

MINUTES

TITLE: Environment & Planning Subcommittee
DATE: Monday, 2 July 2007
TIME: 9.30 am
VENUE: Council Chamber, 189 Queen Street, Richmond
PRESENT: Cr E M O'Regan (Chair), Crs S G Bryant and N Riley

IN ATTENDANCE: Co-Ordinator Resource Consents (R Lieffering), Senior Consent Planner (M D Morris), Consent Planner – Water (N Tyson), Development Engineer (D Ley), Consent Planner – Discharges (M Durand), Administration Officer (B D Moore)

1. APPLICATION RM070086 and RM070087, RIWAKA FRUIT & VITICULTURAL SERVICES LIMITED, FLETT ROAD, HARAKEKE

1.1 Application

RM070086

The application seeks to subdivide two titles that have a combined area of 30.59 hectares into seven titles being:

- Lot 1 of 0.78 hectares;
- Lot 2 of 0.586 hectares (net);
- Lot 3 of 0.563 hectares;
- Lot 4 of 0.456 hectares;
- Lot 5 of 0.344 hectares;
- Lot 6 of 14.38 hectares; and
- Lot 7 of 13.44 hectares.

RM070087

To construct a single dwelling on each of proposed Lots 1-5 of the subdivision described above (Application RM070086). Each dwelling would be sited at least 20 metres from forestry land to the north-east and at least 10 metres from all boundaries of land not in forestry or from which forestry has been removed.

Change to Resource Consent NN980291 (Application NN980291V1)

To change an existing water permit (NN980291) to allow up to 25 cubic metres of groundwater per day (out of the current total allocation of 557 cubic metres per day) to be used for domestic purposes on proposed Lots 1-5 of the subdivision described above (Application RM070086). The water would be taken from existing bore WWD 8011.

Change to Resource Consent NN010266 (Application NN010266V1)

To change an existing water permit (NN010266) to allow water taken from an existing dam to be used for domestic irrigation and firefighting purposes on proposed Lots 1-5 of the subdivision described above (Application RM070086).

Land Use Consent (Application RM070238)

To install a new 2,100 millimetre diameter culvert (or pipes to total equivalent capacity) on the bed of an unnamed stream which flows through the subject site. The purpose of the culvert is to enable the construction of a right of way (labelled "Right-of-Way B") for the subdivision described above (Application RM070086). This application also seeks to alter two existing dam structures by increasing their spillway capacity and providing access to proposed Lots 4 and 5.

The land is zoned Rural 1 according to the Proposed Tasman Resource Management Plan.

The application site is located at Flett Road, Harakeke, being legally described as Lots 1 and 2 DP 19388 (CTs NL13A/206 and NL13A/207).

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 at 3.40 pm.

RESOLUTION TO EXCLUDE THE PUBLIC

**Moved Crs O'Regan / Bryant
EP07/07/01**

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

Riwaka Fruit & Viticultural Services Limited

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
Riwaka Fruit & Viticultural Services Limited	Consideration of a planning application	A right of appeal lies to the Environment Court against the final decision of Council.

**Moved Crs Bryant / Riley
EP07/07/02**

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

CARRIED

1. DESCRIPTION OF THE PROPOSED ACTIVITY

The applicant has applied to the Council for three new resource consents and changes to two existing consents that it holds. The applications, as lodged, are as follows:

Application RM070086 – Subdivision

To subdivide two titles that have a combined area of 30.59 hectares into seven titles being:

- Lot 1 of 0.78 hectares;
- Lot 2 of 0.586 hectares (net);
- Lot 3 of 0.563 hectares;
- Lot 4 of 0.456 hectares;
- Lot 5 of 0.344 hectares;
- Lot 6 of 14.38 hectares; and
- Lot 7 of 13.44 hectares.

The applicant tabled an amended subdivision plan which showed a Lot 8 of 1,000 square metres which would be vested in the Council for the expansion of Flett Road Cemetery.

Application RM070087 – Land Use

To construct a single dwelling on each of proposed Lots 1-5 of the subdivision described above (Application RM070086). Each dwelling would be sited at least 20 metres from forestry land to the north-east and at least 10 metres from all boundaries of land not in forestry or from which forestry has been removed.

Application RM070238 – Land Use

To install a new 2,100 millimetre diameter culvert (or pipes to total equivalent capacity) on the bed of an unnamed stream which flows through the subject site. The purpose of the culvert is to enable the construction of a right-of-way (labelled "Right-of-Way B") for the subdivision described above (Application RM070086). This application also seeks to alter two existing dam structures by increasing their spillway capacity and providing access to proposed Lots 4 and 5.

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To change an existing water permit (NN010266) to allow water taken from two existing dams to be used for domestic irrigation and firefighting purposes on proposed Lots 1-5 of the subdivision described above (Application RM070086).

The application site is located at Flett Road, Harakeke, being legally described as Lots 1 and 2 DP 19388 (CTs NL13A/206 and NL13A/207).

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

The proposed subdivision does not comply with Controlled Activity Rule 16.3.7(b) of the proposed Tasman Resource Management Plan (TRMP) as the proposed allotments are less than 12 hectares and the activity is deemed to be a discretionary activity in accordance with Rule 16.3.7A of the Plan. The rules pertaining to the Rural 1 zone are not operative and therefore the Waimea Section of the Transitional Plan needs to be considered. The land is zoned Rural B according to the this Plan and the “complying” size for subdivisions in this zone is 15 hectares and any subdivision application seeking a lesser area is deemed to be non-complying. Therefore, overall the status of the subdivision application is non-complying.

The land use consents to construct dwellings on each of Lots 1-5 is a restricted discretionary activity according to Rule 17.4.6 of the TRMP.

The land use consent to place a 2.1 metre diameter culvert on the bed of Flett Stream is a discretionary activity as there are no rules currently in the TRMP allowing such activities and as such, pursuant to Section 13 of the Resource Management Act, a consent is required. Section 77C of the Act classifies such activities as being discretionary.

The applications to vary the two water permits are made pursuant to Section 127 of the Act and all such applications are deemed to be discretionary activities.

3. NOTIFICATION AND SUBMISSIONS RECEIVED

The application(s) was limited notified on 7 March 2007 pursuant to Section 93 of the Act. A total of 13 submissions were received. The following is a summary of the written submissions received and the main issues raised:

Summary of Submitters and Issues			
Submitter	Issues	Support/Oppose	Heard
C D Boyd	No issues stated	Support	No
New Zealand Fire Service	Wanted a consent notice registered on any new title requiring compliance with the NZ Fire Service Code of Practice for Fire Fighting Supply for any new dwelling constructed.	Neutral, grant consent subject to conditions being imposed	No*
D Horn	The application represents unnecessary and unwarranted fragmentation of Rural 1 zoned land. Land fragmented by the subdivision and development will be lost to any agricultural use with little possibility of restoration. There are no compelling reasons for the subdivision. The argument of poor soils does not stand	Opposes	No*

	<p>up. It may affect the way the land is used, but there is no suggestion that the land is unusable.</p> <p>There are appropriate zones for this type of development.</p> <p>The precedent set by granting this application would mean that any "development potential" could put as an argument for subdivision.</p>		
E M Greenhough	<p>Even though the land in question looks unproductive at present, with fertiliser and lime, it could be very productive pastoral land.</p> <p>The Flett Road/Braeburn Road area is predominantly a farming area with a cluster of houses at the bottom of Flett road. The addition of five extra houses will lead to more conflicts from urban dwellers who find the dust, smells and sights associated with farming contrary to their ideal of living in the country.</p> <p>The right hand turn from the Moutere Highway into Flett Road is very dangerous and if left in its present state will lead to serious accidents in the future.</p>	Oppose	No*
R Dobson and J Fowler	<p>Many people are looking for small lifestyle blocks which are close to town, not to large and a semi rural flavour.</p> <p>The applicants have taken care to ensure that the proposed dwellings fit in well with the natural environment.</p> <p>Having small clusters of lifestyle blocks in areas such as this will enhance the value of the Motueka Area.</p>	Support	No
E D Kiddle	<p>Opposed to subdivision that take land out of production in the Rural 1 zone.</p> <p>Rural 1 land is our most productive land and it is critical that it is retained for productive purposes and not used for residential blocks.</p> <p>The site of the rural residential blocks has been used for production before and may have potential for other crops.</p> <p>The approval will set a precedent for other landowners to subdivide rural 1 land using similar arguments.</p>	Oppose	No*
A and C Dunkley	None stated	Support	No

S J Langdon	<p>Wants to make sure that the subdivision does not affect his access. The access to the proposed lots needs to be re-sited east of his property, so it does not run past his house.</p> <p>Wants he right-of-way access separate from the main subdivision access.</p>	Neutral	No*
M Stanely and H Murdoch	<p>Concerned about the flooding and erosion effects and lack of stormwater management from the development and the removal of upstream forestry.</p> <p>There has been no mitigation measures to deal with stormwater.</p> <p>The development is too intensive and does not comply with Rural 1 development rules.</p> <p>The applicant's objective of maintaining flows to pre-development flows will not be possible because of the clear felling of 100ha of adjoining forest in the valley's upper catchment.</p> <p>The removal of the dam in the northernmost corner of the property will increase sediment runoff and silt retention dams need to be provided to replace this.</p>	Oppose	Yes
Royal Forest & Bird Society	<p>The subdivision is predominantly for residential purposes and result in land being lost to production forever.</p> <p>There is no discussion in the application over provision of esplanade strips or reserves along Flett stream</p> <p>If the stream is over 3m width, then esplanade strips or reserves needs to be imposed to riparian values and water quality.</p> <p>Measures should be undertaken to preserve, protect and enhance fish passage.</p>	Neutral	No*
Carter Holt Harvey Properties	<p>The zoning of the property does not allow for the creation of 5 rural-residential properties.</p> <p>The former dam on the northern most corner of the property needs to be reinstated to ensure proper control of stormwater and restore water resource and amenity values associated with the reservoir.</p>	Oppose	No*
K M and K R W Parker	<p>The lot sizes are far too small for the rural 1 zone.</p> <p>The dwellings are too close to the adjoining forest.</p> <p>The subdivision will have off-site effects on</p>	Oppose	No*

	the aquifer water resource. Concerned about the effects of the proposed recreation uses of the water storage dams such as noise and pest fish.		
Whenua Iki Trust	Supported the application, in particular the proposal to seal the central access road to the site. Better visibility is needed at the intersection.	Support	No

* These parties indicated that they wished to be heard on their submission form but either did not attend the hearing or advised the Council prior to the hearing that they would not be attending

4. PROCEDURAL MATTERS

No procedural matters were raised or needed attending to during the course of this hearing.

5. EVIDENCE HEARD

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

5.1 Applicant's Evidence

Mr McFadden read an introductory submission. He stated that Lots 1 to 5 are elevated 20 metres higher than Lots 6 and 7 and that the separation will address cross-boundary effects.

Mr McFadden said that the land immediately to the north of the site is zoned Deferred Rural-Residential, pending the Old Coach Road upgrade and so what is proposed is not out of character with what the environment of that part of the district is planned to be.

Mr McFadden said that there is no physical/topographical difference between the adjoining deferred rural residential zoned land and the subject site. He said that the application seeks land use and subdivision consent to allow a small rural residential cluster development, and it will benefit aesthetically from its raised locations adjoining the vineyard plantings and two ponds.

Mr McFadden addressed how the proposal will fit the objectives, policies and rules of the Tasman Resource Management Plan, the issues of precedent and cumulative effect and he discussed a number of distinguishing features that set this application apart from other possible future applications that the Council may receive if this consent were granted.

Mr McFadden referred to proposed conditions of consent and said that the roading contribution should not be payable if work is required to the intersection of Flett Road and the Moutere Highway. The estimated cost of the upgrade to this intersection (\$130,000 plus GST) should, in his view, should not be borne by the applicant as the subdivision does not necessitate such work and therefore the condition is both unfair and unreasonable.

Mr R Bennison read a submission on the soil types and the potential use of the subject land. In conclusion he said that Lots 6 and 7 comprise parcels of good quality versatile land that has been developed into viticulture and will comprise two complying sized Rural 1 allotments, incorporating all of those productive areas. The submission said that proposed Lots 1 to 5 comprised small pockets of fragmented, elevated land adjacent to the northern boundary that are not suited to intensive production. Mr Bennison said that the proposed subdivision for rural residential uses would seem to him to be a wise use of this resource, particularly in the context of the deferred rural residential zoning on the adjoining land to the north.

Mr A Fon read a submission on engineering evidence issues which covered the matters of wastewater, roading, stormwater, water and earthworks. Mr Fon said that the proposed roading condition requiring an estimated contribution of \$130,000 plus GST from the applicant to upgrade the Flett Road-Moutere Highway intersection can not be justified. He said that there are only three crashes recorded at this intersection over the last ten years, and that all of them were single vehicle loss of control type crashes with excessive speed through the S bend of the Moutere Highway being the main contributing factors.

Mr Fon said that the safety and performance of the intersection were not raised at the time the applicant recently sought and obtained consent for the cellar-door operation. He said nor was it required for the Whenua Iti subdivision consent which was issued recently by the Council along Flett Road. Mr Fon stated that the submission from M Stanley and H Murdock concerning flooding and erosion effects from the removal of the dam can be met by the proposed upgrading of the watercourse along the western boundary. The proposed reticulated potable water supply system can be designed to meet fire fighting water supply requirements.

Mr C Drummond added that there is less traffic to and from the subject property with the cellar-door operation at the vineyard, compared to when the fruit packhouse was operating.

Mr Fon suggested that the intersection into Flett Road be amended with a central access road between the two existing access points from the Moutere Highway. He said that warrants for a right hand turn lane can not be met according to Austroads 2005 calculations, so they are not justified under the current engineering practices. He recommended that the two present accessways should be physically closed off.

Ms J Hilson presented planning evidence and described the proposed subdivision and development proposals. She addressed the concerns of submitters and proposed mitigation measures. The evidence described that the loss of productive potential in land contained within Lots 1 to 5 will be minor in the context of the quality and area of that land.

Ms Hilson said that the applicant had just developed the vineyard and cellar-door for Anchorage Wines on the site and they have a vested interest in ensuring the subdivision does not compromise their own productive and business activities.

The evidence said that the subdivision has been designed to create a high standard of residential and amenity within the development. This was described as house sites clustered near two large water storage ponds, with separation and privacy between the sites.

Ms Hilson said the proposed landscaping condition should apply to the terrace edge of Lots 1 to 5, but not on the dam embankment within Lot 7. Flexibility should be retained for the water permit to ensure that irrigation of the vineyard is retained. Ms Hilson also included written comments on the submissions received.

5.2 Submitters' Evidence

M Stanley and H Murdoch

Mr M Stanley and Ms H Murdoch spoke to their submission and tabled a further written submission of five paragraphs. They repeated their concern about the lack of detailed stormwater control information and asked the committee to consider the potential effects of the removal of forest from the upcatchment Carter Holt Harvey land on downstream flows. The submission asked for the watercourse running parallel to the northwestern boundary to be upgraded to the 50 year flood levels. The submission claimed that the proposed five lot development was far too intrusive for Rural 1 zoned land and will impinge on the valley's rural character. The submission asked that home owners be required to install rainwater tanks and that their dwellings be finished in recessive colours and that trees be planted to soften the aspect of those dwellings. The submitters asked that a rural emanations easement be applied requiring the owners of the new titles to oppose normal rural farming practices.

Tabled Statements

Dr Lieffering read out two written statements, one an email from Helen Campbell on behalf of the Royal Forest and Bird Society Incorporated, and the other an email from Mr D Horn who was unable to attend the rescheduled hearing due to prior travel arrangements.

The New Zealand Fire Service had also previously sent the Council a letter advising that it too would not be attending this hearing and the Chair of the Committee noted this letter but its contents were not read out.

5.3 Council's Reporting Officer's Report and Evidence

Mr M Morris

Mr M Morris, spoke to his report contained within the agenda. Mr Morris acknowledged that the proposed subdivision design seeks to achieve the retention of the bulk of the productive land and acknowledged and listed some of the unique features about this site that would make it different from most other Rural 1 properties. Mr Morris said that the proposal was contrary to the general thrust of the Council's planning documents that seek to avoid fragmentation of productive land for non-productive purposes. It was noted that the proposed subdivision had the potential to include the extension to the Flett Road Cemetery.

Mr D Ley

Mr Ley said that the intersection of Flett Road and Moutere Highway requires redesign and reconstruction into an appropriate "Tee" intersection, and sought that the developer contribute \$130,000 plus GST, plus land purchase costs to that upgrading work, but that these costs were only an estimate. Mr Ley presented a graph (on the whiteboard) which was based on an older version the Austroads standards, which suggested that based on traffic flows likely to be generated by this subdivision, that a dedicated right hand turning lane off the Moutere Highway was warranted. Mr Ley's report contained within the agenda recommended additional conditions of consent, included right-of-way formation and on-site engineering requirements.

Mr N Tyson

Mr Tyson discussed the applications for changes to two existing water permits and asked that the conditions of consent be amended to include Lots 6 and 7 and the original water volumes over the original site area.

Dr M Durrand

Dr Durand commented on the proposed discharge of treated domestic wastewater on the proposed residential lots and said this will most likely be a permitted activity. Dr Druand said that on Lots 3, 4 and 5 there may be a need for resource consents to discharge wastewater to land if the discharges were less than 20 metres from the water in the dams. Detailed wastewater system designs would be required at the building consent stage.

5.4 Right of Reply

Mr McFadden responded for the applicant. He said that the vesting of land for the cemetery should be offset against Development Contributions. Mr McFadden said that the owners of the adjacent forestry land have an obligation to ensure that there are no effects on land outside that boundary in respect of stormwater flows. He said that the applicants were not inclined to volunteer a "no further subdivision" covenant subdivision as the applicants have tried to preserve the most viable land for rural production purposes.

Mr McFadden said that the applicant had volunteered or proposed the means of mitigating concerns raised by submitters. It was acknowledged that the applicant accepted the proposed irrigation amendments. Mr McFadden said that the applicant saw no need to upgrade the intersection of Flett Road and Moutere Highway as this was not required for the recently issued Whenua Iti subdivision consent or the cellar-door application. A condition to require that intersection upgrade work could be frustrated by the need to purchase adjacent private land. The applicant acknowledged the need to widen and seal the centre access route to Flett Road, build earth bunds and cut back vegetation on the road reserve. The applicant had produced evidence during the hearing that Traffic Engineering Practice 2005 Austroad graph shows there is no need for the intersection upgrade and the contributions suggested by Council officers.

The applicant was happy to make water available for use at the cemetery.

6. PRINCIPAL ISSUES

The principal issues that were in contention were:

- a) Will the proposal result in significant fragmentation of highly productive Rural 1 zoned land?
- b) Will the proposal result in significant adverse effects on the rural character, landscape character and amenity values?
- c) If consent is granted, does the intersection of Flett Road and the Moutere Highway need to be upgraded and if so, to what degree?

7. MAIN FINDINGS OF FACT

The Committee considers that the following are the main facts relating to this application:

- a) The Committee considers that there will clearly be fragmentation of land as a result of this subdivision however the proposal will retain the highly productive soil types in the larger allotments (Lots 6 and 7) which the applicant has planted in grapes. There was agreement between both Mr Bennison and the Council's Resource Scientist (Mr Burton) in respect of the value of the soils across the property. Lots 6 and 7 are made up of Braeburn silt loams and Mapua sandy loams which are highly productive and well suited for intensive horticulture. These areas would be retained in their present form with Lots 6 and 7.

The remaining soils on the property are a small area of Moutere hill land made up of a raised terrace along the northern boundary of the subject properties. Whilst this land also has Mapua sandy loam soils, they have much shallower topsoils. These soils have been used for viticulture in parts of the district, but the dissected nature of the terrace makes it a major limitation to intensive horticulture and viticultural development for the applicant.

Therefore, whilst fragmentation of land will occur the Committee does not consider that the effects will be significant in respect of the highly productive soils on the property.

- b) The area of the proposed Lots 1-5 in the north-eastern side of the Fletts Road valley currently has a high degree of natural and rural amenity, with a corresponding low level of built development.

The creation of five dwelling sites on Lots 1-5, and the associated built development would bring a higher density of development to this side of the valley, than would normally be anticipated with a Rural 1 zoning. However with suitable landscape plantings the proposed dwelling sites will still be able to provide an attractive rural amenity.

The Committee heard evidence from the applicant that the land immediately adjacent (to the north) of Lots 1-5 is zoned Rural Residential (Deferred). The deferral can be lifted once Old Coach Road is upgraded but development of that land is very likely to occur in the near future. The Committee noted whilst on the site visit that the pine trees on the adjacent land were in the process of being removed but it is not known if the current land owners are proposing to develop the land or to replant pine trees. The Committee heard evidence from the applicant that in assessing the current application that it is also necessary to take account of relevant provisions in the TRMP that allow certain activities on adjoining land in the future. Therefore, if the adjacent land is developed into rural residential properties, the Committee is of the view that the development on proposed Lots 1-5 of this application would fit in well as they are topographically linked to the deferred zoned land.

The Committee is of the view that the rural character, landscape character and amenity values of the area will not be significantly affected by this proposal.

- c) The Committee heard slightly conflicting evidence from the Council's Development Engineer and the applicant's consultant in respect of likely traffic effects and upgrading requirements for the Flett Road – Moutere Highway intersection. Both witnesses were in agreement that the current intersection layout was not ideal.

The Committee considers that the proposal will generate sufficient additional traffic to warrant an upgrade of the intersection and that this should be undertaken and paid for by the applicant. However, the Committee does acknowledge that there is some benefit of an upgraded intersection for others who live on Flett Road as well as the wider public and, whilst it is not the Committee's role to decide on the quantum of development contributions, it has recommended that the roading portion payable should be waived.

The Committee considers that the intersection upgrade should include widening of the northbound lane to provide for upcoming traffic to pass on the inside of the vehicle(s) turning right into Flett Road from the Highway. The widening should be such that the lane is at least 6 metres wide but no separate right hand turn lane marking is considered necessary. The Committee considers that the entire intersection should be moved towards Flett Road so that the widening can occur without the need for land to be purchased as there is ample legal road reserve to enable the intersection to be moved eastward.

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:

- i) Tasman Regional Policy Statement (TRPS);
- ii) the Transitional District Plan;
- iii) the proposed Tasman Resource Management Plan (TRMP);

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 the purpose of the Act as presented in Section 5.

9. DECISION

Pursuant to Section 104B of the Act, the Committee **GRANTS** consent to subdivide the land and to construct dwellings on each of proposed Lots 1-5 subject to conditions. The conditions of consent are attached to this decision. In addition, the Committee has considered the other applications for resource consent and the applications to change conditions of two water permits and has decided to **GRANT** these.

10. REASONS FOR THE DECISION

The Committee considers that adverse effects of the subdivision can be mitigated and are therefore no more than minor. Further the granting of this consent meets the purposes of Act as set out in Section 5.

The Committee considers that the granting of this consent is consistent with the objective and policies of the TRMP and will not create a precedent for further subdivision of Rural 1 zoned land in the district because there are several features which distinguish this application, namely:

The sites of proposed Lots 1-5 are well separated from the main productive vineyard by a terrace bank;

Proposed Lots 1-5 are all contained on the less productive area of the property which would be difficult to incorporate into a large productive vineyard;

The terrace separating the productive land from proposed Lots 1-5 provides a well defined topographical boundary to stop further rural residential development within the property;

Proposed Lots 1-5 adjoin a deferred rural residential zone and have more in common, in respect of topography, with the deferred rural residential zone to the north than the rest of the subject property, which is in the valley floor;

The elevated sites of proposed Lots 1-5 will significantly reduce the possibility of cross-boundary effects from productive activities in the valley floor; and

Proposed Lots 1-5, if properly landscaped, are unlikely to create a visual intrusion on the rural landscape and will not create skyline effects because they are not located on a ridge or a spur.

It is unlikely there would be many sites in the Rural 1 zone that would have this combination of factors that would enable them to use the same arguments as this application to warrant similar treatment and hence be granted by the Council.

Given that the subdivision application is technically a non-complying activity, the Committee must be satisfied that adverse effects of the proposal will be minor or that it will not be contrary to the objectives and policies of both the TRMP and the Waimea Section of the Transitional Plan. Only one of these two gateway tests must be passed but in this case both are met and therefore consent can be granted for this non-complying activity.

The Committee considers that the application to install a culvert as part of the access construction is appropriate and it will result in only minor adverse effects provided it incorporates features to provide for fish passage.

The Committee considers that changes to the two water permits is appropriate given the changes in use of the water as a result of the subdivision development being granted consent.

Submitters have expressed a wide range of concerns regarding specific aspects of the proposal and the Committee considers that the conditions of consent (attached) are sufficient to address these concerns, in particular effects on adjacent neighbours.

11. COMMENTARY ON CONDITIONS OF CONSENT

The Committee has imposed a number of conditions of consent (see attached). Whilst many of these are commonly imposed on subdivision consents, a number are unique to this proposal.

Condition 5 requires the consent holder to upgrade the Flett Road – Moutere Highway intersection as this subdivision will create significant additional traffic movements to warrant an upgrade. Whilst the decision requires the consent holder to pay for this upgrade, the Committee considers that there is an element of public benefit in having the intersection upgraded and as such has recommended that the development contributions payable for roading be waived.

Condition 11 requires the right-of-way to have minimum standards, including provision of at least three passing bays. This is considered appropriate given the length of the right-of-way as well as the significant drop off from the higher terrace to the lower terrace, which currently poses a significant traffic hazard.

Condition 13 requires the consent holder to upgrade the watercourse along the northwestern boundary of the property. This is considered necessary to provide a suitable conduit for stormwater flows from the upper catchment.

Condition 19 requires payment of a financial contribution for reserves and community services, however the condition identifies an offset in respect of Lot 8 which will be vested in the Council for cemetery expansion.

Issued this 26th day of July 2007

Cr E M O'Regan
Chair of Hearings Committee

RESOURCE CONSENT NUMBER: RM070086

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

Riwaka Fruit and Viticultural Services Limited

(hereinafter referred to as “the Consent Holder”)

ACTIVITY AUTHORISED BY THIS CONSENT:

To subdivide two titles that have a combined area of 30.59 hectares into eight allotments (seven titles with one allotment to be amalgamated).

LOCATION DETAILS:

Address of property:	Flett Road, Harakeke
Legal description:	Lots 1 and 2 DP 19388
Certificate of title:	NL13A/206 and NL13A/207
Valuation numbers:	1928032600 and 1928032900

Pursuant to Sections 108 and 220 of the Act, this consent is issued subject to the following conditions:

CONDITIONS

General

1. The subdivision shall be undertaken in general accordance with the information submitted with the application for consent and in particular with the plan entitled “Resource Consent Application Plan” Job No. 8835, dated 20 June 2007, prepared by Staig and Smith Limited, and attached to this consent. If there is any conflict between the information submitted with the consent application and any conditions of this consent, then the conditions of this consent shall prevail. The survey plan submitted for the purposes of Section 223 of the Act shall show Lot 8 as vesting in the Tasman District Council as Local Purpose Reserve (Cemetery).

Building Location Areas

2. The location of any new buildings on Lots 1, 2, and 3 shall not be within the hatched area shown as “NO BUILD AREA” on the plan entitled “Test Locations and No Build Areas” Drawing Number SK01 (Revision 01) dated 1 November 2006, prepared by Connell Wagner Limited, and attached to this consent. The No Build Areas shall be shown on the survey plan which is submitted for the purposes of Section 223 of the Act.

Water Supply

3. The Consent Holder shall provide a water supply to the boundary of each of Lots 1-5. Details of the water supply to each of these allotments shall be provided to the Council. Confirmation that water is available at the boundary of each allotment shall be provided prior to a completion certificate being issued pursuant to Section 224(c) of the Act.

Power and Telephone

4. Full servicing for live underground power and telephone cables shall be provided to the boundary of Lot 1-5. The Consent Holder shall provide written confirmation to the Council's Engineering Manager from the relevant utility provider that live power and telephone connections have been made to the boundaries of the allotment. The written confirmation shall be provided prior to a completion certificate being issued pursuant to Section 224(c) of the Act.

Flett Road – Moutere Highway Intersection Upgrade

5. The Consent Holder shall engage the services of a suitably qualified and experienced traffic engineer to prepare a report and plans for the upgrade of the intersection of Flett Road and the Moutere Highway. The report and plans shall be submitted to the Council's Engineering Manager for approval. The details of the design of the intersection upgrade shall be included in the report and plans but shall, as a minimum include the following:

The design shall incorporate all the elements of Figure 6.37 (Type BAR Right Turn Treatment on the Through Road) from Austroads 2005, a copy of which is attached as Appendix 1 to this consent. For the purposes of this consent the widened shoulder shall be sealed and the northbound lane width, shown as "C" in Figure 6.37, shall be at least 6.0 metres.

No separate painted right turning lane markings need necessarily be provided;

Removal of the two existing accesses to and from the Moutere Highway shall be replaced by a single access/intersection located approximately halfway between the existing accesses; and

Provision of a Stop Sign and paint marking on Flett Road at the intersection.

Advice Note:

The road alignment of the Moutere Highway may need to be moved to the northeast so that the widening of the northbound lane can occur within the existing road reserve.

6. The Consent Holder shall arrange for the intersection of Flett Road and the Moutere Highway to be upgraded in accordance with the approved design referred to in Condition 5 prior to a completion certificate being issued pursuant to Section 224(c) of the Act.

Easements

7. Easements shall be created over any services located outside the boundaries of the lots that they serve as easements-in-gross to the Tasman District Council for Council reticulated services or appurtenant to the appropriate allotment.

8. Easements shall be created over any right-of-way and shall be shown in a Schedule of Easements on the survey plan submitted for the purposes of Section 223 of the Act. Easements shall be shown on the Land Transfer title plan and any documents shall be prepared by a Solicitor at the Consent Holder's expense.
9. A rural emanations easement shall be registered over Lots 1-5 in favour of Lots 6 and 7. This easement shall be in general accordance with the wording set out in Appendix 2 attached to this consent.
10. The survey plan which is submitted for the purposes of Section 223 of the Act shall include reference to easements.

Advice Note:

Any services located within the Council's road reserve will require a License to Occupy to be obtained.

Right-of-Way

11. Rights-of-Way A, J, B, and C shown on the plan entitled "Resource Consent Application Plan" Job No. 8835, dated 20 June 2007, prepared by Staig and Smith Limited, and attached to this consent shall be formed to the following specifications:
 - i) A minimum 4.5 metre sealed width to the boundary of Lot 3. For the purposes of this condition "sealed" means a grade 4 and 6 chip surface. The maximum grade of this part of the right-of-way shall be 1 vertical in 5 horizontal;
 - ii) Right-of-Way C beyond the boundary of Lot 3 shall have a minimum 4.0 metre all weather surfaced width across the crest of the dam labelled "E", and thereafter a minimum 3.5 metre all weather surfaced width across the crest of the dam labelled "F" to the boundary of Lot 5. For the purposes of this condition "all weather surface" shall mean a minimum depth of 150 millimetre AP40 compacted basecourse. Where the gradient of any part of this right-of-way exceeds 1 vertical in 6 horizontal it shall be sealed (refer to i) above for definition of "sealed");
 - iii) Two side drains shall be constructed, one either side of the right-of-way, with the drains discharging into Flett Stream. Each side drain shall be at least 1 metre wide;
 - iv) The legal width of the right-of-way shall be at least 7.5 metres;
 - v) Passing bays, which have a sealed width of at least 5 metres, shall be provided at least at the three locations shown on the plan entitled "Resource Consent Application Plan" Job No. 8835, dated 20 June 2007, prepared by Staig and Smith Limited, and attached to this consent. The middle passing bay shall be located at the top of the terrace to allow for safe passage of vehicles over the crest of the ridge;
 - vi) The culvert located in Flett Stream shall have a minimum capacity equivalent to a 2.1 metre diameter culvert together with appropriate inlet and outlet rock protection whilst also maintaining secondary flow paths. Vehicle barriers shall be constructed to the satisfaction of the Council's Engineering Manager on either side of the crossing;

Advice Note:

The construction and maintenance of the 2.1 metre diameter culvert is the subject of a separate land use consent (RM070238) and the consent holder must also comply with all the conditions of that consent .

Landscape Buffer Planting

12. The consent holder shall engage the services of a suitably qualified and experienced landscape architect to prepare a landscaping plan for Lots 1-5. The landscaping plan shall be designed to mitigate the visual effects of the proposed dwellings on Lots 1-5. The landscaping plan shall be submitted for approval to the Council's Environment and Planning Manager. The recommended vegetation shall be planted prior to the completion certificate being issued pursuant to Section 224(c) of the Act.

Watercourse Upgrade

13. The Consent Holder shall engage the services of a suitably experienced chartered professional engineer to prepare a design for the upgrade of the watercourse located adjacent to the northwestern boundary of Lot 6 (being the boundary with Pt Sect VI Moutere District) from its most northern point within Lot 6 southwards to the point where this watercourse discharges into Flett Stream. The watercourse shall be upgraded to cater for a minimum of a 1 in 50 year return period rain event. The upgrade shall include rock armouring to minimise scouring and erosion of the watercourse and also Flett Stream at the confluence. The existing culvert located immediately upstream of the confluence shall either be removed and the banks of Flett Stream modified to allow a 1 in 50 year flow, or alternatively the culvert shall be replaced by a culvert with a minimum diameter of 2.1 metres. The design shall be submitted to the Council's Engineering Manager for approval and once approved the works shall be undertaken by the Consent Holder.

Commencement of Works and Inspection

14. The Council's Engineering Department shall be contacted at least five working days prior to the commencement of any engineering works. In addition, five working days' notice shall be given to the Council's Engineering Department when soil density testing, pressure testing, beam testing or any other major testing is undertaken.

Engineering Works

15. All engineering works, including construction of the right-of-way and culvert, shall be constructed in strict accordance with the Tasman District Council Engineering Standards and Policies 2004 or to the Council's Engineering Manager's satisfaction.

Engineering Certification

16. At the completion of works, a suitably experienced chartered professional engineer or registered surveyor shall provide the Council's Engineering Manager written certification that the right-of-way, culvert, and watercourse upgrading referred to in Conditions 11 and 13 have been constructed in accordance with the consent conditions and the Tasman District Council Engineering Standards and Policies 2004.

17. Certification that a building platform and a nominated building site on Lots 1-5 is suitable for the erection of a residential building shall be submitted from a chartered professional engineer or geotechnical engineer experienced in the field of soils engineering (and more particularly land slope and foundation stability). The certificate shall define on Lots 1-5 within the building location area, the area suitable for the erection of residential buildings and shall be in accordance with Appendix B Section 11 of the Tasman District Engineering Standards and Policies 2004.
18. Where fill material is, as part of developing this subdivision, placed on any part of Lots 1-5, a suitably experienced chartered professional engineer shall certify that the filling has been placed and compacted in accordance with NZS 4431:1989 Code of Practice for Earth Fill for Residential Development. The certification statement of suitability of earth fill for residential development shall be made in accordance with Appendix A Section 11 of the Tasman District Engineering Standards and Policies 2004 and shall be provided to the Council's Engineering Manager.

Advice Note:

This condition relates strictly to any fill that is placed on Lots 1-5 during the development of this subdivision and does not include the historic fill material which has restrictions on it as specified in Conditions 2 and 20(i) of this consent.

Financial Contributions

19. The Consent Holder shall pay a financial contribution for reserves and community services in accordance with following:
 - (a) The amount of the contribution shall be 5.5 per cent of the total market value (at the time subdivision consent is granted) of a notional 2,500 square metre building site within each of Lots 1-5 less the valuation of Lot 8, being a 1,000 square metre allotment being vested in Tasman District Council.
 - (b) The Consent Holder shall request in writing to the Council's Consent Administration Officer (Subdivision) that the valuation be undertaken. The valuation shall also include an assessment of Lot 8. Upon receipt of the written request the valuation shall be undertaken by the Council's valuation provider at the Council's cost.
 - (c) If payment of the financial contribution is not made within two years of the granting of the resource consent, a new valuation shall be obtained in accordance with (b) above, with the exception that the cost of the new valuation shall be paid by the Consent Holder, and the 5.5 per cent contribution less the value of Lot 8 shall be recalculated on the current market valuation. Payment shall be made within two years of any new valuation.

Advice Note:

A copy of the valuation together with an assessment of the financial contribution will be provided by the Council to the Consent Holder.

Advice Note:

Council will not issue a completion certificate pursuant to Section 224(c) of the Act in relation to this subdivision until all development contributions have been paid in accordance with Council's Development Contributions Policy under the Local Government Act 2002.

The Development Contributions Policy is found in the Long Term Council Community Plan (LTCCP) and the amount to be paid will be in accordance with the requirements that are current at the time the relevant development contribution is paid in full.

This consent will attract a development contribution on 5 allotments in respect of roading. The Hearings Committee which made the decision on this application recommends that the development contributions be waived because the Consent Holder is required to upgrade the Flett Road – Moutere Highway intersection which has an element of public good.

Consent Notices

20. The following consent notices shall be registered on the certificate of title for Lots 1-5 pursuant to Section 221 of the Resource Management Act. The consent notices shall be prepared by the Consent Holder's solicitor and submitted to Council for approval and signing. All costs associated with approval and registration of the consent notices shall be paid by the Consent Holder.

That the construction of any dwelling or habitable building (including sleepouts) on the property shall be restricted to the building location area shown on Title Plan DPand the dwelling shall be fully contained within the area identified. No buildings shall be constructed on the areas marked "No Build Area" shown on Title Plan DP..... There are restrictions in relation to the bulk, height, and appearance of the dwelling and these restrictions are set out in the conditions of resource consent RM070087.

- ii) Each dwelling shall be provided with a fire fighting water supply in accordance with the New Zealand Fire Service Code of Practice for Fire Fighting Water Supply SNZ PAS 4509:2003.
- iii) Each dwelling shall install a water treatment system able to treat all the water used within the dwelling to a potable standard. Water used for toilet flushing and in clothes washing machines need not necessarily be treated to a potable standard.
- iv) All planted landscaping vegetation along the southern terrace bank shall be retained and maintained at all times by the owner to provide screening of the dwelling on the property.
- v) Prior to the issue of a building consent for any dwelling on the property, the owner shall submit to the Council's Environment and Planning Manager for approval, a report and associated design for a stormwater treatment and disposal system for that particular allotment and building curtilage area designed by a person suitably qualified and experienced in designing such systems.
- vii) Reticulated power and telephone services to any buildings on the property, where provided, shall be located underground from the property boundary of the property to the building.

- viii) Treatment of domestic wastewater from any dwelling or building on the property shall be by way of a treatment system that treats the wastewater to a secondary standard prior to being discharged to land. Secondary treatment is defined as meeting the following standards:

5-day biochemical oxygen demand (BOD₅) shall be less than 30 milligrams per litre;

Total suspended solids shall be less than 45 milligrams per litre; and

The type of wastewater treatment system selected shall take into account the likely occupancy patterns of the property (e.g. holiday versus permanent occupancy). The treated wastewater shall be discharged to land by way of pressure compensating drippers. The on-site wastewater treatment and disposal system shall be designed by, and its construction supervised and certified by, a suitably qualified and experienced person.

GENERAL ADVICE NOTES

Council Regulations

1. This resource consent is not a building consent and the Consent Holder shall meet the requirements of Council with regard to all Building and Health Bylaws, Regulations and Acts.

Other Proposed Tasman Resource Management Plan Provisions

2. Any activity not covered in this consent shall either comply with: 1) the provisions of a relevant permitted activity rule in the Proposed Tasman Resource Management Plan; or 2) the conditions of separate resource consent for such an activity.

In respect of stormwater discharges on Lots 1-5, the criteria of Tasman Resource Management Plan Permitted Activity Rule 36.4.2 must be complied with or, alternatively, a resource consent (discharge permit) is obtained for the stormwater discharge.

3. Access by the Council's Officers or its Agents to the property is reserved pursuant to Section 332 of the Resource Management Act 1991.
4. Monitoring of this resource consent is required under Section 35 and 36 of the Resource Management Act 1991, and a deposit fee is payable at this time. Should monitoring costs exceed this initial fee, the Council will recover the additional amount from the resource consent holder. Monitoring costs are able to be minimised by consistently complying with the resource consent conditions.
5. Pursuant to Section 127 of the Resource Management Act 1991, the Consent Holder may apply to the Consent Authority for the change or cancellation of any condition of this consent.

6. Council draws your attention to the provisions of the Historic Places Act 1993. In the event of discovering an archaeological find during the earthworks (e.g. shell, midden, hangi or ovens, garden soils, pit depressions, occupation evidence, burials, taonga, etc) you are required under the Historic Places Act, 1993 to cease the works immediately until, or unless, authority is obtained from the New Zealand Historic Places Trust under Section 14 of the Historic Places Act 1993.

Issued this 26th day of July 2007

Cr E M O'Regan
Chair of Hearings Committee

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Notes:
Warning
 This Plan has been prepared for the purpose of a resource consent application only. It is not a precise survey plan. As areas and dimensions are likely to vary upon survey it should not be attached to sales & purchase agreements without an appropriate condition to cover such variations.
This Subdivision was approved as
 a.....day of.....
 Activity on theday of.....
 20.... subject to the conditions noted in the file.

.....
SUBDIVISION OFFICER

EASEMENTS:
 Forestry & Horticultural emanation easements shall apply to Lots 1 - 5 hereon

Comprised in : CT NL 13A/206, 13A/207 & 13A/208
 Applicants:
 Riwaka Fruit & Viticulture Services Ltd.

Job Title:
Riwaka Fruit & Viticulture Services Ltd.
 Flett Road
 Riwaka

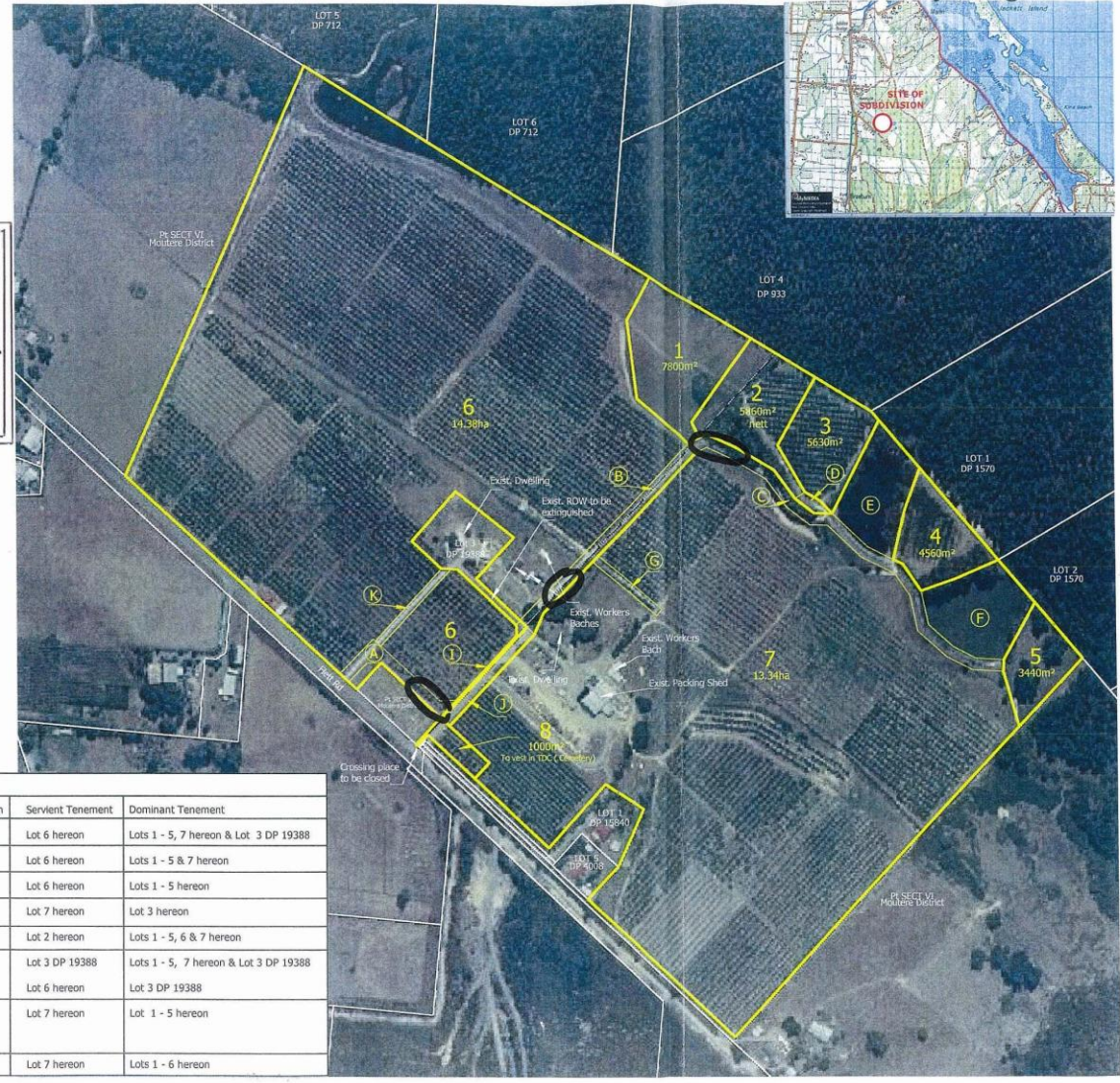
Drawing Title:
Resource Consent Application Plan


Plan Information:
 Scale: @ A3 = 1: 3500
Horizontal Scale: 1: 3500 Vertical Scale: 1: 3500
 Job No: 8835 CAD File No: 8835-01 Sheet: 1 of 1
 Issue No: 1 Drawn: M.Graf Date: 20/06/2007
 Amendments:

Concept Developed by:

STAIG & SMITH LTD
ESTABLISHED 1984
 81 Selwyn Place
 PO Box 913 Nelson
 Ph: 03 548 4422 Fax: 03 548 4427
 e-mail: enquiries@staigsmith.co.nz
 SURVEYING-PLANNING-ENGINEERING-RESOURCE MANAGEMENT

Locality Diagram




KEY:
 Location of Passing Bays


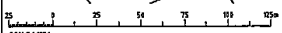
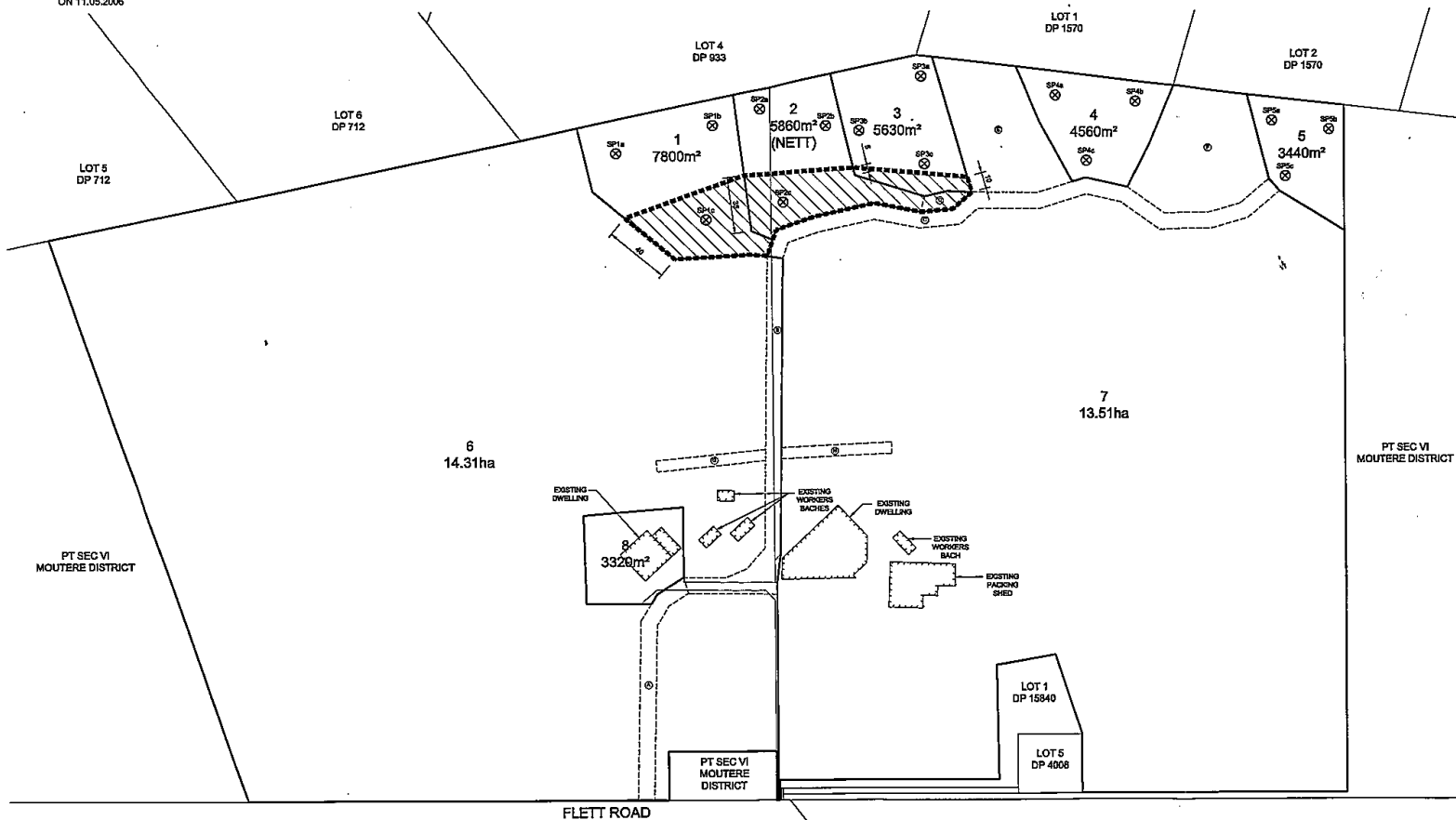
Proposed Easements			
Purpose	Shown	Servient Tenement	Dominant Tenement
Right of Way, Water, Power & Telephone	A	Lot 6 hereon	Lots 1 - 5, 7 hereon & Lot 3 DP 19388
	B	Lot 6 hereon	Lots 1 - 5 & 7 hereon
	C	Lot 6 hereon	Lots 1 - 5 hereon
	D	Lot 7 hereon	Lot 3 hereon
	I	Lot 2 hereon	Lots 1 - 5, 6 & 7 hereon
	J	Lot 3 DP 19388	Lots 1 - 5, 7 hereon & Lot 3 DP 19388
	K	Lot 6 hereon	Lot 3 DP 19388
Water Right to Recreation and Irrigate	E	Lot 7 hereon	Lot 1 - 5 hereon
	F		
Water	G	Lot 7 hereon	Lots 1 - 6 hereon

Lots 1 - 7 being Proposed Subdivision of Lots 1 - 2 DP 19388 and Easement over Lot 3 DP 19388

A1

- NOTES:**
1. SCALA PENETROMETER LOCATIONS ARE APPROXIMATE ONLY
 2. BASE PLAN PROVIDED BY STAIG AND SMITH LTD, "LOTS 1-8 BEING A SUBDIVISION OF LOTS 1-3 DP19388" ON 11.05.2006

- LEGEND:**
- ⊗ SP1 SCALA PENETROMETER TEST LOCATION 1
 -  NO BUILD AREA, LOTS 1 - 3 SETBACK FROM TOP OF BANK



Rev.	Date	Revision Details	By	Ver.	App.
01	01/10/06	ISSUED FOR INFORMATION	LX		



Connell Wagner

Connell Wagner Limited
 30 Stanger Street (PO Box 198)
 Blenheim, New Zealand

Telephone: +64 3 878 9987
 Facsimile: +64 3 878 9985
 Email: cwl@connellwagner.com

Client: **RIWAKA FRUIT AND VITICULTURE SERVICES LTD**

Project: **FLETT ROAD LOWER MOUTERE**

Drawn	LK	Signed		Date	01/10/06
Designed	AJF	Signed		Date	01/10/06
Verified		Signed		Date	
Approved		Signed		Date	

Drawing Title: **TEST LOCATIONS AND NO BUILD AREAS**

INFORMATION

CV Project No.	16988.001
Scale	1:1250 (A1) 1:2500 (A3)
Drawing No.	SK01
Rev.	01

Appendix 1 – Figure 6.37 from Austroads 2005 – To form the basis of the Flett Road and Moutere Highway Intersection Upgrade

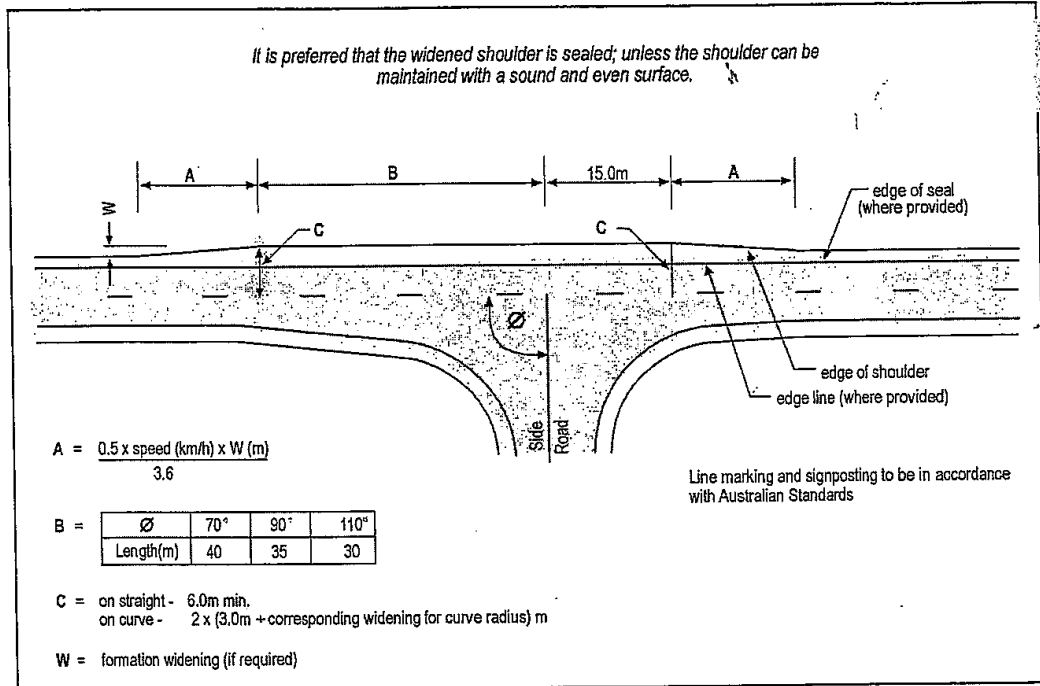


Figure 6.37 – Type BAR Right Turn Treatment on the Through Road

APPENDIX 2

Right to Emit Noise from Hail Cannons and Drift from Agricultural and Horticultural Sprays

1. Definition

In this easement the term “authorised farming activities” means all rural activities, including farming and horticultural crop production (and in particular the spraying for weeds and horticultural pests and diseases and the use of hail cannons to protect against hail damage to fruit crops) together with any other activity permitted under the relevant District Resource Management Plan for the time being in force and any existing uses and any activity permitted by any resource consent(s). The term “authorised farming activities” shall also include any other activity ancillary to the activities already defined or necessary therefore.

2. Rights and Powers

The owners or occupiers from time to time of the Dominant Tenement shall have the full, free, uninterrupted and unrestricted right, liberty and privilege for themselves and their respective servants, tenants, agents, licensees and grantees from time to time to emit noise from hail cannons and drift from agricultural and horticultural sprays and to allow such emanations to escape, pass over or settle on the Servient Tenement in the course of the use of the Dominant Tenement for rural purposes with the intent that such aforementioned rights shall run with the Servient Tenement and be forever appurtenant to the Dominant Tenement.

3. Terms, Conditions, Covenants, or Restrictions in Respect of the Above Easement

- (a) The owners or occupiers from time to time of the Servient Tenement shall allow authorised farming activities to be carried out on the Dominant Tenement without interference or restraint.
- (b) All noise emitted from hail cannons shall not exceed the maximum level permitted in any relevant District Resource Management Planning document.

The owners or occupiers from time to time of the Servient Tenement shall not:

- (i) make or lodge; or
- (ii) be party to; or
- (iii) finance or contribute to the cost of;

any submission, application, proceeding or appeal (either pursuant to the Resource Management Act 1991 or otherwise) designed or intended to limit, prohibit or restrict the continuation or recommencement of the authorised farming activities by the owners or occupiers from time to time of the Dominant Tenement.

- (c) The owners or occupiers from time to time of the Dominant Tenement shall at all times use sprays in accordance with usual agricultural and horticultural practices in the District.

RESOURCE CONSENT NUMBER: RM070087

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

Riwaka Fruit and Viticultural Services Limited

(hereinafter referred to as “the Consent Holder”)

ACTIVITY AUTHORISED BY THIS CONSENT: To construct a single dwelling on each of Lots 1-5 of a subdivision of Lots 1 and 2 DP19388 (this subdivision being authorised by resource consent RM070086).

LOCATION DETAILS:

Address of property:	Flett Road, Harakeke
Legal description:	Lots 1 and 2 DP 19388
Certificate of title:	NL13A/206 and NL13A/207
Valuation numbers:	1928032600 and 1928032900

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

CONDITIONS

1. The dwelling shall be restricted to the building location area shown on the title plan and the shall be fully contained within the area identified.
2. The dwelling shall be provided with a fire fighting water supply in accordance with the New Zealand Fire Service Code of Practice for Fire Fighting Water Supply SNZ PAS 4509:2003.
3. All planted landscaping vegetation along the southern terrace bank shall be retained and maintained at all times by the owner to provide screening of the dwelling on the property.
4. Prior to the issue of a building consent for the dwelling, the Consent Holder shall submit to the Council’s Environment and Planning Manager for approval, a report and associated design for a stormwater treatment and disposal system for that particular allotment and building curtilage area designed by a person suitably qualified and experienced in designing such systems.
5. The dwelling shall not exceed 7.5 metres in height, as measured from the finished building platform level required to be constructed by Condition 17 of consent RM070086.
6. The dwelling shall be back at least:
 - i) 5 metres from internal boundaries;
 - ii) 20 metres from the margins of any lake or pond;
 - iii) 10 metres from the northeastern boundary of the property;

7. The dwelling shall be provided with on-site water storage of not less than 46,000 litres capacity and fitted with an accessible 50 millimetre diameter “Camlock” coupling to enable connection with firefighting equipment.
8. Each dwelling shall install a water treatment system able to treat all the water used within the dwelling to a potable standard. Water used for toilet flushing and in clothes washing machines need not necessarily be treated to a potable standard.
9. The exterior of the building shall be finished in colours that are recessive and which blend in with the immediate environment. The consent holder shall submit to the Council for approval prior to applying for building consent the following details of the colours proposed to be used on the walls and roof of the building:
 - a) the material to be used (e.g. paint, colour steel);
 - b) the name and manufacturer of the product or paint;
 - c) the reflectance value of the colour;
 - d) the proposed finish (e.g. matt, low-gloss, gloss); and
 - e) Either the BS5252:1976 (British Standard Framework for Colour Co-ordination for Building Purposes) descriptor code, or if this is not available, a sample colour chip.

The building shall be finished in colours that have been approved by the Council.

Advice Note:

As a guide, the Council will generally approve colours that meet the following criteria:

Colour Group*	Walls	Roofs
Group A	A05 to A14 and reflectance value ≤50%	A09 to A14 and reflectance value ≤25%
Group B	B19 to B29 and reflectance value ≤50%	B23 to B29 and reflectance value ≤25%
Group C	C35 to C40, reflectance value ≤50%, and hue range 06-16	C39 to C40, reflectance value ≤25%, and hue range 06-16
Group D	D43 to D45, reflectance value ≤50%, and hue range 06-12.	Excluded
Group E	Excluded	Excluded
Finish	Matt or Low-gloss	Matt or Low-gloss

* Based on BS5252:1976 (British Standard Framework for Colour Co-ordination for Building Purposes). Where a BS5252 descriptor code is not available, the Council will compare the sample colour chip provided with known BS5252 colours to assess appropriateness.

Advice Note:

The consent holder should engage the services of a professional to ensure the exterior cladding and colour selection are compatible with the long term durability of the building material in the subject environment and in accordance with the requirements under the Building Act 2004.

ADVICE NOTES

Council Regulations

1. This is not a building consent and the Consent Holder shall meet the requirements of Council with regard to all Building and Health Bylaws, Regulations and Acts.

Other Proposed Tasman Resource Management Plan Provisions

2. 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: 1) comply with all the criteria of a relevant permitted activity rule in the Proposed Tasman Resource Management Plan (PTRMP); 2) be allowed by the Resource Management Act; or 3) be authorised by a separate resource consent.

Consent Holder

3. This consent is granted to the abovementioned Consent Holder but Section 134 of the Act states that such land use consents “attach to the land” and accordingly may be enjoyed by any subsequent owners and occupiers of the land. Therefore, any reference to “Consent Holder” in the conditions shall mean the current owners and occupiers of the subject land. Any new owners or occupiers should therefore familiarise themselves with the conditions of this consent, as there may be conditions that are required to be complied with on an ongoing basis.

Issued this 26th day of July 2007

Cr E M O'Regan
Chair of Hearings Committee

RESOURCE CONSENT NUMBER: RM070238

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

Riwaka Fruit and Viticultural Services Limited

(hereinafter referred to as “the Consent Holder”)

ACTIVITY AUTHORISED BY THIS CONSENT: To install and place a culvert on the bed of an unnamed stream (locally referred to as Flett Stream) and to alter two existing dam structures.

LOCATION DETAILS:

Address of property:	Flett Road, Harakeke
Legal description:	Lots 1 and 2 DP 19388
Certificate of title:	NL13A/206 and NL13A/207
Valuation numbers:	1928032600 and 1928032900

Culvert:	Easting: 2510084	Northing: 6004016
Dam #188	Easting: 2510312	Northing: 6004058
Dam #128	Easting: 2510372	Northing: 6003970

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

CONDITIONS

The Consent Holder shall ensure that all works are carried out in general accordance with the details presented in the application for resource consent, including further information which was provided during the processing of the application. Where there are any conflicts between this information and any conditions of this consent, the conditions shall prevail.

Culvert

1. The following conditions apply to the culvert:
 - a) the culvert shall be located on the bed of the unnamed stream, known locally as Flett Stream, where the right-of-way crosses it, at or about Easting: 2510084 Northing: 6004016;
 - b) the culvert shall be at least 2.1 metres in diameter in order accommodate flows up to and including a 1 in 50 year return period flood;
 - c) the culvert shall be maintained such that it remains free of debris at all times;
 - d) fish passage shall be provided for including fixing baffles in the form of rocks or timber inside the culvert to slow down the flow of water and to provide resting places for fish travelling upstream against the current;
 - e) the banks around the culvert shall be planted, where necessary, to prevent erosion and also to provide shelter/shading for fish;
 - f) the culvert shall be at least the width of the existing watercourse and the culvert invert and outlet level shall be set below the bed level; and
 - g) rock armouring shall be installed at the inlet and outlet of the culvert to minimise scouring and erosion of bed and banks of the unnamed stream.

Modification of Dam Spillways

2. The Consent Holder shall engage the services of a suitably experienced chartered professional engineer to prepare a design for the upgrade of the spillways of the two existing dams located on the property. The spillways shall be upgraded to cater for a minimum of a 1 in 100 year return period rain event. The upgrade shall incorporate a low flow pipe in the design to ensure the spillway only flows during flood event. The design and plans shall be submitted to the Council's Coordinator Compliance monitoring for approval and once approved the works shall be undertaken by the Consent Holder prior to the completion certificate being issued for the subdivision authorised by consent RM070086.

Upgrade of Watercourse

3. The Consent Holder shall engage the services of a suitably experienced chartered professional engineer to prepare a design for the upgrade of the watercourse located adjacent to the northwestern boundary of Lot 6 (being the boundary with Pt Sect VI Moutere District) from its most northern point within Lot 6 southwards to the point where this watercourse discharges into Flett Stream. The watercourse shall be upgraded to cater for a minimum of a 1 in 50 year return period rain event. The upgrade shall include rock armouring to minimise scouring and erosion of the watercourse and also Flett Stream at the confluence. The existing culvert located immediately upstream of the confluence shall either be removed and the banks of Flett Stream modified to allow a 1 in 50 year flow, or alternatively the culvert shall be replaced by a culvert with a minimum diameter of 2.1 metres. The design shall be submitted to the Council's Engineering Manager for approval and once approved the works shall be undertaken by the Consent Holder prior to the completion certificate being issued for the subdivision authorised by consent RM070086.

General

4. The Consent Holder shall advise Council's Co-ordinator Compliance Monitoring at least 24 hours prior to commencing any works.
5. The Consent Holder shall take all practicable measures during the construction phase to limit the mobilisation and discharge of sediment and other contaminants to any surface stream. The works should be undertaken during fine weather periods and low flows.
6. The Consent Holder shall ensure that all excess construction material is removed from the stream bed, and that the site is left in a neat and tidy condition following the completion of construction works.
7. Council may, during the month of June each year, review the conditions of this consent pursuant to Section 128 of the Resource Management Act 1991 to:
 - a) deal with any adverse effect on the environment that may arise from the exercise of the consent and which it is appropriate to deal with at a later stage; or
 - b) to require compliance with operative rules in the Proposed Tasman Resource Management Plan or its successor; or
 - c) when relevant national environmental standards have been made under Section 43 of the Resource Management Act 1991.
8. Pursuant to Section 125 of the Act, this consent shall lapse eight years after the date of this consent unless either the consent is given effect to, or the Council has granted an extension pursuant to Section 125(1)(b) of the Act. All works to install the culvert shall and upgrade the watercourses shall be completed within two months of starting the works.
9. The consent is expires on 1 July 2042.

ADVICE NOTES

1. The Consent Holder shall meet the requirements of Council with respect to all Building Bylaws, Regulations and Acts.
2. 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: 1) comply with all the criteria of a relevant permitted activity rule in the Proposed Tasman Resource Management Plan (PTRMP); 2) be allowed by the Resource Management Act; or 3) be authorised by a separate consent.
3. This consent is granted to the abovementioned Consent Holder but Section 134 of the Act states that such land use consents “attach to the land” and accordingly may be enjoyed by any subsequent owners and occupiers of the land. Therefore, any reference to the “Consent Holder” in the conditions shall mean the current owners and occupiers of the subject land. Any new owners or occupiers should therefore familiarise themselves with the conditions of this consent, as there may be conditions that are required to be complied with on an ongoing basis.
4. Access by the Council officers or agents to the property is reserved pursuant to Section 332 of the Resource Management Act 1991.
5. Monitoring of this resource consent may be required under Section 35 and 36 of the Resource Management Act 1991, and a deposit fee is payable at this time. Should monitoring costs exceed this initial fee, the Council will recover the additional amount from the Consent Holder. Monitoring costs are able to be minimised by consistently complying with the resource consent conditions.
6. Pursuant to Section 127 of the Resource Management Act 1991, the Consent Holder may apply to the Consent Authority for the change or cancellation of any condition of this consent.
7. Council draws your attention to the provisions of the Historic Places Act 1993. In the event of discovering an archaeological find during the earthworks (eg, shell, midden, hangi or ovens, garden soils, pit depressions, occupation evidence, burials, taonga, etc) you are required under the Historic Places Act 1993 to cease the works immediately until, or unless, authority is obtained from the New Zealand Historic Places Trust under Section 14 of the Historic Places Act 1993.
8. The consent is given effect to once the works commence.

Issued this 26th day of July 2007

Cr E M O'Regan
Chair of Hearings Committee

RESOURCE CONSENT NUMBER: NN010266V1

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

Riwaka Fruit and Viticultural Services Limited

(hereinafter referred to as “the Consent Holder”)

Activity authorised by this consent: To take and use water stored in two dam reservoirs for irrigation.

Location details:

Address of property:	Flett Road, Harakeke
Legal description:	Lots 1 and 2 DP 19388
Certificate of title:	NL13A/206 and NL13A/207
Valuation numbers:	1928032600 and 1928032900

This change of conditions of consent **NN010266V1** is granted, subject to the following conditions and for an unchanged expiry date of **31 May 2019**:

CONDITIONS

1. Site, Dam and Take Details:

Legal Description of Irrigated Land:	Proposed Lots 1-7 of the subdivision of Lots 1 and 2 DP19388 Blk VII Motueka SD
Source:	Storage
Catchment:	Moutere
Dam ID Number:	188 and 128
Approximate Area Irrigated:	25 hectares
Maximum Rates of Take Authorised:	42 cubic metres per hour 428 cubic metres per day 3000 cubic metres per week
Location of Dam #188	Easting: 2510312 Northing: 6004058
Location of Dam #128	Easting: 2510372 Northing: 6003970

- The Consent Holder shall regularly inspect the two dams and maintain them in good condition.
- If required, appropriate rock protection (or similar) shall be provided and thereafter maintained at the outlet of the spillway and the rock protection shall be sufficient to avoid or remedy any adverse erosion of the watercourse downstream of the dam that is a result of the dam.
- The Council may, during the month of August each year, review any or all of the conditions of the consent pursuant to Section 128 of the Resource Management Act 1991 for all or any of the following purposes:

- a) to deal with any unexpected adverse effect on the environment that arises from the exercise of the consent, including adverse effects on adjacent or downstream landowners, on downstream water use and on instream values; or
 - b) to require compliance with operative rules in the Proposed Tasman Resource Management Plan, including requirements and rules relating to the operation and maintenance of dams and rules relating to minimum standards of water quality, maximum or minimum water levels of water retention; or
 - c) to make provision for fish passage if there is shown to be an adverse effect on fish or eel passage; or
 - d) to require changes to the spillway to ensure that the dam is adequately protected during storm events.
5. The Consent Holder shall not plant on the dam embankments any trees or shrubs greater in height than 1.5 metres and any trees or shrubs that become established shall be removed.
 6. Should any slumping or significant seepage from the dam embankments be observed, the Consent Holder shall immediately inform the Council's Environment and Planning Manager, or his agent, and shall employ a suitably experienced, chartered civil engineer to advise on appropriate remediation measures.
 7. This consent shall not be exercised to the extent that there is any significant adverse effect on resident eels within the dam reservoirs and a minimum of 400 cubic metres of storage shall be retained within each dam at all times to provide for their survival.
 8. Only one intake pump and pipe is authorised for each dam. Each intake pipe into the dam reservoir shall be screened to avoid the entrainment of fish and eels such that, as a guide, screens shall have a mesh size not greater than 5 millimetres and shall be constructed such that the intake velocity at the outer surface of the screen is less than 0.3 metres per second.
 9. The application of water to any land shall not exceed the rate of 190 cubic metres per hectare per week.

ADVICE NOTES

1. 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: 1) comply with all the criteria of a relevant permitted activity rule in the Proposed Tasman Resource Management Plan (PTRMP); 2) be allowed by the Resource Management Act; or 3) be authorised by a separate consent.
2. Access by the Council officers or agents to the property is reserved pursuant to Section 332 of the Resource Management Act 1991.
3. Monitoring of this resource consent may be required under Section 35 and 36 of the Resource Management Act 1991, and a deposit fee may be payable at this time. Should monitoring costs exceed this initial fee, the Council will recover the additional amount from the Consent Holder. Monitoring costs are able to be minimised by consistently complying with the resource consent conditions.

4. It is recommended that the Consent Holder hold an appropriate level of public liability insurance cover throughout the life of the dam.

Issued this 26th day of July 2007

Cr E M O'Regan
Chair of Hearings Committee

RESOURCE CONSENT NUMBER: NN980291V1

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

Riwaka Fruit and Viticultural Services Limited

(hereinafter referred to as "the Consent Holder")

Activity authorised by this consent: To take and use groundwater for irrigation and restricted household supply.

Location details:

Address of property:	Flett Road, Harakeke
Legal description:	Lots 1 and 2 DP 19388
Certificate of title:	NL13A/206 and NL13A/207
Valuation numbers:	1928032600 and 1928032900

This change of conditions of consent **NN980291V1** is granted, subject to the following conditions and for an unchanged expiry date of **31 May 2013**:

CONDITIONS

1. **Site and Take Details**

Legal Description of Irrigated Land of Lots 1 and 2 DP19388 Blk VII Motueka SD	Proposed Lots 6 and 7 of the subdivision
Legal Description of household supply: Lots 1 and 2 DP19388 Blk VII Motueka SD	Proposed Lots 1-5 of the subdivision of
Category of Water Source:	Groundwater
Source:	Moutere Eastern Groundwater Zone
Zone and Catchment:	Moutere
Area Irrigated:	25 hectares
Authorised Rates of Take:	
Maximum Instantaneous Take:	23 cubic metres per hour
Average Daily Rate:	557 cubic metres per day
Maximum Weekly Rate:	3900 cubic metres per week
Well Number:	WWD 8011
Point of Take:	Easting:2510033 Northing:6004056
Meter:	Yes

Water Metering

2. The Consent Holder or their agent shall, at their own expense and prior to the exercising of this consent, install and thereafter operate and maintain a water meter to record all water taken pursuant to this consent.
3. The water meter required under Condition 2, shall comply with the Council's Water Meter Specifications as stated in the Tasman Resource Management Plan.
4. The Consent Holder shall record weekly meter readings and shall supply this information each fortnight to the Council between November to April inclusive each year.

Should rationing be implemented, Council reserves the right to require weekly meter returns.

Artesian Flow Restriction

5. Where there is artesian water flow, the Consent Holder shall ensure that the bore is sealed and cannot flow except when the artesian water is being used for an authorised purpose.

Annual Water Allocation

6. The quantity of water abstracted from bore WWD 8011 during any 12 month period 1 October to 30 September, shall not exceed 93,600 cubic metres.
7. The Consent Holder shall keep such other records as may be reasonably required by the Council and shall, if so requested, supply this information to the Council. If it is necessary to install measuring devices to enable satisfactory records to be kept, the Consent Holder shall, at his or her own expense, install, operate and maintain suitable devices.
8. This consent authorises the taking and use of water for household use on proposed Lots 1-5 of the subdivision of Lots 1 and 2 DP19388 Blk VII Motueka SD provided that the total daily use for this purpose by these allotments does not exceed 10 cubic metres and 70 cubic metres per week.
9. The Consent Holder shall pay the reasonable costs associated with the monitoring of this consent including, if and when requested by Council, the full costs associated with water meter calibration to confirm their meter's accuracy is within the range of $\pm 5\%$ provided that meter calibration is not more frequent than five yearly.

Review of Conditions

10. Council may for the duration of this consent, and within three months of the anniversary of its granting each year, review the conditions of the consent pursuant to Section 128 of the Resource Management Act 1991, for any of the purposes stated in that section of the Act, or to:
 - a) deal with any adverse effect on the environment that may arise from the exercise of the consent; or

- b) require compliance with operative rules in the Tasman Resource Management Plan, including rules relating to maximum or minimum levels or flows or rates of use of water, or rationing requirements, or water meters, or soil-based application rates; or
- c) reduce the quantities of water authorised to be taken if the consent is not fully exercised; or
- d) require a financial contribution to be made to offset or otherwise avoid, remedy or mitigate the adverse effects of the exercise of the consent.

11. The application of water to any land shall not exceed the rate of 250 cubic metres per hectare per week.

ADVICE NOTES

- 1. Access by the Council or its officers or agents to the land subject to this consent is reserved pursuant to Section 332 of the Resource Management Act 1991.
- 2. Under Section 36 of the Resource Management Act 1991, the Consent Holder shall pay the reasonable costs associated with the monitoring of this consent.
- 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: 1) comply with all the criteria of a relevant permitted activity rule in the Proposed Tasman Resource Management Plan (PTRMP); 2) be allowed by the Resource Management Act; or 3) be authorised by a separate consent.

Issued this 26th day of July 2007

Cr E M O'Regan
Chair of Hearings Committee

Date Confirmed:

Chair: