



STAFF REPORT

TO: Environment & Planning Committee

FROM: Laurie Davidson – Consents Planner, Golden Bay

REFERENCE: RM050407 and RM050422

SUBJECT: **LDWK LTD – REPORT EP05/11/14** – Report prepared for 25 November 2005 hearing

PROPOSAL

To erect a 372 square metre building to contain accommodation for up to 34 persons, together with a managers residence at first floor level at 8 Willow Street Takaka, on land described as Lot 1 Deposited Plan 17444, being land comprised in Certificate of Title NL 11B/1265 that is zoned Rural 1. The land is also held together with Lot 1 Deposited Plan 17443 (Certificate of title NL 11B/1264), over which it has access, by means of covenant 35208.7. Application is also made for an on-site sign to be erected near the access to the backpacker accommodation

A separate application has been lodged to extract up to 8 cubic metres of water per day for domestic use on the site, supplying both the existing residence and the backpacker accommodation.

LOCATION

8 Willow Street, Takaka

ZONING

Proposed Tasman Resource Management Plan	CT 11B/1265 - Rural 1
	CT 11B/1264 - Residential

RESOURCE CONSENT TYPE

Proposed Resource Management Plan	Discretionary Activity – Land Use
	Discretionary Activity – Signage

NOTIFICATION

Council processed this application under the provisions of the Resource Management Act 1991 as a notified application, as the adjoining land owner has declined to provide written approval to the application. There was also some question as to whether the effects of the proposed use would be minor, making it more appropriate to notify the application.

Written approvals pursuant to Section 94 of the Act have been provided by Windle Brothers Ltd and BG Richmond Ltd and Windle Brothers, the adjoining land owners. In the case of BG Richmond Ltd and Windle Brothers Ltd, the site has since been sold to Progressive Enterprises Ltd and a new supermarket is currently being constructed on that site.

SUBMISSIONS RECEIVED

- Progressive Enterprises Ltd
- DR McKenzie
- FC Turnbull, HS Mills, GC Forest and M Langford

1. INTRODUCTION

An application has been lodged by LDWK Ltd, which is a family partnership of Mr and Mrs Sixtus and their son, to establish and operate backpacker accommodation for up to 34 persons at Willow Street, Takaka. Consent has also been requested to erect an advertising sign that is larger than permitted in a Residential Zone and to extract up to 8 cubic metres of water per day for domestic use. The water extraction is covered by consent (RM 050422).

2. SITE DESCRIPTION

The applicants' property is comprised of two titles of 1594 and 1617 square metres respectively. The smaller title is the one closest to Willow Street (CT 11B/1264) and this is zoned Residential. The other title (CT 11B/1265) is 1617 square metres in area and is zoned Rural 1. Both titles have covenants placed on them that prevent one title being transferred, leased or otherwise disposed of without the other. This has the same effect as amalgamating the titles, but two titles remain.

The land is bordered to the north by land zoned Commercial and a new supermarket for Progressive Enterprises is being erected on this at the current time. To the east, Rural 1 land is used as a dairy farm and to the south, the land adjoining CT 11B/1264 is zoned Residential and that adjoining CT 11B/1265 is zoned Rural 1. Land across the road is zoned Commercial and contains the Takaka Information Centre, a carpark and public toilets.

The property has access from Willow Street, which forms part of State Highway 60 and is within the 50 kph speed limit. The access is a licensed crossing place on a Limited Access Road. The main access to the new supermarket is located in very close proximity to the applicants' access with a newly installed industrial crossing. The existing swimming pool and barbeque area that is located near the dwelling on CT 11B/264 is to be removed to allow access in accordance with the plan submitted.

The site falls from Willow Street to the adjoining rural land and contains a flood swale, which will convey flood water in a major flooding event. Progressive Enterprises have an easement over this area as part of the supermarket development to address the on-site flooding effects. The last flooding event that would have seen water in this area was in 1983, but the State Highway has been closed in more recent times when the Takaka River has overtopped its banks at Bridge's Hollow, just to the south of this area

The land to the south of the subject site contains four houses and there is currently an application to create additional residential allotments to the south of these that will intensify residential growth, if granted.

Consent has also been granted to establish a motel on the western side of Willow Street that is currently under construction.

The area is provided with reticulated sewerage and water is obtained relatively easily from the Takaka River Gravels Aquifer in this part of Takaka. Stormwater is typically disposed of to soak pits with good soakage available.

3. NOTIFICATION AND SUBMISSIONS

The application was notified on 10 August 2005, with submissions closing on 7 September 2005. Three submissions were received, one in support, one conditionally in support and one in opposition.

3.1 DR McKenzie

Mr McKenzie is a nearby resident who owns land on the western side of State Highway 60 where he has a small farm. He supports the proposal to establish backpacker accommodation and the provision for tourism in Golden Bay. He would like to see consent granted, but does not wish to be heard.

Comment:

Mr McKenzie's submission is self explanatory and does not require more detailed comment. He has previously supported such applications, by making land available for the motel that is currently being constructed on the western side of Willow Street.

3.2 Progressive Enterprises Ltd

Progressive Enterprises Ltd is a national chain that is currently constructing a supermarket on the adjoining site to the north that is zoned Commercial. They have lodged a submission that conditionally supports the application and have identified three areas they would like Council to pay attention to if consent is granted. These are imposition of appropriate measures to control the operational behaviour of the backpacker business, appropriate flood relief measures and to ensure granting consent to take 8 cubic metres per day of water will not adversely affect the supermarket water take.

Comment:

The submission from Progressive Enterprises covers three matters it would like Council to pay attention to if consent is to be granted. The question of operational behaviour may be able to be addressed in relation to the business itself but personal behaviour of individuals is an issue that is beyond the scope of the Resource Management Act. The flooding issues are an actual and potential effect and are addressed in the report on this topic prepared by Mr J McCartin. The issues relating to water are covered in a brief report attached to this as Appendix A and it would appear there would be ample water available in this part of Takaka.

3.3 FC Turnbull, HS Mills, GC Forest & M Langford

A submission has been prepared on behalf of the above people, who are the owners of 10 Willow Street along with DR McKenzie. The submission that has been prepared is detailed and contains concerns about a range of issues and in some cases suggests some solutions to the concerns raised. The main issues relate to amenity values and fall into three areas, namely privacy, noise and traffic issues. It also contains issues relating to parking, the effect of two titles being involved and the use of Rural 1 land.

There has been some negotiation between these submitters and the applicants and Council offered the opportunity for a pre-hearing to take place to explore the chance of finding solutions to the issues raised. That situation did not eventuate and while some common ground was found, there are issues that remain unresolved.

Comment:

The submission prepared on behalf of the above owners clearly seeks to retain the amenity their elderly parents enjoy at the Willow Street house. It opposes the application but does make a number of helpful suggestions in relation to possible mitigation measures. Some of the matters are actual and potential effects and have a bearing on whether consent should be granted for the application. The matters that are considered relevant are addressed under the assessment section of this report and the suggestions made by the submitters are helpful.

4. ASSESSMENT

The application before the Committee is a Discretionary Activity in terms of the Proposed Tasman Resource Management Plan (PTRMP) as the backpacker accommodation is a commercial activity. It is also a Discretionary Activity under the rules that apply to signage in a Residential Zone. 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 PTRMP has progressed through a major part of the Plan process. There is still one reference that relates to the use of Rural 1 land that is still to be resolved, but most rules are essentially operational in relation to the Rural 1 Zone. It is therefore appropriate to now place the appropriate weighting on the PTRMP 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:

- The actual and potential effects on the environment of allowing the activity;
- Any relevant provisions of national or regional policy statements;
- Relevant objectives, policies, rules or other provisions of a plan or proposed plan; and
- 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;
- c) Avoiding, remedying, or mitigating any adverse effects of activities on the environment”.

5.1 Matters of National Importance – Section 6 of RMA

The matters of National Importance are set out in Section 6 of the Resource Management Act. In this case there do not appear to be any matters of National Importance that are relevant to this application.

While there can be some reference to outstanding natural features in the context of the whole Takaka Valley, the general rural landscape in this area is not considered outstanding.

5.2 Other Matters – Section 7 of RMA

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 B 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)(iv) 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 table 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.

Summary of Objectives and Policies – Proposed Tasman Resource Management Plan

<p><i>Chapter 5 – Site Amenity Effects</i></p>	<p>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.</p>
<p><i>Objectives 5.1 5.2 & 5.3</i></p> <p><i>Policies: 5.1.1, 5.1.2, 5.1.4, 5.1.9A, 5.2.1, 5.2.2 5.2.3, 5.2.4 5.2.7, 5.2.8, 5.2.9, 5.2.10, 5.3.1 5.3.2, 5.3.4 & 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 6 – Urban Environment Effects</i></p>	<p>The growth of urban settlements involves the use of productive rural land and has the ability to change the intrinsic natural values that exist in many parts of the District. It should also recognise potential risk from natural hazards.</p>
<p><i>Objectives 6.1, 6.2 & 6.5</i></p> <p><i>Policies 6.1.1, 6.1.3, 6.1.4, 6.1.5, 6.2.1, 6.2.1A, 6.2.4, 6.5.1, 6.5.2, 6.5.3, 6.5.4, 6.9.1 & 6.9.5</i></p>	<p>The framework for development and use of land in the urban area of Takaka is relevant to this application, even though the parcel of land is zoned Rural 1. Both titles are effectively held together so both urban and rural objectives and policies have direct relevance. Issues such as traffic signs and natural hazards are included.</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: 7.1, 7.2 & 7.3</i></p> <p><i>Policies 7.1.2, 7.1.2A, 7.2.1, 7.2.1A, 7.2.4, 7.3.3, 7.3.4, 7.3.6 & 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>Objectives 9.1 & 9.2</i></p> <p><i>Policies 9.1.7, 9.2.1, 9.2.3 & 9.2.5</i></p>	<p>The rural landscape in Tasman District is an important regional feature, particularly recognising the openness and rural amenity. Development should not compromise that value.</p>

<i>Chapter 11 – Land Transport Effects</i>	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.
<i>Objective 11.1 Policies 11.1.1, 11.1.2, 11.1.2B, 11.1.3, 11.1.4 & 11.1.7</i>	The District's transport system should be appropriate for the use it receives and to provide a safe and efficient means of accessing the various parts of the District.

The policies that are considered relevant to this application are summarised above and set out fully in Appendix C to this report. The objectives and policies that relate to site amenity and the urban and rural environment are particularly relevant to this application.

In particular Objective 5.1, supported by Policy 5.1.1 seeks to protect the amenity of the area and to control built development.

By contrast, Objective 7.2 supported by Policies 7.2.1 and 7.2.1A makes provision for activities other than soil based production and in particular tourist services on rural land.

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 LDWK Ltd to establish tourist accommodation consisting of backpacker accommodation in a specifically designed building at 8 Willow Street Takaka raises a number of issues. If consent is granted, the proposal may create some change to the environment in this part of Takaka as the area is currently open undeveloped land behind the Residential Zone in Takaka.

This part of Takaka is undergoing a significant change at the current time with the construction of the adjoining supermarket and a nearby motel complex. The proposed building is reasonably large but will be located behind the existing dwelling where the site increases in width.

There is already a range of backpacker accommodation in various parts of Golden Bay and at the current time and these facilities appear to be well used, particularly over the summer months. The proposed backpacker accommodation will be the largest facility in Takaka, but is specifically designed for the site. The operation of such a facility could have the potential to have some effect on residential properties in the vicinity 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 1 and the Proposed Tasman Resource Management Plan makes provision for visitor accommodation within the home occupation rules. This is limited to six persons and requires the guests to be accommodated within a dwelling that existed at 25 May 1996 (the date the Plan was first notified) or is otherwise permitted by the Plan. In this case a dwelling on a small Rural 1 allotment is also a Discretionary Activity.

This proposal is a commercial activity that will provide tourist accommodation in a purpose designed building, making it a Discretionary Activity.

In terms of buildings that can be erected, the Plan makes provision for rural farm buildings that can cover up to 5% of the site (this case up to 80.8m² in area) with a height restriction of 7.5 metres.

The proposed building is clearly much larger than this and has a residential use that would be a Discretionary Activity.

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 Use of Rural Land

The proposal to erect an accommodation building on land zoned Rural 1 is a use not normally associated with the use of Rural 1 land in terms of productive land use. The title is very small in rural land terms and it would be difficult to imagine it could be used for a productive sustainable that is soils based.

It is accepted it adds to the cumulative use of Rural 1 land that is not related to soil based production, but it does not set a precedent for other rural land to be used in a similar fashion. The whole of the Takaka Valley surrounding the Takaka Township is generally zoned Rural 1 and each of the uses that have been established by the resource consent process have been evaluated on their particular merits.

Chapter 7 of the TRMP makes provision within the policies and objectives to use rural land in specific locations for uses other than soil based production, including tourist accommodation. It also makes it very clear the primary aim of the management of productive rural land is to retain it for future generations. Both of these concepts need to be carefully weighed in considering the use of this site for tourist accommodation.

7.3 Effects on Nearby Residential Land

The residential properties in Willow Street all adjoin the Rural 1 land to the east, which is used as a dairy farm. This arrangement appears to have existed without any identified cross boundary effects. Legitimate rural activities such as spraying, fertilising and supplementary feeding can produce adverse effects from time to time and are the primary reason for setback requirement in the Plan for adjoining residences.

While there can be adverse effects from legitimate rural activities, the open farmland also can provide positive effects through the openness and lack of adjoining residential properties. Use of the rural land for activities other than rural uses can have the potential to compromise those positive effects.

In this case the title to be utilised (CT 11B/265) is not behind any other residential properties, other than the applicants'. As such it is unlikely the proposed building and its use will have an adverse effect on the adjoining residential property.

There may be some loss of view to the east and this may be further compromised with the use of fencing and landscaping, but the openness and rural vista will remain for adjoining residential properties.

7.4 Loss of Privacy for Neighbours

The issue of intrusion and lack of privacy on the property to the south is an effect that can be identified with the introduction of 34 guests staying at the backpacker facility. The application does not make it clear as to the extent of the fencing or landscaping that is proposed to mitigate this. There are reasonably good separation distances between the proposed building and the closest residence to the south that also assists in this regard. The positioning of the proposed building is unlikely to have any effect on the shading of any adjoining properties and daylight angles are not breached.

There is some suggestion by submitters of moving the building and the position of living areas to provide greater separation distances from residential properties, but there are other constraints to consider such as the floodway and boundary setbacks that make this difficult. As shown in the plans submitted, the morning living court in the south east corner is about as far from the adjoining property that can be achieved, without having a significant effect on parking.

If consent is granted to the application, the privacy and amenity issues will need to be covered by appropriate conditions. Acceptable plans should be submitted prior to exercising the consent to ensure the amenity and privacy of the adjoining residential property is not adversely affected.

7.5 Utilisation of Both Titles for the Proposed Use

The proposed site (CT 11B/265) is dependent on the adjoining allotment (CT11B/264) for access and Council has recognised that fact when it consented to a boundary adjustment and required covenants to be registered on both titles to ensure one could not be disposed of without the other. This has the same effect as having a single title with a split zoning. In this case the title at the rear would become land locked if the title at the front was sold and there is no right of way in favour of CT 11B/265 at the current time. The same relationship applies with the parking as shown where two parks are shown on CT 11B/264. The submission in opposition contends this situation does not meet the requirements of Rule 16.2.3(b) as the land is not amalgamated nor has appropriate encumbrances in place.

The covenants registered on both titles prevent them being disposed of independently and as the covenants are in favour of the Council, the requirements of Rule 16.2.3(b) are met.

7.6 Access and Parking Arrangements

The proposal to establish tourist accommodation at 8 Willow Street raises issues in relation to access and parking as the property fronts State Highway 60, a Limited Access Road. The property has an existing licensed crossing place to gain access and has reasonably high fences around the front making egress from it more difficult.

The applicant has consulted with Transit New Zealand and submitted an upgraded access that has met with Transit's approval. This upgrading involves widening the crossing and improving the line of sight in both directions.

In terms of on site parking, the TRMP requires one park per two bed spaces , one space per two employees and one bus park per 30 bed spaces. The bus park can occupy car spaces and on site manoeuvring and access must meet the 90 percentile tracking curve for a 12.5 metre tour coach. The application meets these requirements and while two of the parks are on CT 11B/264, the covenant on the titles meets the requirements of rule 16.2.3(b).

The on-site access is proposed to be formed to 5.5 metres, providing two way traffic and acceptable access for a bus. The on-site carparking also provides appropriate manoeuvring for visitors' vehicles and forms the flood swale that was required when the supermarket was approved for the adjoining site. While not clear in the application, it is appropriate both the access and the carparking area are formed to a permanent sealed surface.

7.7 Flooding Issues

The proposed development is located in a part of Takaka that has been subject to flooding in the past, the last significant event occurring in 1983. A flooding report prepared by Mr J McCartin has been submitted with the application and has deduced the issues associated with flooding can be addressed by an appropriate flood path through the property and the imposition of a floor level that will provide security in a flooding event. The discharge of floodwaters on to the adjoining rural land is an issue that has been previously addressed and the Windle Bros Farm has granted consent for this to occur.

The use of the flood swale as a carpark does not present particular difficulties as vehicles can be moved. The surface will allow the passage of water to take place, but there is the potential for some surface damage to take place.

Council is generally satisfied the issues associated with flooding have been adequately addressed to provide security on site and that off site effects are likely to be very minor.

7.8 Signage

The proposal lodged includes an application to erect a sign at the front of the property and closer than one metre to the road boundary. The size of the sign (1.2m²) and the height (2.6 metres) make the sign Discretionary and there have been some concerns expressed that the sign may affect traffic visibility for vehicles leaving the adjoining property.

It appears the height of the sign is needed to get above the front fence and at that height there should not be any adverse effects for traffic. The sign is larger than the Plan allows as a Permitted Activity but is still of reasonable proportions and unlikely to create any traffic safety issues.

7.9 Noise

The submission in opposition expresses some concerns about potential noise from guests staying on the property and has suggested some limitations on the hours that people can use outdoor areas should be imposed. The submission accepts the standards the TRMP imposes and indicates they expect these levels are monitored. There are also some concerns about noise from an old water pump that serves the existing dwelling

While backpacker type accommodation does not typically produce noise complaints, it is accepted even conversation can be disruptive, especially on calm clear nights. The 40 decibel level for night time activity is a stringent standard and will preserve an acceptable noise climate. Council will respond to complaints about noise but does not usually set out to measure noise from this type of use unless concerns are raised.

Given the south west aspect of the building is likely to be the least attractive area for recreational use, it may be appropriate to not use this area for outdoor activity. That area is also the area closest to the adjoining residential property and avoiding using this for outdoor activities will reduce any noise effects and improve privacy and amenity.

The noise from the water pump is an issue that should be addressed by the applicant regardless of whether consent is granted or not. The use of a reciprocating pump in its current location can provide considerable disturbance and should be attended to.

7.10 Scale of Operation and Incremental Growth

The proposal to provide accommodation for up to 34 guests in the proposed accommodation produces a range of effects including traffic, alteration to amenity and privacy, on and off site flooding effects, and cross boundary effects. Many of these are likely to be very minor and others will require conditions to mitigate any adverse effects.

The scale of the activity (numbers accommodated) may have some bearing on the level of these effects, but even if numbers were reduced, the effects are likely to be very similar. As such there is some question what would be achieved reducing the numbers accommodated.

7.11 Water Take

An application has also been lodged to take up to 8 cubic metres per day of water from the Takaka River Gravels Aquifer to supply the proposed accommodation and the existing house on the site. This matter is reported by way of a memorandum from Ms Donna Hills and is attached to this report as Appendix A

The acquisition of that quantity of water is not anticipated to create any adverse effects, nor affect the take of water for the adjoining supermarket. There is generally an abundant supply in this area, although quality can vary.

8. CONCLUSION

The application lodged by LDWK Ltd seeks consent to erect a backpacker accommodation building at 8 Willow Street, Takaka. Consent is also sought to erect a sign on the front boundary that is larger and higher than the Plan permits.

Both applications are 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 notified application and attracted three submissions. Of these, one provided support, one supported the application but pointed out matters the Council should pay attention to, and the other opposes the application. The submission in opposition has a primary focus on the effects the activity will have on the adjoining residential property to the south west of the development. The main issues of concern are the change to the current amenity and in particular privacy, noise and traffic. Other peripheral concerns relate to the scale of the operation, use of productive land and flooding.

The issues raised by submitters are valid cause for concern, but if consent is granted, appropriate conditions can be included to avoid, remedy or mitigate them to the point they become minor. The issues relating to flooding have been addressed via an engineering report to establish an appropriate floor level and to allow for a flood swale to cope with flows in a significant flooding event.

The assessment of the actual and potential effects looks at a range of issues that are considered relevant to this particular application and the most relevant are the matters that can affect the amenity of the closest residential property to the south. Of particular interest is the siting of the proposed accommodation that provides a separation of some 40 metres to the adjoining dwelling and the use of fencing and landscaping to help protect the amenity of that property, but still provide a rural vista and a sense of openness.

Provision has been made for on-site parking that will meet the requirements of the TRMP, with two lane access down the side of the existing house on CT 11B/264. Both the access and the parking area should be formed to a permanent sealed surface and marked out to indicate the parking formation. Transit New Zealand has endorsed the upgrading of the access off Willow Street which will provide an improved line of sight for vehicles leaving the property. The current fence at the front of the property is not helpful when traffic safety is considered and the upgrading is an important improvement.

The Willow Street area has changed quite significantly over the past year with the construction of a new supermarket and motel complex. The proposed building will be screened from Willow Street and is unlikely to have an adverse visual impact.

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 amenity are particularly relevant to this application and there is support for the provision of tourist accommodation in Tasman District. The loss of productive land is considered a more minor matter in this case and the area of land has limited productive potential.

Overall, the provision of the proposed backpacker accommodation is unlikely to have an adverse effect on this part of the Takaka Township and providing appropriate care is taken with conditions of consent, the amenity of the adjoining residential property can be preserved.

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 LDWK Ltd to erect and operate a backpacker lodge and to erect an advertising sign at 8 Willow Street, Takaka, on land described as Lot 1 DP 17444 with access over Lot 1 DP 17443 being land comprised in Certificates of Title NL 11B/1265 and 11B 1264, being land zoned Rural 1 and Residential, is granted. If consent is granted, I recommend the following conditions are included;

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 m² in total (372 m² in site coverage).
2. The maximum number of guests to be accommodated shall not exceed 34.
3. The building shall be sited in accordance with the plans submitted with the application and not closer than 3 metres to any boundary.
4. No buildings, woody vegetation or other structure shall be placed in the identified flood swale on the northern side of CT 11B/265

5. A solid fence not less than 1.8 metres in height shall be erected from a point 15 metres from the south west corner of the western boundary of CT 11B/265 to the point on the southern boundary where the building is at its closest to the boundary.
6. No outdoor living or deck area shall be permitted adjoining the south west wall of the building.
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.
8. 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.
9. Access to the property shall be upgraded in accordance with the plans submitted by Golden Bay Surveyors and approved by Transit New Zealand.
10. Access over CT 11B/264 shall be formed to a permanent sealed surface and constructed with a width of 8 metres at the Willow Street frontage, reducing to 5.5 metres at the carpark
11. 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
12. The proposed sign shall not exceed 1.2 m² in area and be positioned so there is no impediment to the line of sight for vehicles leaving or accessing the State Highway.
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.

Laurie Davidson
Consents Planner (Land)
Golden Bay

To: Laurie Davidson
From: Donna Hills
Subject: Recommendations for Water Take for LDWK Ltd
Date: 2 November 2005

Proposal

LWVK Ltd (the applicant) have applied for a consent to take 8 cubic metres of water to be used for a proposed Backpackers Accommodation.

Statutory Considerations

Section 14 (3) of the Resource Management Act 1991 states that a person may take water if the amount is expressly allowed by a rule in a regional plan or in any relevant proposed regional plan.

Under Rule 31.1 the taking of up to 5 cubic metres per day is a permitted activity in the Takaka Water Management Zone. Therefore the taking of 8 cubic metres falls to be Restricted Discretionary under Rule 31.1.6 providing that the amount does not exceed the total allocation limit for the relevant zone shown in Figure 31.1.F. To date there have been no limits set in the Takaka Water Management zone.

Submissions

Progressive Enterprises Ltd would like to ensure that there will be no adverse effects on the water table by allowing 8m³ of water to be taken, and that Council will ensure that the consent holder does not draw more than the allocated amount.

The conditions of consent listed above will ensure that any adverse effects will be no more than minor and that only the allocated amount will be taken.

Assessment of Environmental Effects

This is an application to take 8 cubic metres of water from a bore on the property for use by the proposed Backpackers Accommodation.

Council has a reasonable, but as yet incomplete understanding of the aquifers and water resources of the Takaka Catchment. Allocation limits have not yet been developed or proposed as part of a formal regional plan ie Part V TRMP.

The current rules applying to water in Tasman District are being reviewed and replaced as part of the development of the Tasman Resource Management Plan (TRMP). This process is well advanced and it is considered that no matters yet to be resolved apply to this application. It is therefore assessed under the TRMP provisions and, under the TRMP, permits in Takaka are to be granted with a new common expiry date of 31 May 2019.

Conclusion

It is concluded that granting this application is likely to comply with any future allocation limit set for the zone and according to Council's current understanding of the underground aquifers in Takaka, the proposed use is sustainable.

Staff's assessment of the application based on known information is that the take will have no more than a minor effect on the environment, and is consistent with the principles of the Resource Management Act 1991.

RECOMMENDATION

Should the committee decide to grant the consent it should be subject to the following conditions:

CONDITIONS

1 Site and Take Details

Location:	<i>15 Willow Street, Takaka</i>
Legal Description of Irrigated Land:	<i>Lot 1 DP 17443</i>
Category of Water Source:	<i>Groundwater</i>
Source:	<i>Takaka River Gravels Unconfined Aquifer</i>
Catchment:	<i>Takaka</i>
Purpose and Use:	<i>Domestic Use for Backpackers Accommodation</i>
Maximum rates of take authorised:	<i>8 cubic metres per day</i> <i>56 cubic metres per week</i>

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.
5. 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.

6. The permit holder shall adopt the best practical options including appropriate motel fittings such as dual flush lavatory cisterns to minimise the use of water within the motel complex and thereby reduce any adverse effects on the environment and, upon request, Council reserves the right to require that the consent holder provide it with a property water management plan that identifies the methods and practices employed to minimise water use.

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.

Duration of Consent

The consent should expire on 31 May 2019

Donna Hills

Consent Planner – Land Management

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 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.

Urban Development Objectives

- Obj 5.2 Avoidance remedying or mitigation of the adverse effects of urban development locating or expanding in ;
 - i) hazard prone areas and;
 - iii) areas where the amenity standards of adjacent rural activities would not be accepted in an urban context
- Obj 5.4 A safe and efficient transport system;
- Obj 5.5 Maintenance and enhancement of urban environmental quality, including amenity values and the character of small towns;
- Pol 5.1 Council will avoid the loss of land of high productive value in allowing for further urban development, while having regard to;
 - i) The efficient use of resources including land, infrastructure and energy;
 - ii) The quality of the urban environment including;
 - a) access to services;
 - b) water and air quality

- c) amenity values
- Pol 5.2 Council will avoid locating new urban development in areas subject to natural hazards, except that extensions in areas that are so subject may be allowed, provided adequate mitigation measures are undertaken.
- Pol 5.6 Council will avoid, remedy, or mitigate the adverse effects of;
- 1) Urban development on the safe and efficient operation of land transport resources, including effects on;
 - a) their accessibility
 - b) principal road corridors
 - c) alternative modes of transport; and
 - 2) the provision and operation of the land transport system on;
 - a) the amenity, convenience, health and safety of people in urban communities
 - b) the health of ecosystems
 - c) the quality of air water and soil resources
- Pol 5.7 Council will seek to enhance urban environmental quality, having regard to;
- i) the design and appearance of buildings and spaces;
 - ii) vegetation and open space;
 - iii) heritage sites and values
 - iv) pedestrian facilities and traffic management;
 - v) noise levels and air quality

Land Resource Objectives

- Obj 6.3 Avoidance, remedying, or mitigation of adverse cross boundary effects of rural land uses on adjacent activities
- Pol 6.1 Council will protect the inherent productive values of land from effects of activities which threaten those values, having particular regard to ;
- i) the effects of land fragmentation on productive values; and
 - ii) the protection of land with high inherent productive value; and
 - iii) the protection of significant natural or heritage values; and
 - iv) the availability of water to support productive values.

Pol 6.2 Council will ensure that subdivision and uses of land in the rural areas of the District avoid, remedy or mitigate adverse effects on;

- i) productivity and versatility of land, particularly in areas of high productive value, and
- ii) provision of services, including roading, access, water availability waste water treatment or disposal, and
- iii) amenity, natural and heritage values of sites, places or areas including landscape features such as karst terrain, and
- iv) accessibility of mineral resources, and
- v) socioeconomic viability of adjacent areas

and that are not unnecessarily exposed to adverse effects from;

- a) adjacent land uses across property boundaries
- b) natural hazards

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 protect the quality of groundwater and surface water from the adverse effects of urban development and rural activities. *(Policy 5.1.2)*

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)*

To avoid, remedy, or mitigate adverse effects of urban development on rural activities at the interface between urban and rural areas, *(Policy 5.1.9A)*

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 ensure adequate daylight and sunlight to residential properties, and rural dwelling sites. *(Policy 5.2.2)*

To promote opportunity for outdoor living on residential properties, including rural dwelling sites. *(Policy 5.2.3)*

To promote amenity through vegetation, landscaping, street and park furniture, and screening. *(Policy 5.2.4)*

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 low density character of urban areas. (*Policy 5.3.1*)

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

To avoid, remedy or mitigate the adverse effects of activities on the character and sets of amenity values in specific urban locations. (*Policy 5.3.4*)

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

- a) heritage
- b) vegetation
- c) significant landmarks and views (*Policy 5.3.5*)

Urban Environment Effect

Urban growth that avoids or mitigate the loss of land of high productive value and the risks of extending onto land subject to natural hazards. (*Objective 6.1*)

To allow infill development of existing allotments in the serviced townships that have an urban zoning as a means of minimising encroachment on the most versatile land in the District. (*Policy 6.1.1*)

To minimise the loss of land of high productive value in allowing for further urban development, while having regard to:

- (a) the efficient use of resources, including land, infrastructure, and energy;
- (b) the quality of the urban environment, including:
 - (i) access to services;
 - (ii) water and air quality;
 - (iii) amenity values. (*Policy 6.1.3*)

To avoid extending urban development onto natural flood plains with a moderate to high risk of flooding or areas that have a moderate to high risk of river or coastal erosion or inundation or land instability. (*Policy 6.1.4*)

To require new areas of residential development to be adequately buffered from the effects of rural activities on the urban-rural interface. (*Policy 6.1.5*)

Sustainable urban growth that is consistent with the capacity of services and has access to the necessary infrastructure such as water supply, roading, wastewater and stormwater systems. (*Objective 6.2*)

To ensure that utilities and services are adequate to avoid, remedy, or mitigate adverse effects of urban development and population growth on both existing and future urban areas. (*Policy 6.2.1*)

To require financial contributions towards the provision of servicing infrastructure at the time of subdivision or development. (*Policy 6.2.1A*)

To require developers to adopt appropriate management methods to avoid or mitigate the adverse effects of stormwater run-off. (*Policy 6.2.4*)

Effective accommodation of a wide range of commercial activities on appropriately located sites, including a strong, vibrant commercial focus in the main towns of the District. (*Objective 6.5*)

To retain a compact identifiable grouping of business activities in defined areas in settlements, with due regard to the convenience and safety of customers. (*Policy 6.5.1*)

To ensure that commercial activities operate in a manner and in a setting likely to provide a high standard of safety, amenity and efficiency. (*Policy 6.5.2*)

To ensure that the intensity and scale of tourist development in rural areas does not adversely affect the character, amenities and image of surrounding rural resources. (*Policy 6.5.3*)

To provide opportunity for tourist activities to be grouped, and their effects contained, in key tourist areas. (*Policy 6.5.4*)

To contain residential zoning in Takaka within existing boundaries and allow residential use on flood-free land at Pohara and Ligar Bay. (*Policy 6.9.1*)

To avoid, remedy or mitigate the adverse effects of on-street parking, loading and unloading in the commercial area of Takaka. (*Policy 6.9.5*)

Rural Environment Effects

Avoid the loss of potential for all land of existing and potential productive value to meet the needs of future generations, particularly land of high productive value. (*Objective 7.1*)

To avoid, remedy or mitigate the effects of activities which reduce the area of land available for soil-based production purposes in rural areas. (*Policy 7.1.2*)

To avoid, remedy or mitigate adverse actual, potential, and cumulative effects on the rural land resource. (*Policy 7.1.2A*)

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 ensure that adequate physical or spatial buffers or other techniques are applied when allowing new allotments or buildings primarily or exclusively for residential purposes in rural areas, so that productive land use opportunities are not compromised. *(Policy 7.3.6)*

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 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*)

To evaluate, and to avoid, remedy or mitigate cumulative adverse effects of development on landscape values within rural areas. (*Policy 9.2.5*)

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 promote the location and form of built development, particularly in urban areas, that:

- a) avoids, remedies or mitigates adverse effects of traffic generation;
- b) provides direct and short travel routes by vehicle, cycling and pedestrian modes between living, working, service, and recreational areas;
- c) avoids an increase in traffic safety risk;
- d) allows opportunities for viable passenger transport services to be realised;
- e) provides a clear and distinctive transition between the urban and rural environments;
- f) segregates roads and land uses sensitive to effects of traffic. (*Policy 11.1.1*)

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*)

To ensure that adequate and efficient parking and loading spaces are provided, either on individual sites or collectively, to avoid or mitigate adverse effects on the safety and efficiency of the road network. (*Policy 11.1.4*)

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 11.1.7*)