerns:

- The access needs to be appropriate for the proposed use.
- No further expansion of the business should be allowed
- Increased use of the existing right-of-way is not appropriate for a business activity whereby people who are unfamiliar with the terrain would have to use it.
- Increased use of right-of-way will have an adverse effect on amenity of the general area and will create traffic safety issues for future users of Lot 3 and 4.
- The craft workshop may attract additional visitors as would be the case with the sign

The Committee considered these issues and considered that the most significant effects of the proposal was in relation to the access / right-of-way rather than the proposed visitor accommodation itself as this would be located such that it was discreet and visually unobtrusive.

The Committee was concerned about the access. It is long and narrow, with very limited sight distances in places and was considered to be difficult to negotiate for people unfamiliar with the area and such driving conditions. It was considered to be unsuitable for the proposed additional vehicle, pedestrian and bicycle use associated with the proposed visitor accommodation and craft workshop due to traffic safety considerations.

The Committee was told that the access / right-of-way was formed generally in accordance with the resource consent RM010029, but in some minor aspects compliance had not been achieved. Evidence from a submitter indicates that the lane width is less than the required 3 metres in places, the formation width of 4.5 metres is not achieved over the full length of the right-of-way, the metal surface is missing over most of the right-of-way, regular passing bays at 150 metres have not been provided and the gradient is steeper than the 1:6 in one place, plastic culverts have minimal cover in places and may be susceptible to damage and the edges are soft in some places.

The standard for on-site access serving between two and six users in the Plan (see Figure 16.2A) is a 4.5 metre minimum lane width plus 5 metres by 9 metres passing bays at 50 metre intervals.

The Committee considered that this standard of access in this steep terrain would be a minimum standard for safe access for visitors to the property who would be unfamiliar with the access and its constraints.

The Committee acknowledges that the applicant proposed to improve the right-of-way / access by the following: construction of seven passing bays along the 750 metre long right-of-way (approximately) and that the existing passing bays be widened so that the lane width would be 4.2- 5 metres where possible in those places, some minor widening in the narrowest parts of the right-of-way, installing speed advisory signs, placing of additional gravel along the first 450 metres of the right-of-way plus road markers on the outside edge of the road in steep areas to enhance safety of users.

However, the Committee considered that even with these improvements, the access would not be suitable and safe for the proposed use. In order to meet the standard specified in the Plan for between two and six users, there would have to be substantial earthworks undertaken which would in themselves have a significant environmental effect involving predominantly indigenous tree removal and possibly creating greater potential for instability and visual effects. These matters have not been assessed and the amount of earthworks required would be beyond the scope of the application as lodged.

The Committee did not consider that the increase use of the right-of-way would impact significantly on the amenity for the future occupants of Lot 3 and 4 as there was a reasonable separation between the right-of-way and the house sites.

In summary, the Committee considered that the proposal for the visitor accommodation and craft workshop would have been acceptable in this location, but the constraints associated with the access meant that the proposal in total would be inconsistent with the objectives of the Plan in relation to traffic safety and also therefore with the purpose and principles of Part 2 of the Resource Management Act 1991.

CARRIED

Confirmed:

Chair: