

MINUTES

TITLE: Environment and Planning Subcommittee
DATE: Friday, 11 February 2005
TIME: 9.30 am
VENUE: Council Chamber, 189 Queen Street, Richmond.

PRESENT: Cr E M O'Regan (Chair), Crs R G Kempthorne and P K O'Shea.

IN ATTENDANCE: Manager Consents (J S Hodson), Development Engineer (D Ley), Consent Planner, Discharges (N Lewis), Administration Officer (B D Moore).

1. WOOLLASTON ESTATES LTD, SCHOOL ROAD, MAHANA – WINE TASTING AND SALES – APPLICATION No. RM040837

1.1 Proposal

The application is for land use consent to:

- a) establish wine tasting and retail sales of wines from an existing winery (subject to obtaining licences under the Sale of Liquor Act);
- b) hold private functions and conference dinners at the winery;
- c) undertake mail order sales of wine from the site;
- d) display and sell artworks from the site;

on the site of a vineyard and winery currently under construction.

1.2 Location

The winery and vineyards are contained within CTs 32075, 32076 and 6D/956 comprising 37 hectares. The site is located off School Road and is on the north-western corner of Old Coach and School Roads, Mahana. The sale of wine and artworks are both discretionary activities within the Rural 1 Zone for the subject application.

1.3 Comments from Chairperson

Cr O'Regan advised that Council reporting officer, Ms S Allan of Montgomery Watson Harza Ltd was unable to attend the hearing because of flight cancellations. He said that Ms Allan may be available to be questioned during the hearing by telephone.

Cr O'Regan advised that submitter S Oddie had lodged a written submission a week after signing a written approval to the application and therefore had the status of submitter.

A letter dated 8 February 2005 from Burton Consultants was tabled at the hearing to advise that Transpower New Zealand Ltd would not attend the hearing and that Transpower supports the staff recommendations.

1.4 Presentation of Application

Resource management consultant, Mr G Thomas, tabled and read a statement of evidence and he described the proposal as an application for an ancillary use of the building for commercial activities. He said that eight neighbours had signed written approvals and he addressed two submissions received in opposition. These submissions had requested a variety of controls on traffic access, the size and frequency of events after normal business hours, plus controls on the number, size and location of the proposed sculptures.

Mr P Woollaston, managing director of Woollaston Estates Ltd, the applicant company, tabled and read a statement of evidence concerning the company background, operations to date, future operations and addressed the issues raised in the staff report. He was particularly concerned about the proposed Conditions 2 and 11.

Mr Thomas then continued with his presentation and addressed the potential effects as assessed in the staff report.

Mr Woollaston explained that Council had issued a temporary liquor licence to run to 31 March 2005, however, the subject site was not open in weekends after 28 February 2005 for the purposes of wine tastings. Mr Woollaston said that a community-type activity should be allowed on the property, in addition to the proposed 15 authorised functions per year.

Some draft proposed conditions of consent were suggested by Mr Thomas, as follows:

Major Functions

1. Not in vintage season. Involving more than 40 but less than 200 people and going beyond 7.00 pm (but finishing by 1.00 am).
2. Only allow major functions to continue after 7.00 pm and all activity must be finished by 1.00 am.
3. Functions involving less than 40 people are unlimited as to number but finish by 1.00 am.

Mr Thomas reminded the Committee that School Road was voluntarily upgraded and widened by Woollaston Estates Ltd, especially in the vicinity of the school entrance and property boundary and the upgrade had been signed off by Council's Engineering department.

Mr Thomas spoke about the proposed wastewater condition, saying that if the applicant does not demonstrate to Council that the permitted standards will be met, then a resource consent will be required. A separate disposal area for winery washdown water had been designated on the subject site.

Mr Thomas noted that the staff report suggests the use of a register of the numbers of persons attending the subject site and suggested that the proposed 1 kilometre of gravel footpath would exceed the value of any levy that Council could impose.

1.5 Presentation of Submissions

A submission for Mr and Mrs Manning and Mr K Miles was introduced and spoken to by Mr J Manning and also Mr K Miles contributed after returning to the hearing partway through this combined submission. The submitters wished to preserve the rural area of Mahana and the rural landscapes and were concerned about the proposed after hours activities on the subject site for conferences, dinners, weddings and private functions after 6.00 pm and in addition, the siting of sculptures within the subject site grounds.

Mr Miles sought that access from School Road should be moved away from the front of the school site to George Harvey Road and Old Coach Road. Mr Manning said that there should be less than 15 functions on the site and be limited to operating no later than 11.00 pm. He said small functions should finish at 9.00 pm for groups of less than 50 people. Mr Manning suggested that sculptures should not be placed on ridgelines and not be located close to the road.

1.6 Staff Report

Ms S Allan spoke to her staff report and responded to questions from the hearing panel via a speaker telephone. She spoke to the proposals regarding the limitations as to the number of functions and persons attending and proposed finishing hours. Ms Allan said she understood that a range of simultaneous activities could occur on the site, with a limitation of 7.00 pm and that community events would be excluded from the definition of major events.

Consents Planner, Discharges, Ms N Lewis, advised that during discussions with the applicant advice was given to separate the two proposed on-site wastewater systems so that domestic effluent and winery washwater are separated to allow for better effluent disposal. She noted that the applicant had offered to install a flow meter on the system and provide weekly recordings to assist with the monitoring of wastewater discharge. She said that an appropriate separate condition of consent is needed.

Development Engineer, Mr D Ley, said that rather than a requirement for the applicant to pay development contributions, he said he would be more accepting of an offer by the applicant to construct a footpath and saw it as fully meeting the development contributions. Mr Ley said he believed that the majority of functions on the subject site would not conflict with school traffic. He said that an alternative exit route from the subject site via Old Coach Road may require some seal widening and he said this was only suitable for left turning traffic.

1.7 Right of Reply

Mr Thomas responded for the applicant and said that the proposed sculptures would be no higher than 7.5 metres and be no closer than 10 metres from any boundary, as required by the normal building controls within the zone. Mr Thomas said that traffic will not be on a regular basis but there will be intermittent visits to the site. He said that the proposed effluent discharge activities are permitted and that the applicant had volunteered controls and conditions prior to anything taking place on the site. He said that a high quality system of effluent disposal would be installed and that a holding tank will control flow rates.

Mr Thomas confirmed that the applicant is volunteering the proposed 1.4 metre wide gravel footpath and where necessary, Woollaston Estates Ltd land could be vested in Council but Mr Thomas stressed that the applicant did not want extra or excessive land taken.

Mr Thomas noted that the extra traffic movements at major functions would only occur about every three weeks. He said that the applicant was comfortable with the proposed draft Conditions 2, 3 and 4 and that everything was to be off-site by 1.00 am and not provide for any further clean up time. He said that the applicant would appreciate clarification of public use by the school administration.

Mr Thomas requested that draft conditions be produced for circulation. Mr Thomas said he believed that the proposed conditions of consent meet Council's, the applicant's and submitter's concern.

The Committee reserved its decision at 3.30 pm.

Moved Crs O'Regan / O'Shea EP05/02/05

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

Woollaston Estates Ltd

The general subject of the matter to be considered while the public is excluded, the reason for passing this resolution in relation to the matter, and the specific grounds under Section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

Subject	Reasons	Grounds
Woollaston Estates Ltd	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 / Kempthorne
EP05/02/06**

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

CARRIED

**Moved Crs Kempthorne / O'Shea
EP05/02/06**

THAT the public meeting be resumed and that the business transacted during the time the public was excluded adopted and that the following resolutions be confirmed in open meeting.

CARRIED

2. WOOLLASTON ESTATES LTD, SCHOOL ROAD, MAHANA – WINE TASTING AND SALES – APPLICATION No. RM040837

**Moved Crs O'Shea / Kempthorne
EP05/02/07**

THAT pursuant to Sections 104B of the Resource Management Act 1991, Council grants consent to Woollaston Estates Limited to:

- **Establish wine tasting and retail sale of wines from an existing winery (subject to obtaining licences under the sale of Liquor Act);**
- **Hold private functions and conference dinners at the winery;**
- **Undertake mail order sales of wine from the site;**
- **Display and sell artworks from the site. The site being Lot 1 DP18195 and Lot 2 DP 308296 (CT 32076), Lot 4 DP11335 (CT 6D/956) and Lot 1 DP 308296 (CT 32075);**

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

CONDITONS:

General

1. **The commercial activities shall be undertaken in general accordance with the application dated 30 June 2004 and supporting information received in a letter dated 6 December 2004 (Ref: WOO 04-09/03).**

Limitations on Functions

2. **There shall be no more than 15 "major" functions per year over the 46 week period outside of the Vintage Season. The Vintage Season is defined as 1 April to 15 May and there shall be no major functions in that period.**

“Major” functions are those involving 40 or more visitors and shall not exceed 200 visitors to the site at any time.

3. All activities associated with major functions and functions including less than 40 visitors to the site shall finish no later than 1.00 am.
4. Small functions (those involving less than 40 visitors) are limited in that only one such event per week which may go beyond 9.00 pm and those events must finish at 1.00 pm as per condition 3.
5. The consent-holder shall maintain records of dates, times and number of people at major functions and shall make them available for Council inspection within 48 hours of a request being made.

Limitation on Wine Tasting

6. The winery may only open to the public for wine tasting and sales during the summer (i.e. between Boxing Day and 28 February) plus statutory holiday weekends and for events associated with major Nelson/Tasman regional tourist promotions.
This does not preclude wine tasting and sales for people who make an appointment during the rest of the year.

Carparking

7. The consent holder shall provide a minimum of 69 car parks and three bus parks on site. All parking and manoeuvring areas shall be sealed in a chip seal surface.

Public Pedestrian Path

8. The consent holder shall construct a gravel path for public use, separated from the road carriageway from the main access of the winery to the School Road/ Old Coach Road intersection and then along Old Coach Road to Dominion Road.

Engineering plans for the path shall be submitted for approval to the Council's Engineering Manager prior to work taking place. The layout of the path should ensure that any future road widening is not inhibited.

Note: The consent holder is invited to consult with Council over the transfer of any land which is needed for the path construction but is currently outside of the existing road reserve.

Access

9. The access to the winery and administration building for wine tasting, conferences, weddings and other private functions shall be off School Road.

Note: It is recommended that vehicles leaving the site after 10:30 pm use the Old Coach Road exit to avoid headlights disturbing adjoining neighbours near the School Road intersection.

10. The access from Old Coach Road shall be used only as an exit and must be upgraded to comply with Council's Engineering Standards. Appropriate signs indicating this access must be used as an “Exit Only” shall be erected.

11. Engineering plans showing the proposed upgrade and the signage shall be submitted to Council's Engineering Manager for approval prior to work commencing.

Sculptures

12. Placement of sculptures shall be subject to the Rural 1 Zone standards in relation to the height and location of buildings, which state the maximum height shall not exceed 7.5 metres and structures shall be set back 10 metres from road boundaries.

Protection of Transmission Lines

13. No structures (including sculptures or earth mounds) shall be constructed on Lot 1 DP 18195 or Lot 2 DP 308296 within an area of 10 metres vertically and 21 metres horizontally of any transmission line conductor. Where these distances are not complied with, the consent holder shall submit to Council a certificate from a suitably qualified engineer confirming that the buildings or structures comply with the minimum safe distances specified in Table 3 of the New Zealand Electrical Code of Practice for Electrical Safe Distances 2001 ("NZECP 34:2001").
14. No structure shall be erected on Lot 1 DP 18195 or Lot 2 DP 308296 within 6 metres of the closest visible edge of any transmission line pole foundation.
15. No structure on Lot 1 DP 18195 and Lot 2 DP 308296 shall be located where it may preclude existing 4-wheel drive access to the existing support towers on these lots.

Domestic Wastewater Discharge and Flowmeter.

16. The consent holder shall demonstrate, to the satisfaction of the Consent Authority, that the design of the domestic wastewater disposal system shall comply with AS/NZ 1547:2000 and the permitted standards for the discharge of domestic wastewater.
17. The consent holder shall install a flow meter with the domestic wastewater system and shall record the flow to demonstrate compliance with the permitted activity standard.

Note: this condition has been volunteered by the consent holder.

Noise

18. All activities covered by this consent shall meet the following permitted Rural 1 Zone noise requirements:

Noise generated by the activity, when measured at or within the notional boundary of any dwelling in a Rural zone, shall not exceed:

	Day	Night
L ₁₀	55 dBA	40 dBA
L _{max}		70 dBA

Note: Day = 7.00 am to 9.00 pm Monday to Friday inclusive and 7.00 am to 6.00 pm Saturday (but excluding public holidays).
Night= all other times plus public holidays.

Noise shall be measured and assessed in accordance with the provisions of NZS 6801:1991, *Measurement of Sound* and NZS 6802:1991, *Assessment of Environmental Sound*.

ADVICE NOTES:

1. Monitoring of the consent is required under Section 35 of the Resource Management Act 1991 and a deposit fee is payable at this time. Should the monitoring costs exceed the initial fee, Council will recover this additional amount from the resource consent holder. Costs can be minimised by consistently complying with conditions and thereby reducing the frequency of Council visits.
2. If any artefact or koiwi is encountered during earthworks then work shall cease immediately. The site shall be assessed by a suitably qualified person acceptable to the New Zealand Historic Places Trust and in consultation with local Tangata Whenua. The results of the assessment shall be forwarded to the Environment and Planning Manager, Tasman District Council. Work shall not commence until approval has been granted by the Environment and Planning Manager, Tasman District Council to do so. Any remedial or protection measures arising from this on-site water storage assessment shall be completed by the applicant.
3. The consent holder is advised that the wastewater disposal system should either be constructed, operated, and maintained in accordance with the relevant permitted activity criteria of the Proposed Tasman Resource Management Plan or a resource consent be obtained for the wastewater discharge if these criteria can not be met.
4. The consent Holder is reminded with reference to advice note 3 of their obligation to meet the wastewater flow restrictions of the relevant permitted activity rule (the volume of effluent discharged is not more than a weekly averaged flow of 2000 litres per day). If the discharge volume exceeds this restriction, resource consent must be sought.

REASONS FOR THE DECISION:

1. The land is zoned Rural 1 and under the Proposed Tasman Resource Management Plan (TRMP).
2. The application is a Discretionary Activity under the Proposed Tasman Resource Management Plan as it is a commercial activity which is not a permitted activity in the Rural 1 zone. As there are no relevant references to the relevant rules, the Proposed Tasman Resource Management Plan is the only relevant Plan. The application has been considered pursuant to Part 2 and Sections 104B of the Resource Management Act 1991.
3. The Committee noted that eight submissions had been received, three in support , three in opposition and two suggested conditions.

The concerns raised by the submitters include the following matters:

- Increased traffic and pedestrian safety
- Hours of opening for functions
- Noise and lights
- Uncertainty as to the eventual scale and effects of the operation
- Commercial activities causing loss of rural amenity

- Number of functions to be held
- Visual amenity and location of sculptures
- Impact on transmission lines
- Location of entrances and exits

4. The Committee considered the issue of the potential effects of major functions and decided that there should be a limit of 15 and also that all activity associated with all functions (large and small) should be over by 1 am. This should include the cleaning up and exiting from the premises. It was also considered that small functions should be limited to only one per week allowed to go beyond 9.00 pm and no later than 1.00 pm. The potential effects would be noise, traffic and lights. It was noted that the winery development currently under construction included noise reduction aspects such as earth mounds, stone gabion walls, generous setbacks of parking areas from boundaries, plus the buildings themselves will have very good noise absorbing characteristics.

It was also noted that limitations were offered on when the winery would be open to the public for tasting and sales to generally summertime only. This is incorporated as a condition of consent. The Committee considered that the issue of the placement of sculptures could not be limited beyond that set by the normal building restrictions for the Rural 1 zone as this was essentially the “permitted baseline” and it would be unreasonable to limit the placement of sculptures where buildings would otherwise be permitted.

5. In terms of traffic generation and road safety effects, the Committee noted the winery and function area would be accessed from School Road. The existing temporary access to the Administration building onto Old Coach Road would need to be upgraded and made into an “Exit Only” as offered by the applicant at the hearing. The Committee encourages the consent holder to ensure that traffic leaving the site after 10.30 pm uses the Old Coach Road exit as this will mitigate the possible disturbance from headlights on nearby residents. The Committee accepted the offer made by the applicant to construct a gravel footpath to enhance pedestrian and cyclist safety along Old Coach Road. The matter of compensation for land to vest would be dealt with in the normal manner at a later date.
6. In summary the Committee were satisfied that provided the conditions of consent were complied with the winery operation along with the occasional functions and events intended to be held would have no more than a minor effect in terms of the rural character and amenity of the area. It was concluded that this use is appropriate in terms of its association with the activity of grape growing and wine making and was consistent with the policies and objectives of the relevant planning documents and the purpose and principles of the Resource Management Act 1991.

CARRIED

Confirmed:

Chair:

