

# RUSSELL PROTECTION SOCIETY (INC)

P O Box 154  
Russell, Bay of Islands

## SUBMISSION TO RESOURCE CONSENT

### SUBMISSION PURSUANT TO SECTION 96 OF THE RMA

**TO:** Far North District Council  
Private Bag 752  
KAIKOHE 0400  
Attention: Wayne Smith  
Council Reference: 2100594-RMALUC, Land Use

**Name of Submitter:** Russell Protection Society Inc.

This is a submission on an application from Matauwhi Wharf Limited for a resource consent.

The specific parts of the application that our submission relates to are:

The whole of the application relating to the establishment of a 60 site campervan park on the Matauwhi Wharf Ltd site.

Our submission is:

#### 1. Planning Context

1.1 The current pattern of zonings and overlays for Russell in the Far North District Plan is the result of successful appeals partly funded by the Russell Protection Society and it represents a deliberate strategy of protecting the heritage and amenity values of the historic Township by imposing higher environmental thresholds, which in turn reflect the more sensitive physical and cultural environment of the area. In particular, in the appeal *Pick v Far North District Council* the Environment Court found that there was a need to protect the “gateway” to Russell by providing greater safeguards to the Matauwhi Road entrance. As a result, the Gateway Area was established, with the purpose of “retaining visual dominance of natural landforms in the Russell Township Basin and Gateway Area” and by “ensuring development in the Gateway Area of Matauwhi Bay reflects its role as the entrance to Russell and that activities are of a *scale and size* (emphasis added) that is consistent with that of Russell itself and appropriate to the character of the Bay”. The pattern of zoning for the land in question also represents a deliberate strategy of allowing residential development along Matauwhi Road, albeit with more stringent controls through the Russell Township Zone, while giving protection to the prominent landform behind by zoning it smaller scale Coastal Living.

1.2 It is noted that the application by Matauwhi Wharf Ltd specifically fails the permitted scale, traffic intensity and earthworks requirements of the District Plan, notwithstanding that it is located within the Gateway Area. It is also open to question as to whether it meets the visual amenity, noise, stormwater, landscape, natural hazards, and heritage provisions of the District Plan and also the Northland Regional Council's earthworks (5000m<sup>3</sup>) requirements. This would appear to suggest that the proposal is of a scale and size that simply doesn't satisfy the policy framework that the Environment Court has established for the area. However, it is the particular

characteristics or attributes of the site itself that militate against the type and extent of development being proposed. The site can be described as prominent, steep, unstable, denuded and dominating the surrounding area.

1.3 The Far North District Council has long recognised that the characteristics of this particular landform pose significant challenges for development and on that basis it initially sought my advice regarding the development control overlays that should be applied to this land. In turn I offered the services of our Department of Conservation landscape architect and as a result the Second Review of the Far North District Plan, operative on 21 December 1992, incorporated Map 42A (Development Control Overlay Matauwhi Bay Environs) that depicted a sustainable pattern of development for the site in question. This provided for a development area above the existing access road, a conservation area below it and a preservation area along the coastal margin. The ridge line was protected and the scale of development envisaged was in keeping with its strategic location, while utilising mass planting to soften it. What this serves to highlight is that there is a clear recognition that the site itself is very difficult to sustainably develop and that particular care must be taken in order to ensure that the form and scale of any development is compatible with the constraints imposed by the land.

## **2. Visual Impacts**

2.1 The elevated nature of the site and its location at the entry to Russell means that it is highly visible from parts of Matauwhi Bay, Kororareka Bay, Matauwhi Bay Rd, Florance Ave, Brind Rd and Pomare Rd, as well as further afield from Te Wahapu and Paihia. It is proposed that, by undertaking an additional 7000 cubic metres of earthworks and building extensive retaining walls up to 3 metres in height, access roading and platforms will be established on this steep site in order to accommodate up to 60 multi-coloured camper vans of varying sizes and dimensions. In reviewing the proposed landscape plan and its stated intention of preserving the views of people in the campervans, I find it difficult to believe that the visual effects will not be more than minor. The zoning of the land and the Gateway Area overlay make it clear that the landform of the site must be preserved. The site has already undergone extensive modification (without a resource consent) in terms of vegetation clearance and earthworks and it is now proposed to undertake an additional 7000 cubic metres (4500 in the Russell Township Zone and 2500 in the Coastal Living Zone). This will have the effect of significantly modifying the landform in my view.

2.2 The stated intention is to form the necessary platforms on this steep site by pushing fill out below the existing access tracks. This would have the effect of thrusting the platforms out from the natural landform and would mean that the campervans would be visually suspended from the hill slope rather than tucked into it. The different colours, sizes and shapes of these vans would represent a discordant element in the landscape and in my view it would be very difficult to screen these through landscape planting, even if it was more extensive than what is being proposed. The roading on the site will also be highly visible because attention would be drawn to the relatively large, moving vehicles as these slowly traverse the steep grades. People using the campervan sites would naturally want to maximise their own views and would therefore try to park their vehicle and organise their activities accordingly. Awnings, tarps, chairs, tables, paddling pools and other holiday equipment will also add a discordant element to the visual landscape. The intention of the Coastal Living Zone in this instance is to preserve a bush clad backdrop to Matauwhi Bay and Russell Township. The prior removal of vegetation, including some emerging bush under story, has served to draw visual attention to the site and

has undermined the planning strategy for the area. The proposed landscape plan would not, in my view, properly address this issue because the main focus of it is to try and camouflage damage that would be done to the natural landform of the site.

### **3. Traffic Management**

3.1 In order to properly plan for traffic management in this instance it is important to understand both the nature of the roading network in the area and the likely demands of those who will be using the site. The traffic on Matauwhi Bay Road usually travels in “pulses” that are dictated by the Opuā to Okiato vehicle ferry. This road is essentially the only entry to Russell Township and can be quite busy at times. It is noted that the proposal does not include a turning bay or slip road, while the official entry point has limited setback from the road and parking (4 spaces) provided. On that basis, camper vans wanting to ingress the site would often back up along Matauwhi Road at peak times, blocking the pulse of through traffic behind them. Other problems would occur if a campervan missed the entry point or entered the site but decided not to stay or was deemed to be too large. Considerable publicity has occurred regarding overseas tourists and their apparent limited ability to drive vans they are unfamiliar with on our roads. The design of the proposed facility would require drivers of campervans to stop or turn around on busy roads, or to navigate steep one-way internal roads in order to ingress or egress the site. A busy footpath that is utilised by secondary school children catching the bus and primary pupils walking to school is also located on this side of the road, leading to a potentially dangerous interaction between pedestrians and campervans.

3.2 The traffic management report appears to suggest that by utilising an adjoining residential site the steep gradient of the present access road can be substantially reduced. While this is true for the lower portion of the access road that is adjacent to the former residential site, the upper portions of that road beyond there will continue to be very steep. In my view portions of the access road will exceed the 20% grade suggested in the report. The effects of a driver trying to manoeuvre a large, unfamiliar vehicle along steep, relatively narrow and confusing one-lane, two-way access roads can only be guessed at. Given the proposed layout of the internal roading, there is concern that an accident could easily occur either by a single vehicle or from two vehicles meeting head on and that emergency vehicles would then find it very difficult to access the site. I consider that Council has a legal obligation to ensure that the proposed traffic management on this site is safe and would suggest that it is appropriate for Council to seek independent advice in this regard.

3.3 In discussions with the proprietor of the Russell Holiday Park it was noted that there is an emerging trend for the average campervan renter to be in the younger 20 – 30 year old range. That demographic consideration is important because this age range tends to be more active. The Matauwhi Wharf Ltd site is relatively distant from the Russell Town Centre and from Long Beach and Tapeka Point. On that basis it is more likely that camper vans will be driven off-site in order to visit these attractions, leading to more traffic than envisaged in the report but also serving to exacerbate existing parking problems at these destinations during peak periods. It is also unclear as to whether there will be a time limit on how long someone can stay or whether permanent residents will be allowed.

### **4. Noise and Light Pollution**

4.1 It doesn't appear that any attempt has been made to estimate the noise (decibel

level) of a heavy campervan grinding up the 20+% slopes of the access way in first gear. However, local residents advise that trucks of a similar weight have been using this steep, elevated site and that the noise level has been far in excess of the 55dBA at the boundaries suggested in the Application. If it is accepted that movements off-site are likely to be greater than originally envisaged, as referred to in 3.3 above, then the periods during which the noise limits will be exceeded will also be correspondingly greater.

4.2 In view of the narrow, steep access roading and the centralised location of the ablution block, it will be necessary to provide ample lighting for safety purposes. Individual campervans will also employ their own lighting. Given the elevated nature of the site, the amount of light pollution could be significant and would serve to detract from the present ambiance of nighttime Russell with its starry skies.

## **5. Earthworks and Sedimentation**

5.1 The Russell Protection Society has a major concern about the amount of sediment that is being deposited in our estuarine waters and the consequent loss of much of our feral shellfish beds. The Society has already raised concerns about the amount of sediment that is currently being washed from the Matauwhi Wharf Ltd site during increasingly frequent high-intensity rainfalls. In this instance, the amount of *additional* earthworks being proposed is in excess of the Northland Regional Council “trigger point” of 5000 cubic metres and serves to highlight the dangers of significantly modifying such a steep and elevated site. The Geotechnical Report for the site noted that the area is generally unstable because it forms a part of an ancient coastal escarpment and that future earth slips are likely to occur. Council will be aware that using a “5-year return period” for the purposes of erosion and sediment control, based upon previous data, is no longer appropriate in this era of rapid climate change.

5.2 The Applicant's report refers to the use of “natural control” systems and estimates that stormwater run-off and sediment will be no more than present. I do not share that view because of the amount of earthworks (7000m<sup>3</sup>) being proposed and the extent of impermeable surfaces being created, bearing in mind that the site must also dispose of wastewater as well. I consider that the standard silt control measures developed by the Auckland Regional Council will be inadequate in this instance, given the steep topography, heavy clay and greywacke soils and intense sub-tropical storms that the area experiences. The fact that this proposed use requires such significant modifications to the landscape serves to signal that it is inappropriate for the site, particularly within the context of the zonings and overlays that apply there.

## **6. Wastewater Disposal**

6.1 The Russell Protection Society is particularly concerned that the Application is proposing to dispose effluent from the entire site to the Russell Community Wastewater Scheme. This Scheme has a Gazetted catchment area and that portion of the site zoned Coastal Living is clearly outside the catchment area. Council is on record as expressing concern about the future capacity of the Russell bore hole disposal system and the need to be rigorous about observing the various protocols developed around the administration and management of this Scheme. It is noted that a portion of this discharge is intended to occur during peak holiday periods. In my view Council is not legally authorised to consent to this discharge unless it changes the Gazette Notice for the boundaries of the Scheme.

## **7. Use of Public Crown Land**

7.1 The coastal portion of the site consists of reclaimed seabed. This reclamation of public land was allowed for the purposes of facilitating a marine industry, namely boat repair. While this use of the coastal marine area is consistent with the NZ Coastal Policy Statement, the use of this area for other (new) purposes is not permitted without the consent of the Minister of Conservation. Given the Council's stated intentions of protecting and preserving the coastal marine areas in its District, it is suggested that careful attention should be given to the NZ Coastal Policy and whether such a non-marine related private use is appropriate for this publicly owned marine area.

## **8. Heritage Values**

8.1 The application appears to suggest that there is only one prominent archaeological site on the property. In my discussions with Tangata Whenua representatives I have been made aware of the intense spiritual significance of the site, which was apparently used by many generations because of its prominence as a landform. The site is also important to Europeans because of its location at the entrance to Russell and the maritime activities that occurred there. The zonings and overlays for Russell Township make repeated references to "heritage values" and it is submitted that the Matauwhi Wharf Ltd site has significant heritage value that needs to be respected in any future development.

8.2 There are North Island Weka present in the area, although the value of the Matauwhi Wharf Ltd site as a habitat has been compromised by the land clearing operations undertaken there recently. Weka are on the IUCN Red List as a vulnerable species. This bird is susceptible to predation by dogs and hence the site should be made a dog-free zone.

8.3 It is unclear from the application whether there is any demonstrated need for another campervan park in Russell. There is a clear risk that existing and proposed campervan parks could prove to be uneconomic in this instance, leading to a dilemma for the Council as these respective property owners seek approval for other more intensive uses such as time share or destination resorts. It is usually appropriate for an applicant to demonstrate demand, particularly where heritage values may be under threat and a commercial use is being proposed for outside of a historic town centre area.

## **9. Conclusions**

9.1 The proposal, by virtue of the scale of activities, earthworks and traffic intended is contrary to the Gateway Area overlay for Matauwhi Bay. However, more particularly the site is fundamentally unsuitable for its proposed use as a 60 unit campervan park because of its location, pattern of zonings, elevation, steepness, visual impacts, traffic generation, noise and light pollution, amount of earthworks required, likely sediment generated and the effects on heritage values. It is submitted that there are other more appropriate uses, consistent with the District Plan, that can be made of this sensitive site.

We seek the following decision from the consent authority:

We seek that the application be declined and that the Applicant be encouraged to seek a more appropriate use for the site.

We wish to be heard in support of our submission.

**Signed:** 

**Date:** 22 February 2011

Bob Drey  
Chairperson  
Russell Protection Society

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