

# MINUTES

**TITLE:** Environment and Planning Subcommittee  
**DATE:** Friday, 25 November 2005  
**TIME:** 9.30 am  
**VENUE:** Golden Bay Service Centre, 78 Commercial Street, Takaka

**PRESENT:** Crs N Riley (Chair), S J Borlase and E J Wilkins

**IN ATTENDANCE:** Manager Consents (J Hodson), Consent Planner (L Davidson),  
Administration Officer (B D Moore).

## 1. LDWK LIMITED, 8 WILLOW STREET, TAKAKA – APPLICATION RM050407 AND RM050422

### 1.1 Proposal

The applicant sought consent to erect a 372 m<sup>2</sup> building to contain accommodation for up to 34 persons, together with a manager's residence at first floor level at 8 Willow Street, Takaka on land described as Lot 1 DP 17444 in CT NL11B/1265, that is zoned Rural 1. The land is also held together with Lot 1 DP 17443 (CT NL11B/1264), over which it has access, by means of Covenant 35208.7. Application was also made for an onsite sign to be erected near the access to the backpacker accommodation. A separate application had been lodged to extract up to 8 m<sup>3</sup> of water per day for domestic use on the site, supplying both the existing residents and the backpacker accommodation.

### 1.2 Presentation of Application

The applicant's representatives, Mr L Sixtus and Mrs D Sixtus and Mr W Sixtus, appeared at the hearing and were represented by their surveyor, Mr F M Wingate.

Cr Riley said that the Hearing Panel had conducted a site visit before the commencement of this hearing.

Mr Wingate tabled and read a statement of evidence and said that he generally agreed with the conclusions and recommendations contained within the staff report prepared by Mr L Davidson. He addressed the concerns raised in the submission prepared by Duncan Cotterill on behalf of Turnbull, Mills, Forest and Langford. That submission had addressed amenity aspects including privacy of living, noise effects and traffic effects. Mr Wingate explained the reasons for the site layout including the car parking and access, also the landscaped living courts. He explained that the car parking area would be designed and laid out to provide a flood channel which links up with the neighbouring new supermarket property.

### **1.3 Submissions**

Solicitor, Ms E Woolley of Duncan Cotterill, tabled and read a submission for F Turnbull, H Mills, G Forest and E Langford which generally addressed the amenity effects of privacy, noise and traffic. The submission claimed that the proposed accommodation would significantly detract from the peaceful and quiet living environment. The submission said that the submitters are the owners of a property at 6 Willow Street which is occupied by their elderly parents. The submission listed 13 conditions of consent which the Council should impose if consent is granted to the application. The submission sought that the total number of guests be limited to 20 people.

### **1.4 Officer's Report**

Consent Planner, Mr Davidson, spoke to his report contained within the agenda and addressed how the concerns of submitters could be mitigated through the imposition of appropriate conditions of consent. He suggested that the imposition of no parking on the Willow Street frontage could be recommended to the Engineering Services Department of Council. He suggested that consent conditions could include the requirement for additional engineering plans for car parking and stormwater disposal and the requirement to provide landscaping plans.

### **1.5 Right of Reply**

Mr Wingate responded for the applicant saying that the site was unique because of its interface with other zones and uses. He said the location is at the entrance to the town and is a split zone with two rural titles. He said the site area is too small for rural use. He reminded the Hearing Panel that there are many rural zoned properties within Takaka that have other uses such as schools. He referred to the case raised by submitters, *Keogh v Tauranga City Council A108/04* and said that this may not be applicable as it was concerning the converting of an old building. He said that the applicant proposed that there would be no deck on the south west side of the building. He said this is no longer a peaceful area because of the noise from the new supermarket and road and that the proposed building will be a buffer for neighbouring properties.

He said that the applicant wished to retain the south west doors on the proposed building and that the applicants wish to accommodate 34 persons to maximise the potential of the land. He said a boundary fence could be shifted from the boundary and planting be placed on both sides of it. The applicant opposed any additional imposition of an encumbrance on the title.

Mr Wingate said that a manager would be resident on the site for control purposes and the scale of the proposal is suitable. He said that the exterior living court area could be limited to a line between car parks 13 and 14. He said a Management Plan was not proposed for the subject site.

The Committee reserved its decision at 12.20 pm.

**Moved Crs Riley / Borlase  
EP05/11/53**

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

LDWK 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>
LDWK 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 / Riley  
EP05/11/54**

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

**CARRIED**

**Moved Crs Borlase / Riley  
EP05/11/55**

**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. LDWK LIMITED, 8 WILLOW STREET, TAKAKA – APPLICATION RM050407 AND RM050422**

**Moved Crs Riley / Borlase  
EP05/11/56**

**THAT pursuant to Sections 104B of the Resource Management Act 1991, Council GRANTS consent to LDWK Ltd to construct and operate backpacker accommodation at 8 Willow Street, Takaka.**

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

## CONDITONS:

1. Consent is granted for an accommodation building to cater for backpackers, including a managers' residence at first floor level with a floor area not exceeding 443 m<sup>2</sup> in total (372 m<sup>2</sup> in site coverage). The building shall be constructed in general accordance with the attached site plan and shall have a minimum final floor level of RL 11.0 m. There shall be no door in the southern side of the lounge area unless needed for fire safety as required by the Building Act.
2. The maximum number of guests to be accommodated shall not exceed 34.
3. The manager or nominee shall be present on site at all times.
4. No buildings, woody vegetation or other structure shall be placed in the identified flood swale on the northern side of CT 11B/265 which shall be maintained at a minimum ground level of RL 10.0 m. This area shall be clearly identified on the landscape plan required under condition 7.
5. The outdoor living areas shall be limited to those areas marked on the attached plan.
6. The outdoor living areas shall only be used between the hours of 6.00 am and 10.00 pm.
7. Prior to the issue of any building consent, the consent holder shall submit a detailed landscape plan for CT 11B/265 for the approval of The Manager, Environment and Planning. The landscape plan shall be designed to ensure that the areas not permitted for outdoor living are treated in such a manner that the area is attractive but unlikely to be utilised for outdoor living and recreation by the backpacker guests. This shall include screening to define the permitted outdoor area as indicated on the attached plan.

The landscaping plan is to be implemented prior to the opening of the backpacker accommodation business and shall be maintained in accordance with the approved plan.

8. No swimming pool shall be permitted on Lot 1 DP 17444 or Lot 1 DP 17443 which is available for the use of the backpacker guests.
9. On site parking shall be provided for 19 vehicles and the ability to accommodate a 12.5 metre tour coach, with the area formed to a permanent sealed surface, located as indicated on the plan submitted with the application.
10. The vehicle crossing to the property shall be upgraded in accordance with the plans submitted by Golden Bay Surveyors and approved by Transit New Zealand.
11. Access over CT 11B/264 shall be formed to a permanent sealed surface and constructed with a width of 8 metres adjacent to the boundary with Willow Street, reducing to 5.5 metres at the carpark.
12. The consent holder shall submit engineering plans of the vehicle crossing, carparking area including provision for stormwater to the Engineering Manager for approval prior to construction.

13. All works and engineering plan details are to be in accordance with Tasman District Engineering Standards or to the satisfaction of the Tasman District Engineering Manager.
14. The water pump to serve the existing dwelling and the backpacker building shall be upgraded to a centrifugal pump housed in an enclosure incorporating sound reducing materials
15. The proposed sign shall not exceed 1.2 m<sup>2</sup> in area and be positioned so there is no impediment to the line of sight for vehicles leaving or accessing the State Highway.
16. The conditions of the land use consent may be reviewed by Council in accordance with Section 128 of the Resource Management Act 1991 within a period of one month after six months of the consent becoming operational and thereafter at intervals of twelve months, for the purpose of;
  - Dealing with any adverse effect on the environment arising from the exercise of the application;
  - Requiring the applicant to adopt the best practicable option to remove or reduce any adverse effect on the environment.
17. The consent holder shall adopt the best practical options including appropriate fittings such as dual flush lavatory cisterns to minimise the use of water within the backpacker complex.
18. That the consent holder shall, no later than the time of uplifting the building consent for the works, pay a financial contribution for reserves and community services. The amount of the financial contribution shall be based on the value of the building consent component in accordance with the following table (from Figure 16.5B of the Proposed Tasman Resource Management Plan):

<b>Financial Contribution – Building</b>	
Component	
Building Consent (\$0 to \$50,000 value)	0%
Building Consent (\$50,001 to \$200,000 value)	0.5%
Building Consent (above \$200,001 value)	0.25%
Notes:	
1. The financial contribution is GST inclusive.	
2. The building consent value is GST exclusive.	
3. The financial contribution is for reserves and community services where a development contribution has been required for infrastructure services under Council’s Development Contributions Policy in its Long Term Council Community Plan prepared under the Local Government Act. Where this has not been required, the financial contribution is double the percentage contribution shown in the figure and is divided evenly between infrastructure services and reserves and community services.	
4. The contribution due on a building should be identified separately from other contributions set for any resource consent for an activity that includes buildings.	

## ADVICE NOTES:

1. The applicant shall meet the requirements of Council with regard to all Building and Health Bylaws, Regulations and Acts.
2. Attention is drawn to the Drinking Water Standards New Zealand and the consent holder is advised to contact the Nelson Marlborough Health Board for information regarding this.
3. Any matters not referred to in this application for resource consent or are otherwise covered in the consent conditions must comply with the Proposed Tasman Resource Management Plan (PTRMP) or the Resource Management Act 1991.
4. The consent holder is advised that the Council will require the payment of a development contribution in accordance with the Council's Development Contributions Policy under the local Government Act 2002 for the development which is the subject of this resource consent.

The Development Contributions Policy is presented in the Long Term Council Community Plan (LTCCP) and the amount to be paid will be in accordance with the requirements which are current at the time the relevant development contribution is paid in full. A 5% discount is available if the payment is made prior to the uplifting of the building consent.

At the subject property, the wastewater, roading and stormwater contributions are payable.

5. Monitoring of the consent is required under Section 35 of the Resource Management Act 1991 and a deposit fee is payable at this time. Should monitoring costs exceed this initial fee, Council will recover this additional amount from the resource consent holder. Costs can be minimised by consistently complying with conditions and thereby reducing the frequency of Council visits.

## DECISION – WATER TAKE - RM050422:

**THAT pursuant to Sections 104B of the Resource Management Act 1991, Council GRANTS consent to LDWK Ltd to take water to be used by the backpackers' accommodation and the existing dwelling.**

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

### CONDITIONS - WATER TAKE:

#### 1. Site and Take Details

Location:	8 Willow Street, Takaka
Legal Description:	Lot 1 DP 17443
Category of Water Source:	Groundwater
Source:	Takaka River Gravels Unconfined Aquifer
Catchment:	Takaka
Purpose and Use:	Domestic Use for Backpackers Accommodation and existing dwelling on Lot 1 DP 17443
Maximum rates of take authorised:	8 cubic metres per day 56 cubic metres per week

Map reference at or about point of take: Easting: 2493715 Northing: 6038276

2. The permit holder shall keep such records as may be reasonably required by the Council and shall, if so requested, supply this information to the Council. If it is necessary to install measuring devices to enable satisfactory records to be kept, the permit holder shall, at his or her own expense, install, operate and maintain suitable devices.
3. The Council may within three months following the anniversary of the granting of the consent each year review any or all of the conditions of the consent pursuant to Section 128 of the Resource Management Act 1991 for all or any of the following purposes:
  - a) To deal with any unexpected adverse effect on the environment which may arise from the exercise of the consent and which it is appropriate to deal with at a later stage; and/or
  - b) To comply with requirements of an operative regional plan including any allocation limit, minimum flow regime or other rate of use limit, or rationing or rostering restriction; and/or
  - c) To comply with relevant national environmental standards made under Section 43 of the Resource Management Act 1991; and/or
  - d) To require the adoption of the best practical option to remove or reduce any adverse effects on the environment; and/or
  - e) To reduce the quantities of water authorised to be taken if the permit is not fully exercised.
4. This permit may be cancelled upon not less than three months' notice in writing by the Council to the permit holder, if the permit remains unexercised without good reason for any continuous period exceeding two years, but without prejudice to the right of the permit holder to apply for a further permit in respect of the same matter.

5. **Duration of Consent**

The consent shall expire on 31 May 2019

**Advice Notice Monitoring:**

Pursuant to Section 36 of the Resource Management Act 1991, the permit holder shall meet the reasonable costs associated with the monitoring of this permit including levelling of the bore to a common mean sea level datum.

**Advice Notice Access:**

Access by the Council or its officers or agents to the land subject to this water permit is reserved pursuant to Section 332 of the Resource Management Act.

## REASONS FOR THE DECISION – LAND USE AND WATER TAKE:

1. The land is zoned Rural 1 in the Proposed Tasman Resource Management Plan. The construction and operation of the proposed backpacker accommodation is a discretionary activity under the Proposed Plan as it falls within the definition of “commercial activity”. The water take application is a discretionary activity under the Proposed Plan. 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.
2. Part 2 of the Act, i.e. the purpose and principles of sustainable management of natural and physical resources, and 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.
3. The land is currently in pasture and has an area of 1617 m<sup>2</sup>. The site is flat and is next to a new supermarket to the north, open pasture to the south and west and is adjacent to a residential dwellings on the south west side of the property.
4. The Committee noted that three submissions were received. There was one in support, one in opposition and one conditionally in support. The main issues of concern raised in relation to this application were:
  - Need to manage behaviour of backpacker guests, flood water flows and ensure water take has no adverse effect on adjacent water takes.
  - Potential adverse effects on amenity values of adjoining residential property associated with loss of privacy and noise
  - Rural land should not be used for commercial uses
  - Potential adverse traffic effects
5. The Committee carefully considered the concerns in terms of:
  - Amenity values and rural and residential character
  - Cross boundary effects
  - Productive land value
  - Servicing issues
  - Traffic matters

6. The Committee considered the matters pertaining to amenity and rural and residential character. It seemed that the main concerns were from the adjoining neighbour and related particularly to the outdoor living areas of the proposed backpackers accommodation. The Committee acknowledged the issue of loss of potential loss of privacy and noise from outdoor activities involving a number of visitors. It was considered appropriate to limit the impact of the outdoor living by limiting late night use and also by limiting the location to the area which would impact least on the neighbouring property. Specific landscaping of the outdoor area is required to ensure the outdoor living area is limited while the rest of the area is attractive and provides some softening of the backpacker accommodation.

In addition the manager or nominee would be required to be on site at all times and would thus be able to ensure appropriate behaviour was maintained by guests. The risk associated with the future use of a swimming pool in terms of noise impact was considered to be too great and therefore a swimming pool is prevented from being constructed in the future.

7. In terms of cross-boundary effects, the Committee noted that the adjoining rural land owner had provided written consent and therefore the only issues were in relation to the residential neighbours.
8. The Committee accepted that the application would result in the loss of a small amount of productive land, but the loss was considered acceptable given the limited area and the fact that the title was tied to the residential property on Willow Street and therefore had limited productive potential.
9. The Committee was satisfied that the water take would not impact on the existing water takes of others in the vicinity. The noise from the pump would be minimal as it would be housed in a sound reducing structure.
10. The issues of traffic effects, provision of car parking and access were carefully considered. The Committee noted the agreement between Transit New Zealand and the applicant regarding the upgrading of the vehicle crossing. It was considered that the proposed sign would not impact on the safe sight distances for vehicles exiting from adjacent property.
11. The Committee was satisfied that the issue of flood hazard in the area was adequately managed through conditions requiring the flow path to be maintained and minimum floor level for the building.
12. The Committee was satisfied that the proposed backpackers was not contrary to the objectives and policies of the Proposed Plan in terms of site amenity effects, rural character and amenity and land transport effects, particularly in recognition of the conditions imposed on the consent.

13. In summary the Committee considered that the proposed backpacker accommodation should be granted as it was considered that it would have no more than a minor adverse effect on the environment. It was further considered that the proposal in this location was consistent with the policies and objectives of the relevant planning documents.

**CARRIED**

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**Confirmed:**

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**Chair:**