



STAFF REPORT

TO: Environment & Planning Committee

FROM: Laurie Davidson – Consents Planner, Golden Bay

REFERENCE: RM050272

SUBJECT: **R and A WALKER, C CAHUSAC and D BUSH– REPORT EP05/10/07** – Report prepared for the 28 October hearing

PROPOSAL

To erect and operate four cottages for visitor accommodation, together with a central building to contain cooking, dining and ablutions to serve the cottages and a craft workshop that will be available to guests at Totaranui Road, Pigeon Saddle, Wainui Bay, on land described as Lot 2 Deposited Plan 304783, being land comprised in Certificate of Title NL 19006 and zoned Rural 2. The land is also 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. Application is also made for an off-site sign to be erected near the Totaranui Road.

LOCATION

Pigeon Saddle, Wainui Bay

ZONING

Proposed Tasman Resource Management Plan	Rural 2 Land Disturbance Area 2
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RESOURCE CONSENT TYPE

Proposed Resource Management Plan	Discretionary Activity – Land Use Discretionary Activity – Earthworks Discretionary Activity – Signage
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LIMITED NOTIFICATION

Council has chosen to process this application under the provisions of the Resource Management Act 1991 as a limited notification application, due to its isolated location and there is only one land owner affected who have declined to provide written approval to the application. MJ Robertson and SM King own the two titles between the Totaranui Road and the subject site where a right of way provides the only practical access.

Written approvals pursuant to Section 94 of the Act have been provided by the Department of Conservation and JM and MP Robertson, the adjoining land owners.

SUBMISSIONS RECEIVED

- M J Robertson and S M King
- J M and M P Robertson

1. INTRODUCTION

An application has been lodged by Mr and Mrs Walker and C Cahusac and D Bush to erect and operate four accommodation units on their property at Pigeon Saddle, Wainui Bay, to be used as visitor accommodation for up to a maximum of 12 guests. The units are to be located on a title of 53.9780 hectares, adjoining the Abel Tasman National Park. Two adjoining properties that are privately owned at Pigeon Saddle have not been developed at this time. The proposal includes the construction of a central main building to house cooking and dining facilities, together with showers and toilets. A craft workshop where guests can try such activities as weaving, bone carving and woodwork is also proposed. An application has also been made to erect a sign near the Totaranui Road that is not located on the applicants' land.

2. SITE DESCRIPTION

The applicants' property is a title of 53.9780 hectares in area that is located within the Rural 2 Zone at Wainui Bay. The land is covered with native bush and slopes to the southwest and there are two dwellings on the property that are occupied by the applicants.

Access to the property is provided via a right of way that serves two other properties as well as the applicants, that has previously been approved by Council. The access does not comply fully with the rules for a Permitted Activity, but has proven suitable for access to the two existing houses. The access is described in greater detail within the report as the use of it is an effect of allowing visitor accommodation to be established in this location.

The Totaranui Road is a relatively narrow unsealed road that is comprised of both a metalled surface and Separation Point Granite. The use of the road requires some care, particularly in wet conditions, due to the road surface and the narrow steeper portions that are effectively one-way in some areas. The road is well used over the summer months, providing access to both Awaroa and to Totaranui where there is a popular camp providing accommodation for approximately 800 people. Vehicle counts during the peak holiday period are in the order of 280 movements per day and this falls to less than 20 during the winter months.

The land at Pigeon Saddle is characterised by an area of well established native bush and it is hard to differentiate between the private land and the Abel Tasman National Park. The inland track in the Park passes near the site but was re-routed a few years ago to the other side of the ridge to the east. The track and the start of the right of way are in close proximity at the Totaranui Road. The private land in this area contains allotments that are reasonably large, giving a sense of openness and lower density development and no buildings are visible from the Totaranui Road.

The area has no reticulated services and the proposed accommodation will rely on a stream fed water supply that currently supplies the two existing dwellings. On-site treatment and disposal for waste water will be provided by a multi chamber septic tank and an everglass disposal field. Power is provided by solar panels.

3. NOTIFICATION AND SUBMISSIONS

The application was notified as a limited notification on 1 August 2005. Submissions closed on 30 August 2005 and two submissions were received. Of these, one conditionally supports the application and the other opposes it.

3.1 J M and M P Robertson

Mr and Mrs Robertson are long time residents of Wainui Bay where they own a dairy farm. They initially signed a written approval form for the applicant, but included a condition as part of that approval. As such the approval becomes invalid as the Resource Management Act does not make provision for conditional approvals. They were included in the limited notification and lodged a submission supporting the application on the basis that conditions be included to ensure access was appropriate for the proposed use, that no further expansion takes place and that the proposal does not infringe on the sale of the two adjoining allotments.

Comment: The first two matters raised by Mr and Mrs Robertson can be addressed through the imposition of conditions, should consent be granted. The question of the proposal affecting the sale of the two adjoining allotments is an issue that is outside the scope of the Resource Management Act and not a matter that Council can really consider. Private agreements may be able to provide some agreement between parties, but they are not a consent issue.

3.2 M J Robertson and S M King

Mr Robertson and Ms King are the owners of Lots 3 and 4 DP 19802, the allotments between the applicants' land and Totaranui Road. They have lodged a submission opposing the use of Lot 2 for tourist accommodation and have covered a number of grounds for objecting to the proposal. The primary objection relates to the increased use of the right of way and the standard of the access for a commercial use by people unfamiliar with the local area. They also consider the increased traffic will have an adverse effect on the amenity of the general rural environs, even though the Totaranui Road becomes a reasonably high use over the peak holiday season. They do not consider the applicant has demonstrated alternative access could be provided solely on the applicants' land. They are also concerned the craft workshop may attract non residential visitors and that signage at the start of the access will also contribute to this. They point out they have not given consent for the sign to be erected on their property and believe any advertising sign acts as an invitation to the general public.

Comment: The submission from M Robertson and S King is comprehensive and covers a range of issues that they consider to be detrimental if consent were granted. The issues in relation to the right of way are discussed in more detail under the Actual and Potential Effects section of this report and this would appear to be the primary concern in relation to the tourist accommodation use of the site. In relation to the sign, if the owners of the land refuse to give permission for the sign to be erected on their land, Council would not be in a position to grant consent and the only alternative is for a sign to be placed further down the Totaranui Road where the applicants' land borders the road. Providing the relevant requirements are met for such a sign, it would be a Permitted Activity. The inference that non-residential visitors would use the workshop is a matter of interpretation of the application and can be dealt with by imposing conditions, if consent is granted.

4. ASSESSMENT

The application before the Committee is a Discretionary Activity in terms of the Proposed Tasman Resource Management Plan as the tourist accommodation is a commercial activity. It is also a Discretionary Activity under the Land Disturbance (Area 2) rules as earthworks could exceed 2 metres in cut. The Transitional District Plan (Golden Bay Section) has virtually no relevance to the application. Section 19 of the Resource Management Act 1991 (as amended by the RMAA in August 2003) makes it very clear that where the provisions of a Plan have passed the point where they are beyond further challenge the rules become operative.

While the Transitional Plan is still technically an operative Plan, the Proposed Tasman Resource Management Plan has progressed through a major part of the Plan process and is essentially operational in relation to the Rural 2 Zone. It is therefore appropriate to now place the weighting on the Resource Management Plan when considering this application.

The Committee may grant or decline an application for a Discretionary Activity, pursuant to Section 104(B) of the Resource Management Act and if consent is granted, conditions may be imposed pursuant to Section 108.

In making such a decision, the Committee is required to first consider the matters set out in Section 104(1) of the Act, in addition to the matters set out in Section 7. Primacy is given to Part II of the Act, "the purpose and principles of sustainable management of natural and physical resources.

The decision should therefore be based, subject to Part II of the Act, on:

- i) The actual and potential effects on the environment of allowing the activity;
- iii) Any relevant provisions of national or regional policy statements;
- iv) Relevant objectives, policies, rules or other provisions of a plan or proposed plan; and
- v) Any other matters the Committee considers relevant and reasonably necessary to determine the application.

5. RESOURCE MANAGEMENT ACT

The purpose and principle of the Act is to promote the sustainable management of natural and physical resources. Sustainable management means:

“Managing the use, development and protection of natural and physical resources in a way, or at a rate, which enables people, and communities to provide for their social, economic and cultural well-being and for their health and safety while:

- a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations;
 - b) Safeguarding the life-supporting capacity of air, water, soil and ecosystems;
- and
- c) Avoiding, remedying, or mitigating any adverse effects of activities on the environment”.

5.1 Matters of National Importance

The matters of National Importance are set out in Section 6 of the Resource Management Act. The matters that appear to have some relevance to this application are as follows;

- b) The protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development;
- c) The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna.

The Abel Tasman National Park is an important regional and national feature that borders the subject site and it is difficult to differentiate between the Park and the adjoining privately owned land. While the proposal involves the construction of additional buildings, they are generally of a low impact and any view of them would be from some distance away.

5.2 Other Matters

Section 7 of the Resource Management Act sets out the other matters that any person exercising powers or functions must have regard to in relation to managing the use, development and protection of natural and physical resources. Matters that are relevant to this application are as follows;

- b) The efficient use and development of natural and physical resources:
- c) The maintenance and enhancement of amenity values:
- f) Maintenance and enhancement of the quality of the environment:
- g) Any finite characteristics of natural and physical resources:

These other matters have more direct relevance and in particular those relating to amenity values and the quality of the environment. These are reflected in the policies and objectives in the Tasman Resource Management Plan and other planning instruments.

6. STATUTORY PLANNING DOCUMENTS

6.1 Tasman Regional Policy Statement

The Tasman District Council has prepared a Regional Policy Statement in accordance with the provisions of the Resource Management Act and this became fully operative in July 2001. The Statement takes national policies and refines and reflects them through to the local area, making them appropriate to the Tasman District. Council is required to have regard to the Regional Policy Statement as an overview of resource management issues.

The policies that are considered relevant to this application are set out in Appendix A to this report.

6.2 The Proposed Tasman Resource Management Plan

The Proposed Tasman Resource Management Plan has been prepared and has progressed to the point that it is close to being operational. There are still some outstanding matters to be resolved but generally much of the Plan is effectively operational.

The Plan sets out a range of policies and objectives that are pertinent to sustainable development and in particular those that relate to site amenity,

The land use must be deemed to be in accordance with relevant objectives and policies pursuant to Section 104(1), (b) of the Act. The most relevant Plan is considered to be the Proposed Tasman Resource Management Plan and will be used in this assessment. Because this was developed to be consistent with the Regional Policy Statement, the assessment would also be considered to satisfy an assessment under the Regional Policy Statement.

The following summarises the most relevant plan matters and provides brief assessment commentary: The objectives and policies that are particularly relevant to this application relate to the use of the rural environment and site amenity. These are fundamental to the protection of the amenity values that relate to this part of Golden Bay.

<i>Chapter 5 – Site Amenity Effects</i>	Council must ensure that the rural character and amenity values of a site and the surrounding environment are protected, and any actual or potential effects of the proposed land use must be avoided remedied or mitigated so they are minor.
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<p><i>Objectives 5.1 5.2 and 5.3</i></p> <p><i>Policies: 5.1.1, 5.1.3, 5.1.3A, 5.1.4, 5.2.1, 5.2.7, 5.2.8, 5.2.9, 5.2.10, 5.3.2, 5.3.3, 5.3.5</i></p>	<p>Management of the effects of the proposed use must protect the use and enjoyment of other land in the area, including the provision for satisfactory on-site disposal of domestic wastewater and avoidance of noise and dust. There is also a focus to maintain and enhance amenity values in relation to traffic and signs, while allowing a variety of housing types.</p>
<p><i>Chapter 7 – Rural Environment Effects</i></p>	<p>The use of the rural environment for activities other than productive land use can occur in certain locations, but it should be undertaken in a manner that does not compromise the rural character or amenity values.</p>
<p><i>Objectives: 7.2 & 7.3</i></p> <p><i>Policies 7.2.1, 7.2.1A, 7.2.4, 7.3.3, 7.3.4 & 7.3.9</i></p>	<p>Allow for activities other than soil based activities to locate in rural areas on land that is not of high productive value. Any proposal is required to preserve the amenity and rural character values of an area including wastewater disposal and access.</p>
<p><i>Chapter 9 – Landscape Effects</i></p>	<p>The protection of landscape and natural features, particularly in rural areas and along the coast</p>
<p><i>Objective 9.1 & 9.2</i></p> <p><i>Policies 9.1.4, 9.1.5, 9.1.7, 9.2.1, 9.2.3</i></p>	<p>The rural landscape in Tasman District is an important regional feature, particularly recognising the value of the National Parks. Development should not compromise that value.</p>
<p><i>Chapter 11 – Land Transport Effects</i></p>	<p>The provision of a safe and efficient transport system is a matter that is pertinent to Golden Bay where there are significant traffic flows, particularly at holiday periods.</p>
<p><i>Objective 11.1</i></p> <p><i>Policies 11.1.2, 11.1.2B, 11.1.7</i></p>	<p>The District's transport system should be appropriate for the use it receives to provide a safe and efficient means of accessing the various parts of the District.</p>
<p><i>Chapter 12 – Land Disturbance Effects</i></p>	<p>Control of land disturbance is necessary to control potential adverse effects such as soil loss, changes to landscape values and removal of vegetation</p>
<p><i>Objective 12.1</i></p> <p><i>Policy 12.1.1</i></p>	<p>Land disturbance should be managed to avoid adverse effects, particularly from erosion, soil loss and changes to landscape values.</p>

The policies that are considered relevant to this application are set out in Appendix B to this report.

6.3 The Transitional District Plan (Golden Bay Section)

The Transitional Plan now has little relevance to this application as the resource management based instruments have now effectively replaced this. The Plan contains policies and objectives that relate to the rural environment and the preservation of natural values in much the same way the current documents do.

7. ACTUAL AND POTENTIAL EFFECTS OF ALLOWING THE ACTIVITY

The application lodged by Mr and Mrs Walker and C Cahusac and D Bush to establish tourist accommodation consisting of 4 units and a central building to service the units, together with a craft workshop on their property at Pigeon Saddle raises a number of issues. If consent is granted, the proposal may create some change the environment in this part of Wainui Bay as it is currently used solely for rural use with two single unit dwellings.

Visitor accommodation is provided in various parts of Golden Bay and at the current time it remains difficult to find a vacancy during the peak holiday period. The proposed units are relatively small scale accommodation, but there can be some potential for nearby properties to be affected, particularly in relation to access, unless appropriate conditions are applied.

These matters are now discussed in more detail to assess their relevance to this application.

7.1 Permitted Baseline

The land is zoned Rural 2 and the Proposed Tasman Resource Management Plan makes provision for visitor accommodation within the home occupation rules. However, the Plan prevents such accommodation as permitted activities on shared accesses, making such proposals discretionary. In this particular case, the accommodation is not within the house, again making it discretionary

As such, the permitted baseline has little relevance to this particular proposal and the actual and potential effects of the activity should not be compared with any form of visitor accommodation that could occur as a home occupation.

7.2 Off Site Access

The subject property gains access from Totaranui Road, very close to the highest point on the road to Totaranui via a right of way. From the junction with McShane Road the road narrows and the surface varies from Separation Point Granite to a reasonably even metalled surface. The road is subject to corrugations during the busy summer period due to the markedly increased use of the road. Any increase in traffic that can be attributed to this proposal would be very minor in comparison with the existing traffic flow.

As such the road requires particular care, especially when the surface is wet. Accidents are not uncommon on the road and a combination of the surface, narrowness and lack of familiarity mean operating speeds tend to be quite low, especially on the blind corners.

The Totaranui Road is the only vehicular access to this part of the Abel Tasman National Park and the Separation Point Granite that prevails in this area makes road improvement difficult and very costly. It therefore creates an environment that drivers have to take particular care over the entire section of unsealed road when travelling to Totaranui or Awaroa.

7.3 On Site Access

The first 800 metres of the access to the subject site is a right of way over Lots 3 and 4 DP 19802 that was the subject of a consent granted by Council in 2001. This has been formed to a width of 3 metres with a 600 mm shoulder and 900 mm roadside drain where necessary. The access currently serves the two dwellings that house the applicants.

It is clear from the information contained in the submission from M Robertson and S King that the increased use of the right of way over their two allotments is of some concern.

The access is formed to a standard that an ordinary two wheel drive vehicle can negotiate and has proved to be adequate for the residential use it was designed for. The surface of the access is a combination of granite and road metal and the gradient does not appear to have created any problems to date. The actual access is similar in many ways to portions of the Totaranui Road and while that road may be considered sub standard for the use it receives it will alert users of the right of way of the need to use the access with some due care and attention. It is also desirable to have some form of private speed restriction on the right of way for safety and amenity reasons.

It is accepted the use of the right of way will increase if consent is granted to this application and that increase may raise some concerns, particularly when being used by people unfamiliar with the area. It would appear the passing bays that were required by the original consent have had very little use and some have become revegetated making their use difficult. If consent is granted to the application I consider the existing passing bays should be reformed and additional bays provided at a spacing of approximately 50 metres.

The same standard of access should be applied to the section of access that is solely on the applicants' land and not subject to any form of right of way.

The question of who has the right to use the access and some form of agreement between the owners of the land and the applicant is matter that Council can only look at in relation to the legal issues associated with the right of way. A copy of the right of way recital is attached to this report, making it clear there are no obvious impediments to the use of the access by the applicant and any guests on their property.

7.4 Amenity Values

The proposal to establish tourist accommodation on Lot 2 DP 304783 at Pigeon Saddle has the potential to alter the amenity of the general area if the development was undertaken without appropriate controls. The design submitted with the application indicates the proposed development is such that it will be very difficult to detect the presence of the buildings, given the topography and the established indigenous vegetation on the property. Any view from the lower part of Wainui Bay is likely to be distant and the proposed materials, height of the buildings and exterior finish can be controlled to blend the buildings with the natural environment. In a similar fashion, any earthworks proposed can be subject to a requirement to re-vegetate the areas to remove scarring.

The question of traffic effects on amenity values must also be considered given there is an increase in vehicle movements associated with the proposed activity. The final building sites for Lots 3 and 4 have still to be finalised, but it would appear one is likely to be above the right of way, utilising an old logging access and the other some distance below the right of way. The two anticipated effects of increased traffic are noise from vehicles and dust. It is difficult to compare the use of the right of way with the Totaranui road when considering the amenity of the area but there is potentially a greater effect from the road on Lot 4 where the building site is closer to both the right of way and the road. It would appear the building site for Lot 3 is more remote from both the road and the right of way.

7.5 Servicing Issues

The proposed development has one central building containing the cooking and ablution facilities. The waste water from these is anticipated to be around 1200 litres per day if the complex is fully occupied. That volume may be on the lower side of the expected volume to be produced but even if it were increased to 150 litres per head per day, it would still be less than the maximum permitted without a discharge consent of 2 cubic metres.

The waste water is proposed to be treated via a multi chamber septic tank incorporating a zabel filter and 42 metres of everglass soakage trench in a purpose designed field. Such a proposal is likely to provide an appropriate method of dealing with the waste water produced and there is no watercourse in the vicinity of the disposal area.

Water for the complex is sourced from a stream on the property that currently serves the two dwellings. It appears this can produce sufficient water for the complex and retain an adequate stream flow to ensure any in stream values are protected. Treatment of this water should be undertaken to provide a safe water supply for guests.

Solar power for the complex is proposed, avoiding the need for power lines that could have visual effects.

7.6 Signage

The proposal lodged includes an application to erect a sign on the right of way near the carpark at the crest of the Totaranui Road. The Abel Tasman Inland Track also crosses the road at this point. The sign would be located on Lot 4 DP 304783, a property owned by M Robertson and S King and becomes an "off-site" sign is a discretionary activity. As such, it requires the consent of the land owner before Council can consider such an application.

The submission lodged by M Robertson and S King objects to the location of the sign and it is clear consent cannot be granted without their permission.

The only alternative is to erect a sign further down the Totaranui Road on the applicants' land where such a proposal can be a permitted activity, provided it meets the relevant criteria.

7.7 Land Disturbance

The application to carry out earthworks is required as the land is located in Land Disturbance Area 2. The earthworks consist of the preparation of building platforms, the effluent disposal area, a carpark and a fire fighting pond. It is possible improvements to the access may also trigger the need for consent.

The Pigeon Saddle area is comprised of Separation Point Granite and the material has a propensity for slope failure under certain conditions, particularly where stormwater is not effectively controlled. There is ample evidence available in the local area to demonstrate how the material performs and this is the primary reason for developing the Land Disturbance Area 2 rules.

One of the applicants is an engineer with experience in soil stability and earthworks and the formation of the current right of way has demonstrated a good understanding of the issues associated with this area. It is appropriate to impose conditions if consent is granted to the application to provide a measure of control.

7.8 Proposed Buildings

The application contains basic details of six buildings to be erected on the site, near the Cahusac/Bush dwelling. The four cottages are of modest proportions and are solely a sleeping/living area. The central amenities building is some 50 square metres in area and contains shared cooking, dining and ablutions. A separate craft workshop is 20 square metres in area.

The amenities building and the cottages are designed to be low impact structures with earth walls and a sod roofs that are all less than 5 metres in height. The craft workshop will either follow the same form of construction or use timber walls and a coloursteel roof in a recessive colour. As such, they will blend with the natural vegetation that surrounds them.

The proposed buildings will blend with the natural environs and are unlikely to be seen from any point in Wainui Bay, other than a distant view.

The use of the craft workshop for other than residential guests is likely to produce increased traffic movements and a greater demand for carparking, particularly at the peak of the holiday season. For those reasons, the use of the craft workshop should be confined to those resident on the property.

8. CONCLUSION

The application lodged by Mr and Mrs Walker and C Cahusac and D Bush seeks consent to erect four accommodation units to be used for visitor accommodation, together with a central amenities building and a craft workshop, on their property at Pigeon Saddle. Consent is also sought to carryout earthworks and to erect an advertising sign.

The application is a Discretionary Activity under the Proposed Tasman Resource Management Plan. The Transitional Plan now has no real relevance to the application as the Resource Management Plan has now progressed to a point where it is effectively operational.

The application has been processed as a limited notified application and attracted two submissions. Of these, one provided conditional support and the other opposes the application. The submission in opposition has a primary focus on the effects on the right of way that runs across their properties (Lots 3 and 4 DP 19802). They consider the increased use of the right of way could create traffic safety hazards and will detract from the amenity of the area.

There are some potential adverse effects from traffic, both on and off the subject site. Careful conditions may be able to mitigate these effects to the point they become minor, but both the effects on amenity and traffic safety are applicable to this proposal. The use of the Totaranui Road generally produces a slower traffic speed to help mitigate any hazard associated with the increased use of right of way. In this case the access to the property should have some improvements carried out if consent is granted and passing bays that are established and maintained can help mitigate the potential adverse traffic safety effects. It is also appropriate to have a suggested speed limit advisory sign of 20 kph at each end and in the boundary of the applicants' land in an effort to keep vehicle speeds to an appropriate level.

The consent to erect an advertising sign near the Pigeon Saddle carpark is unable to be considered by Council as the position of the sign is on private land and the land owner has declined to provide approval.

The policies and objectives of the Proposed Tasman Resource Management Plan provide a framework to assess the application. As such it is important to weigh the issues appropriately to determine how the proposal fits with the Plan. The policies and objectives that relate to rural amenity are particularly relevant to this application and there is support for the provision of tourist accommodation in Tasman District.

Overall, the provision of the four holiday units is unlikely to have an adverse effect on the rural area at Pigeon Saddle and the primary concern would appear to be the use of the right of way by visitors. The imposition of conditions to improve the traffic safety for the users of the right of way can help mitigate any adverse effects and the likely location of future building sites on Lots 3 and 4 appear to be far enough from the right of way to avoid any adverse effect on amenity from the increased use of the right of way. The right of way document attached to this report as Appendix C appears to provide a mechanism to allow maintenance of the right of way to be fairly apportioned and has no restriction on the use of it for commercial purposes.

Accordingly, I consider consent can be granted subject to appropriate conditions.

9. RECOMMENDATION – LAND USE

Pursuant to Section 104(B) of the Resource Management Act 1991, I recommend the application by R and A Walker and C Cahusac and D Bush to erect four visitor accommodation units to accommodate not more than 12 people, together with a central cooking, dining and ablutions building at Totaranui Road, Pigeon Saddle, Wainui Bay, on land described as Lot 2 Deposited Plan 304783, being land comprised in Certificate of Title NL 19006 being land zoned Rural 2, is granted. If consent is granted, I recommend the following conditions are included;

1. Consent is granted for four residential units to be erected, with a floor area not exceeding 15 m² for each unit, to be used solely for visitor accommodation for not more than 12 people.
2. Consent is granted for a centrally located amenities building to contain cooking and dining facilities and ablutions of not less than two showers and two toilets.
3. The proposed craft workshop shall be located as indicated on the application plan and shall be restricted for use only by residential guests staying on the property.
4. The proposed buildings shall not exceed 5 metres in height above finished ground level and shall be finished in non reflective recessive colours and materials that blend with the natural environment.
5. The building containing the cooking and ablution facilities shall be provided with a potable water supply that is treated to meet the bacterial standards prescribed by the New Zealand Standards for Drinking Water.
6. On site parking shall be provided for five vehicles with the area formed to an all-weather metalled surface and located as indicated on the plan submitted with the application.
7. The right of way access to the property shall be upgraded to provide a lane width of 3 metres with a shoulder of 600 mm formed to a metalled surface that is maintained on a regular basis to provide safe two wheel drive access.
8. The access shall contain passing bays where the width is increased to 5 metres for a length of 9 metres at nominal distances of 50 metres.

9. The applicant shall provide three speed advisory signs for the access with a nominated speed of 20kph to be located at the commencement of the right of way, at the consent holders' boundary and near the visitors carpark.
10. Culverts on the access to control stormwater shall be maintained on a regular basis to avoid blockage and efficiently dispose of accumulated stormwater.
11. A fire fighting pond with a capacity of not less than 100,000 litres shall be provided, located as indicated on the plan submitted with the application.
12. All earthworks shall be finished to a self-supporting batter and re-vegetated or re-sown to reduce any potential erosion.
13. 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.

Notation: Parts of Wainui Bay have been identified as an area that has been subject to pre-European occupation. There have been a number of archaeological sites identified in this area and while this site has not been associated with such sites, a precautionary approach is appropriate. In the event any archaeological site is discovered during works associated with any form of land disturbance, all works shall cease and the applicant shall contact the Tasman District Council, Manawhenua Ki Mohua and the New Zealand Historic Places Trust. The discovery of an archaeological site is subject to the provisions of the Historic Places Act and an application must be made to the Historic Places Trust for an authority to modify or destroy the site.

10. RECOMMENDATION – SIGNAGE

Pursuant to Section 104(B) of the Resource Management Act 1991 I recommend the application to erect a sign on the right of way on Lot 4 DP 19802 is declined.

Laurie Davidson
Consents Planner (Land)
Golden Bay

REGIONAL POLICY STATEMENT

Policies and objectives appropriate to this application are as follows:

General Objectives

- GO 1 Maintenance and enhancement of the quality of the Tasman District Environment.
- GO 2 Maintenance of the biological diversity and healthy functioning of land and ecosystems.
- GO 3 Avoidance, remedying or mitigation of the adverse effects on the environment and the community from the use, development or protection of resources.
- GO 4 Efficient use and development of resources.
- GO 5 Maintenance of economic and social opportunities to use, and develop resources in a sustainable manner.
- GO 8 Open, responsive, fair and efficient processes for all Resource Management decision-making.
- GO 9 Resolution of conflicts of interest in resource management between people in the community and within Council.

Land Resource Objectives

- Obj 6.2 Maintenance and enhancement of significant areas of indigenous vegetation, significant riparian lands, significant habitats of indigenous fauna and significant natural landscape and historic features of lands.
- Obj 6.4 Avoidance remedying or mitigation of soil loss or damage, sedimentation and other adverse effects of land uses
- Pol 6.5 The Council will avoid, remedy or mitigate soil damage or loss, sedimentation and other adverse effects of land use activities

Transport

- Obj 12.4 Maintenance and enhancement of safe and efficient land, maritime, and air transport systems, while avoiding, remedying or mitigating the adverse effects on human health, public amenity and water, soil, air and ecosystems.
- Pol 12.5 The Council will ensure that the land transport system efficiently and safely provides for the movement of goods, services and people, including a reasonable level of access, while avoiding, remedying or mitigating adverse effects on the environment including communities.

PROPOSED TASMAN RESOURCE MANAGEMENT PLAN

Policies and objectives appropriate to this application are as follows:

Site Amenity

Avoidance, remedying or mitigation of adverse effects from the use of land, on the use and enjoyment of other land and on the qualities of natural and physical resources. *(Objective 5.1.0)*

To ensure that any adverse effects of subdivision and development on site amenity, natural and built heritage and landscape values and contamination and natural hazard risks are avoided, remedied or mitigated. *(Policy 5.1.1)*

To limit the intensity of development where wastewater reticulation and treatment are not available. *(Policy 5.1.3)*

To ensure that the characteristics, including size, soil type and topography of each lot of any proposed subdivision or built development are suitable for sustainable on-site treatment of domestic waste in unreticulated areas, particularly in areas where higher risks of adverse effects from on-site disposal of domestic wastewater exist. *(Policy 5.1.3A)*

To avoid, remedy, or mitigate effects of:

- (a) noise and vibration;
- (b) dust and other particulate emissions;
- (c) contaminant discharges;
- (d) odour and fumes;
- (e) glare;
- (f) electrical interference;
- (g) vehicles;
- (h) buildings and structures;
- (i) temporary activities;

beyond the boundaries of the site generating the effect. *(Policy 5.1.4)*

Maintenance and enhancement of amenity values on-site and within communities throughout the District. *(Objective 5.2.0)*

To maintain privacy for residential properties and for rural dwelling sites. *(Policy 5.2.1)*

To enable a variety of housing types in residential and rural areas. *(Policy 5.2.7)*

To avoid remedy or mitigate the adverse effects of traffic on the amenity of residential, commercial and rural areas. (*Policy 5.2.8*)

To avoid, remedy or mitigate the adverse effects of signs on amenity values (*Policy 5.2.9*)

To allow signs in residential, rural residential, recreation and rural areas that are necessary for information, direction or safety (*Policy 5.2.10*)

Maintenance and enhancement of the special visual and aesthetic character of localities. (*Objective 5.3*)

To maintain the open space value of rural areas. (*Policy 5.3.2*)

To avoid, remedy or mitigate the adverse effects of the location, design and appearance of buildings, signs and incompatible land uses in areas of significant natural or scenic, cultural, historic or other special amenity value. (*Policy 5.3.3*)

To maintain and enhance features which contribute to the identity and visual and aesthetic character of localities, including;

- (v) heritage
- (vi) vegetation
- (vii) significant landmarks and views (*Policy 5.3.5*)

Rural Environment Effects

Provision of opportunities to use rural land for activities other than soil-based production, including papakainga, tourist services, rural residential and rural industrial activities in restricted locations, while avoiding the loss of land of high productive value. (*Objective 7.2.0*)

To enable activities which are not dependent on soil productivity to be located on land which is not of high productive or versatile value. (*Policy 7.2.1*)

To enable sites in specific locations to be used primarily for rural industrial, tourist services or rural residential purposes (including communal living and papakainga) with any farming or other rural activity being ancillary, having regard to:

- a) the productive and versatile values of the land;
- b) natural hazards;
- c) outstanding natural features and landscapes and the coastal environment;
- d) cross boundary effects, including any actual and potential adverse effects of existing activities on future activities;
- e) servicing availability;
- f) the availability of specific productive natural resources such as aggregates or other mineral resources;
- g) transport, access and effects;
- h) potential for cumulative adverse effects from further land fragmentation;
- i) maintaining a variety of lot size;
- j) efficient use of rural land resource;
- k) cultural relationship of Maori to their land. (*Policy 7.2.1A*)

To ensure that activities which are not involved or associated with soil-based production do not locate where they may adversely affect or be adversely affected by such activities. (*Policy 7.2.4*)

Avoidance, remedying or mitigation of the adverse effects of a wide range of existing and potential future activities, including effects on rural character and amenity values. (*Objective 7.3.0*)

To provide for the maintenance and enhancement of local rural character, including such attributes as openness, greenness, productive activity, absence of signs, and separation, style and scale of structures. (*Policy 7.3.3*)

To exclude from rural areas, uses or activities (including rural residential) which would have adverse effects on rural activities, health or amenity values, where those effects cannot be avoided, remedied or mitigated. (*Policy 7.3.4*)

To avoid, remedy or mitigate servicing effects of rural subdivision and development, including road access, water availability and wastewater disposal. (*Policy 7.3.9*)

Landscape

Protection of the District's outstanding landscapes and features from the adverse effects of subdivision, use or development of land and management of other land, especially in the rural area and along the coast to mitigate adverse visual effects. (*Objective 9.1*)

To ensure that structures do not adversely affect:

- (a) visual interfaces such as skylines, ridgelines and the shorelines of lakes, rivers and the sea;
- (b) unity of landform, vegetation cover and views. (*Policy 9.1.4*)

To discourage subdivision developments and activities which would significantly alter the visual character of land in outstanding landscapes (including adjoining Abel Tasman, Nelson Lakes and Kahurangi national parks). (*Policy 9.1.5*)

To manage activities which may cause adverse visual impacts in the general rural area. (*Policy 9.1.7*)

Recognition of the contribution of rural landscapes to the amenity values and environmental qualities of the District, and protection of those values. (*Objective 9.2*)

To integrate consideration of rural landscape values into any evaluation of proposals for more intensive subdivision and development than the Plan permits. (*Policy 9.2.1*)

To retain the rural characteristics of the landscape within rural areas. (*Policy 9.2.3*)

Transport

A safe and efficient transport system, where any adverse effects of the subdivision, use or development of land on the transport system are avoided, remedied or mitigated. (*Objective 11.1.0*)

To ensure that land uses generating significant traffic volume:

- (a) are located so that the traffic has access to classes of roads that are able to receive the increase in traffic volume without reducing safety or efficiency;
- (b) are designed so that traffic access and egress points avoid or mitigate adverse effects on the safety and efficiency of the road network. (*Policy 11.1.2*)

To avoid, remedy or mitigate adverse effects of traffic on amenity values. (*Policy 11.1.2B*)

To ensure that signs do not detract from traffic safety by causing confusion or distraction to or obstructing the views of motorists or pedestrians, (*Policy 11.1.3*)

Land Disturbance Effects

The avoidance, remedying or mitigation of adverse effects of land disturbance, including:

- a) damage to soil;
- b) acceleration of the loss of soil;
- c) sediment contamination of water and deposition of debris into rivers, streams, lakes, wetlands, karst systems and the coast;
- d) damage to river beds, karst features, land, fisheries or wildlife habitats, or structures through deposition, erosion or inundation;
- e) adverse visual effects;
- f) damage or destruction of indigenous animal, plant and trout and salmon habitats, including cave habitats, or of sites or areas of cultural heritage significance;
- g) adverse effects on indigenous biodiversity or other intrinsic values of ecosystems.

(*Objective 12.1*)

To promote land use practices that avoid, remedy or mitigate the adverse effects of land disturbance on the environment, including avoidance of sediment movement through sinkholes into karst systems. (*Policy 12.1.1*)