

MINUTES

TITLE: Environment & Planning Subcommittee
DATE: Friday, 27 January 2006
TIME: 11.00 am
VENUE: Tasman District Council Meeting Room, 78 Commercial Street, Takaka

PRESENT: Cr O'Regan, Cr Borlase and Cr Higgins,

IN ATTENDANCE: D Hewett (Consent Planner, Subdivision), J Hodson (Manager Consents)

1. R LEES, SECTION 357 OBJECTION - APPLICATION RM050876

1. PRESENTATION OF OBJECTION

An Objection to further information requirement relating to RM050876. Objection lodged by Golden Bay Surveyors in a letter dated 24 November 2005.

Mr Martin Potter (Golden Bay Surveyors) presented for the applicant. He sought clarification as to whether or not this would be the final decision on further information or if a further request could be forthcoming. Mr Potter read a prepared submission which explained the reasons for the objection. He noted that blue pegs had been placed on site to represent the centre of the building sites. He explained that the steeper land on the north east side of site contained heavy bush and it was impossible to create an accurate contour plan because of this. He noted that Connell Wagner had been asked to provide information on the wastewater disposal but this request was currently on hold. He also explained that it was difficult to know where the trenches for the power and telephone would go. He considered it was premature to say where the car parking, power and other services would go. He explained that no application for the dwellings had been sought as Council had indicated they would not process generic consents which did not provide specific detail of the proposed dwellings.

In reply to a question, he confirmed that the building sites had not yet been certified by an engineer but that this could be done. He considered that having a report prepared on the discharge of wastewater was putting the cart before the horse. The various parts of the request for information which were objected to were examined in detail. He explained that the easements for services would be shown on the title plan (usually after the engineering works were completed) and thus given approval by Council at the Section 223 sign off.

1.2 Staff Comments

Ms D Hewett clarified which were the relevant rules in the Tasman Resource Management Plan. It was also clarified that the land was not adjacent to the Coastal Marine Area because there was an existing esplanade reserve in place. She emphasised that the land is within the Slope Instability Area and therefore if there was to be more than 1000 m² of earthworks in any 12 month period a resource consent would be needed.

She noted that Mr Potter had agreed that the upgrading of the right-of-way and accesses would result in more than this amount of earthworks being required. She explained that from the information which had been provided to date she was unable to determine if the proposed building sites were more than 8 metres from the steep area and this needed to be confirmed by amending the engineer's report. She considered that this level of certainty was important so that the building site could then become the subject of a consent notice.

Ms Hewett confirmed that the Council engineering staff had indicated that the access could meet the gradient requirement.

It was also noted that there was a need to assess the works in terms of visual effects and stability. If cuts were greater than 1.5 metres in height a chartered professional engineer would be required to be involved in the design and construction.

1.4 Right of Reply

Mr Potter exercised his right of reply. He noted that if excessive information requirements were imposed by Council he would advise his client to amend the application by changing the location of the proposed building sites and thus eliminate the issue of stability. He acknowledged that he was agreeable to the provision of information for the discharge assessment and that a plan could be provided showing the proximity of the building sites to the area greater than 35 degrees slope.

Moved Crs Borlase / Higgins EP06/01/05

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

R Lees

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

CARRIED

**Moved Crs O'Regan / Higgins
EP06/01/06**

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

**Moved Crs O'Regan / Borlase
EP06/01/07**

**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 LEES, SECTION 357 OBJECTION - APPLICATION RM050876

**Moved Crs Higgins / Borlase
EP06/01/08**

THAT pursuant to Section 357D of the Resource Management Act 1991, the Council, resolves that the objection by R Lees (lodged by Golden Bay Surveyors) be **ALLOWED IN PART** to the extent set out below and disallowed otherwise.

- A. Delete paragraph 1(a) from the letter dated 8 November 2005
- B. Retain all other paragraphs which have been objected to.

REASONS FOR THE DECISION:

- 1. The land the subject of the subdivision application is zoned Rural Residential and comes within the Slope Instability Area, the Coastal Environment Area and the Land Disturbance 1 Area.
- 2. The Committee noted that Section 91 the Resource Management Act 1991 provided for the processing of an application to be deferred if other resource consents were required in respect of the proposal.
- 3. The Committee noted the concerns regarding the work associated with the provision of a contour plan of the subject land due to the vegetation cover. The Committee decided to delete the requirement set out in paragraph 1(a) of the letter of 8 November 2005 as it was considered that the information required under 1(a) and 1(b) of the letter of 22 November 2005 adequately addressed the matter of ensuring a suitable future building location is identified for each undeveloped lot. This information requirement had not been objected to.
- 4. In terms of the rest of the information requirements, the Committee considered that the information required was reasonable and necessary to ensure all the necessary consents were sought and effects assessed at the outset. This is particularly important given that the land is within the Slope Instability Area and clearly has high natural values and visibility from the Coastal area.

5. The Committee considered that it was important to provide sufficient information as requested in regard to the earthworks needed to create the upgraded right-of-way and the accesses to the building sites and also the provision of services. This would have to include a contour plan of that part of the site which would be affected by the earthworks for the upgrade and construction of the right-of-way/accesses to ensure that the general requirements of the Connell Wagner report were met and to ensure that all consents necessary were obtained.
6. In summary the Committee were satisfied that except for the requirement for a contour plan as required under paragraph 1(a) (showing the steeper areas on the land), the rest of the information requested is reasonable and necessary. The Committee noted that if the matters which are the subject of the information requests are adequately dealt with and the Council is satisfied that all matters over which discretion has been reserved are addressed satisfactorily, there would be no reason for the application to be declined. However, this is not a judgement which is open to this Committee to make at this time.

CARRIED

Confirmed:

Chair: