

MINUTES

TITLE: Environment & Planning Subcommittee
DATE: Monday, 26 and Tuesday, 27 November 2007
TIME: 9.30 am
VENUE: Fire Brigade Building, Takaka

PRESENT: Cr Riley, (Chair), Crs Higgins and Bryant

IN ATTENDANCE: Consent Planner – Land use (L Davidson), , Co-ordinator Natural Resources Consents (M Durand), Consent Planner – Water (N Tyson), Development Engineer (D Ley), Minute Secretary (V Gribble)

1. APPLICATION NO. RM070041, RM070044, RM070046, RM070048, RM070049 – B R REILLY, J M REILLY, D A EARLE AND G R MILNES - PUPU VALLEY ROAD, GOLDEN BAY

The application by B R Reilly, J M Reilly, D A Earle and G R Milnes to establish and operate a tourist complex on the Pupu Valley Road requires land use consent for a variety of reasons, but the prime objective is to provide a licensed café with a freshwater aquarium displaying native fish species. A limited amount of visitor accommodation will also be provided within the complex. A manager's residence is included in the proposal and this is located in the south western corner of the property.

The Committee proceeded to hear the application, presentation of submissions and staff reports as detailed in the following report and decision.

The Committee reserved its decision.

RESOLUTION TO EXCLUDE THE PUBLIC

**Moved Crs Riley / Bryant
EP07/11/24**

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

B R Reilly, J M Reilly, D A Earle and G R Milnes

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 passing this resolution are as follows:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under Section 48(1) for the passing of this resolution
B R Reilly, J M Reilly, D A Earle and G R Milnes	Consideration of a planning application	A right of appeal lies to the Environment Court against the final decision of Council.

**Moved Crs Higgins / Riley
EP07/11/25**

**THAT the open meeting be resumed and the business transacted during the time the public was excluded be adopted.
CARRIED**

- 2. APPLICATION NO. RM070041, RM070044, RM070046, RM070048, RM070049 – B R REILLY, J M REILLY, D A EARLE AND G R MILNES - PUPU VALLEY ROAD, GOLDEN BAY**

**Moved Crs Riley / Bryant
EP07/11/26**

THAT pursuant to Section 104B of the Resource Management Act, the Committee GRANTS consent subject to conditions to B R Reilly, J M Reilly, D A Earle and G R Milnes as detailed in the following report and decision.

CARRIED

Report and Decision of the Tasman District Council through its Hearings Committee

Meeting held in the Takaka Fire Brigade Meeting Room, Takaka

on 26 November 2007 commencing at 9.30am

A Hearings Committee (“the Committee”) of the Tasman District Council was convened to hear the application lodged by **B R REILLY, J M REILLY, D A EARLE and G R MILNES** to establish and operate a tourist complex on Pupu Valley Road including a licensed café with a freshwater aquarium displaying native fish species. A limited amount of visitor accommodation will also be provided within the complex. A manager’s residence is included in the proposal and this is located in the south western corner of the property. The proposal also includes application to take 9 cubic metres of water per day from a new bore to service the aquarium and café/residential facilities; to discharge domestic wastewater and wastewater from the proposed aquarium; to undertake earthworks as part of the proposed development. The application, made in accordance with the Resource Management Act 1991 (“the Act”), was lodged with the Tasman District Council and referenced as RM070041, RM070044, RM070046, RM070048 and RM070049.

PARTIES TO THE HEARING

- HEARINGS COMMITTEE:** Cr N Riley, Chairperson
Cr M J Higgins
Cr S G Bryant
- APPLICANT:** Mr N McFadden, Counsel for the Applicant
Mr T Carter, Landscape Architect, Tasman Carter Ltd
Mr B R Reilly, Representing the Applicant
Mr D Petrie, Transport Engineer, Traffic Design Group
Mr R V Stocker, Civil Engineer (Rivers)
Mr A M Hewitt, Hydrological Consultant
Mr D R Smythe, Planning Consultant
- CONSENT AUTHORITY:** **Tasman District Council**
Mr L Davidson, Consent Planner (Land Use)
Dr M Durand, Co-ordinator Natural Resources Consents
Mr N Tyson, Consent Planner (Water)
Mr D Ley, Development Engineer
- SUBMITTERS:** Mr M T Lord and Mr R V Greaves, Opus International,
Representing Transit New Zealand
Mr J P Rose & Mrs C Rose
Mr B J Cashman
Mr R J Butts
Mr P R Woods
Mr D Morgan, Representing Friends of Golden Bay
Incorporated
Mr S Fleming & Mrs M Fleming
Mr G Standing, Representing G & S Standing
Mr N Shearer, Representing N & D Shearer
Mr G Fletcher & Mrs A Fletcher
Mr M Cerny, Representing The Cerny Family
Mr V Mrazek, Representing V & J Mrazek
Mr M Gavin, Representing Royal Forest and Bird Protection
Society
NgAng, Representing Golden Bay Futures
Ms L Erz
NgAng
Mr M Gillard, Representing The New Zealand King Salmon
Company Limited (Submission Tabled)
- IN ATTENDANCE:** Mr R Askew, Principal Resource Consents Advisor
Mrs V M Gribble Minute Secretary

1. DESCRIPTION OF THE PROPOSED ACTIVITY

Messrs B R Reilly, J M Reilly, D A Earle and G R Milnes ("the Applicant") have lodged a number of resource consent applications associated with the establishment and operation of an integrated tourist development, including the construction of various buildings. The development, as notified, would incorporate the following components:

Land Use (Application RM070041)

- Construction and use of a building incorporating a café/restaurant with licensed facilities and souvenir shop, a freshwater aquarium to display native freshwater species and to provide parking to service these facilities;
- Construction and use of three studio unit motels;
- Operation of a “drift dive” experience;
- A manager’s residence;
- A helicopter landing pad;
- Encroachment of the front yard and western side yard setbacks;
- To erect two on-site free-standing signs; and
- Landscape development of the site.

The application was amended before the hearing to withdraw the proposed helicopter landing pad and withdraw the “drift dive” experience. The application was also further amended by re-orienting the proposed building within the site to achieve the required front and side yard setbacks prescribed for permitted building activity in the Rural 1 zone under the Proposed Tasman Resource Management Plan (PTRMP). Whilst no consent is required for “Landscape Development”, an application for resource consent for earthworks has been included.

Water Permit (Application RM070044)

To abstract up to 910 cubic metres of groundwater per day to serve the complex described in application RM070041. A 35 year term is sought for this Water Permit.

Discharge Permit (Application RM070046)

To discharge up to 864 cubic metres of used aquarium water per day to land and to the Waikoropupu River via a purpose-designed wetland and an ephemeral stream .A 35 year term is sought for this Discharge Permit.

Discharge Permit (Application RM070048)

To discharge up to 9 cubic metres per day of secondary treated domestic wastewater from the complex described in application RM070041, to land via a sub-surface dripper system. A 35 year term is sought for the Discharge Permit.

Land Use (Application RM070049) To undertake earthworks to provide an increased “flood free” area for the buildings described in application RM070041 to be erected. The works will involve recontouring the site by excavating approximately 1,600 cubic metres of material, to be added to the higher area of land on the site.

Note that the suite of applications included an application to discharge to air (application RM070047) for the discharge of cooking odour from restaurant kitchen vents, however Council does not require consent for the discharge of cooking odours, providing the correct filtration and extraction equipment is installed and as such equipment is a requirement under the Food Hygiene Regulations the applicant was advised by letter on 27 March 2007 that the application for discharge to air should be withdrawn.

The application site is located at Pupu Valley Road, Golden Bay, and is legally described as Lot 1 DP 358848, all land contained in Certificate of Title NL240164.

2. PROPOSED TASMAN RESOURCE MANAGEMENT PLAN (“PTRMP”) ZONING, AREAS AND RULE(S) AFFECTED

According to the PTRMP the following apply to the subject property:

Zoning: Rural 1
Area(s): Land Disturbance Area 1

The land use activity in resource consent application RM070041 is considered to be a Discretionary activity pursuant to rule 17.4.3 of the PTRMP in regards to the proposed commercial land use activity.

The proposed water take in resource consent application RM070044 is a Restricted Discretionary activity in the PTRMP and it may be granted subject to conditions or declined by Council.

There is no Permitted activity rule relating to the discharge to land or water of used aquarium water as proposed in resource consent application RM070046. As the proposed discharge of used aquarium water is to an ephemeral watercourse (drain) a resource consent is required for this activity pursuant rule 36.1.16 of the PTRMP in regards to the proposed discharge to land and rule 36.2.8 of the PTRMP in regards to the proposed discharge to water. The status of the activity is Discretionary as provided by these rules in the PTRMP.

The proposed discharge in resource consent application RM070048 does not meet the Permitted activity rule 36.1.4(b) of the PTRMP because the permitted weekly average flow per day is expected to exceed 2,000 litres. The peak flow volume from the activity is expected to be up to 9,000 litres per day. The status of this application for consent is Discretionary pursuant to Rule 36.1.16 of the PTRMP.

The land use activity in resource consent application RM070049 (earthworks), are a Controlled activity under rule 18.6.4 in that the proposed activity involves recontouring of more than one hectare of the land, and to a depth of more than one metre, within a 12 month period.

“Discretionary” is the most onerous consent status applicable to the suit of resource consents applied for and provides the overall status for considering the applications.

3. NOTIFICATION AND SUBMISSIONS RECEIVED

The applications were notified on 25 August 2007 pursuant to Section 93 of the Act. A total of seventy submissions were received, with 37 in support, 25 in opposition and with eight neutral. The following is a summary of the written submissions received and the main issues raised but omitting the matters relating to the helicopter operation and drift diving experience that were withdrawn from the application:

3.1 Summary of Submissions in Support of the Application

Submitters	Reasons	Decision
B J Cashman ¹ , P G Woolf, G Goodfellow, L Turley, R J Butts ¹ , J E Butts,	The submissions in support have a common theme of supporting tourism in Golden Bay and in particular, tourism in conjunction with Te Waikoropupu Springs (“the Springs”). Many submitters in support of the application see the proposed facility as an extension of the Springs experience	Approve ¹ Presented submission at hearing

Submitters	Reasons	Decision
P R Woods ¹ , D M Holmwood, H N Holmwood, P Donnelly, R W Sixtus, P M Sixtus, L Robinson, B A Cunningham, B J Palmer, L P Burke-Clarke, J M Hall, R G Carroll, J R Win, L M Jukes, Z M Reilly, T M Bowden, C B Taylor, L A Barnett ² , C A Orange, I D Orange, A J Bourke, M J Bourke, GBW Bowden, J M Hills, J R Whittaker, A J Bickley, A M Bickley, J W Bickley, A J Nicholls, C W Levett, Latitude Nelson.	and the opportunity to spend more time in this part of Golden Bay. The opportunity for additional employment in Golden Bay is also welcomed by many people. The educational value of the aquarium has been identified and some submitters see this as an addition to tourism in Golden Bay.	² Wished to be heard but did not attend hearing

3.2 Summary of Submissions in Opposition to the Application

Submitters	Reasons	Decision
M K Ellis	Opposed to development near the Springs.	Decline Did not wish to be heard
K Smith and P M Wallis	Submitters are neighbours to proposal and have concerns about noise and loss of amenity.	Decline Did not wish to be heard
J R C Lee	Concerned about effects of proposed water take.	Decline Wished to be heard but did not attend hearing (apology given)
The Cerny Family	Submitters are neighbours of proposal. Concerns regarding the scale of the proposal and numbers of people attending, lighting, vehicle movement and parking. Loss of productive land and concerns about water take and discharges affecting	Decline Presented submission at

Submitters	Reasons	Decision
	their property.	hearing
R and C Sampson	Recent purchasers of neighbouring property. Concerns about noise.	Decline Did not wish to be heard
V and J Mrazek	Submitters are neighbours to proposal. Concerned about scale and loss of amenity. Concerns about waste discharges and flooding affecting the property.	Decline Presented submission at hearing
G and S Standing	Recent purchasers of neighbouring property. Concerns regarding adverse effects of proposal.	Decline Presented submission at hearing
G and A Fletcher	Submitters are neighbours to proposal. Concerns regarding the adverse effects of the café activity. Concerns that Pupū Valley Road is too narrow for the activity for traffic that the proposal will generate. Concerns about degradation of river quality from waste water discharge.	Decline Presented submission at hearing
J P and C Rose	General concerns about the siting of the proposal and the general adverse effects of the proposal.	Decline Presented submission at hearing
N H and D E Shearer	Submitters oppose use of Rural 1 land for the proposal and that land is flood prone. Concerns about waste discharges.	Decline Presented submission at hearing
Royal Forest and Bird Protection Society of New Zealand Inc (Golden Bay Branch)	Concerns regarding aquarium may accommodate non-local organisms and could pose bio-security risk. Want to ban visitors from entering the Waikoropupu River from the property.	Decline (unless appropriate Conditions) Presented submission at hearing
W G Wallis	Concerns regarding noise and risks from aquarium discharges.	Decline (unless Strict Conditions) Did not wish to be heard
A Vaughan	Opposed to water take without considering effects on the Springs and that aquarium discharge is excessive. Considers that the proposed land recontouring is inappropriate.	Decline Wished to be heard but did not attend hearing
NgAng	Concerns regarding flooding potential of the property.	Decline Presented submission at hearing
J Piekarsky	General concerns regarding adverse effects of the activity.	Decline Did not wish to be heard
L Erz	Does not support aquarium development in this location (preferring improvements to existing viewing area at the	Decline

Submitters	Reasons	Decision
	Springs). Does not support use of land for non-productive purposes. Concerns that rural character will be adversely affected. The special character of the area should be preserved.	Presented submission at hearing
Golden Bay Futures Incorporated Society	General concerns regarding the potential adverse effects of proposed recontouring of the property which is in the Takaka flood plain, traffic effects and potential adverse effects of the aquarium.	Decline Presented submission at hearing
Friends of Golden Bay Inc	Concerns raised regarding waste discharges, and the inappropriateness of the development in a flood plain.	Decline Presented submission at hearing
R Piekarsky	Concerns regarding the proposed recontouring of the property. Also concerns regarding the potential adverse effects from the water take and from waste discharges.	Decline Did not wish to be heard
Transit New Zealand	Submitter is concerned that the intersection of Pupu Valley Road with State Highway 60 is inappropriate for the proposed generated traffic from the development and that it would be impracticable to remedy the faults with the intersection.	Decline Presented submission at hearing
S and M Fleming	Submitters are nearby neighbours to proposal. Concerns that the proposal will change the character of the area and have concerns regarding the possible adverse effects from noise, and visual affects of the development. Also the submitter has concerns regarding flooding of the property.	Decline Presented submission at hearing
C J and G S Turley	Submitters have raised numerous concerns and specifically are concerned about bio-security issues, noise, traffic effects and potential adverse effects from proposed recontouring of the property. Rural area development questioned.	Decline Wished to be heard but did not attend hearing (apology given)
B Burgess	Submitter concerned about risks from spread of Didymosphenia Geminata ("didymo") and greater numbers of road users including tour buses visiting the facility.	Decline Did not wish to be heard
T L Burgess	Submitter considers that the proposal is an inappropriate use in the Rural zone. Concerns re possible spread of didymo and the increased number of visitors including tour buses.	Decline Did not wish to be heard
P Thomas and K Fastenbrook	Submitters are opposed to use of Rural 1 land for the proposal. Concerns about noise and didymo spread. Possible precedent raises concerns over potential expansion of facility. Concern regarding potential adverse effects from traffic and changes to existing rural character.	Decline Did not wish to be heard

Summary of Submissions Neutral to the Application

Submitters	Reasons	Decision
Department of Conservation	Concerns regarding possible spread of didymo. Consider need for sediment control plan. Wish to be consulted over any promotional literature about the Springs. Request more detailed landscape plan for the development.	Neutral Requests appropriate conditions Did not wish

		to be heard
New Zealand Fire Service	Request for adequate fire fighting provisions	Neutral Requests appropriate conditions Wished to be heard but tabled a submission in lieu of attending hearing
Nelson Marlborough District Health Board	Raised matters regarding noise, potable water supply and waste discharges	Neutral Requests appropriate conditions Wished to be heard but did not attend hearing
New Zealand King Salmon Ltd	Raised matters regarding fish species in aquarium and that no adverse effects on their salmon farm	Neutral Requests appropriate conditions regarding fish species kept Wished to be heard but tabled a submission in lieu of presenting at hearing
N Pentecost	Raised matter of waste discharges and need to avoid waterway contamination.	Neutral Did not wish to be heard
Manawhenua Ki Mohua	Concerns were in regards to matters deleted from application (helicopters and drift dive)	Neutral Wished to be heard but did not attend the hearing
J Riley	Supports Iwi and Department of Conservation in regards to protection of waterways.	Neutral (subject to conditions on setbacks) Did not wish to be heard
Fish and Game	Raised matters of fish species to be kept and potential risk of release. Request to facilitate access to the Lower Waikoropupu River for fishing	Decline (unless matters)

		<p>raised addressed)</p> <p>Wished to be heard unless agreement with applicant over matters raised Submitter did not appear at hearing</p>
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4. PROCEDURAL MATTERS

Proposed Amendments to the Application

The Committee was advised by both Mr L Davidson, Council reporting officer and Mr N McFadden, Counsel for the applicant, that the application for resource consents had been amended to address some of the issues raised by submitters. The amendments were the removal of the proposed helicopter pad, the withdrawal of the proposed 'drift dive' experience and to re-orientate the proposed buildings to now comply with setback rules for the Rural 1 zone in the PTRMP and with some minor consequential amendment to the area of land proposed to be recontoured. The Chair of the Committee noted the amendments and clarified that the matters withdrawn were no longer part of the application and that it was not necessary for those submitters that had raised matters on the drift diving and the helicopter pad to now make those submissions.

Order of Proceedings and Apologies

The Chair acknowledged that some submitters had commitments which precluded there being able to present their submissions in the order that usually is taken for the hearing proceedings. With the agreement of the applicants, the Chair ruled that the order of proceedings be adjusted to accommodate all parties present who wished to be heard.

The Chair received apologies from submitters Mr J Lee and Mr C J and Mrs G S Turley who had indicated that they wished to be heard but were unable to attend and the hearing.

A letter from Beca Carter Hollings and Ferner Ltd, on behalf of the New Zealand Fire Service (NZFS), was tabled by the Council's Principal Resource Consent Adviser. The letter reaffirmed their submission and advised that the NZFS would not be attending the hearing.

A submission from Mr M Gillard on behalf of The New Zealand King Salmon Company Limited was tabled by the Council's Principal Resource Consent Adviser. The letter was in support of the Company's submission to the application

Note that for the purposes of this report the record of statements from attendees have been placed in the order that would normally be followed during the hearing.

Procedural Correction

During the hearing Council reporting officer, Mr N Tyson, advised the Committee that an oversight by Council staff had occurred during the processing of water permit application RM070044 in that the existing bore (Ref WWD 23395) did not have resource consent for its original construction and that the water yield of the existing bore was limited to two litres per second and was therefore incapable of meeting the proposed abstraction rate of 10.53 litres per second. The matter of establishing a new bore and confirming yields and effects from the take was pivotal to the matter to be discussed at the hearing, however Council staff were able to process a resource consent application (Ref RM070697) for a new bore on a non-notified basis and thus enable the bore to be installed and the necessary testing carried out prior to the hearing.

Request for Further Information

During the public-excluded portion of the hearing on 3 December 2007, the Committee requested additional information from the applicant pursuant to section 41C (3) of the Act, to confirm that the applicant provide further information regarding the proposed Aquarium Management Plan (AMP) and the controls that would be provided by Permit from a statutory body relating to such an AMP. The applicant responded by agreeing to accept the conditions recommended by Council reporting officer (Dr Durand) with some minor corrections to improve interpretation and ensure legal robustness (notwithstanding that a Permit may also be require from another agency for the AMP).

5. EVIDENCE HEARD

The Committee heard evidence from the applicant, expert witnesses, submitters, and the Council's reporting officers. The following is a summary of the evidence heard at the hearing.

5.1 Applicant

5.1.1 Mr N McFadden

Mr N McFadden introduced the application on behalf of the applicant.

Mr McFadden confirmed that the matters of the helicopter landing area and drift diving experience had both been withdrawn from the application.

Mr McFadden also advised that a number of other amendments had also been made to the application, including relocating the proposed buildings to now comply with Rural 1 zone setback requirements and that the applicant was prepared to limit the numbers of patrons to a maximum of 130.

In a response to a question from the Committee regarding operating hours, Mr McFadden advised that the applicant was prepared to limit the ours of operation from 8.00am to 10.30pm with the option for 'special occasion' functions to operate up to 1.00am the following day, and that these 'special occasion' functions would be limited to a maximum number of twelve events a year and that the applicant would give reasonable notice to neighbours of such functions.

In response to further questions from the Committee, Mr McFadden advised that sound-proofing and double glazing was proposed for the building to improve noise control and that occupation numbers will be controlled by design of buildings. Mr McFadden clarified that "reasonable" notice of a 'special occasion' function would be four working days notice to neighbours prior to holding the function.

5.1.2 T Carter, Landscape Architect, Tasman Carter

Mr Carter tabled and read his evidence in support of the application.

Mr Carter, in response to questions from the Committee, said it will be important to avoid halogen-type flood lights which were harsh and might cause glare. Subtle, soft, lighting would be used.

In answer to a question as to why trees were needed behind a rock fence that was to be erected in the entranceway, Mr Carter said the trees would grow above the rock fence and provide layering to soften the effect. He said there is an opportunity for a network of large trees to be planted.

In response to a question as to how many car parks are proposed and whether removing every second car park along the road frontage for amenity planting would be leave adequate parking, Mr McFadden said that with a proposed maximum patronage of 130 people 30 car parks are required under the PTRMP rules and 31 are proposed.

Mr Carter, in response to a question from the Chair as to what time frame would be for screen planting regarding, replied that it would be five years as long as large (2.5 to 3 metres high) specimen trees were used.

5.1.3 D Petrie, Traffic Design Group

Mr Petrie was in attendance and tabled and read his evidence in support of the application.

Cr Higgins put to the applicant's consultant that the Council's Development Engineer, Mr Ley had asked for the road to be widened and whether the applicant was willing to do that, notwithstanding the points that have been made in the consultant's evidence.

Mr Petrie replied that the applicant is prepared to do some widening on their side of the road. He added that even in summer time the traffic peaks at only 40 vehicles per hour, which is less than two a minute travelling in both directions. He therefore considered there is no need for widening on the other side. Mr McFadden undertook to address the matter further in his right of reply.

Cr Bryant queried how the proposal could cope with an increase in buses arriving at the site. Mr Petrie demonstrated on the site plan how buses could be accommodated. He said that it is a generous off street arrangement for buses and service vehicles and he saw no difficulties. He couldn't however confirm how many buses would be arriving at the site.

Cr Bryant asked if traffic movements included increase in service vehicles to the new facility. Mr Petrie said what typically happens during peak hours is that there are very

few service vehicles, as these vehicles tend to come at the beginning or end of the day.

Mr Petrie confirmed that vehicle counts provided included buses and service vehicles.

In response to a question from the Committee, Mr Petrie said it is not intended to have a give-way or stop sign at the exit-way from the site and that normally on a driveway you wouldn't have such a sign.

5.1.4a) Mr R Stocker, Flooding Engineer

Mr Stocker tabled and read his evidence in support of the application.

Cr Bryant asked Mr Stocker for clarification of how the minimum ground level for building had been established. Mr Stocker replied that the Tasman District Council Engineering Standards 2004 requirements provided for a building site to meet a 2% Annual Exceedence Probability (AEP), or a return period of 50 years, which is for this site was RL 6.6 metres (LINZ Datum - which has 0.00 metres being Mean Sea Level). There was an addition of 500mm above that height for added safety margin making the required height of any building site to be RL 7.1 metres (LINZ Datum).

The Chair questioned whether the minimum 150mm floor level was above the finished ground level. Mr Stocker said the levels come from the Building Act and would be above the finished ground level making floor heights of buildings RL 7.25 metres (LINZ Datum).

5.1.4b) Mr R Stocker (recalled)

Mr Stocker referred to the matter Mr Shearer presented to the Committee about decrease in the bed level of the Takaka River. Mr Stocker advised the Committee that he had spoken to Mr Shearer about concerns he had raised to the Committee that the bed of the Takaka River was degrading.

Mr Stocker said that a degrading river bed would result in a bigger river channel allowing the tide to have bigger influence up the river. He said that Mr Shearer was concerned that greater tidal influence would hold back floodwaters and put the café at a bigger risk.

Mr Stocker however cited the example of Meridian's study of Clutha River mouth which found that a larger river mouth would not result in lower flood levels, and may even cause a slight increase.

Mr Stocker stated that it was his opinion in the case of the Takaka River mouth that in the last ten years there had been some degradation of the river bed and as a result the channel capacity was increasing and as a result of that Mr Shearer was seeing an increase in tidal activity, but his extrapolation from the effects of the tide during normal river flow to the extreme flood event that could potentially threaten the café site, is not correct.

Mr Stocker said that, while the bigger Takaka River channel with greater flow capacity does conduct the tide further up the Takaka River, it was the very same characteristic that would enable flood waters to be conducted more readily down the river and out to sea. The bigger river channel would mean that the flood flows would more easily

more readily flow to sea from that reach above the Waitapu Bridge that would affect the café site and as a result should that channel remain enlarged, he would expect to see lower, not higher, flood levels at the café site for a similar flood flow.

Mr Stocker concluded by stating that he felt that Mr Shearer's concerns are unfounded for those reasons.

In response to a question from Councillor Bryant about sea water contaminating the bore water supply, Mr Stocker advised that the hydraulic pressure gradient would prevent saltwater intrusion into the bore.

5.1.5 Mr R Walker, Engineering Sustainable Solutions Ltd

Mr Walker tabled and read his evidence in support of the application.

Cr Higgins referred to the proposed standard of treatment of waste water and queried whether the treated waste water would be of better standard than flood waters.

Mr Walker replied that, with some dairy farms and septic tanks in the area not performing well, there is good chance treated waste water from the proposed activity would be better quality. He added that the waste water systems proposed for the activity have been proven to perform higher than the treatment standards that Tasman District Council requires in its rules.

5.1.6 T Hewitt, Hydrological Consultant

Mr Hewitt tabled and read his evidence in support of the application.

The Committee asked what the distance from the proposed discharge would be in relation to tidal influence of the Waikoropupu River. Mr Hewitt considered that the distance would be about 500 metres.

5.1.7 D Smythe, Resource Management Consultant

Mr Smythe tabled and read his evidence in support of the application.

Mr Smythe, in a response to a query from the Committee regarding the need for a holding tank, said it was wise to have some form of holding tank as there will be people living permanently in the manager's house.

In response to a question about the layout of the proposed aquarium, Mr Smythe said the internal layout and design had not been finalised.

5.2 Submitters

5.2.1 Transit New Zealand

Mr M Lord and Mr R Greaves (Opus International, Nelson Office) tabled and read submissions on behalf of Transit New Zealand. Both submitters asked that the application be declined.

Cr Higgins noted that Opus International had based its traffic figures on 250 patrons for the café and asked Mr Lord if he had reconsidered his position based on the corrected occupancy provided by the applicant of 130 patrons.

Mr Lord replied that traffic generation is based on the floor area and that he considered the facility could accommodate 250 people. The figures are provided from reputable authorities. He stated that they have to make an assumption but he would be happy to see a counter-argument put forward.

Cr Bryant noted traffic generation figures presented by the submitter were different to what Mr Petrie claimed this morning. Mr Lord said he based his figures on the application presented to Opus International, hence the 250 patrons.

Cr Bryant noted it is not physically possible to meet sight lines at the intersection of State Highway 60 and Pupu Valley Road. Mr Lord replied that Mr Greaves would address that matter in more detail but replied that the intention of Transit New Zealand was to widen Bird's Hill, rather than widen the intersection. Mr Lord added that land could not be acquired so the proposed upgrading project was not proceeded with.

Mr Greaves noted that Department of Conservation figures indicate that people visiting the Springs has been static for the last five years.

In response to a question from the Committee regarding crash statistics, Mr Greaves said that he didn't know if a stop sign would have prevented the accidents noted. He added that he believed the key issues regarding the intersection are with traffic turning into Pupu Valley Road being unable to move out of the path of State Highway traffic.

Mr Greaves said there is room on western side of the State Highway to only do earthworks and land acquisition would be required, as opposed to having to widen the bridge.

Mr Lord said based on current traffic increase growth on the road, which is negligible, that Transit New Zealand currently wouldn't consider the upgrade a fundable project. Also to upgrade the intersection of the State Highway with Pupu Valley Road, Transit New Zealand would need to be mindful of how such work rates alongside other projects in the region.

In answer to a question about whether buses would be safer, Mr Lord said that whilst buses are fewer in number, the consequences rise substantially if there is a crash involving a bus.

Cr Bryant questioned the submitter whether a flag light at the intersection would be an improvement. Mr Greaves replied that the strategy of Transit New Zealand is to improve rural intersection lighting, particularly at areas of potential risk.

5.2.2 J & C Rose

Mrs Rose tabled and read their evidence.

She said the licensed facilities are not appropriate to the area. Pupu Valley Road is a narrow road and intended business hours are inappropriate for the area and asked they be limited to between 9.00 am to 6.00 pm. She asked that the application be declined.

Mr Rose added that it is mainly the quiet enjoyment of neighbours, having vehicles coming out of the property that concerns them.

Mrs Rose said their dwelling is on the State Highway but their property overlooks the property in question. They have a subdivision overlooking the site and are concerned about traffic effects.

Cr Higgins asked if the possibility of a 70 or 80 kph speed restriction had been considered. Mrs Rose replied that she considered that very few people would travel at 100 kph along Pupu Valley Road.

5.2.3 B J Cashman

Mr Cashman was in attendance and read his submission and requested that the application be granted.

He said that he believed there was some exaggeration in the expectation of vehicles numbers resulting from the new facility. He added that he believed the facility will be an asset to the facilities available in Golden Bay, as well as an added attraction and provide employment in the community.

Cr Higgins asked if the Mr Cashman if he considered that the road speed limit along the State Highway at Waitapu should be reduced to 70 or 80 kph.

Mr Cashman replied that it would be a good idea and had recently spoken to the local police about his concerns with traffic speed. He said an 80 kph zone from the town boundary would be an advantage.

5.2.4 R Butts

Mr Butts was in attendance and presented his submission.

Mr Butts was disappointed the drift dive activity was withdrawn.

He said the facility would enhance what the Department of Conservation offers visitors to the Pupu Springs.

Mr Butts said that as of right the applicant could use the property for intensive farming, for example deer farming, pig farming or orchard covered in red shade cloth, but that what the proposal offers is a very low impact use of the site.

Mr Butts said in his view the intersection is safe, but Transit New Zealand said it didn't comply, so they (Transit New Zealand) should be forced to change the speed limit. He expressed concern at the submission made on behalf of Transit New Zealand.

Cr Bryant asked the submitter how many events would be staged in the Bay where a venue would be needed for between 130 and 250 people. Mr Butts replied that he could not provide a number but that for weddings the proposed facility would be great. He said the Pohara Boat Club would accommodate 90 people and Pohara Hall perhaps more. It is not just the facility but the whole catering side. The existing halls were designed for specific purposes.

Cr Higgins asked if a speed restriction would be a problem. Mr Butts replied that it wouldn't be a problem. He added that he considered the main cause of accidents is the tourists travelling on the wrong side of the road, not locals.

5.2.5 P Woods

Mr Woods was in attendance and presented his submission.

He believes that some form of enhancement to the Springs experience is needed and such development is an asset to the community. It has no direct effect on him, but he considers it would be a good place to visit.

5.2.6 D Morgan, Friends of Golden Bay

Mr Morgan was in attendance and presented the submission on behalf of Friends of Golden Bay.

He stated that they were concerned about café seating capacity, car parking, the large quantity of fill required to raise the building platform above flood levels, water discharge, raised questions about the aquarium proposal and use of the intersection of State Highway 60 and Pupu Valley Road. They consider the site chosen is inadequate for the purpose and that the application should be declined.

Cr Higgins asked if Mr Morgan understood the requirements regarding the quality of waste water that comes from second stage wastewater treatment. Mr Morgan replied that he did not.

Cr Higgins asked if Mr Morgan was familiar with facilities of this size in the Bay. Mr Morgan, said there are no fully catered facilities. He added that in Golden Bay one of the advantages of being in the area is that it is uncommon for big tour buses turning up and parking, and generally that the Bay had small scale development. He confirmed that the submitter favours small scale development, rather than large scale development.

Cr Bryant asked the submitter if he had qualifications about car park provision. Mr Morgan said he has no qualifications, but he has worked in tourist developments and based his judgement on observations.

5.2.7 S and M Fleming

Mr and Mrs Fleming were in attendance to present their submission. They asked that the application be declined

They live directly opposite the complex. Mr Fleming said their house is 100 metres from the boundary of the proposal. He added that they purchased their property in the area because of the rural location.

He said that they were happy with the scale of the building but were concerned about the commercial activities proposed. He said that noise can be a significant pollution and could detract from their quality of life.

Cr Higgins said there are not a lot of facilities available in Golden Bay.

Mr Fleming said Mr Reilly owns land in and around Takaka Township and there is lots of opportunity for this type of venture in land that is appropriately-zoned. He added that he thought that the proposal was a great idea but that that the proposed site was wrong.

5.2.8 G and S Standing

Mr Standing was in attendance to speak to the submission. He asked that the Hearing Committee strongly oppose the application.

He said he and his wife are very unhappy that such a development could even be considered in this location.

He stated that they specifically purchased their property in Pupu Valley Road for the views, lifestyle and quietness that it offers and intend building their home in the next 12 months.

He said that they consider the proposal is a commercial venture which is not suitable for a rural location and has not taken into consideration the effects this will have on the surrounds and local residents. He said there are both cyclists and pedestrians on Pupu Valley Road which has a 100 kph speed limit.

5.2.9 N & D Shearer

Mr Shearer was in attendance to speak to the submission on behalf of himself and his wife.

He said that they don't believe it is appropriate for this land to be developed in the proposed way because such a development conflicts with the Rural 1 zoning.

Mr Shearer said he was concerned at the number of accidents and near misses that occur at the State Highway 60 and Pupu Valley Road intersection. He said local children, backpackers, elderly people, horse riders, stock and campervans use Pupu Valley Road.

Mr Shearer said he would like to see the aquarium open at the same time as the rest of the complex. He added that he considered that the aquarium doesn't need the

quoted amount of water and said the development should be undertaken on land zoned for that purpose.

Mr Shearer said that he supported the concept, but not in this locality and he suggested that other land owned by Mr Reilly on Maori Road be utilised for this development.

Mr Shearer said he was concerned that the depth of the river is decreasing as the bed erodes therefore making the river more susceptible to incoming tides.

5.2.10 G & A Fletcher

Mr & Mrs Fletcher were in attendance to present their submission.

They stated that they were adamant that the application should be declined as all parts of the proposal are not permitted activities in a Rural 1 Zone and are completely out of character in this special rural setting of Pupu Valley.

They were concerned that the applicant has volunteered a condition that the aquarium be built within ten years and questioned whether the applicant really intended building an aquarium.

5.2.11 M Cerny

Mr Cerny was in attendance and presented his submission.

He said the proposed activity has little relationship with legitimate rural land use. He was concerned about the increased traffic and safety. He said there is no condition that Council could impose that would mitigate or avoid the adverse effects or impact that this proposal would have on him and his property.

5.2.12 V & J Mrazek

Mr Mrazek was present to speak to his submission.

He said they had built their house and settled in the rural area of the Pupu Valley expecting a peaceful and undisturbed life in a typical rural settlement. The proposed development would undisputedly ruin all their expectations and enjoyment of country life.

Mr Mrazek said that the proposed vegetation on the site would need to be 7 metres to 9 metres high to screen the property from his house.

5.2.13 Royal Forest and Bird Protection Society

Mr M Gavin was in attendance to present the submission on behalf of Golden Bay Royal Forest and Bird Protection Society.

He said that the Society was concerned about the flora and fauna species to be held live in the aquarium where it felt the concerns could be satisfied by suitable conditions on consent.

Mr Gavin said that the submitter asked for a condition barring entry to the waters of the Waikoropupu River, or alternatively that an advice note attaching to any land use consent granted for other activities, concerning wide public concern over spread of the invasive exotic alga *Didymosphenia Geminata*.

Mr Gavin recommended that Dr Durand's proposed conditions 11, 12, 13 and 14 in his report should remain. He added that he considered Ministry of Fisheries, Department of Conservation and Biosecurity New Zealand should be included in the aquarium management plan consultation process.

5.2.14 Golden Bay Futures

NgAng was in attendance to present the submission on behalf of Golden Bay Futures.

He said that the group were concerned about noise and visual pollution in regards to helicopter use.

NgAng said that if consent was granted, the permitted out-take of water to service the complex should be restricted to its actual needs which should be established now and monitored over the 35-year period of the water permit.

NgAng said the aquarium would be vulnerable where it is proposed because of water levels from floods, whereas in a different location it wouldn't be such a problem. He said that Golden Bay Futures considered the keeping New Zealand native freshwater fish species in a confined aquarium solely for public display, was not natural and could be considered exploitative and cruel.

NgAng said there should be more parking allowance made for campervans.

Overall Golden Bay Futures considered that there were so many concerns raised by the application that consent should be declined.

5.2.15 Lethea Erz

Ms Erz was in attendance to present her submission.

She spoke about the appropriateness of the application and said that she supported the development but on an alternative site owned by Mr Reilly on State Highway 60.

She said that the capacity of the café should be limited to a maximum of 100, in addition to staff and suggested that no more than two special functions per month be allowed. She added that hours of operation should be limited to 8.00am to 10.00pm with allowance to extend to midnight Fridays and Saturdays and to 1.00am the next day for special occasions. She added that there should be strict control over noise for the activity.

Ms Erz said that entrance signs and lighting should only be operated during the opening hours of the facility and lighting should be screened from nearby residences and the road.

She considered that the Department of Conservation should be providing a natural, non-polluting fish-watching experience at the Springs.

Ms Erz said there should be a give-way sign coming out of the development and that if the three motels were allowed that she requested consent wording such that any future expansion of the motels would be prohibited.

5.2.16 NgAng

NgAng presented his own submission and stated that he is concerned about the signage and considers that signage should be a separate consent.

He said that he was opposed to large sodium type (orange coloured lighting) lighting being installed.

He said that he considered it should be made clear that the developers carry the risk and responsibility of building on the site given its flood prone nature.

Cr Riley, given theory on climate change, do you agree that a lot of climate change is cyclic.

NgAng said it is a magnification of those cycles and that is why he is concerned about the locality.

5.2.17 New Zealand King Salmon

A submission from New Zealand King Salmon was tabled. The company had some biosecurity concerns regarding the development but through consultation have reached a mutually agreeable understanding with the applicant. As a result the Company has a neutral stance to this application.

5.3 Officers Reports

5.3.1 Consents Planner, Land Use – Mr L Davidson

Mr Davidson said the application is an interesting concept that introduces something to Golden Bay that is not here at the present time and located in an area which has one of New Zealand's national attractions.

Mr Davidson said that the proposal seeks to capitalise on the facility and the number of tourists that visit each year. He added that the proposal has been modified to eliminate areas that caused concern and also modified to set buildings further back from the road and boundaries to meet PTRMP requirements.

He said that what still has to be considered the appropriateness of the activity. It is a rural area and there are people who have moved to a rural area for legitimate rural reasons and the proposal would introduce something that is not a rural activity but can be considered through policies and objectives of the plan as a use of rural land other than productive rural use.

Mr Davidson said that access roading and access issues would be addressed by Mr D Ley in detail but that the development needs to be considered essentially in terms of a relatively narrow road and the provisions of the PTRMP access standards which

would require a multiple user access and be able to accommodate a 12 metre vehicle and therefore significant upgrading of the site will be required.

Mr Davidson asked for the Committee to note that the water table and legal road boundary position and he confirmed that there is opportunity within the legal road boundary to provide a much safer access to the site.

He noted that the applicant had gone to considerable lengths to help mitigate adverse effects through incorporation of landscaping reconfiguration, reduction in scale and compressing of application however neighbours have concerns that their rural amenity could be affected by the proposal.

Mr Davidson said that the Committee should consider the appropriateness of the development and whether mitigation practices make the proposal a 'better fit'.

He noted that Mr Standing had raised an issue about vehicles leaving the site and impact of cars with headlights and most turning to the right. Mr Davidson said that the applicant could consider this and if consent was granted that there could be opportunity for the applicant to work with neighbours for landscaping on the other side of the road to mitigate adverse effects from headlights.

Apart from the café/aquarium activity, vehicle movements associated with staff, tourist buses, and/or the motels could be considered to have adverse effects that were no more than minor.

Mr Davidson confirmed that the car park should be sealed and marked out as a sealed surface would reduce noise compared to a metalled or dolomite-type surface.

Mr Davidson said that, because campervans are commonplace on the road, the concept of having four parks that are somewhat enlarged makes good commonsense but he noted that campervans cope with supermarket car parks which are usually at the minimum permitted size.

Through the Chair, Mr Davidson asked the applicant to look at the two reports from Mr Bennison to clarify the land classification types. He said that land classification was addressed in the application and also in evidence submitted at the hearing. The applicant's Land Management Consultant, Mr R Bennison's initial assessment of the land was that it comprised of two soil types; Onekaka soils on the upper part of land; and alluvial Karamea loam for lower part.

Mr Davidson noted that Mr Smythe stated that the condition requiring an Aquarium Management Plan (AMP) was ultra vires because it involved consultation with a third party, however he recommended that an advice note could provide for appropriate consultation to take place with the Ministry of Fish (MoF) and the Department of Conservation (DoC).

Mr Davidson advised the Committee that the scale of operation had to be considered. He noted that the applicant had confirmed they would voluntarily reduce numbers to 130 patrons which was more realistic and there could be some control in terms of special functions.

Mr Davidson stated that there is the ability to consider two standards, one for a regular café/aquarium facility and the other for a facility that could be used as a function centre, in other words, wedding, dinner, re-unions.

Mr Davidson said that if consent was granted, that conditions appropriate for that particular location need to be considered so people living in the neighbouring rural environment are able to retain the rural amenity they currently have. Mr Davidson said that he considered the concept of a maximum of 12 special functions in a year had merit which would result in there being a smaller scale cafe with ability to cater for some larger special functions.

Cr Higgins asked are there any other facilities in Golden Bay that could accommodate a decent-sized wedding or reunion.

Mr Davidson said Takaka Primary School Hall, Golden Bay High School hall, are available rather than something that works on regular café operation. There are other halls, for example Pohara Hall, which caters for functions for over 200 people.

Cr Higgins asked Mr Davidson whether he would concede that, by allowing residences in rural areas, there was the risk of prejudicing other (non-residential activities). Mr Davidson replied land on the western side of the road is zoned Rural 2 and criteria and policies and objectives for use of Rural 2 is different to Rural 1 land but he agreed that by allowing lifestyle properties in rural areas that there was the potential to have conflict between legitimate rural and lifestyle activities.

5.3.2 M Durand – Co-ordinator Natural Resources Consents

Dr Durand said that issues raised about earthworks included the cut and fill areas being vulnerable to flooding. He advised that, where it is proposed that filled areas were to be built upon, there is provision under Building Act for materials to be checked by an Engineer.

Regarding the application to discharge domestic wastewater Dr Durand stated that the wastewater would be discharged into ground. The water will be treated by bacteria and potential contaminants would be removed while discharge is occurring. He stated that the recommended conditions in his report were to prevent wastewater being discharged under flood conditions.

In regards to the application to discharge aquarium water Dr Durand stated that his report included recommended conditions to prevent contamination of downstream waters by species not already in the catchment. He urged the Committee to seek clarification on matters of control in this regard.

Dr Durand said that a further matter that should be considered by the Committee was confirmation of the species proposed to be held as he was unclear from the proposal whether there would be a presence of exotic fish in the aquarium.

5.3.3 N Tyson – Consent Planner

Mr N Tyson, advised the Committee that an oversight by Council staff had occurred regarding the processing of resource consent application RM070044. The applicant's further information had confirmed that the existing bore (Ref WWD 23395) had a water yield of just two litres per second and was therefore incapable of meeting the

intended water take of 10.53 litres per second. The applicant's further information proposed deferring drilling and testing of a new bore capable of 10.53 litres per second. However, the need to determine the availability of a water source was seen by staff as pivotal to the proposed café-restaurant and Council staff were able to process the resource consent (Ref RM070697) for the new bore as a non-notified application and thus enable the bore to be installed and the necessary testing carried out prior to the hearing.

At the hearing, Mr N Tyson tabled a revised draft consent based on the testing of the new bore drilled under resource consent RM070697. He advised that the new bore had been tested at 10.5 litres per second as per Mr Hewitt's evidence. Pump testing was carried out to Council standards and proved to be sustainable.

Mr Tyson advised that water quality was very similar to the Springs water and was satisfactory for a potable supply. He said that the conditions in the revised report were unchanged from original report.

Cr Higgins noted that the applicant was seeking a water permit having a 35 year expiry date, with review date 2019.

In reply Mr Tyson stated that the PTRMP provided for common expiry dates and recommended the Committee should follow them. Renewal of the consent in 2019 was a controlled activity that Council must grant. It is appropriate to have a reduced period for the permit because there are still a lot of unknowns; for example will the aquarium be developed? It should have relatively short term consents so they can be reviewed. Mr Tyson said that conditions should allow for Council to review quantities once the aquarium is built.

5.3.4 D Ley, Development Engineer

Mr Ley noted that Transit New Zealand had provided crash statistics at the intersection for the last ten years and he advised that this had resulted in a discrepancy with his report which provides for crash statistics over the last five years. He advised the Committee that five years is the usual term to be considered due to changes which occur over time.

Mr Ley noted that the applicant and Opus International had both undertaken separate speed surveys along the State Highway where the intersection with Pupu Valley Road is located with Opus International concluding that the 85th percentile road speed was 87 kph and the applicant's traffic consultant providing a lower 85th percentile figure of between 70 kph and 80 kph. Mr Ley suggested the Committee use 85 kph as the 85th percentile road speed. Mr Ley said that the sight distance for the intersection with the State Highway, based on his road speed estimate was almost in compliance with the PTRMP rules.

To improve traffic safety at the intersection Mr Ley recommended that the give-way sign on Pupu Valley Road could be replaced with a stop sign, and he also suggested that pre-warning signs for the turn-off be erected on the State Highway by Transit New Zealand.

Cr Higgins asked about the speed on the road from Takaka to Bird Hill and whether a 70 kph or 80 kph zone would be acceptable as it appeared that local people were comfortable with such a restriction. Cr Higgins also asked from Mr Ley's view as Council's Development Engineer, whether there were there any other issues.

Mr Ley said that if you lower the speed along the State Highway it lengthens the time to undertake the journey so goods wouldn't get through so quickly. He said that sometimes, therefore it was not good to lower speeds where there is a good flow of traffic. Lowering the speed could cause ongoing problems with enforcement and he suggested that the speed limit remain as it is.

Mr Ley said cutting back batter slopes would improve sight lines and said that the differences in evidence on sight lines from the expert witnesses were only about five metres. He said that the additional traffic that will be generated by this development is unknown and suggested that a review clause after two years would be appropriate when more information on traffic flows would be available.

Cr Bryant asked whether traffic coming from the Springs turning into the facility but unable to do so due to oncoming traffic be expected to pull to the centre or to the left. Mr Ley said that people should pull over to the left on a rural road, but if the road were widened there would be room for a car to pass a vehicle in the centre of the road waiting to turn.

He said the applicant is proposing to widen the entranceway to the property but that his greater concern was with people turning right into the facility from the Springs.

Cr Higgins, noted from the site visit that it may not be easy to widen Pupu Valley Road at the proposed entrance to the facility, however the road side drain appeared to be designed to drain the water out from under the road rather than carry surface water and if this was the case asked whether it be possible to take the seal right to the edge of the road. Mr Ley replied that a "Novaflow" drain could be installed with drainage metal back-fill which could enable road widening to be undertaken.

5.4 Right of Reply

Mr McFadden said, in response to submitters' concerns that the aquarium may not be developed, that the applicant intends to develop the premises and aquarium at the same time and that the aquarium was very much an integral part of the proposal.

Mr McFadden said that the applicant had listened and heard submissions and when it comes to landscaping they may well do more. He said the proposal is linked, in a way, to Pupu Springs, showing people native fish and trout and salmon and logically it should be close to the Springs.

Mr McFadden said that Section 5 (of the Act) is about enabling people and communities to do certain things; to provide for social, economic and cultural wellbeing and any adverse effects can be avoided, remedied or mitigated. If Golden Bay is going to have a facility it hasn't currently got, it needs to be planning for it now. No matter where the applicant proposed to put this facility, there would be objections.

Mr McFadden said that Mr Lord (on behalf of Transit New Zealand) was concerned that the intersection of Pupu Valley Road with the State Highway has a bad crash history, but Mr Ley and Mr Petrie had gone some way to contradict that. Mr

McFadden said that if the intersection is as deficient as Mr Lord had asserted, Transit New Zealand, which is charged with providing safe transport system, should correct the problem. Mr McFadden considered that the crash history did not support what Transit said in view of traffic numbers and crash records.

Mr McFadden referred to Mr & Mrs Rose who had expressed concern regarding the proposed licensed premises and their fears of associated noise and inappropriate drinking. Mr McFadden said there are numerous rules under the Sale of Liquor Act concerned with licensed premises and that Mr Reilly would himself impose very strict rules on alcohol use.

Mr McFadden in response to concerns raised about on-site parking said that the number of car parks proposed complies with the PTRMP and there is ample space for additional car parks if needed.

Mr McFadden said that a substantial number of trees would be planted along the front and these would be two to three metres high when planted and he added that whilst the Committee could encourage planting on the two submitters' properties opposite the entrance to reduce glare from vehicle headlights, it could not impose such a condition however he confirmed that the applicant was happy to talk to the submitters with a view to doing landscaping on their properties.

In regards to lighting, Mr McFadden said this would be low level, non-halogen, and angled into the site and that such lighting would operate only when the complex was open or guests were on site.

Mr McFadden confirmed that the building would be double-glazed and that there was no reason why any noise from the property would be excessive or was readily able to be controlled.

In regards to concerns about the type of fish to be displayed in the aquarium, Mr McFadden suggested that if the words "no other" (exotic fish) were added to the condition suggested by Mr Smythe the concerns of Forest and Bird would be met. Mr McFadden added that in the context of this hearing DoC had opportunity to submit a submission and they had exercised that right by submitting a neutral submission.

Mr McFadden expressed concern about the duration of the consent and that Mr Tyson suggested the consent expire in 2019. Mr McFadden said that the applicant needed long term security and that there was a substantial cost in setting up the aquarium, therefore the duration of the consent should be for a longer term with a review condition if necessary.

6. PRINCIPAL ISSUES

The principal issues that were in contention were:

- a) Is the activity appropriate in proposed location and will the activity generate adverse effects from noise, light pollution and create adverse effects that would result in a general reduction in rural amenity? Would the proposed mitigation be able to reduce effects to an acceptable level?

- b) How much additional traffic will the activity generate along Pupu Valley Road and will the increase in traffic have an increased safety risk at the intersection of Pupu Valley Road and State Highway 60?
- c) Can the water from the proposed aquarium be discharged to land and/or to water without causing adverse environmental effects that are more than minor?
- d) Is the flooding of the site a matter that could have an adverse effect on the facility and its operation?

7. MAIN FINDINGS OF FACT

The Committee found:

In regards to rural and rural residential amenity matters:

- a) that a number of submitters occupy small 'lifestyle' properties in the Pupu Valley area. Some of those that were neighbouring the proposed development raised concerns that the proposal would have a significant adverse effect on the residential enjoyment of their properties;
- b) that the applicant amended the application by withdrawing some elements, (helicopter operation and drift diving) and amended the application to site buildings in compliance with the PTRMP setback rules applicable for the Rural 1 zone;
- c) that the applicant amended the numbers of persons to be accommodated at the facility from 250, down to 130 persons, and also amended the hours of operation by reducing the general hours of operation but with allowances for extended operations limited to 12 times in any one year;
- d) that some permitted activities in the Rural 1 zone could introduce adverse effects to rural residential property owner/occupiers.

In regards to traffic matters:

- e) that Pupu Valley Road is relatively narrow and constrained by side drains along either side of the carriageway where the proposed activity is located;
- f) that, when heading east on State Highway 60, and making a right turn into Pupu Valley Road the road is quite narrow and there is insufficient room for following vehicles to pass easily;
- g) that the numbers of vehicles using Pupu Valley Road visiting Waikoropupu Springs can be seasonally high but that no evidence was given that could confirm the increased numbers of vehicles movements using Pupu Valley Road that could be expected by the activity.

In regards to discharge of aquarium water:

- h) that, whilst water from the aquarium will be screened, such screening may not prohibit the passage of any small biota including fish eggs and unwanted organisms such as disease producing micro-organisms;

- i) that in addition to the introduced fish, contaminants could be introduced from flora and gravels.

In regards to flooding matters:

- j) that the property is subject to flooding on a regular basis but that the area of the property proposed to be developed, and as proposed to be further elevated through land re-contouring, would be 500mm above flood levels, predicted to occur from historical evidence, once every 50 years.

8. RELEVANT STATUTORY PROVISIONS

8.1 Policy Statements and Plan Provisions

In considering this application, the Committee has had regard to the matters outlined in Section 104 of the Act. In particular, the Committee has had regard to the relevant provisions of the following planning documents:

- a) Tasman Regional Policy Statement (TRPS);
- b) Proposed Tasman Resource Management Plan (PTRMP).

The proposed discharges contravene Section 15 of the Act, and therefore the Council has also had regard to the matters outlined in Sections 105 and 107 of the Act.

8.2 Part II Matters

In considering this application, the Committee has taken into account the relevant principles outlined in Sections 6, 7 and 8 of the Act, as well as the overall purpose of the Act as presented in Section 5.

9. DECISION

Pursuant to Section 104B of the Act, the Committee **GRANTS** consent subject to conditions.

10. REASONS FOR THE DECISION

The Committee considered all facets of the proposal and including each individual application for resource consent in the suite that relate to the activity.

The Committee took particular consideration of the potential adverse effects of the activity on neighbouring rural residential properties having particular regard to the effects from noise (both vehicular and from the activity generally), the matter of whether noise and other adverse effects could be exacerbated by behaviour of customers of a licensed premises, whether the lighting from the premises would create adverse effect and generally whether the scale of the proposed activity was appropriate for the area.

The Committee considered that, in regards to noise, that the activity could be managed to ensure that prescribed noise performance levels for the Rural 1 zone in the PTRMP could be achieved and that providing features such as double glazing and landscaping could assist in mitigating noise levels to meet the noise levels

prescribed in the PTRMP. The Committee noted that whilst the current land use of the property is benign, that the PTRMP permitted rural activities in the zone could have potential adverse effects and that the noise performance standards did not apply to any intermittent or temporary rural activity including those from agricultural equipment, and animals.

The Committee acknowledged that the behaviour of customers at licensed premises is a matter controlled by the Sale of Liquor Act and again this was directly under the control of the management of the facility.

Condition 16 of resource consent RM070041 requires design features to avoid light spill beyond the boundaries of the site. The applicant also advised that they would be agreeable to consult with neighbours regarding landscaping on their properties to further mitigate light pollution, particularly from vehicles exiting the property.

There was conflicting evidence from the expert witnesses and submitters on the matter of the likely vehicle movements to be generated by the proposed activity. The Committee was therefore unable to clearly determine what the potential adverse effects that could be created by vehicle movements, however resource consent RM070041 includes a number of conditions that the Committee considers will address any potential adverse effects from vehicles entering or existing the facility and also any potential increase of vehicles using the Puppu Valley Road/State Highway 60 intersection.

Resource consent RM070041 also provides for a review of conditions which could address any actual effects from vehicle movements arising from exercising the consent.

Evidence regarding the availability of water to meet the demands of the proposed activity including the aquarium was that the new bore could sustainably yield the water supply required and that the quality of the water was of a potable standard. Both the applicant's hydrological consultant and Council's reporting officer concurred as to the evidence given to the Committee.

The Committee were provided with evidence that the area of ground proposed to be used for the development was above flood levels and that by recontouring the ground levels to provide a minimum ground level of 7.1 metres (LINZ Datum) and consequently that the buildings would be on ground that would be 500mm above the 1983 flood levels (considered to have an annual exceedence probability (AEP) of 2% or a flood that could be expected once in every fifty years).

The Committee has considered the concerns of submitters in addition to matters of other potential adverse effects of the proposal and acknowledges that the applicant has volunteered to amend the application to mitigate the overall effects of the proposal and has accepted the majority of conditions that were recommended by Council staff with some amendments from the applicant's Planning Consultants. The Committee considers that with the conditions imposed, that the proposed development will have effects that are no more than minor and that the complex will provide a multifaceted tourism, educational and community facility that will enhance the experience of visitors to the Te Waikoropupu Springs and will provide a private and/or community function facility of a type that is not currently available within Golden Bay.

11. COMMENTARY ON CONDITIONS OF CONSENT

In regards to Condition 3 of resource consent RM070041 the applicant volunteered a condition to provide advance notification to neighbours within 200 metre radius. The Committee, although accepting this condition in principle was concerned that there may be some uncertainties as to who may or may not be contacted. The Committee has therefore considered the positioning of the activity in relation to residential properties and has also considered topography and amended the condition to require notification within a 400 metre radius and has provided an advice note to clearly show who should be notified.

The Committee considered the limits on the number of persons that the tourist complex should be limited to. The Committee considered that it was probable that, generally the numbers of persons visiting the complex would be well under the maximum allowed and has included some additional controls to cover those "special occasions" which would include such things as organised events, reunions and weddings and which would be more likely to have numbers approaching the limit provided by Condition 4 of resource consent RM070041.

In regards to traffic movements and vehicle access to the premises, the Committee have considered the evidence from Council's Development Engineer and have included as Conditions 5 – 8 (inclusive) of resource consent RM070041, provisions to effectively mitigate the matters of vehicle access and parking onto the site. In regards to the possible effects of headlight glare from vehicles leaving the site, the Committee considered that the Consent Holder should be encouraged to consult with neighbours across the road from the access and assist with any mitigation measures to reduce the adverse effects of glare from vehicle headlights. This matter has been noted as an advice note only and whilst it is not enforceable by Council, the Committee noted willingness by the applicant to assist his neighbours with landscaping.

In regards to concerns raised by Transit New Zealand the Committee has included as Condition 9 of resource consent RM070041 a condition for the Consent Holder to meet the actual and reasonable costs, (up to \$5000) to provide any additional signage that Transit New Zealand may consider is necessary to improve safety subsequent to any increased vehicle movements occurring at the intersection as a subsequence of the complex operating.

In regards to the Aquarium Management Plan (AMP) Condition 10 of resource consent RM070041 and Conditions 11 to 14 of resource consent RM070046 relating to the proposed discharge of aquarium water to the drain/proposed wetland, the Committee noted the recommended conditions by Council's reporting officer, Dr Durand and the submission from the New Zealand Royal Forest and Bird representative, Mr M Gavin. The applicant asked that those conditions be removed as they would be supplanted by provisions of a Permit issued by an appropriate governmental agency. The Committee however were not provided with sufficient detail to accept the applicant's arguments. Following a request for further information for the applicant to provide further information regarding the proposed AMP and the controls that would be provided by Permit from a statutory body relating to such an AMP the applicant agreed to accept the officer's recommended conditions with some minor amendments but accepts that a Permit may in due course provide for additional controls imposed by the appropriate government agency. The Committee has therefore confirmed the recommended conditions of Dr Durand as amended.

12. LAPSING OF CONSENTS

Pursuant to Section 125 of the Resource Management Act 1991 the consents shall, with the exception of resource consent RM070049 (earthworks) lapse five years after date of commencement of the consent unless the consent is given effect to or application has been made to Council to extend the lapsing of the consent.

13. EXPIRY OF CONSENTS

All land use consents usually have no expiry (save for when they are discontinued for more than 12 months) provided they are given effect to within the lapse period, however in regards to the proposed earthworks the consent has provided a limited duration of 2 years which is a common practice to ensure that the adverse effects of earthworks are not enduring any longer than is necessary.

Regional Consents provided under this suite of consents expire on the date stated in the consent. A period of 35 years was requested by the applicant for each consent, however the consents have been granted for a periods less than this as stated below:

The water take consent expires on 31 May 2019 which date provides consistency with water takes elsewhere in the catchment. The discharge consent for the aquarium runs for the same period as the water take as any changes to the water take are likely to also affect the water discharge. The expiry date for the domestic wastewater discharge is 25 years which is the common term fixed for such discharges.

Issued this 11th day of January 2008



Cr N Riley
Chair of Hearings Committee

RESOURCE CONSENT NUMBER: RM070041

Pursuant to Section 104B of the Resource Management Act 1991 (“the Act”), the Tasman District Council (“the Council”) hereby grants resource consent to:

B R REILLY, J M REILLY, D A EARLE and G R MILNES
(hereinafter referred to as “the Consent Holder”)

ACTIVITY AUTHORISED BY THIS CONSENT: To establish and operate a tourist complex (“the complex”) being a licensed café with a freshwater aquarium displaying native fish species, three studio units to be used as visitor accommodation and a manager’s residence.

LOCATION DETAILS:

Address of property: 113 Pupu Valley Road, Takaka, Golden Bay
Legal description: Lot 1 DP 358848
Certificate of title: NL240164

Pursuant to Section 108 of the Act, this consent is issued subject to the following conditions:

CONDITIONS

General

1. The establishment of the complex shall be generally in accordance with the revised application submitted by David Smythe Consulting Limited, and the proposed development plan from Tasman Carter, Landscape Architects, dated 23 November 2007 and attached to this consent as “PLAN A - RM070041”. Where there is any apparent conflict between the information provided with the application and any condition of consent, the conditions shall apply.
2. The minimum finished ground level for land to be used for the erection of buildings associated with the complex shall be 7.1 metres (LINZ Datum).

Advice Note:

The proposed land recontouring is authorised by resource consent RM070047.

Hours of Operation

- 3a. The hours of operation for the public dining in the café/restaurant and outdoor dining areas, shall be limited to between the hours of 0800 to 2230 on any day, except in the case of “special functions” of which there may be no more than 12 such functions in any one year, when the hours may be 0800 to 0100 the following day.
- 3b. In the case of “special functions” not less than 4 working days written notice of the function shall be given to neighbours who live* within a 400 metre radius of the activity.

- 3c. The Consent Holder shall keep a register of all “special functions” held including details of the date held, maximum number of persons attending the function and the time that the function commenced and finished.

Advice Note:

As of the date of issue of this consent the properties and persons within 400 metre radius of the activity were as follows:

Property	Legal Description	Owner(s)
2 Pupu Valley Road	Pt Sec 49 Takaka DIST	JG Vaughan & TA Frater
110 Pupu Valley Rd	Lot 1 DP 347707	G W & S G Standing*
118 Pupu Valley Rd	Lot 2 DP 347707	S J & M A Fleming
132 Pupu Valley Rd	Lot 3 DP 347707	V Mrazek & A Haager
146 Pupu Valley Rd	Lot 2 DP 358848	J G & J Cerny
152 Pupu Valley Rd	Lot 1 DP 17340	K Smith & P M Wallis
156 Pupu Valley Rd	Lot 1 DP 14083	G L & C A Fletcher

Note that the above list does not limit the Consent Holder from undertaking consultation with persons in addition than those listed above and that the names and that the persons to be consulted in accordance with Condition 3 of this consent is likely to vary over time.

* G W & S G Standing advised that they intend to build their home in the near future

Maximum Occupancy

4. The capacity of the complex shall be limited to a maximum of 130 persons including during “special functions”.

Access and Parking

5. Prior to the complex being open to the public, access onto the site from Pupu Valley Road shall be formed in accordance with “PLAN B – RM070041” attached to this consent.

Advice Notes:

The drain on the north western side of Pupu Valley Road appears to provide drainage to the road carriageway sub-surface. This drain could therefore be filled utilising proprietary drainage piping such as “Novaflo” and back-filled with drainage metal and then sealed to extend the road carriageway.

To mitigate any adverse effects of headlight glare from vehicles exiting the complex to residential properties neighbouring on the northern side of Pupu Valley Road, the Consent Holder is encouraged to consult with those neighbours to assist in any plantings or other mitigation effects to reduce headlight glare.

6. On site access and parking for the café/aquarium shall include provision for 31 vehicles, including one bus park. All access and parking shall be finished to a durable all-weather dust free surface standard.

Advice Note:

Prior to the complex being open to the public, the carpark should meet all on site access and manoeuvring requirements as required by Rule 16.2.3 of the Proposed Tasman Resource management Plan unless resource consent is granted for a lesser standard.

7. One on-site carpark shall be provided for each of the three motel units, located within 20 metres of the proposed units. The parks shall be finished to a durable all-weather dust-free surface standard.
8. Two on-site carparks shall be provided for the manager's accommodation located within or adjoining the accommodation. The parks shall be finished to a durable all-weather dust-free surface standard.

Off-Site Traffic (Junction of Pupu Valley Road with State Highway 60)

9. The Consent Holder shall, within the first year of giving effect to this consent, meet the actual and reasonable cost, up to a maximum of \$5000, of any additional signage (including advance warning signs and/or road marking) required by Transit New Zealand for the intersection of Pupu Valley Road with State Highway 60 to cope with increased traffic from the complex.

Aquarium Management Plan

10. Prior to the opening or commissioning of the aquarium, the Aquarium Management Plan ("AMP") required by Condition 11 of resource consent RM070046, shall be submitted to the Council's Co-ordinator Compliance Monitoring and shall be to that officer's satisfaction.

Advice Note:

Permission to establish an indigenous freshwater aquarium is subject to controls under other legislation and these requirements should also be met. The development of an AMP is likely to require consultation with other governmental agencies such as Ministry of Fisheries, Department of Conservation and Bio-Security New Zealand. The Consent Holder will need to comply with any additional statutory/regulatory processes required by such agencies.

The requirement in Condition 10 that the AMP is provided prior to the opening and/or commissioning of the aquarium will enable building to proceed pursuant to building consent for the complex while the AMP is being developed.

11. With the exception of salmon and trout found in the Takaka Valley catchment, only native New Zealand freshwater fish species shall be held in the aquarium. Native fish species shall be limited to those found in, but not necessarily exclusively obtained from, the Takaka Valley catchment. For the avoidance of doubt, no exotic fish species apart from those provided by this condition shall be held in the aquarium.

Landscaping

12. The Consent Holder shall, prior to the application for building consent for the complex, submit a detailed landscape plan for the proposed complex to the Council's Manager Consents. The landscape plan shall be prepared by an appropriately qualified landscape architect and shall be to the Manager Consents satisfaction.

13. The landscape plan referred to in Condition 12 of this consent shall be implemented in the first planting season following the grant of a Code Compliance Certificate for the complex and thereafter maintained on an on-going basis.

Signage

14. The Consent Holder may erect two on-site advertising signs which shall be erected at the eastern and western sides of the property. The signs shall not exceed 1.5 square metres in area and shall be positioned so the underside of the sign is 2 metres above ground level. Signs shall only to be illuminated between the hours specified for the operation of the café/restaurant in Condition 3 of this consent.

Sale of Liquor

15. The sale of liquor on the site shall be restricted to an On Licence only, between the hours specified for the operation of the café/restaurant in Condition 3 of this consent.

Advice Note:

Consent to sell alcohol under an On Licence from the complex is subject to the provisions of the Sale of Liquor Act and requires an application to be lodged under the provisions of that legislation.

Lighting

16. The complex shall incorporate design features that avoid the spill of artificial light beyond the boundaries of the site. Security lighting, accessway and carpark illumination shall utilise discrete lighting fixtures that direct light downward.

Financial Contributions

17. The Consent Holder shall, no later than the time of uplifting the building consent for the complex, pay a financial contribution to the Council. The amount of the financial contribution shall be assessed as a percentage of the value of the building consent component in accordance with the following:

Financial Contribution – Building Component	
Building Consent (\$0 to \$50,000 value)	0%
Building Consent (\$50,001 to \$200,000 value)	0.5%
Building Consent (above \$200,001 value)	0.25%
Notes:	
(1) The financial contribution is GST inclusive.	
(2) The building consent value is GST exclusive.	
(3) The contribution due on a building should be identified separately from other contributions set for any resource consent for an activity that includes buildings.	
(4) The financial contribution shall be determined by taking the total estimated value of the work required for a building consent and applying each component identified in the table to that value and the contribution is the sum of the components.	

Review

18. The conditions of this 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 Consent Holder to adopt the best practicable option to remove or reduce any adverse effect on the environment.

General Advice Notes

1. Attention is drawn to the noise levels that are controlled for Rural 1 Zones by rule 17.4.2(d) of the PTRMP.
2. This consent is issued pursuant to the Resource Management Act 1991 and the Proposed Tasman Resource Management Plan. It does not constitute consent under any other legislation and the Consent Holder has the duty to comply with any other requirements that may apply under any building, health or fire safety legislation.
3. This resource consent only authorises the activities described above. Any matters or activities not referred to in this consent or covered by the conditions must either:
 - a) comply with all the criteria of a relevant permitted activity rule in the Proposed Tasman Resource Management Plan (PTRMP);
 - b) be allowed by the Resource Management Act; or
 - c) be authorised by a separate consent.
4. The Consent Holder is liable to pay a development contribution in accordance with the Development Contributions Policy found in the Long Term Council Community Plan (LTCCP). The amount to be paid will be in accordance with the requirements that are current at the time the relevant development contribution is paid.

Council will not issue a Code Compliance Certificate until all development contributions have been paid in accordance with Council's Development Contributions Policy under the Local Government Act 2002.

5. All water to be used for human consumption is required to achieve a potable standard (as defined in the current New Zealand Drinking Water Standards). Details confirming the availability of an adequate potable water supply shall be provided with the building consent application for each accommodation unit and the restaurant/cafe.

6. Plans attached to this consent are (reduced) copies and therefore will not be to scale and may be difficult to read. Originals of the plans referred to are available for viewing at the Richmond Office of the Council.
Copies of Council Standards and Documents referred to in this consent are available for viewing at the Richmond Office of the Council.

Issued this 11th day of January 2008

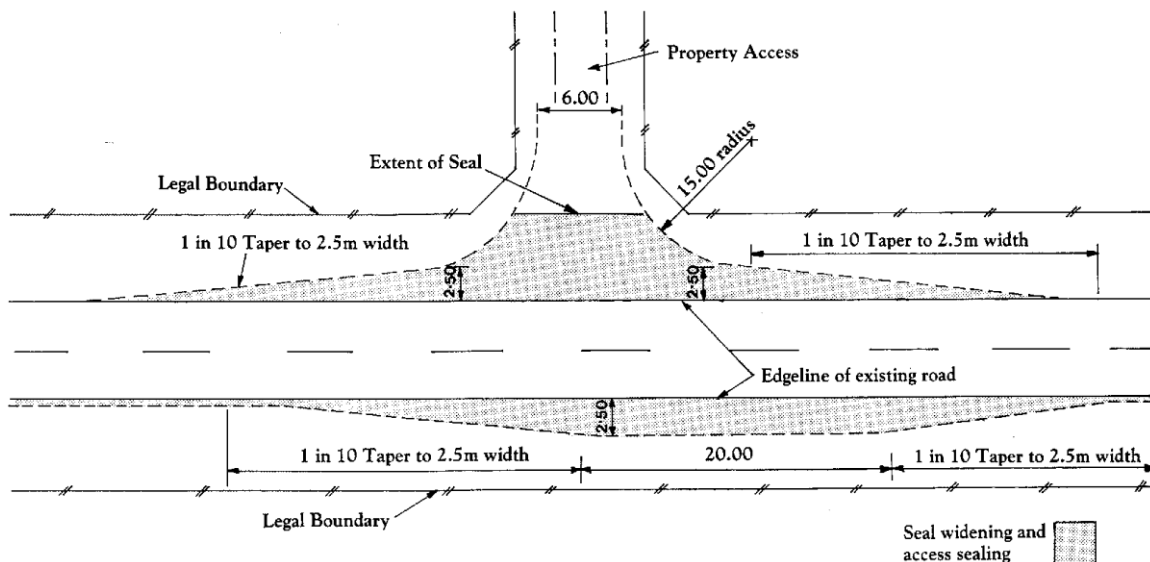


Cr N Riley
Chair of Hearings Committee

PLAN A – RM070041



PLAN B – RM070041



RESOURCE CONSENT NUMBER: RM070044

Pursuant to Section 104B of the Resource Management Act 1991 (“the Act”), the Tasman District Council (“the Council”) hereby grants resource consent to:

B R REILLY, J M REILLY, D A EARLE and G R MILNES
(hereinafter referred to as “the Consent Holder”)

ACTIVITY AUTHORISED BY THIS CONSENT: To take groundwater for potable water supply for a proposed tourist complex and also water for a freshwater aquarium.

LOCATION AND TAKE DETAILS:

Address of property:	113 Pupu Valley Road, Takaka
Legal description of Irrigated Land:	Lot 1 DP 358848
Certificate of title:	240164
Category of Water Source:	Takaka River Gravel Aquifer
Zone and Catchment:	Takaka
Maximum rates of take authorised:	37.8 cubic metres per hour 910 cubic metres per day 6,370 cubic metres per week
Well number:	WWD 23395
Location Co-ordinates:	Easting: 2492257 Northing: 6040839 (New Zealand Map Grid Datum).

Pursuant to Section 108 of the Act, this consent is issued subject to the following conditions:

CONDITIONS

Water Meter Specifications, Maintenance and Readings

1. The Consent Holder shall, at their own expense, install, operate and maintain two water meters to record all water taken under this consent with separate meters for aquarium use and for uses other than aquarium use and the meters shall comply with the Council’s *Water Meter Specifications* as stated in the Tasman Resource Management Plan and, furthermore, the meters shall be installed in accordance with the meter manufacturer’s specifications.
2. The Consent Holder shall record and supply to the Council’s Co-ordinator Compliance Monitoring a complete record the quantities of water taken, accurate to plus or minus five percent.
3. The Consent Holder shall, as a minimum, record weekly water meter readings between November to April (inclusive) and supply these readings to Council’s Co-ordinator Compliance Monitoring on a fortnightly basis during this period. The Council reserves the right to require weekly water meter returns if it considers it appropriate given the severity of any drought event.

4. The Consent Holder shall pay the reasonable costs associated with the monitoring of this consent including, if and when requested by the Council, the full costs associated with water meter calibration to confirm meter accuracy provided that calibration is not more frequent than five yearly.
5. The Consent Holder shall only install and operate electric driven pumps for the taking of all water pursuant to this consent and all practical effort shall be made to avoid pump noise outside of pump shed.
6. Council may, for the duration of this consent and within the three month period following the anniversary of its granting each year, review the conditions of this consent pursuant to Section 128 of the Resource Management Act 1991 for the purposes of:
 - (a) dealing with any unexpected adverse effect on the environment, including but not limited to pump noise, that may arise from the exercise of the consent and which is appropriate to deal with at a later stage; and
 - (b) to reduce the quantities and rates of water authorised to be taken if the consent is not fully exercised or to reflect the sustainable yield of the bore; and
 - (c) the records to be kept by the Consent Holder in regards to the exercise of this consent and the records to be supplied to Council to effectively monitor any adverse effect on the environment arising from the exercise of the application;
 - (d) when relevant national environmental standards have been made under Section 43 of the Resource Management Act 1991; and
 - (e) to comply with the requirements of a relevant operative rule in the Proposed Tasman Resource Management Plan or its successor, including maximum or minimum levels or flows or rates of use of water including water rationing, or water metering requirements.
7. This resource consent may be cancelled upon not less than three months' notice in writing by the Council if the resource consent remains unexercised without good reason for any continuous period exceeding five years.

Duration of Consent (Pursuant to the provisions of Section 123 of the Resource Management Act 1991)

8. This resource consent expires on **31 May 2019**.

ADVICE NOTE

1. This resource consent only authorises the activity described above. Any matters or activities not referred to in this consent or covered by the conditions must either:
 - a) comply with all the criteria of a relevant permitted activity rule in the Proposed Tasman Resource Management Plan (PTRMP);
 - b) be allowed by the Resource Management Act; or

c) be authorised by a separate resource consent.

Issued this 11th day of January 2008

A handwritten signature in black ink, consisting of several overlapping loops and a final flourish.

Cr N Riley
Chair of Hearings Committee

RESOURCE CONSENT NUMBER: RM070046

Pursuant to Section 104B of the Resource Management Act 1991 (“the Act”), the Tasman District Council (“the Council”) hereby grants resource consent to:

B R REILLY, J M REILLY, D A EARLE and G R MILNES
(hereinafter referred to as “the Consent Holder”)

ACTIVITY AUTHORISED BY THIS CONSENT: To discharge used water from an aquarium.

LOCATION DETAILS:

Address of property: 113 Pupu Valley Road, Takaka, Golden Bay
Legal description: Lot 1 DP 358848
Certificate of title: 240164

Pursuant to Section 108 of the Act, this consent is issued subject to the following conditions:

CONDITIONS

1. The discharge shall consist of aquarium water only and occur via the constructed wetland as described in resource consent application RM070046, including further information provided on 20 June 2007 and as amended at the hearing of this consent application. Where there is any apparent conflict between the information provided with the application and any condition of consent, the conditions shall apply.
2. The rate of discharge shall not exceed 10 litres per second.

Advice Note:

The rate of discharge will be assessed from the record the quantities of water taken pursuant to Condition 2 of resource consent RM070044.

3. Prior to the exercise of this consent, a complete aquarium design including flow calculations consistent with Condition 2 shall be submitted to the Council’s Co-ordinator Compliance Monitoring and shall be to that officer’s satisfaction.
4. The discharge shall not cause or contribute to erosion of land, including the bed or bank of any stream or river.
5. The discharge shall not cause or contribute to any damage caused by flooding.
6. The discharge shall not cause or contribute to the destruction of any habitat, plant or animal in any water body.
7. The discharge shall not to cause the production of conspicuous oil or grease films, scum or foams, or floatable or suspended materials in the receiving waters at a point measured 5 metres from the point where the discharge from the wetland enters the open drainage channel.

8. All structures associated with the discharge shall be maintained in a condition such that they are clear of debris, are structurally sound, and in full working order.
9. All structures and waterways associated with this discharge shall be entirely on the Consent Holder's land and the discharge shall not be allowed to flow or otherwise enter a property that is not owned by the Consent Holder.
10. Water samples shall be collected from the outlet of the aquarium and also from a point immediately before the point of discharge from the open drainage channel into the Takaka River not less than once every 6 months. These samples shall be tested for:
 - Total nitrogen
 - Total phosphorous
 - Total ammoniacal nitrogen
 - Dissolved reactive phosphorous
 - Total faecal coliforms
 - 5 day biochemical oxygen demand
 - total suspended solids
 - pH
 - Electrical conductivity

All analyses shall be undertaken by an accredited environmental testing laboratory using standard methods apart from pH and electrical conductivity which shall be measured in the field using calibrated meters. The samples shall be transferred to the laboratory by chain of custody and all samples shall be collected using standard methods and in laboratory supplied containers. The results of the analyses shall be forwarded to Council's Co-ordinator Compliance Monitoring within one week of the results of each sample being available.

11. Prior to the exercise of this consent, an Aquarium Management Plan ("AMP") shall be submitted to Council's Co-ordinator Compliance Monitoring and shall be to that officer's satisfaction. The AMP document shall include, but not be limited to, a description of site inspections and methods to be used by an appropriately qualified agent engaged by the Consent Holder to assess the health of the aquarium ecosystem (referred to in Condition 12). This assessment shall be for the purposes of measuring the risk of disease transmission and any other potential threats to downstream ecosystems from the aquarium discharge. The discharge shall not commence until the AMP has been confirmed as satisfactory by the Council's Co-ordinator Compliance Monitoring.
12. For the purposes of complying with Conditions 11 and 13, the Consent Holder shall enter into, and maintain at all times, a contract for the ongoing monitoring of the aquarium with an appropriately qualified person or agency.
13. Notwithstanding Condition 11, assessments of the aquarium health and risk to downstream ecosystems shall be conducted by the Consent Holder's agent (referred to in condition 12) no less than once every six months. Results, plus that person's or agency's expert analysis and expert opinion on each assessment shall be forwarded to the Council's Co-ordinator Compliance Monitoring no later than one month following the completion of the site inspection. In the event that a risk of any kind that is more than minor is identified during this assessment process, the Consent Holder shall comply with the following:

- (a) the Council's Co-ordinator Compliance Monitoring shall be notified as soon as practicable, and in any case direct notification to the Council shall be made by phone, fax, or email within 48 hours; and
 - (b) the discharge of any potentially contaminated and/or infected aquarium water shall cease immediately; and
 - (c) the person or agency referred to in Condition 12 shall be contacted and that person shall take appropriate action to eliminate the risk as soon as practicable; and
 - (d) the discharge shall not recommence until it has been established that, in that person's expert opinion, there exists no risk of transfer of disease, unwanted organisms or contamination to the environment outside of the aquarium.
14. If any member of staff (whether temporary or permanent) working at the complex suspects that, for whatever reason, any disease, unwanted organisms or contamination is present in the aquarium, that person shall advise the Consent Holder who shall comply with the following:
- (a) the Council's Co-ordinator Compliance Monitoring shall be notified as soon as practicable, and in any case direct notification to the Council shall be made by phone, fax, or email within 48 hours; and
 - (b) the discharge of any potentially contaminated and/or infected aquarium water shall cease immediately; and
 - (c) the person or agency referred to in Condition 12 shall be contacted and that person shall take appropriate action to eliminate the risk as soon as practicable; and
 - (d) the discharge shall not recommence until it has been established that, in that person's expert opinion, there exists no risk of transfer of disease, unwanted organisms or contamination to the environment outside of the aquarium.
15. The Council may, in the period 1 November to 1 March 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 adverse effect on the environment which may arise from the exercise of the consent that was not foreseen at the time of granting of the consent, and which is therefore more appropriate to deal with at a later stage; and/or
 - (b) to require the Consent Holder to adopt the best practical option to remove or reduce any adverse effects on the environment resulting from the discharge; and/or
 - (c) to impose discharge contaminant limits and/or receiving environment limits and/or define mixing zones, loading rates and/or discharge volumes and flow rates of this consent if it is appropriate to do so. A decision on whether this condition will be implemented will be dependent on the results of monitoring required to be undertaken in accordance with Condition 10 of this consent; and/or

- (d) reviewing the frequency of sampling, flow monitoring and/or number of determinands analysed if the results indicate that this is required and/or appropriate.

Duration of Consent (Pursuant to the provisions of Section 123 of the Resource Management Act 1991)

16. This resource consent expires on **31 May 2019**.

ADVICE NOTES

1. This resource consent only authorises the activity described above. Any matters or activities not referred to in this consent or covered by the conditions must either:
 - a) comply with all the criteria of a relevant permitted activity rule in the Proposed Tasman Resource Management Plan (PTRMP);
 - b) be allowed by the Resource Management Act; or
 - c) be authorised by a separate resource consent.
2. The Consent Holder shall meet the requirements of Council with regard to all Building and Health Bylaws, Regulations and Acts.
3. All reporting required by Council shall be made in the first instance to the Council's Co-ordinator Compliance Monitoring.
4. Council draws your attention to the provisions of the Historic Places Act 1993 that require you in the event of discovering an archaeological find (eg, shell, midden, hangi or ovens, garden soils, pit, depressions, occupation evidence, burials, taonga) to cease works immediately, and tangata whenua, the Tasman District Council and the New Zealand Historic Places Trust shall be notified within 24 hours. Works may recommence with the written approval of the Council's Environment & Planning Manager, and the New Zealand Historic Places Trust.

Issued this 11th day of January 2008



Cr N Riley
Chair of Hearings Committee

RESOURCE CONSENT NUMBER: RM070048

Pursuant to Section 104B of the Resource Management Act 1991 (“the Act”), the Tasman District Council (“the Council”) hereby grants resource consent to:

B R REILLY, J M REILLY, D A EARLE and G R MILNES
(hereinafter referred to as “the Consent Holder”)

ACTIVITY AUTHORISED BY THIS CONSENT: The discharge to land of domestic wastewater from a tourist complex and specifically a café/restaurant, three visitor accommodation units and a manager’s residence.

LOCATION DETAILS:

Address of property: 113 Pupu Valley Road, Takaka, Golden Bay
Legal description: Lot 1 DP 358848
Certificate of title: 240164

Pursuant to Section 108 of the Act, this consent is issued subject to the following conditions:

CONDITIONS

Discharge Restrictions

1. The maximum rate of discharge shall not exceed 9,000 litres per day (9 cubic metres per day), except when any part of the land application area is subject to flooding or surface water ponding, in which case there shall be no discharge until the flooding and or surface water ponding in the land application area has been absent for at least 24 hours. During such events, there shall be no discharge of wastewater and the storage tanks referred to in Condition 15 shall be utilised.
2. The discharge shall contain only treated wastewater which is of a domestic nature. For the purposes of this condition, wastewater which is of a “domestic nature” includes wastewater from toilets, urinals, kitchens, showers, washbasins, baths, and laundries but does not include water from spa pools and large-scale laundry activities. No industrial or tradewaste shall be included.

Advice Note:

Wastewater generated from food preparation areas is considered to be of a “domestic nature”.

3. The treated wastewater entering the land application areas, based on the results of any single sample collected from the sampling point required to be installed in accordance with Condition 25, shall comply at all times with the following limits:

Determinand	Maximum allowable concentration
5 day carbonaceous biochemical oxygen demand (cBOD5)	30 grams per cubic metre
Total suspended solids	45 grams per cubic metre

Land application system

4. The maximum loading rate at which the wastewater is applied to land shall not exceed 3.57 millimetres per day (3.57 litres per square metre per day).
5. All wastewater shall be discharged to land by way of pressure compensating dripper line(s) laid generally parallel to the contours of the land. The Consent Holder shall, at all times, ensure that the dripper lines used for the disposal of wastewater are located within a planted area and have no less than a 50 millimetre cover of soil, bark, or an appropriate alternative.
6. The pressure compensating drippers used to discharge the treated wastewater to land shall be spaced at intervals not exceeding 600 millimetres along the irrigation line and the maximum spacing between adjacent irrigation lines shall be 1 metre. The instantaneous flow rate for each dripper shall not exceed 1.6 litres per hour.
7. The primary land application area shall total at least 2,600 square metres and shall be located within the area marked "Subsurface dripper land application area" on the plan entitled "Site plan of onsite wastewater system for Pupu Springs Café" (ref DRG No. ESS 1081 / 01) prepared by Richard Walker and appended to this consent as "PLAN C – RM070048".
8. A suitable reserve land application area equivalent to not less than 2,600 square metres shall be kept available for future use for wastewater disposal. This reserve area shall remain undeveloped and shall be located within the areas marked "land application reserve area" on the plan referred to in Condition 7 of this consent. For the purposes of this condition "undeveloped" means that no permanent buildings or structures shall be constructed on the areas set aside as reserve land application areas, however the reserve areas may be planted with trees and other vegetation.
9. Notwithstanding Conditions 7 and 8, in the event that the total area required to adequately dispose of the wastewater is shown to be greater than 5,200 square metres, the Consent Holder shall make additional land available for such disposal.

Advice Notes:

The Consent Holder has undertaken an assessment of the soils on the property and determined that a design irrigation rate (DIR) of 3.57 millimetres per day is appropriate for the soils present and has therefore put aside 5200 square metres of land for primary and reserve land application areas, however there is a possibility that the DIR may need to be reduced should soil conditions be different to those found during the initial investigations.

This condition requires that additional land be set aside for land disposal in the event that the DIR in the design is found to be too high.

The subject property is large and utilising additional land for land disposal of wastewater will not impose significantly on the Consent Holder's management of the property.

10. The land application area (including reserve area) shall not be located on slopes averaging greater than 15 degrees over a 10 metre length and shall not be located within:
 - (a) 20 metres of any surface water body;
 - (b) 20 metres of any bore for domestic water supply;

- (c) 5 metres of any adjoining property or road; or
11. The land application areas shall not be used for:
 - (a) roading, whether sealed or unsealed;
 - (b) hardstand areas;
 - (c) erection of buildings or any non-wastewater systems structures; or
 - (d) stock grazing.
 12. Any trees planted within the land application area shall remain in place for the duration of this consent except for the purposes of removal and replacement of trees that have reached maturity or require removal for some other reason. In that situation the Consent Holder shall replace the removed trees with trees that are equally suitable, or trees that are of the same species, and will not remove and replace more than 20% of the trees in any one year.
 13. The Consent Holder shall mark each land application area by any means that ensures the extent of them is identifiable on the ground surface.
 14. There shall be no surface ponding or surface run-off of any contaminants from any of the land application areas as a result of the exercise of this consent.

Collection, treatment and disposal systems

15. Except where inconsistent with the conditions of this consent, the construction and installation of the wastewater collection system, treatment plant and land application system shall be carried out in accordance with information submitted with the application for resource consent RM070048 and under the supervision of a person who is suitably qualified and experienced in wastewater treatment and disposal systems. The system shall include no less than 20,000 litres of emergency storage, in addition to emergency storage in the treatment system itself, for the temporary storage of treated wastewater in the event of flooding of the land application area. This chamber(s) shall be connected to the system and positioned following the final pump out chamber but before the land application area, as well as being above a flood level having a 2% Annual Exceedence Probability (AEP), or a return period of once in 50 years (RL 6.6 metres [LINZ Datum]). The chamber(s) shall be kept empty or otherwise be available at all times for the diversion and storage of treated wastewater.

Advice Note:

The 1983 flood level, which affected the Takaka Valley has been assessed as having a 2% AEP and the corresponding levels ascertained from data from that flood event.

16. The person supervising the construction and installation of the wastewater collection system, treatment plant and land application system shall provide a written certificate or producer statement to the Council's Co-ordinator Compliance Monitoring prior to the exercise of this resource consent. This certificate or statement shall include sufficient information to enable the Council to determine compliance with Conditions 4–8 (inclusive), 10, 13, and 25. In addition, the certificate or statement shall also confirm the following:

- (a) that the wastewater system, including the collection system, treatment plant and the land application areas, is capable of treating the design flows and that it has been designed generally in accordance with standard engineering practice;
 - (b) that all components of the wastewater system, including the collection system, treatment plant and the land application areas, have been inspected and installed in accordance with the manufacturer's specifications and standard engineering practice;
 - (c) that the components used in the wastewater system, including the collection system, treatment plant and the land application areas, are in sound condition for continued use for the term of this resource consent, or are listed in the Operations and Management Plan (required by Condition 18) for periodic replacement;
 - (d) that there is no less than 20,000 litres of emergency storage available for treated wastewater in the event of flooding of the land application area.
17. Prior to the exercise of this consent, the Consent Holder shall submit a set of final "as-built" plans to the Council's Co-ordinator Compliance Monitoring that shows the location of all components of the wastewater collection, treatment, and land application system. For the purpose of this condition, the Consent Holder shall ensure that the "as-built" plans are drawn to scale and provide sufficient detail for a Council officer to locate all structures identified on the plans.

Wastewater System Operation and Maintenance

18. A chartered professional engineer or suitably qualified person experienced in wastewater engineering shall prepare an "Operations and Management Plan" for the wastewater treatment and land application system. This plan shall be prepared in accordance with the conditions of this resource consent and shall contain, but not be limited to, the following:
- (a) an inspection programme to verify the correct functioning of the wastewater treatment and land application systems including not less than monthly inspections of the wastewater treatment plant and disposal areas;
 - (b) a schedule for the daily, weekly, monthly and annual operational requirements including requirements of compliance monitoring of consent conditions;
 - (c) a schedule of maintenance requirements for the pumps, tanks, recirculation tanks, treated wastewater holding tank, flow meters and drains;
 - (d) a schedule of maintenance requirements for the management of vegetation on the land application area(s);
 - (e) a contingency plan specifying the actions to be taken in the event of failure of any component of the system, in the event of flooding of the land application area and subsequent use of the emergency storage tanks, and any non-compliance with the conditions of this resource consent;
 - (f) details of how the wastewater disposal system will be managed;

- (g) emergency contact details (24 hour availability) for the Service Provider and Consent Holder; and
 - (h) monitoring of the land application areas shall include visual ground inspections to identify above ground and surface flows of wastewater and methods to remedy such flows should any be identified.
19. A copy of the "Operations and Management plan" required by Condition 18 shall be submitted to the Council's Co-ordinator Compliance Monitoring for approval prior to exercising this consent. Any changes to this plan shall be in accordance with the conditions of this consent and submitted to the Council's Co-ordinator Compliance Monitoring prior to them taking effect.
20. The Consent Holder shall enter into, and maintain in force, a written maintenance contract with an suitably qualified and experienced wastewater treatment plant operator suitably trained in wastewater treatment plant operation by the system designer, and approved by the Council's Co-ordinator Compliance Monitoring for the ongoing maintenance of the pumps and tanks, and the treatment and land application systems. The maintenance contract shall require the operator to perform maintenance functions and duties specified in the "Operations and Management Plan" required to be prepared by Condition 18. A signed copy of this contract, including full contact details for the Service Provider, shall be forwarded to the Council's Co-ordinator Compliance Monitoring, prior to exercising this consent. Any changes to this maintenance contract must be in accordance with the conditions of this consent and submitted in writing to Council's Co-ordinator Compliance Monitoring prior to them taking effect.

In addition, the Consent Holder shall, every six months from the date of first exercising this consent, provide the Council's Co-ordinator Compliance Monitoring with a copy of a written report that details the maintenance that has been undertaken on the wastewater treatment and disposal system during the previous six month period in accordance with the requirements of the Operations and Management Plan.

Advice Note:

For compliance purposes, a suitably qualified and experienced person would be either a person employed and trained by the manufacturer of the treatment and disposal system, or someone who can provide evidence of satisfactory qualifications and experience in maintaining such wastewater treatment and disposal systems.

21. The collection and treatment tanks that form part of the wastewater treatment plant shall be inspected at least every three months. Where appropriate, all tanks shall as a minimum be cleaned out once the combined depth of the sludge and scum in any tank occupies half of the tank's volume. Material collected from the desludging of tanks shall be removed from site for disposal at a facility authorised to receive such material.

Contingency Measures

22. An audible and visual alarm system shall be installed and operated that is capable of warning of any failure within the treatment or disposal systems (eg, pump failure, mechanical blockage, and/or high wastewater levels).

This warning system shall be configured to activate an audible and visual alarm system located adjacent to the treatment plant or other prominent place on the site for the treatment plant. The details of the alarm shall be included in the "Operations and Management Plan" required by Condition 18 and shall achieve as a minimum the following:

- (a) effective notification of the operators of any alarm;
- (b) in the event of any alarm activating, the alarm shall continue to operate and until the condition has been remedied and cleared by the operator. The audible and visual alarm system shall be installed and operated on all tanks and, as a minimum, this alarm shall be activated by a high level switch.

The Consent Holder shall maintain clearly visible signage adjacent to all external alarm panels at the plant to provide a 24 hour contact number in the event of an alarm being activated.

- 23. The Consent Holder shall ensure that the treatment plant (excluding the emergency storage tanks) is designed and maintained so that wastewater can be retained within the treatment system above the alarm level without overflow for a period of at least 12 hours, based on average dry weather flows and in accordance with the provisions in the "Operations and Management Plan". All pumps in the treatment and land application system that are essential for the continuous processing, treatment, and disposal of the wastewater shall include duty and standby units.
- 24. Should power disruption result in the emergency storage capacity required to be provided at the treatment plant by Condition 23 being utilised to 80% capacity, the Consent Holder shall ensure that the wastewater is removed from the storage tank at that time for the purpose of maintaining capacity. Wastewater shall be disposed of to a facility that is authorised to accept such wastes. The relevant details of how this will be achieved shall be incorporated in the "Operations and Management Plan" required to be prepared in accordance with Condition 18.

Monitoring and Reporting

- 25. A sampling point to allow collection of a sample of the treated wastewater shall be provided at a point located directly after the final pump-out chamber and before the point where the wastewater discharges to the land application area. Details of the location of this sampling point shall be forwarded to the Council's Co-ordinator Compliance Monitoring prior to the exercise of this consent.
- 26. A sample of the treated wastewater shall be collected from the sampling point required to be installed in accordance with Condition 25. Samples shall be analysed for five day carbonaceous biochemical oxygen demand (cBOD5), total suspended solids, total faecal coliforms, pH, and temperature. The frequency of sampling shall be as follows:
 - (a) for the first 12 months following treatment plant start up, two samples shall be collected at approximately six monthly intervals when the plant is discharging to the land application area;
 - (b) samples shall be collected at least weekly over the period 20 December to 10 January during the period described in (a) above;

- (c) following the first 12 months, samples shall be collected at least annually, with the samples being collected between 20 December and 10 January provided the contaminant limits specified in Condition 3 are always met. Should any of these limits not be met, the sampling frequency shall be increased to monthly sampling, including the frequency specified in (b) above, until full compliance with the contaminant limits of Condition 3 has been achieved over a four month period.
27. All sampling referred to in this consent shall be carried out by a suitably qualified person approved by the Council's Co-ordinator Compliance Monitoring, using standard sampling methodologies and equipment and shall be transported to the laboratory under chain of custody. Where temperature and pH are required, these shall be measured in the field using standard methods and calibrated meters. The detection limits specified in Applicable Detection Limits, and attached to this consent as "TABLE A – RM070048", shall apply to analyses that are undertaken by the laboratory. The samples shall be analysed using standard methodology by an IANZ accredited laboratory. The analytical results shall be forwarded to the Council's Co-ordinator Compliance Monitoring within 10 working days of the results being received from the laboratory.
28. The Consent Holder shall install and maintain at all times a calibrated flow meter, with an accuracy of $\pm 5\%$, on the outlet of the wastewater treatment system to measure the quantities of wastewater discharged to the land application areas.
29. The flow meter required to be installed in accordance with Condition 28 shall be read manually or electronically at the same time daily. Copies of these records shall be forwarded to the Council's Co-ordinator Compliance Monitoring quarterly and also upon written request.
30. Any exceedance of the authorised discharge volume (refer Condition 1) shall be reported to the Council's Co-ordinator Compliance Monitoring in writing within three days of the reading. This report must include any explanation for the non-compliance and an assessment of the likely effects of the functioning of the system and the receiving environment.
31. The Consent Holder or its authorised agent shall notify Council's Co-ordinator Compliance Monitoring of any wastewater discharge to land or water from the treatment plant that is not authorised by this consent in writing as soon as practicable (but no more than 24 hours) after the discharge commenced.

General Conditions

32. The wastewater treatment system shall be located, and the surrounding area maintained, so that vehicular access for maintenance is readily available at all times.
33. The Council may, in the period 1 November to 1 March 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 adverse effect on the environment which may arise from the exercise of the consent that was not foreseen at the time of granting of the

consent, and which is therefore more appropriate to deal with at a later stage; and/or

- (b) to require the Consent Holder to adopt the best practical option to remove or reduce any adverse effects on the environment resulting from the discharge; and/or
- (c) reviewing the contaminant limits, loading rates and/or discharge volumes and flow rates of this consent if it is appropriate to do so; and/or
- (d) reviewing the frequency of sampling, flow monitoring and/or number of determinands analysed if the results indicate that this is required and/or appropriate.

Duration of Consent (Pursuant to the provisions of Section 123 of the Resource Management Act 1991)

34. This resource consent expires on **1 December 2032**.

ADVICE NOTES

1. This resource consent only authorises the activity described above. Any matters or activities not referred to in this consent or covered by the conditions must either:
 - a) comply with all the criteria of a relevant permitted activity rule in the Proposed Tasman Resource Management Plan (PTRMP);
 - b) be allowed by the Resource Management Act; or
 - c) be authorised by a separate resource consent.
2. The Consent Holder shall meet the requirements of Council with regard to all Building and Health Bylaws, Regulations and Acts.
3. All reporting required by Council shall be made in the first instance to the Council's Co-ordinator Compliance Monitoring.
4. The Consent Holder is advised that compliance with operating guidelines provided by the wastewater system manufacturer and system designer is recommended to reduce the likelihood of malfunction of the treatment or disposal system and a possible breach of consent conditions.
5. If the site becomes part of an urban drainage area identified by Council when future reticulation is available, the Consent Holder will be required to provide connection from the treatment system to the sewer line.
6. Council draws your attention to the provisions of the Historic Places Act 1993 that require you in the event of discovering an archaeological find (eg, shell, midden, hangi or ovens, garden soils, pit, depressions, occupation evidence, burials, taonga) to cease works immediately, and tangata whenua, the Tasman District Council and the New Zealand Historic Places Trust shall be notified within 24 hours. Works may recommence with the written approval of the Council's Environment & Planning Manager, and the New Zealand Historic Places Trust.

7. It is strongly recommended that water reduction fixtures be included in the design of the buildings of the development in order to ensure that the discharge volume limit is met. The measures and fixtures should be in accordance with AS/NZS 1547:2000 and Auckland Regional Council's Technical Publication 58.

Issued this 11th day of January 2008



Cr N Riley
Chair of Hearings Committee

PLAN C – RM070048

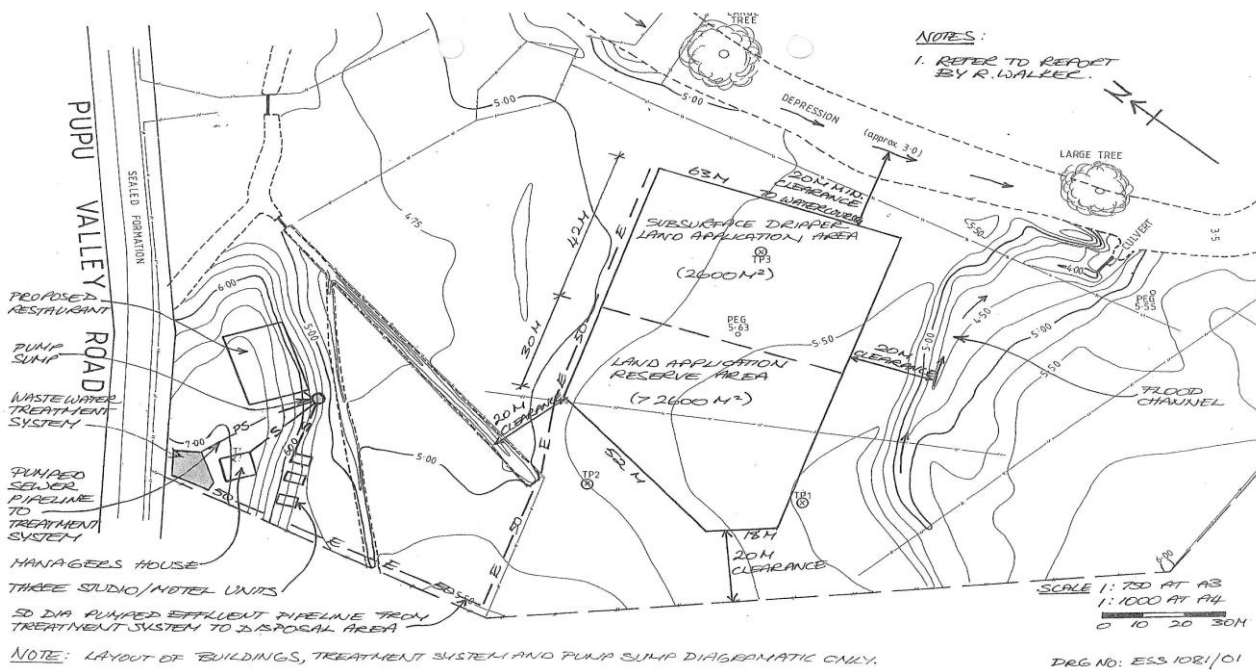


FIGURE 4 - SITE PLAN OF ONSITE WASTEWATER SYSTEM FOR PUPU SPRINGS CAFE

TABLE A – RM070048

APPLICABLE DETECTION LIMITS

Parameter	Detection Limits ¹	Units
Carbonaceous biochemical oxygen demand	2	g/m ³
Total Suspended Solids	3	g/m ³
Total faecal coliforms	10	MPN or cfu/100 mL

Advice Note:

These detection limits apply unless other limits are approved in writing by the Coordinator Compliance Monitoring.

RESOURCE CONSENT NUMBER: RM070049

Pursuant to Section 104B of the Resource Management Act 1991 (“the Act”), the Tasman District Council (“the Council”) hereby grants resource consent to:

B R REILLY, J M REILLY, D A EARLE and G R MILNES
(hereinafter referred to as “the Consent Holder”)

ACTIVITY AUTHORISED BY THIS CONSENT: To recontour part of the site to make a larger flood-free area available for buildings and other components associated with the development of a tourist complex.

LOCATION DETAILS:

Address of property: 113 Pupu Valley Road, Takaka, Golden Bay
Legal description: Lot 1 DP 358848
Certificate of title: 240164

Pursuant to Section 108 of the Act, this consent is issued subject to the following conditions:

CONDITIONS

1. A Program of Works shall be submitted to the Council’s Co-ordinator Compliance Monitoring for approval prior to the commencing of land disturbance on the site. The Program of Works shall include, but not be limited to:

a) Finalised plans showing the areas of fill proposed to RL 7.0, 6.5, 5.5 and 5.0 metres (LINZ Datum) cut areas, batter areas and proposed new contours as indicated in the plan by Tasman Carter, Landscape Architects and attached to this consent as PLAN D – RM070049;

Advice Note:

The minimum finished ground level for land to be used for the erection of buildings associated with the complex is required to be 7.1 metres (LINZ Datum) pursuant to Condition 2 of resource consent RM070041.

b) A timetable for the proposed work, including the period for which disturbed areas will be left unvegetated and subject to erosion;

c) A management plan describing methods to be implemented to: minimise the movement of disturbed soil, vegetation and other materials into waterbodies by stormwater flow and any other means; stabilise disturbed and otherwise exposed material or fill to minimise movement by wind action or under gravity; minimise the transport of material off site by vehicle tyres; and minimise adverse visual effects of the activity.

2. The Consent Holder shall contact Council’s Coordinator Compliance Monitoring at least 24 hours prior to commencing any works for monitoring purposes.

3. The works should be carried out during fine weather periods as much as is practicable, and all machinery used for the works should be re-fuelled and maintained no less than 50 metres from any watercourses.
4. No spoil shall be placed in any watercourse or where it may move or wash into a watercourse or onto adjoining land.
5. Notwithstanding Condition 1, all areas subject to land disturbance work shall have adequate sedimentation mitigation or control measures such that there is no greater than 40% reduction in the visual clarity of the receiving water as measured by the horizontal sighting of a black disk at the property boundary.

Advice Note:

For a description of the “black disk” method of checking visual clarity refer to the Ministry for the Environment Water Quality Guidelines No. 2, Guidelines for the Management of Water Colour and Clarity, June 1994. The measurements will require the Consent Holder to record pre-development measurements of clarity of affected watercourse(s) to enable a comparison with measurements of clarity of those watercourse(s) to be undertaken when the earthworks are taking place.

6. All sedimentation mitigation or control measures shall be maintained by the Consent Holder for as long as there is a potential for sediment movement to adversely affect off-site areas or natural water.
7. All excavations over 1 metre depth and the construction of any stormwater detention structures shall be planned and supervised under the direction of a geotechnical engineer experienced in earthworks and soils engineering.
8. All exposed ground around the excavated area shall be re-instated with vegetation as soon as is practicable and at least within three months of the completion of the earthworks to limit erosion and reduce adverse visual effects. This condition shall be considered to be complied with when 100% vegetative cover has been established.
9. The Consent Holder shall ensure that no soil material or vegetation is left where it may enter water or result in adverse effects that are more than minor in any freshwater habitat or the coastal environment area.
10. If there is any archaeological find during the earthworks the Consent Holder shall ensure that all works cease immediately until authority is obtained from the New Zealand Historic Places Trust under Section 14 of the Historic Places Act 1993.
11. Council may review the conditions of consent every three months for the duration of the consent(s) pursuant to Section 128 the Act to:
 - a) deal with any 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; or
 - b) require compliance with operative rules in the Tasman Resource Management Plan or its successor; or
 - c) when relevant national environmental standards have been made under Section 43 of the Act.

Duration of Consent (Pursuant to the provisions of Section 123 of the Resource Management Act 1991)

12. This resource consent expires on **1 December 2009**.

General Advice Note:

Plans attached to this consent are (reduced) copies and therefore will not be to scale and may be difficult to read. Originals of the plans referred to are available for viewing at the Richmond Office of the Council.

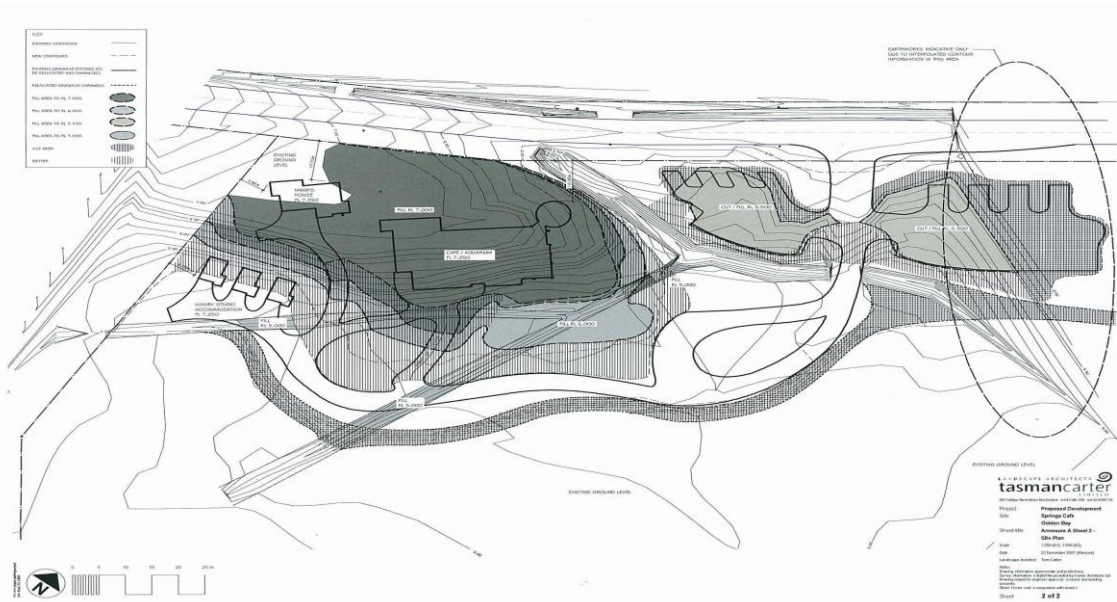
Copies of Council Standards and Documents referred to in this consent are available for viewing at the Richmond Office of the Council.

Issued this 11th day of January 2008



Cr N Riley
Chair of Hearings Committee

PLAN D – RM070049



Date Confirmed:

Chair: