



STAFF REPORT

TO: Environment & Planning Subcommittee

FROM: Paul Gibson, Consent Planner

REFERENCE: RM090273 and RM090280

SUBJECT: **MARAHAU ESTATES LIMITED - REPORT REP11-03-01.** - Report prepared for hearing of 8 and 9 March 2011

1. SUMMARY OF PROPOSAL

1.1 Proposal

Marahau Estates Ltd have applied for a suite of resource consent applications to increase the scale of the Old MacDonald's Farm and Holiday Park (the Park) at Harvey Road in Marahau and to subdivide and construct a dwelling on proposed Lots 2-4 (amalgamated).

The applications can be summarised as follows:

RM090273: To construct a dwelling on proposed Lot 4 which will replace a temporary dwelling in a converted farm shed. The existing temporary dwelling will be rendered an accessory building.

RM090280: To authorise the existing activities of Old MacDonald's Farm and Holiday Park beyond the scope of the existing land use consent RM930359. To undertake a tourist accommodation activity (holiday park) accommodating up to 500 persons per night (reflective of the peak season of 22 December - 31 January, but to lower levels for the remainder of the year) in cabins, studio units, tent and powered sites, and one self contained cottage. The tourist accommodation will also have ancillary facilities - an office, a provisions retail shop with an off-licence, a secure car park, staff and management accommodation, a communal kitchen, a common room, laundry, toilet and shower facilities and signage.

RM090272: To subdivide a 32 hectare property into two allotments as follows: Lot 1 having an area of 13.53 hectares containing Old MacDonalds Farm and Holiday Park and contingency area for any future upgrades of an on-site wastewater area for that activity and Lots 2-4 (amalgamated) having a total area of 18.36 hectares containing farmland and temporary accommodation. The 32 hectare land is zoned Rural 1 apart from the small area encompassed in Lot 4 which is zoned Rural 2.

RM090747: To increase the rate of taking of water from Barons Creek, a tributary of Marahau River, from 100 cubic metres per day to 700 cubic metres per day (maximum 2 litres per second) and the use of this water for potable supply to the camping ground. The 1 in 5 year low flow is believed to be 19.7 litres per second. If granted, this consent will replace existing water permit NN000364.

RM090748: To construct two stop-banks on the northern side of the Marahau River alongside those areas of the Holiday Park known as the Bull and Cowmans Paddocks, such stop-banks being generally 1 metre in height and designed for a Q50 flood event.

RM090271: To discharge domestic wastewater and greywater on proposed Lot 1, in conjunction with Old MacDonald's Farm and Holiday Park: 26, 780 litres per day of wastewater, and 21, 270 litres per day of greywater in accordance with the systems design and upgrading recommended in the Cameron Gibson and Wells Report as updated 1 September 2009.

This report assesses the land use applications RM090273 and RM090280. Ms Pauline Webby's report on subdivision application RM090272 is attached as **Appendix 1** of this report. The other applications are assessed in separate reports. Mr Mike Mackiggan's report addresses the land disturbance and discharge to land applications RM090271 and RM090748 and the application to take water (RM090747) is assessed in Mr Neil Tyson's report. Please read this report in conjunction with the aforementioned separate reports which together provide an assessment of all the relevant resource management aspects of the proposal.

Land Use Applications

Land use consent application RM090273 is seeking land use consent to construct a dwelling on proposed Lot 4 of the associated subdivision. The existing temporary dwelling is proposed to be rendered an accessory building.

Application RM090280 is to authorise the existing activities of the Holiday Park beyond the scope of the existing land use consent RM930359.

The applicant seeks to increase the size of the holiday park from the 140 people approved by the existing consent to accommodate up to 500 persons per night (reflective of the peak season of 22 December - 31 January, but to lower levels for the remainder of the year) in cabins, studio units, tent and powered sites, and one self contained cottage. The tourist accommodation will also have ancillary facilities: an office, a retail shop with an off-license, selling limited food and items for campers, a secure car park, staff and management accommodation, communal kitchen, common room, laundry, toilet and shower facilities, and signage.

Accommodation at the camp ground will consist of:

- 50 unpowered sites
- 50 powered sites
- 6 five bed cabins
- 2 four bed cabins
- 12 three bed cabins
- 1 four bed self contained studio unit attached to the manager's dwelling

The applicant advises that there are up to nine staff on a roster, with six working per day. Five staff reside on the site.

Scope of assessment

The land use applications are assessing only the proposed level of development which is in addition to what is already authorised by the existing resource consents RM930359 and RM970469. Consent RM930359 gave permission to operate the camping ground on a more limited scale over part of the area which is currently applied for and a golf course over some or all of the remaining part of the site. Camping activity in the Bull Paddock (shown as Area 7 on the site plan) and the office environs (shown as Area 2) are allowed by the current live consent RM930359. As the nine hole golf course was never given effect to, that component of the current consent has lapsed. If the business was currently operating within the bounds of the current consent, a certain level of amenity, servicing and traffic effects would be generated.

In addition the site has land use consent RM970469 granted on 7 November 1997 to conduct off licence sale of beer and wine to customers staying at the camping ground complex. The effects of a 140 person holiday park with a shop with an off-licence complying with the current consents form part of the character and quality of the local environment which needs to be assessed when deciding on this application.

Various other resource consent applications have been applied for and then withdrawn or not completed over the last 10 years or so.

The following table compares the authorised environment (what is currently allowed by land use consents RM930359 and RM970469) with what is now applied for:

Land use component	Authorised Environment	Proposed	Difference
Maximum total occupancy of camp ground	140 campers	500 campers	360 additional campers during peak season
Number of camp sites in the "Bull Paddock"	20 powered sites and 20 unpowered sites.	20 powered sites and 20 unpowered sites.	No change
Camp sites adjacent to the Park office	1 caravan site; 6 tent sites; 2 back packer huts (maximum of 4 people in each hut)	7 cabins, 10 tent sites, 5 powered sites (Annexure E of the application).	7 cabins instead of 2 huts. 4 additional powered sites in addition to the authorised caravan site. 4 additional tent sites.
Camp sites between the Office area and the Bull Paddock area	-	Assorted new sites.	Assorted additional sites. (Currently camping is not authorised in this area by the 1993 consent).
Golf course	9 holes, unrestricted in area except that	Golf course not part of current proposal.	What was to be the golf course area now

Land use component	Authorised Environment	Proposed	Difference
	condition 2 of RM930359 recommended that the applicant consult with his neighbours Messrs. Seager and Opie regarding the design and layout of the proposed golf course so that they can be assured that their right-of-way access through the golf course will not be compromised.		to largely remain as farm paddocks.
Secure parking compound	Designed to accommodate up to 50 cars. Required large specimen trees suitable for the Marahau coastal environment which will provide shade and reduce the visual impact of the car park. Final design needed to be approved by the District Planner.	Designed to accommodate up to 50 cars	No change
To conduct off licence sales of beer and wine to customers staying at the camping ground complex.	Authorised by land use consent RM970469. Hours of sale restricted to between 11:00am to 9:00pm daily except Sundays.	Consent to remain.	No change
Potential site area taken up with holiday park, associated access, parking and shop/office.	Areas 2 and 7 on the site plan. (there were no limits in relation to the size of the 9 hole golf course in existing consent RM930359 but that component of the consent has lapsed as the golf course has not been given effect to)	Areas 1 to 8 on the site plan.	5 additional areas as shown on the site plan (Area 3 is the kayak base).
The vehicle access to the car park and camping grounds.	Formed to an all weather metalled surface of 5.5 metres (condition 2 - General Conditions of RM930359)	The Urbis Traffic Report states that the access is formed to between 3.5m and 4.5m width. No proposed increase in	It appears that the width of 5.5m required by condition 2 - General Conditions of RM930359 in 1993

Land use component	Authorised Environment	Proposed	Difference
		the application.	for 140 campers was not complied with. The current proposal proposes to maintain the existing width of 3.5m to 4.5m width.
New dwelling on Lot 4.	Land Use consent RM990154 granted in June 1999 authorised a new dwelling in the general location now proposed for the new dwelling on Lot 4. However RM990154 lapsed without the applicant giving effect to the consent so an additional dwelling is not currently authorised.	A new dwelling on proposed Lot 4 of the proposed subdivision.	One additional dwelling on the site, proposed to be subdivided from the camp title.

The existing authorised environment includes the effects of authorised resource consents, in this case RM930359 and RM970469. The applicant has the right to operate within the existing consents provided they comply with all the conditions of consent. This current decision making process cannot reduce the scope of authorised activities except to the extent that the applicant volunteers. In this case the applicant seeks to add the additional campers, camp sites and the new dwelling within the Lot 4 area. Consequently this application and the Council's discretion are for the land use activities summarised in the "differences" column on the table above.

1.2 Background

The Holiday Park

Old MacDonald's Farm was established by Mr Doug MacDonald and his family, in the name of DW MacDonald Family Trust (The Trust), under land use consent RM930359 granted on 20 December 1993.

RM930359 authorises a camping ground on the site, accommodating a maximum of 140 campers per night (condition 1. a) in 20 powered and 20 tent sites in the area known as the Bull Paddock, one caravan site, six tent sites, two backpacker huts adjoining the office, and an existing farm dwelling.

The application states that the Trust also established and operated a takeaway food facility called The Gumdrop Café within the site, servicing primarily existing patrons of the Park. This has since ceased operation and does not form part of this application. It would need a separate resource consent to be reactivated.

The Trust has an additional land use consent RM970469 allowing the off-licence sale of beer and wine to customers staying at the camping ground. These purchases can be made from the office.

In 2003 the owners lodged resource consent application RM030629 to expand the Park, with a licensed cafe, additional backpacker cabins, self-contained accommodation units, an enlarged shop with full off-license, further dwellings for staff accommodation, a mini golf course, discharge consent, water abstraction from Barrons Creek, and rock protection works to Marahau River. The application was to accommodate up to 600 persons per night during the high season and 300 persons for the remainder of the year. RM030629 was withdrawn by the applicant on 28 August 2009.

The application states that increased patronage has resulted in the Park exceeding the limitations of the 1993 consent in terms of visitor numbers and the range and distribution of facilities across the site.

On 3 August 2007 Abatement Notice AN0076 was issued to Messrs D and C MacDonald as the camp contravened section 9 of the Act in relation to the level of activity. Complaints have been received by Council regarding the level of activity on the site.

The applicant has decided to apply for resource consent to authorise the additional campers and facilities that have been operating on the site over and above the scope of the current 1993 consent. The application advises that current maximum nightly occupancy rates are as follows:

Occupancy	Peak and Shoulder Seasons	Low Season
Cabins and camping area near the office (Area 2(b))	80 persons 1 December to 31 March	40 persons 1 April to 30 November
Studio unit (Area 4)	4 persons	4 persons
Camp ground (Area 5)	40 persons 22 December to 7 January dropping to 20-30 persons from 1 December to 31 March	5 persons 1 April to 30 November
Bull Paddock Camp (Area 7)	280 persons 1 December to 31 January	150 persons 15 February to 30 November
Stray Tour Company (Area 8)	100 persons 15 November to 30 April	50 persons 15 May to 31 October
Total Max. Nightly Occupancy	484-504 persons 22 December to 31 January 249 persons 1 May to 30 November 364 persons 1 December to 21 December 364 persons 1 February to 31 March	

1.3. The Site and Surrounds

Site

The site is 36 hectares in area and is located at the end of Harvey Road, Marahau. This is a no-exit sealed rural road, heading up the Marahau Valley from the Department of Conservation shelter at the beginning of the Abel Tasman Track. An aerial photograph of the site is attached as **Appendix 2**.

The property occupies the lower part of the Marahau River Valley and extends part way onto the northern side of the valley. It borders the Marahau River, and its tributary of Barron's Creek. Bush tracks have been developed near the river.

The site is occupied by Old MacDonald's Farm and Holiday Park (the Park). The Park is a family run business, providing for accommodation via camping and cabins for visitors to the Marahau and Abel Tasman National Park area. The Park is mainly limited to the southern side of the property on land between the Marahau River and the right-of-way, or immediately accessible to the right-of-way. The remainder of the property is in pasture, on which llamas are farmed.

The application site contains three permanent dwellings for staff and a temporary dwelling occupied by Mr and Mrs MacDonald. Land use consent RM990154 was granted for construction of a two-bedroom dwelling in 1999, however the consent lapsed before it was given effect to and Mr and Mrs MacDonald currently reside in a temporary dwelling within a shed on an elevated area at the north west corner of the property.

There is an office located to the south of the right-of-way where customers can make bookings, purchase basic food provisions, beer or wine, and access internet or email. A common room is used for groups of back packers through a business called Stray Tours. There are also kitchen, laundry, and shower and ablution facilities on the site.

The site contains 50 unpowered sites, 50 powered sites, 10 permanent cabins, 1 self-contained studio unit, and 11 relocatable hire cabins (not self contained). It also has a secure car park for 50 vehicles.

The application notes that the Park operates on a seasonal basis. Camping, which comprises most of the business's accommodation potential, occurs largely in summer, and predominantly over the Christmas holiday period.

Visitors arranged through Stray Tours are also accommodated on the site. Stray Tours is operated from Auckland, and takes backpacking customers on tour throughout New Zealand. 40-seat coaches transport customers around the country, and their itinerary includes a two-night stay at the Park. The application states that in the high season, there may be up to seven coach arrivals per week, or up to 80 clients per night. This reduces to four to five arrivals either side of the main holiday period. Stray Tours have entered into an agreement for lease of facilities over a six month period. The Applicant has set aside a dedicated area for this, for exclusive use of the tour company during its season. This area contains permanent and relocatable accommodation units, tent sites, a kitchen, laundry, common room, barbecues, showers and toilets.

The site also contains Independent Guides Kayaks, an activity not operated by the Applicant. This kayak tour base operates from a shed near the Park office. According to the application it has 15 double kayaks, and uses the base as an assembly point for tour participants and storage facility for kayaks and equipment. The application states that customers travel by tractor and trailer to the main Marahau wharf and slipway for launching and the business serves primarily camp ground customers. This application does not include the kayaking business. There is no record of the operation having obtained resource consent.

Access

Access through the site is via a long right-of-way over the subject site owned by Marahau Estates Ltd. It is sealed for a short stretch from Harvey Road and thereafter of basecourse formation. The access both bridges and fords Barrons Creek. The main right-of-way serves seven dominant tenements owned by Manuka Farm Ltd (2 titles), A Welte, J and A Hollingworth, BA Smith and K and J Goodman. Two smaller rights-of-way come off the main right-of-way and half way along its length and run approximately north/south. They serve only Sec 117 SO7059 owned by Manuka Farm Limited.

River Boundary

The Marahau River bounds the Park to the south, although in physical terms it passes in and out of the Applicant's property. The main swimming holes are adjacent to the Bull Paddock camping area. The remaining stretches of river bank are generally vegetated and the bank south of Cowman's Cottage (Area 8 on the application plan) has a stopbank. Stop banks are constructed on the river bank (see Condition 1(f) of RM930359).

Land Classification

The site is classified as Class A land on Council's Productive Land Classification system. This is reflected in its predominantly Rural 1 zoning.

The Surrounding Environment

Harvey Road serves a limited number of properties. These are of rural character, but include The Barn Backpackers, an art and craft business, a horse trekking business, and dwellings. Along with Old MacDonald's Farm and Holiday Park, there is a distinctive tourist services activity presence.

Harvey Road

The site is located at the end of Harvey Road. The Road is classed as a Rural Access Place in Council's Road Hierarchy.

1.4 Legal Description and Status of the Application

Legal Description

The application site is legally described as Pt Sec 115 Motueka Survey District, comprised in CT NL12A/618.

Status of application

Zoning:

The majority of the site is zoned Rural 1 under the Tasman Resource Management Plan (the Plan/the TRMP), except for the Lot 4 area of the subdivision on which a new dwelling is proposed which is zoned Rural 2 (**see Appendix 3**).

Areas:

Protected tree T241 Lombardy Poplar Category C; Predominantly Land Disturbance Area 1 with a small portion of Land Disturbance Area 2; a small portion of Coastal Environment Area, Cultural Heritage site N26-031

Holiday Park

The holiday park is classed as a “commercial activity” and as “tourist accommodation” under Chapter 2 of the TRMP. Tourist accommodation is defined as *“the use or land and buildings for short-term commercial or recreational living accommodation, where the length of stay for any one visitor is not greater than three months at any one time...”* and includes *“some centralised services or facilities such as food preparation, dining, sanitary, conference, recreation and bar facilities, and associated parking areas for the use of those living on and visiting the site.”*

In addition, the camp shop sells liquor. Commercial activities, tourist accommodation and the sale of liquor fall to be assessed as discretionary activities under Rule 17.5.2.9 of the TRMP as the following rules are not met:

- Rule 17.5.2.1(b)
- (vi) commercial activity in the Rural 1 zone
 - (vii) tourist accommodation (camp ground sought to increase from 140 campers to 500)
 - (viii) more than one residential activity per site
 - (iv) the sale of liquor (this is already authorised by the 1993 consent)

Existing Dwellings on Proposed Lot 1 (Holiday Park site)

Where there is more than one residential activity per site in the Rural 1 Zone (in this case there are three separate dwellings for accommodation of management and staff), residential activity is a discretionary activity.

New Dwelling on Proposed Lots 2- 4 (amalgamated)

Lot 4 is zoned Rural 2. If the subdivision is approved and the dwelling is not constructed until a certificate of title is issued for Lots 2- 4 (amalgamated) then a single dwelling on the Rural 2 zoned allotment would constitute a permitted activity.

If the subdivision were to be declined or the dwelling was to be constructed prior to a new title being issued for Lots 2- 4 (amalgamated) the new dwelling in the location proposed in the Rural 2 zoned Part Sec 115 Motueka District would be classed as a Discretionary Activity pursuant to Section 87B of the RMA 1991. This is because it would not meet the following TRMP standards:

- Rule 17.6.3.1(c) no more than 1 dwelling on a site (prior to the new title being issued, the new dwelling on Lot 4 would be the fourth dwelling on the whole site)
- Rule 17.6.3.2(a) not a second dwelling on the site (see above)
- Rule 17.6.3.4(a) no more than 2 dwellings on a site (see above)
- Rule 17.6.3.4(b) site containing more than one dwelling has a minimum area of 50 ha (the total site is 36 ha)
- Rule 16.2.2.1(b) an access should be constructed in accordance with the standards in Figure 16.2A. The main right-of-way exceeds the maximum number of 6 users on a right-of way, as it serves 8 sites. One additional site (proposed Lot 4) is proposed to be served by the right-of-way. The access does not meet the 4.5 metre minimum width as it is between 3.5m and 4.5m in width. It does not have two 500 mm wide metal shoulders on either side along the entire length and it exceeds the 200 metres.
- Rule 16.2.2.1(j) and (k) specifies that the vehicle crossing is sealed to the same standard as the road carriageway to at least 10 metres into the site.
- Rule 16.2.2.3(n) the surface of parking spaces in the Rural 1 zone should be sealed and marked out if the number of parking spaces required exceeds four. A total of 133 spaces for the entire development are specified.

Overall the proposal is a **Discretionary Activity**.

2. SUBMISSIONS

2.1 Notification

As the adverse effects on the environment were considered to be more than minor the application was fully notified. Submissions closed on 17 January 2011 and a total of 22 submissions were received, including one late submission. **Appendix 4** contains a map of the location of submitters' properties within the vicinity of the site.

Late Submission

The Council received a submission from Dorothy Ritschny on 18 January 2011. In accordance with Sections 37 and 37A of the Act Mr Phil Doole, Council's Resource Consents Manager, pursuant to the authority delegated to him by the Council, extended the time limit specified in Section 97 of the Act by one working day so that this submission could be accepted.

In making this determination he took into account the interests the applicant and the interests of the community in achieving an adequate assessment of the effects of the proposed activity. He also determined that no unreasonable delay will be caused in the processing of the applications.

Submissions in support number 10 (some requesting conditions), while 6 are in opposition, and 6 are neutral (some requesting conditions).

2.2 Comments on Submissions

The users of the right-of-way traversing the subject site made submissions, as did most of the adjoining and adjacent property owners. Some submissions were received from properties elsewhere in Marahau. These were generally in support of the proposal.

The submissions addressed a range of issues relating to the land use proposals, the stop banks, and the discharge proposal.

The following table summaries the main comments in relation to the land use applications for the additional campers and the new dwelling on Lot 4. Comments relating to the other applications are not addressed here but can be found in the accompanying staff reports.

2.3 Submissions

Name	Address	Support/oppose	Hearing?
J M & A P Hollingworth	182 Harvey Road, Marahau	Neutral	No
Fire Service Commission	Wellington	Neutral - conditions required	Yes
Wakatu Incorporation	14; 165 - 215; 351 Marahau Valley Road	Neutral	Yes
Tiakina te Taiao Ltd	PO Box 1666, Nelson	Support - conditions required	Yes
MAJ Clapshaw	64 Marahau Valley Road	Oppose	Yes
R J Macdonald	Harvey Road, Marahau	Support	Yes
C Arcus	123 Marahau Valley Road	Support	Yes
M J Friis	Otuwhero Valley Road	Support	No
J & D Hughes	36 Marahau Valley Road	Oppose	No
R J Caird	117 Marahau Valley	Neutral- conditions	Yes

Name	Address	Support/oppose	Hearing?
	Road	required	
M Aitken	Marahau Valley Road	Support	No
T H Brownlie	Otuwhero Valley	Support	No
A Boyd and D L Carter	53 Otuwhero Valley	Support	No
W A Mitchell	195 Sandy Bay Road, Marahau	Support	No
S C Eastwood	577 Riwaka-Sandy Bay Road	Support	No
A Welte	351 Harvey Road, Marahau	Oppose	Yes
K S Goodman	74 Marahau Valley Road	Oppose	Yes
B A Smith	217 Harvey Road, Marahau	Neutral - condition required	No
T Horn & I Wagner	27 Harvey Road, Marahau	Oppose	Yes
R Seager and A Opie	74 Harvey Road, Marahau	Oppose	Yes
D G Bloomfield	Marahau Valley Road	Neutral - conditions required	Yes
J D Ritschny	25 Harvey Road, Marahau	Support with condition	No

The submissions specifically relating to land use matters addressing the increase in campers and the new dwelling on Lots 2- 4 (amalgamated) are summarised below:

Submissions in Support

Submitter	Reasons
W A Mitchell C/- K James, 195 Sandy Bay Road, Marahau	<ul style="list-style-type: none"> The Park has had big numbers (of campers) for at least 10 - 12 years with no discernible adverse effects. Best camp ground in New Zealand
S C Eastwood 577 Riwaka-Sandy Bay Road	<ul style="list-style-type: none"> The Park is an iconic kiwi style institution that needs to develop. Future development will have no environmental impact.

Submissions in Opposition

Submitter	Reasons
<p>A Welte 351 Harvey Road, Marahau</p>	<ul style="list-style-type: none"> • Concerned at the impact the increase in number of people using the camping ground will have on his ability to use the existing right-of-way. • Campers tend to be in “relaxed holiday mode” and walk all over the right-of-way without any concerns as to safety. This creates delays for right-of-way users and dangerous situations. • Due to the commercial nature of the Park, actual traffic generation is greater than would normally be the case on a right-of-way. • There are currently 7 right-of-way users and the proposal will increase the users to 8. • The Traffic Consultants comment as to the right-of-way being suitable only refers to the physical carriageway- and does not take appropriate account of the conflicts between differing users. • The right-of-way cannot be made appropriately “safe” for campers as the use of repeating judder bars (or similar) would infringe the contractual rights of the dominant owners as to unimpeded use of the right-of-way. • There is an alternative legal access to my property (and the other properties upstream from the applicant’s site). However the absence of a bridge means that the legal access is ineffective to provide vehicle access to the property. If the applicant (and/or TDC and other potential users) would fund the construction of the necessary bridge and approaches that would provide effective alternative access thereby enabling the rights of way to be extinguished and removing general traffic from the applicant’s camping ground.
<p>T Horn & I Wagner 27 Harvey Road, Marahau</p>	<ul style="list-style-type: none"> • Our property borders Area 2 of the Park on three sides. Currently Area 2 is used by 20 to 40 campers. The wind direction in the evenings is down the valley and we can hear conversations and activities clearly during this time. This is acceptable to us and we appreciate Craig MacDonald’s efforts of curbing noise at night time. However, doubling the number of campers, some of which will be tour groups, and potentially doubling the noise level is of concern to us. We are objecting to the increase in numbers in Area 2.
<p>R Seager and A Opie 74 Harvey Road, Marahau</p>	<ul style="list-style-type: none"> • The proposed subdivision of the property would allow construction of an additional dwelling where there is already a number of permanently occupied dwellings on the existing Rural 1 title.

Neutral Submissions

Submitter	Reasons
NZ Fire Service Commission (the Commission)	<ul style="list-style-type: none"> • The proposed development should take into account the operational requirements of the Commission to adequately provide for firefighting activities in a safe, effective and efficient manner as required by the Fire Service Act 1975. • The activity should recognise the importance of emergency services to the health and safety, and the well-being of occupants of the park. This potential adverse effect can be adequately mitigated by ensuring that the proposed dwelling and the temporary accommodation activity contain provisions to reduce the fire risk. This means ensuring that adequate water supply is provided for firefighting purposes as outlined in the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008 in accordance with Fire Sprinkler Systems for Houses NZS 4517:2010. A condition requiring compliance is sought along with a fire management plan being developed for the camp ground.
Wakatu Incorporation 14; 165 - 215; 351 Marahau Valley Road	<ul style="list-style-type: none"> • Portaloos and relocatable showers would not meet the requirements of the Camping Ground Regulations and the Building Act. • If Portaloos and relocatable showers are accepted, how does Council propose to monitor that sufficient facilities are on site at any one time to meet the demand and that all wastewater from the facilities is being trucked off site. • Conditions should be applied to ensure the effects of the wider roading network are taken into consideration. • Due to Marahau having a significant Maori occupation in the past there is a possibility of discovery of taonga and other artefacts. Wakatu requests that an Iwi monitor be present during any earthworks.
B A Smith 217 Harvey Road, Marahau	<ul style="list-style-type: none"> • Ask for Council's due consideration of traffic concerns as a result of the proposed activity and their effects on other users. • Recommends a condition requiring a pedestrian/push bike "passageway" as far from the main vehicular accessway as possible.

3. STATUTORY CONSIDERATIONS

The assessment is undertaken in accordance with the relevant sections of the Resource Management Act 1991.

Section 104

When considering applications for a change of conditions to a resource consent, and any submissions, the following matters under Section 104(1) of the Resource Management Act must be had regard to, subject to Part 2 of the Act:

- “a) any actual or potential effects on the environment of allowing the activity; and*
- b) (iii) any relevant regional policy statement, and proposed regional policy statement; and*
- b) (iv) any relevant provisions of a plan or the Plan; and*
- c) any other matters the consent authority considers relevant and reasonably necessary to determine the application.”*

Having considered these matters the application may be declined or granted consent, with conditions if necessary (Section 108). The following sections of this report address the relevant matters listed in section 104 of the Act.

The application is a discretionary activity in the Residential Zone. As a discretionary activity the Council must consider the application pursuant to Section 104(B) of the Resource Management Act 1991.

The matters for the Council to address in Section 104(B) are:

- Part 2 (Sections 5, 6, 7 and 8)
- Effects on the environment (positive and negative)
- Objectives and Policies of the TRMP
- Other matters

4. SECTIONS 6, 7 AND 8 OF THE ACT

The following matters are relevant to this application:

Section 6 sets out matters of national importance. Relevant matters are:

- S.6(a) the preservation of the natural character of ... rivers and their margins, and the protection of them from inappropriate use and development;
- S.6(d) the maintenance and enhancement of public access to and along ... rivers;
- S.6(e) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga.

Section 7 sets out the other matters that any person exercising powers and functions must have regard to in relation to managing the use, development and protection of natural and physical resources. Matters that are relevant to this application are as follows:

- S.7(b) the efficient use and development of natural and physical resources;
- S.7(c) the maintenance and enhancement of amenity values;
- S.7(f) maintenance and enhancement of the quality of the environment.

These other matters have direct relevance and in particular those relating to amenity values and the quality of the environment. These are reflected in the policies and objectives in the TRMP and other planning instruments.

Treaty of Waitangi

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).

5. KEY ISSUES

Principal Issues

After taking into account the application, the submissions for and against, observations from inspecting the site, the Act, and the TRMP provisions, the main key issues I consider relevant are:

- Availability and potential for the fragmentation of productive land
- Rural character and amenity
- Traffic effects on the right-of-way users and on the roading network
- Development in Marahau
- Cultural Heritage
- Hazard risk (flooding and fire)
- Other matters

Permitted Baseline

Council may choose to take into account the permitted baseline. The only accommodation permitted as of right in the Rural 1 Zone is a home occupation which is restricted to six visitors at any time. A home occupation is not a permitted activity if it has access from a right-of-way as the subject site does.

In the Rural 1 zone the first and subsequent dwellings require resource consent.

Proposed Lots 2- 4 (amalgamated) is in the Rural 2 zone where one dwelling is a permitted activity provided it complies with all building construction and transport standards.

Effects from the Existing Consent

The activities covered by the existing consents are already authorised. As discussed earlier the site has resource consents to accommodate up to 140 guests per night in Areas 2 (behind the office) and 7 (the Bull Paddock) and a consent to sell liquor to patrons of the holiday park.

Put another way, effects already authorised by current consents cannot be considered in this assessment as they are already allowed. In this application we are assessing the effects of the additional activities, over and above what is already approved by the 1993 consent.

The fact that the camp ground has been operating outside of what was allowed by the 1993 consent does not advantage the applicant in any way in the assessment now being undertaken. The non-compliance with the conditions of consent is a compliance matter. Any activities that are operating illegally beyond the scope of the authorised consent will either need to be ceased as enforced by the Council's compliance team, or gain authorisation through further consent (i.e. what the applicant is seeking through this process).

The 1993 consent provided for a certain level of commercial or tourist accommodation on the site, while preserving some of the productive land based activities. The initial consent granting the 140 person Holiday Park modified the character and rural amenity of the site.

Written Approvals

Section 104(3)(b) specifies that a consent authority must not have regard to any effect on a person who has given written approval to the application. The following written approvals have been provided by the applicant:

- On 16 April 2009 Kelvin Goodman of Marahau Valley Road gave his written approval to four of the six applications (the land use applications to construct a dwelling on Lot 4 and to increase the scale of the camp ground, the discharge of domestic wastewater, and the subdivision). However he subsequently made a submission in opposition to the stop bank application.

5.1 Key Issue 1 - Potential for the fragmentation of productive land

Cumulative Effects of Land Fragmentation on Productive Opportunities

Tasman District's land resource is largely rural. Rural character, amenity values, and the productive use of rural land underpin the social, economic and cultural well-being of the people of the District.

The fragmentation of rural land is the progressive breaking up of land parcels through subdivision in association with subsequent land use activities such as buildings, other structures and roads. Land fragmentation may occur for a variety of reasons. While fragmentation may allow for more intensive use of rural land for soil-based and other rural activities, with resulting social and economic benefits, the principal effect of land fragmentation in the Tasman District has been the cumulative reduction in opportunities for the productive potential of land to be taken up, either within sites or over larger areas.

As new structures or services are established, the range of soil-based production activities that can be physically or economically undertaken progressively reduces in scope. The reduction in productive potential of any land, together with the physical coverage of productive land, may reinforce the demand for further fragmentation. This effect is particularly significant for the relatively small amount of land in the District with high productive value (approximately five percent). This land is a finite resource and its loss through fragmentation is effectively irreversible.

Commercial activities, tourist activities and dwellings in rural areas remove land from soil-based production.

Rural Environment

Objective 7.1.2 Avoid the loss of potential for all land of existing potential productive value to meet the needs of future generations particularly land of high productive value.

Policy 7.1.3.2 To avoid remedy or mitigate the effects of activities which reduce the area of land available for soil based production purposes in rural areas.

Policy 7.1.3.3 To avoid remedy or mitigate adverse actual, potential and cumulative effects on rural land resource.

Comments

Council has acknowledged the pressures and diverse usages of rural land. The site is classified as Class A land on Council's Productive land Classification and the bulk of the site carries a Rural 1 zoning. The current live consent RM930359 considered the effects on the productivity and versatility of the land and gave consent for a 140 person camp ground. It now falls to assess the degree of effects on productive land in increasing the size of the camp to 500 persons.

As can be seen on the application Plan appended in Section 8 of this report the increased camping numbers are provided for through the intensification of the already approved sites behind the office and in the Bull Paddock, and in the conversion of what was previously permitted bed and breakfast accommodation into a self-contained studio unit.

Where camping or accommodation areas has extended to new locations on Areas 5 and 8, these are both limited in area and are generally isolated from the balance of the farm by the right-of-way. A small proportion of the overall site will be taken out of current land based productive use. The effects of this increase is considered minor.

As the camp activity requires only small buildings many of which are relatively relocatable, it is considered that there is potential in the future for the site to convert back to land based production if sought by the land owner. If the Committee grant the application a condition is recommended that the Holiday Park does not expand any further on the site.

Overall, the proposal will have a minor effect on productive land values.

5.2 Key Issue 2 - Rural character and amenity

Relevant objectives and policies from the TRMP are considered as follows:

Chapter 5: Site Amenity Effects

The following extracts from the introduction, principal reasons and explanations for Chapter 5 are considered relevant:

"Land use frequently has effects which cross property boundaries. Those effects may add to or detract from the use and enjoyment of neighbouring properties.

They may also affect natural resource values, such as air and water quality, or common goods such as views or local character.

The health and safety of people, communities and property is a significant part of site amenity, both within the site and between sites. Contaminants, including noise, and fire, hazardous substances and natural hazards, are factors in maintaining or enhancing amenity values.

Adverse cross-boundary effects are commonly noise, dust, vibration, odour, contamination, shading and electrical interference. Amenity values such as privacy, outlook, views, landscape, character and spaciousness may also be affected.

Effects of Activities

Objective 5.1.2 Avoidance, remedying or mitigation of adverse effects from the use of land and enjoyment of other land on the qualities of the natural and physical resources.

Policy 5.1.3.9 To avoid, remedy or mitigate effects (such as noise, vibration, dust, and vehicles) beyond the boundaries of the site.

Section 7 of the Act provides for the following "Other Matters" to have particular regard to:

- The efficient use and development of natural and physical resources;
- The maintenance and enhancement of amenity values;
- Maintenance and enhancement of the quality of the environment;

"Amenity Values" means those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes. "Environment" means the social, economic, aesthetic, and cultural conditions which affect or which are affected by, amongst other things, ecosystems and their constituent parts, including people and communities, amenity values and all natural and physical resources.

The extent to which the proposal represents efficient use and development of natural and physical resources will depend on the extent to which adverse effects arising from the proposal can be avoided, remedied or mitigated having regard to the general direction afforded by the Tasman Resource Management Plan.

Comments

The above objectives and policies confirm the need to protect amenity values. In this case, rural character and amenity values need to be safeguarded from adverse environmental effects resulting from the activity.

The relevant TRMP objectives and policies allow the activities proposed:- commercial activity, tourist accommodation, the sale of liquor, and residential activities to be assessed on their merits within the Rural 1 zone. If the adverse environmental

effects of amenity, noise, dust, odour, visual effects, and traffic can be appropriately mitigated then the activities will not be contrary to the objectives and policies.

Rural Character and Amenity Comments

Some activities included in this application, such as the secure car parking compound and signage, are granted by land use consent RM930359, however these items have been included in this new application so that if consent is granted a single land use consent would restrict all land use activities on the site. A comprehensive resource consent it is considered preferable as it is generally easier to monitor and provides more certainty than a number of consents addressing different aspects of the land use on the site. If land use consent is granted to this application the new consent will replace RM930359.

Scale of the Activity

The extension of the camping ground now under consideration (beyond the 140 persons already authorised) has generally occurred on the part of the site between the Bull Paddock camping area (Area 7 on the site plan) and the office area (Area 2 on the site plan). This has intensified the activity between the two approved nodes, linking them together. The effect has been to 'fill in' the space between the two areas rather than spread further out on the site.

The camping ground is extensively planted which provides a level of amenity for visitors. A planting plan has been provided with the application which proposes further planting on the site. If consent is granted a condition is recommended requiring the planting plan to be complied with.

The site is developed in the style of a farm park. The application states that the *"applicants wish to maintain the low impact and relaxed atmosphere to the Park, a quality that is in keeping with the tourism style of Marahau."* The site is extensively planted in a range of different species. Riparian and wetland plantings have been established. Trees are planted along the right-of-way to form an "avenue like" access through the Park. There is an area of bush with a walkway through it at the western end of the property. The features of the site are to be retained and further enhanced through an ongoing planting and maintenance programme.

The low visual impact nature of the Park is a result of its focus on camping rather than higher end accommodation. Although the site is large, the density of occupation is low with the Park being divided into discrete "areas" and hidden by planting within the Park and on or about its boundary.

The buildings on the site generally have a low profile, finished in predominantly natural materials with low reflectivity and recessive exterior finishes allow them to blend into their rural setting. The planting on the site creates distinct 'areas' which are private and reduce the visual impact of the activity. Given the layout of the Park, its reasonably discrete location, the small scale of the buildings and the extensive existing and proposed planting I consider that the visual character and amenity values of the Park on the environment will be no more than minor.

Accommodation is provided for management and staff within the property in three dwellings which are proposed to be retained. Given the physical scale of the Park

and the number of visitors proposed during peak season, some level of on site accommodation for management and staff is considered reasonable in order to provide effective on-site management, servicing and security for visitors and the camp itself. The application states that “all three dwellings are ancillary to the holiday park as the principal use of the property”. If consent is granted, a condition requiring the dwellings to be only for the use of people who work at the Park and their immediate family would ensure the dwellings are not used for general rental purposes.

Rural Character, Landscaping and Visual Amenity

Most of the existing buildings are located and/or landscaped to fit in to the rural setting and most residential situations cannot see any other on-site residential situation. Due to the topography and location of the site the development on the property is visible from a small area on other properties in the immediate vicinity. The applicant proposes further tree planting be carried out along the northern boundary of the property to form a denser screen than currently exists.

Noise and Disturbance

The congregation of people, and in particular, large numbers of people, sometimes brings issues of noise and behaviour of patrons. T Horn & I Wagner of 27 Harvey Road, have made a submission stating concerns about the noise from the proposed increase in campers. Their property borders Area 2 of the Park on three sides. They note that the wind direction in the evenings is down the valley and they can hear conversations and activities clearly during this time. They state that that is acceptable and they appreciate Craig MacDonald’s efforts of curbing noise at night time. However, doubling the number of campers in the area adjacent to their property and potentially doubling the noise level is of concern. They object to the increase in numbers in Area 2.

Mr Pete Harcom, Council’s Environmental Health Officer advises that in general terms, the legal obligations on the occupiers of Old MacDonald’s Farm camping ground is to comply with the RMA 1991 and the TRMP noise rules. Mr Harcom’s comments are attached in **Appendix 7**.

The obligation is on Old MacDonald’s Farm to control noise levels from the activities on the site at all times. This will be to comply specifically with RMA Section 16 and section 326 and the TRMP rules relating to Rural 1 zone.

Mr Harcom advises that The Park owners will need to ensure they are applying the ‘Best Practicable Option’ as imposed by section 16 of the RMA. This is the duty to avoid ‘Unreasonable Noise’ and says that *“every occupier of land and every person carrying out an activity on land..... shall adopt the best practicable option to ensure that the emission of noise from that landdoes not exceed a reasonable level.”*

The occupiers of the nearby residences can reasonably expect that the noise provisions of the RMA and the TRMP will be applied.

A key factor in ensuring the appropriate behaviour of campers is effective management (pers. comm. Pete Harcom, Tasman District Council Environment

Health Officer). The application states that *“the Park is a popular family holiday venue and it is in the interests of the operators to ensure that unacceptable behaviour and noise is prevented. Late night parties and playing of loud music are not tolerated within camp rules, and if they occur every effort is taken to close them down as soon as possible. Controls that will maintain an enjoyable camp environment will also safeguard the amenities of neighbours.”* It is recommended that a copy of the Park rules be provided to Council and all patrons are given a copy upon their arrival.

The applicants consider that the key to effective camp management is the presence of permanent staff living at the Park at all times. Hence the legitimisation of staff accommodation on the site as sought through this application.

In addition, the applications do not seek dispensation from the TRMP noise standards in the Rural 2 zone so all activity will need to comply at all times with the TRMP noise standards.

The Applicant volunteers to provide to Council a log of customer numbers. This is considered to be appropriate if requested by Council staff.

Dwellings on the Holiday Park Site

There are three dwellings proposed for accommodation of Park staff:

- the Manager’s dwelling adjacent to the camp office in Area 4;
- a one-bedroom cottage in Area 5;
- and Cowman’s cottage within Area 8.

Providing accommodation for workers on-site is considered to have some benefits in relation to a potential reduction of traffic movements, where staff do not need to commute to their place of work, ease of onsite management and maintenance of the Park. The applicant’s volunteered condition that if any of the cottages are not used in conjunction with the Park they either be removed or rendered uninhabitable is considered appropriate.

Dwelling on Lot 4

If the subdivision consent is granted, Doug and Lynn MacDonald could replace their temporary accommodation on Lots 2-4 (amalgamated) with a new residence as of right, as a single dwelling in the Rural 2 zone constitutes a permitted activity provided it complies with the applicable building construction standards. The application states that they manage the farm and livestock which are independent of the holiday park.

The applicant’s contend that the three existing dwellings within the Park are required to accommodate its staff and management, so this new dwelling is justified.

The dwelling is to be located within the Lot 4 area of Lots 2-4 (amalgamated) and adjoining the existing shed which is used as a dwelling. The proposed building site is elevated at the back north western corner of the site and is already extensively planted. In addition, it is well separated from neighbouring residences.

No design plans have been provided with the application however the application states that the dwelling will comply in all respects with the building construction and servicing standards of the Rural 2 zone.

While building height and other constraints are specified, the Rural 2 zone does not specify a maximum floor area for dwellings. In the absence of building plans it is difficult to assess the visual effect of a dwelling without an indication of its extent. Consequently a condition is recommended if consent is granted that the dwelling be no larger than 200 m² in gross floor area. This is considered to be an appropriate bulk given the size of the dwellings in the general vicinity.

Land for Commercial Activities

Objective 6.6.2.1 Effective accommodation of a wide range of commercial activities on appropriately located sites...

Policy 6.6.3.1 To retain a compact identifiable grouping of business activities in defined areas in settlements, with due regard to the convenience and safety of customers.

Policy 6.6.3.3 To ensure that the intensity and scale of tourist development in rural areas does not adversely affect the character, amenities and image of surrounding rural resources.

Policy 6.6.3.4 To provide opportunity for tourist activities to be grouped, and their effects contained, in key tourist areas.

Comments

The siting of the camp site close to the Department of Conservation entrance to the national Park provides the opportunity for tourists to easily access the Park. Due to their sprawling nature and space requirements camping grounds are best situated on the outskirts of towns.

Harvey Road and the adjacent area contain an identifiable grouping of tourist related business activities in a defined area including accommodation, café and service industries. This will provide convenience to visitors as they will be able to camp, shop, dine at the cafe, and tramp all in the same area.

5.3 Key Issue 3 - Traffic Effects

Relevant objectives and policies from the TRMP:

Effects of Activities on Amenity Values

Objective 5.2.2 Maintenance and enhancement of amenity values on-site and within communities, throughout the District.

Policy 5.2.3.8 To avoid, remedy or mitigate the adverse effects of traffic on the amenity of residential, commercial and rural areas.

Effects of Activities on Transport Safety and Efficiency

Policies in this section are not only about providing a safe driving environment, but also about ensuring safety for people in the environment through which vehicles are driven. Amenity in that environment is also a relevant issue.

Safe and Efficiency

Objective 11.1.2 A safe and efficient transport system, where any adverse effects of the use or development of land on the transport system are avoided, remedied or mitigated.

Policy 11.1.3.2 To ensure that land uses generating significant traffic volume: are located so that the traffic has access to classes of roads that are able to receive the increase in traffic volume without reducing safety or efficiency; and are designed so that traffic access and egress points avoid or mitigate adverse effects on the safety and efficiency of the road network.

Amenity

Policy 11.1.3.4 To avoid, remedy or mitigate adverse effects of traffic on amenity values.

Parking

Policy 11.1.3.7 To ensure that adequate and efficient parking and loading spaces are provided, either on individual sites or collectively, to avoid or mitigate adverse effects on the safety and efficiency of the road network.

The following extracts from the principal reasons and explanations for Chapter 11 are considered relevant:

“Adequate on-site parking is required for activities to prevent the spread of on-street parking, which can interfere with the safe operation of the transport network and property access to the network”.

Comments

The above objectives and policies identify the need to avoid conflicts with traffic, having particular regard to issues of traffic safety and efficiency, including the effects of existing roading, provision of adequate parking and amenity values.

A key consideration is whether the current access situation with the proposed 500 person camping ground served by a right-of-way to seven other properties meets the TRMP policy to ensure that a safe and efficient access is provided to avoid or mitigate adverse effects on the safety and efficiency of users.

Traffic Generation

The application states that *“Most clients to the Park arrive by private car or camper van. The only commercial buses frequenting the site are operated by Stray Tours, with up to seven coaches delivering tourists to the site in the height of the season. Some (but only a few) patrons arrive by bicycle or foot.” ...“There is no accurate*

traffic data for the Park, however the camp manager estimates that at peak times in the past few years, since closure of Gumdrops cafe and with up to 50 cars in the storage compound, there have been up to 200 motor vehicles on site at any time. Once set up in the camp, and using local facilities at Marahau and in the National Park, few patrons use their vehicles more than once a day."

The main increase in traffic generation will arise over the busy summer season, for a period of 5 to 6 weeks, when general tourist traffic throughout Marahau also peaks.

Council's Transportation Manager, Mr Gary Clark has considered the application and the Traffic Impact Report undertaken by traffic engineers Urbis. Mr Clark's report is appended (**Appendix 6**).

Mr Clark considers that the Traffic Generation Estimate Table on Page 5 of their report attached to the application provides an appropriate estimate of traffic generation for the camp ground, with the exception of two matters. In the table, the box on 40 guests permanently departing at an average of three people per vehicle should read 13 movements rather than three movements. Therefore the total is 170 trips per day (not 160 as per the Urbis table). In addition, day visitors visiting campers should also be included in the traffic movements. It is considered that 30 movements per day would be an appropriate number bringing the estimated peak daily movements to approximately 200. It is relevant to note that this is the estimated peak for with the remainder of the year being significantly less.

Harvey Road and the Surrounding Network

Harvey Road is a sealed cul-de-sac. Old MacDonald's Farm and Holiday Park is accessed off the end of that. Harvey Road already serves a number of other tourist or accommodation businesses.

The site has good visibility and is well signposted at the property entrance. Harvey Road links with Marahau Sandy Bay Road near the Park Cafe, and there is a pedestrian walkway linkage through to the main settlement.

The portion of Harvey Road from the bend to the closed end of the road is unmarked and has a sealed carriageway width of approximately 4.6 metres. The road ends in a cul-de-sac with entrances to properties, including the subject site at the end of the road.

Mr Clark considers that Harvey Road needs to be widened to a minimum of 5.5 metre carriageway with a 0.6 metre unsealed shoulder on either side. This is necessary in order to provide a safe traffic environment for the increased users of the road. Such a carriageway width would allow vehicles to pass while remaining on the sealed carriageway. The current 4.6 metre sealed width requires some vehicles to move off the seal onto the gravel shoulder which can result in loss of control of the vehicle with reduced traction on the gravel. In the Engineering Department's experience reduced width also leads to maintenance issues relating to edge break along the sealed edge.

The location of the pole on Harvey Road has been considered by Mr Clark. He considers that it needs to be moved to away from the edge of the widened sealed carriageway. The clear separation distance should be a minimum of three metres.

Mr Clark has assessed the overall effect of the additional traffic on the Marahau roading network. He concludes that the network has the capacity to absorb the proposed traffic provided his recommended conditions are attached to the consents. He asserts that the nature and level of traffic effects on Harvey Road and the Marahau network will be less than minor. This assessment takes into account possible future demand from an uptake of the tourist services zoning at Marahau.

Right-of-Way

The proposal does not meet the following TRMP access rules:

Access Rules

Rule 16.2.2.1(b) of the TRMP specifies that an access should be constructed in accordance with the standards in Figure 16.2A. The right-of-way A does not meet the maximum number of 6 users on a right-of-way, as it is proposed to serve 8 sites. One additional site (proposed Lot 4) is proposed to be served by the right-of-way. In many parts the access does not meet the 4.5 metre minimum width. The Urbis Traffic Report included with the application states it is between 3.5m and 4.5m in width. It does not have two 500 mm wide metal shoulders on either side along the entire length. It extends for more than 200 metres.

Vehicle Crossing Rules

Rule 16.2.2.1(j) and (k) of the TRMP specifies that the vehicle crossing is sealed to the same standard as the road carriageway to at least 10 metres into the site.

Relevant TRMP matters of restricted discretion include from 16.2.2.6 include:

- 1 *The location and design of on-site access and vehicle crossings, including dimensions, gradient and surface standard.*
- 3 *The adverse effects of an overlength access.*
- 4 *The adverse effects of an access for more than 6 users.*
- 17 *The effects of traffic to, from, and within the site on the safety and amenity for occupants or users of the site and adjoining properties.*

The application states that *“the applicants own and maintain vehicular access, and regulate traffic speed, through the Park. Vehicles are limited to walking speed, for purposes both of pedestrian safety and dust suppression. The existing right-of-way is of a suitable standard, and with adequate crossing of Barrens Creek, to safely and efficiently cater for all traffic generated by the Park.”*

A map showing the users of the rights-of-way bisecting the subject site is attached in **Appendix 5**.

Mr Clark advises that any lengths of the right-of-way within 200 metres of a dwelling off the site should be sealed for 200 metres beyond the section of right-of-way within 200 metres of a dwelling. This will mitigate the effect of dust on adjacent properties.

As discussed earlier expected traffic generation at the peak times of the year is about 200 movements per day plus 10 vehicle movements from the new dwelling on proposed Lot 4. These camp users and the occupants of the dwelling will be using the main right-of-way. The other seven users are expected by Mr Clark to contribute around 30 to 50 vehicle movements on the right-of-way each day. Mr Clark calculates that the increase in the scale of the camp ground and the additional title proposed by this development will create most of the wear and tear on the right-of-way. Consequently the cost of the required upgrades that are needed in order to adequately cater for the additional traffic should be borne by the applicant.

Some users of the right-of-way have raised concerns regarding the traffic safety and the effectiveness of their travel along the right-of-way given at peak times there will be a number of users of the right-of-way at the camp in "holiday mode" walking on the access. In this case the number of users on the main right-of-way will be eight upon completion of the development. This is two more than the maximum of six users specified in the TRMP. Mr Clark explains that in relation to traffic effects, six users is an arbitrary number of users. The key point is whether the right-of-way is designed for the safe and efficient passage of the number of users and nature of traffic.

If this consent is granted the traffic using the right-of-way will increase above what is already consented to. Along much of the length of the main right-of-way there is physical space to provide a separate walking and cycling track of 1.5 metres in width for campers to use. The compacted base course track should be separated from the right-of-way by 1.2 metre high bollards and a chain or similar fencing with four unfenced access points along its length for campers to cross the right-of-way into the northern side of the camp. In several locations the track should be signposted for walking and cycling only. At the four unfenced access points signs should be posted to advise campers to beware as they cross the right-of-way as it has through traffic.

Alternatively the right-of-way could be relocated to the north to the boundary of proposed Lots 1 (the Park) and 2 (the farm). This would relocate all through traffic outside of the Park. However this process would involve obtaining the approvals of all dominant tenements of the right-of-way. Therefore it could not be imposed as a condition as it involved third parties however the applicant may be able to obtain the approval of all parties.

Mr Clark recommends that in order to provide a safe approach for vehicles on the right-of-way, the corners need to be widened to a minimum carriageway width of 7.0 metres 15 metres either side of the centre of the curve. For the number of users and the nature of the traffic the remainder of the right-of-way should have a minimum of 4.5 metres. In addition, the first 20 metres of the access should be sealed to the same standard as Harvey Road. There are currently some potholes adjacent to the Harvey Road access so some upgrading will be needed.

Other possible access to the sites served by the ROW

Mr Andreas Welte, a user of the right-of-way, has made a submission. He states that *"there is an alternative legal access to my property (and other properties upstream from the applicant's land). The absence of a bridge however means that such legal access is at present ineffective to provide vehicular access to my property. If the Applicant (an/or Tasman District Council and other potential users) would fund*

the construction of the necessary bridges and approaches, then that would provide effective alternative access, thereby enabling the rights of way to be extinguished and removing general traffic wholly from the Applicant's camping ground."

It is important to note that the scope of this assessment is limited to the application at hand and the applicable matters under the Resource Management Act 1991. The Committee needs to consider the traffic effects of the proposal including the effects on the right-of-way users and the users of the holiday park. Alternative access options which relate to proposals off the site can be negotiated between landowners at any time. While I support cooperation between landowners it is important to keep the terms of reference of this RMA assessment clear. For background information for the Committee, Council's Transportation Manager, Mr Clark has considered the option above and advises that the Council should not contribute to the formation of the unformed legal road and bridge as it is not considered to be cost effective or necessary in this instance.

Parking

The TRMP specifies parking ratios for various land use activities. The camp shop and liquor retail is classed as a "retail activity". The TRMP specifies on-site car parking spaces for retail activities based on the Gross Floor Area (GFA). According to the TRMP a retail activity requires one car parking space per 35 square metres of GFA. So a single on-site car park is required for the shop. Also non-residential activities require one loading space on the site.

The camping ground is assessed as "visitor accommodation" under Figure 16.2C of the TRMP specifying on-site parking requirements. It specifies 1 space per unit plus 1 space per 2 employees.

The applicant advises that a total of 100 camp sites and 21 cabins are available. At one space per site this equates to 121 parking spaces. A maximum of 5 staff will be working at one time requiring 3 parking spaces. Two of the total car parks should be accessible car parks for people with disabilities. It is recommended that this should be required as a condition if consent is given.

A further two parking spaces are specified under the TRMP for each of the three dwellings on the holiday park site, making six spaces for the dwellings on the Park.

The TRMP specifies a total for all activities on the holiday park site of 131 car parks (two of them being accessible spaces) and one loading space. The new dwelling on Lots 2-4 (amalgamated) would require 2 parking spaces under the TRMP, making a total of 133 spaces for the entire development.

Mr Clark has considered the parking quantum needed for the holiday park and considers that the TRMP standards should be met, with the exception of the parking required for the camp shop. He advises that no parking is required for the retail aspect of this proposal as this is unlikely to generate an additional parking demand as the shop is not a destination in itself attracting patrons by motor vehicle. Rather its customers will be campers who walk to the shop from within the camp itself. Mr Clark concludes that 130 spaces are appropriate for the Holiday Park and two spaces for the new dwelling on Lot 4. He considers that this will be an appropriate amount of parking provision to mitigate traffic effects.

Rule 16.2.2.3(n) of the TRMP specifies that the surface of any parking area for any permitted activity in the Rural 1 zone should be sealed and marked out if the number of parking spaces required exceeds four.

Mr Clark considers that the spaces in the 50 car park compound which is currently grassed and should be formed in compacted basecourse in order to avoid tracking of mud onto the right-of-way and road carriageway during wet weather.

The one parking space per camp site and per cabin can remain in grass. The acceptable practice in the majority of New Zealand camping grounds is to provide a grassed parking space as part of, or adjacent to, the camp site. Mr Clark considers that this will work on the site.

Mr Clark concludes his assessment on parking by saying *"I do not consider the ability for the proposal to provide parking to be an issue because of the size of the site and the typical operation of camping grounds."*

The parking provision will ensure that the appropriate policies are met to ensure that adequate and efficient parking and a loading space is provided to avoid or mitigate adverse effects on the safety and efficiency of the road network.

5.4 Key Issue 4 - Development in Marahau

Marahau Settlement

Issue 6.13.1 The extent, type and location of additional development at Marahau - consolidation at Marahau township or scattered development near the national park boundary.

Policy 6.13.3.1 To provide additional land at Marahau for residential and business development, consolidating between the existing arms of development, and for recreational and tourist development at the beachfront, in keeping with the special rural and coastal character of the area.

Policy 6.13.3.13 To avoid, remedy or mitigate the adverse effects of tourist activities and of the scale of tourist development at ... Marahau...

Although the Park is not located within the Tourist Services zone at Marahau, it is located adjacent to the western block of Tourist Services zone in Marahau. The Park is also reasonably well located in relation to the village of Marahau. It is linked by sealed road to Marahau and sits within walking distance of the beach and the entrance to the Abel Tasman National Park.

The site already has consent for use as a 140 person camp ground. This use is established. This distinction makes the site different to most others in the area. The increase in the numbers of campers relates to internal development of the site between existing camping nodes on site (the Bull Paddock and the Office area).

The Park adds to the options available for tourist accommodation that are on offer around Marahau. Visitors to the Park frequent other tourism and service industries in the area, boosting the local economy. It provides employment for staff, especially over the summer months.

The location of the camp ground being removed from the Marahau urban area can have positive effects in terms of separation between residences and camping/holidaying activities while still being close enough for campers to patronise the businesses including restaurants in the township. The Park itself is a base for visitors to experience the beauty of the Abel Tasman National Park and the local foreshore.

While it is zoned Rural 1 under the TRMP, the environment around Harvey Road has a distinctly tourist service presence which coexists along with the farming activities in the area. There is another camping ground adjacent to the subject site (The Barn), a number of low impact tourist ventures and a cafe and gallery in the area. These commercial and tourism activities, in addition to the residences and farming activities, affect the open space characteristics, traffic generation occurring and general amenity in the area. Due to the topography of the property, plantings and the location of the site the Park is not visible from the coastal marine area or the Abel Tasman Track.

These factors of the property and the proposal combined make the Park use appropriate in the wider context of the Marahau settlement.

5.5 Key Issue 5 - Hazard Risk (Flooding and Fire)

Flood Hazard

Flood hazard is assessed in Mr Mackiggan's separate report on application RM090748 to construct two stop banks. A condition of consent is recommended on the land use consent requiring the Consent Holder to provide an advance warning and emergency response system.

Fire Hazard

In achieving the sustainable management of natural and physical resources under the Act, Council should have regard to the health and safety of the occupants of the new dwelling and the campers and patrons of the holiday park. Furthermore, there is a duty to avoid, remedy or mitigate actual and potential adverse effects on the environment.

The NZ Fire Service Commission has submitted on the application. They consider that risk of fire represents a potential adverse effect of low probability but high potential impact. The Commission has a responsibility under the Fire Service Act 1975 to provide for fire-fighting activities in a safe, effective and efficient manner. As such, the Commission monitors resource consents to ensure that, where necessary, appropriate consideration is given to fire safety.

In this case, the Commission believes that the health and safety of people and communities and the adverse effects on the environment in terms of fire risk must be adequately considered by the applicant. The Commission advises that should the application be granted, the Commission's operating efficiency may be compromised.

The Commission notes that the application states (on page 3 of the water supply report forming part of the application) that a reserve water supply is proposed for fire fighting but does not specify any details about this firefighting supply from Barron's Creek.

The Commission considers that for the potential fire risk to be adequately mitigated firefighting water supply should comply with the New Zealand Standard for the provision of firefighting water supply, known as the NZ Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008 ("the Code"). The Code provides methods of compliance in areas where reticulated water supply is unavailable or inadequate.

Holiday Park

In relation to the Holiday Park activity, the Commission considers that the potential fire risk should be mitigated through the development of a Fire Risk Management Plan for the site. This plan would be in general accordance with the Code, but would recognise the temporary nature of the activity. They recommend that the applicant develop this plan in consultation with the NZFS and that it be subject to the approval of the NZFS Fire Risk Management Officer.

New Dwelling

The Commission consider that the new dwelling on Proposed Lot 4 should comply with the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008. The main methods to achieve compliance with the Code are as follows:

Sprinkler System

The Commission considers that the most effective method to comply with the Code is the installation of a domestic sprinkler system in accordance with Fire Sprinkler Systems for Houses NZS 4517:2010. Domestic sprinklers provide a highly effective means of early fire suppression which minimises property damage and the effects to the environment. Domestic sprinklers quickly apply water directly to the source of the fire and are the most reliable method to control a fire. The Code recommends that a standard dwelling with an installed domestic sprinkler system requires a minimum dedicated water supply of 7,000 litres.

Water storage tank

Another means of complying with the Code is the installation of a dedicated fire fighting water supply to be used by the Fire Service in the event of an emergency. The Code requires that a dwelling without a domestic sprinkler system has a minimum of 45,000 litres of water storage within 90 metres of the dwelling. Other associated requirements include a 100mm round tread female coupling on the tank

and a hard-stand surface within six metres of the coupling for fire appliances to park on.

Water Sources

There are also other water sources that can achieve compliance with the Code. Such alternative sources can be water from year-round sources such as dams, swimming pools, stream water, and seawater. The water needs to be available for use by the Fire Service.

The Commission recommends that should consent be granted a condition be imposed on the holiday park consent requiring the consent holder to prepare, in consultation with the NZFS, a fire risk management plan for the site with the plan approved by the NZFS Fire Risk Management Officer.

In relation to the land use consent for the new dwelling they recommend a condition requiring sufficient water supply for firefighting purposes be provided accordance with the NZ Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008 and an advice note advising that the Commission considers the optimal means of compliance with the Code is a domestic sprinkler system in the new dwelling in accordance with Fire Sprinkler Systems for Houses NZS 4517:2010. These are considered appropriate in order to mitigate fire risk.

5.6 Key Issue 6 - Cultural Heritage

For sites of significance to Māori, the Act requires that particular attention be paid to the relationship of Māori and their culture and traditions with their ancestral lands, water, sites wāhi tapu, and other taonga. Also relevant is the obligation under section 8 of the Act to take into account the principles of the Treaty of Waitangi.

Archaeological sites are particularly sensitive to damage from activity that modifies the existing ground level or subsoil. Activities such as building development, land clearance, excavation, levelling or the formation of roads and tracks may irreversibly damage or destroy archaeological sites.

Historic heritage sites include archaeological sites, and sites of significance to the cultural values of manawhenua iwi, including wāhi tapu and wāhi tapu areas. Development activity, such as buildings or land disturbance on or near cultural heritage sites or within areas that are known to be highly likely to contain such sites, can result in the modification, damage or destruction of sites of cultural heritage significance.

The following objective and policies are relevant to the cultural values of the site:

Section 10.2.2 Objective

Protection, enhancement and, where appropriate, the management of historic heritage sites, including cultural heritage sites..., for their contribution to the character, identity, wairua, and visual amenity of the District.

Policies

10.2.3.2 To reduce the risk of modification, damage or destruction of cultural heritage sites arising from any co-location of subdivision and development activities and such sites.

10.2.3.3 To ensure that where an activity may modify, damage or destroy a cultural heritage site that is an archaeological site, an authority to do this has been obtained under the Historic Places Act 1993.

10.2.3.4 To ensure that where an activity that requires a resource consent may have an adverse effect on the wairua or other cultural or spiritual values associated with a wāhi tapu, that activity has been approved by manawhenua iwi as an affected party.

10.2.3.6 To foster community responsibility for the cultural heritage values of the District.

10.2.3.13 To raise community awareness about the values associated with cultural heritage sites and the obligations of landowners to avoid, remedy or mitigate the effects of activities that might result in the modification, damage or destruction of such sites.

10.2.3.15 To account for the values of manawhenua iwi by acknowledging the manawhenua iwi as kaitiaki in relation to cultural heritage sites of significance to Maori in the District.

Tiakina te Taioa are the iwi agency that comment on cultural heritage sites in this area. They advise that there are sites of significance within the vicinity of the site including archaeological site N26-031 - Maori made soils and N26-033 a midden, findspot. In order to mitigate the potential adverse effects of earthworks associated with activities on the site they request that if consent is granted the consent holder have an iwi monitor for any earthworks. This would include wastewater work, any tree removal, scraping of top layers of earth, and earthworks relating to the right-of-way and road widening. This is necessary due to the significance of the site as a Māori occupation. In addition, they also request that a general condition be attached to any consent relating to accidental discovery of a site.

5.7 Other Matters

The following "Other Matters" under Section 104(c) RMA 1991 are relevant to the assessment of this proposal.

Precedent and Cumulative Effects

Precedent in itself is not an "effect" but the subsequent approval of this proposal to lead to other similar applications from rural properties each wanting like treatment. This can lead to a cumulative effect that is very much a relevant adverse effect under Section 3 of the Act.

In resource management terms, the cumulative effect of establishing a pattern of consent decisions based on other applicants wanting similar outcomes can have adverse effects on significant resource management issues. The issue of

"precedent" must be acknowledged in practical terms as giving rise to cumulative adverse effects:

- Applications for consent are lodged on the basis that consent to previous applications have been granted under like conditions; and
- Council can expect pressure to act consistently in its application of Plan objectives, policies, rules and assessment criterion. That is, Council is expected to be consistent in its decision making.

This application has several distinctive factors. District-wide there have been few applicants for camping grounds of this scale. The site already enjoys authorisation as a camping ground. However the applicant has greatly increased the scale of the community beyond the original approval and has not obtained Council approvals required for the existing on-site development.

The nature of the local environment is that of mixed rural and tourist and commercial activities.

Case law has established that the granting of consent for one application may well have an influence on how another application should be dealt with. The extent of influence will depend upon the extent of similarities. The current application has arisen due to the combination of the purposes of the applicant, the current 1993 consent for the 140 person camping ground and the distinct features of the site. The surrounding area is a mix of uses, many of which complement the camp site. This combination of site and development related factors are unlikely to be easily duplicated elsewhere in the District.

DUE TO THE CONSISTENCY WITH THE PURPOSE OF THE RESOURCE MANAGEMENT ACT 1991 AND THE RELEVANT PROVISIONS OF THE PLAN, AND THE ENVIRONMENTAL EFFECTS GENERATED BEING ABLE TO BE ADEQUATELY MITIGATED, THE PROPOSAL CAN BE APPROVED ON ITS MERITS, AND THERE IS CONSEQUENTLY NO ISSUE OF PRECEDENT ARISING.

Independent Guides Kayaks

The Holiday Park site also contains Independent Guides Kayaks, an activity not operated by the applicant. This kayak tour base operates from a shed near the Park office. According to the application it has 15 double kayaks, and uses the base as an assembly point for customers and storage for equipment. The application states that customers travel by tractor and trailer to the main Marahau wharf and slipway for launching. This application states that it does not include the kayaking business. As a commercial activity it would require resource consent in order to operate within the Rural 1 zone. There is no record of the operation having obtained resource consent. It should be removed from the site or obtain its own resource consent.

Development Contributions

Development contributions (DCs) are assessed under the LTCCP and cannot be assessed as part of this resource consent assessment. The applicant has been advised that they are likely to be payable and will apply in accordance with the DC Policy in the LTCCP. The applicant has been advised that an estimate can be provided but has not requested this. Council's Regulatory Manager at the time

advised that the DCs are likely to be based on the number of additional car parks required for the additional campers.

5.7 Policy Statements

The application was assessed against the relevant policy statements.

National Policy Statements

There are no relevant national policy issues and the New Zealand Coastal Policy is not relevant to this application.

Regional Policy Statement

The operative Tasman Regional Policy Statement (TRPS) specifies the overriding policies of the Council when preparing other resource management plans and when considering applications for resource consent. The TRPS contains a number of policies and objectives relating to managing the natural and built environment of the Tasman District. These policies and objectives have been refined and expanded upon in the Tasman Resource Management Plan (TRMP). Most of the objectives and policies contained within the TRPS are mirrored in the TRMP. It is considered that if the policies, objectives and rules of the TRMP are met then so too are the policies and objectives of the TRPS.

6. SUMMARY OF ISSUES

The applications constitute discretionary activities in the Rural 1 and 2 zones. As discretionary activities the Council must consider the application pursuant to Section 104(B) of the Resource Management Act 1991.

- **Part II matters** - The efficient use and development of a natural and physical resource depends on the extent of adverse effects arising from the proposal. In this case adverse effects such as noise, dust, parking and visual effects will be mitigated by limitations over scale of the operation, amenity plantings, and other conditions. This will consequently allow the activity to use the existing resource sustainably.
- **Objectives and Policies of the Tasman Resource Management Plan (TRMP)** - The Tasman Resource Management Plan provides several objectives, policies and rules that do not support the establishment of similar activities in a rural zone unless the adverse effects can be mitigated so they are no more than minor. The assessment of the relevant adverse effects concludes that they can be maintained at a level that is no more than minor.
- **Adverse Environmental Effects** - The noise will need to meet the permitted standards of the TRMP. Effects relating to amenity and traffic can be mitigated.

7. SECTION 5 AND RECOMMENDATION

The Resource Management Act's purpose will be met by granting consent to the application. Particular regard has been had to the relevant parts of sections 5, 6 and 7.

In this Act, “sustainable management” means managing the use, development, and protection of natural and physical resources in a way, or at a rate which enables people and communities to provide for their social, economic and cultural wellbeing and for their health and safety. In terms of Section 5 of the Act, I consider that a grant of consent with the conditions recommended would promote the sustainable management of natural and physical resources.

Therefore I recommend that applications RM090273 and RM090280 be **APPROVED subject to the conditions that follow.**

8. CONDITIONS, ADVICE NOTES, PLANS

RM090273: Replacement dwelling on proposed Pt Sec 115 Motueka Survey District, comprised in CT NL12A/618 or Lots 2-4(amalgamated).

General

1. The replacement dwelling shall be undertaken in accordance with the documentation submitted with the application and plan attached marked Plan A dated (insert date), as amended by the conditions of consent. Where there is any apparent conflict between the information provided with the application and any condition of this consent, the conditions shall prevail.

Covenant

2. Prior to any building consent being issued for the replacement dwelling, a covenant pursuant to Section 108 of the Resource Management Act 1991 shall be entered into and registered against the certificate of title for the land on which this dwelling is to be located. The covenant shall state that:

The existing temporary dwelling on proposed Lot 4 of subdivision RM090272 authorised under land use consent RM090273 shall be either removed, or converted to an accessory building in accordance with the definition of “accessory building” as defined in Chapter 2 of the Tasman Resource Management Plan and quoted below:

“accessory building means any separate building the use of which is incidental to, and coexistent with, the use of a principal building, or activity on a site, and includes a sleep-out, studio, garage or carport, garden shed, glasshouse, swimming pool, shed used solely as a storage area, or other similar structure.”

The abovementioned conversion shall be undertaken within three months of the replacement dwelling authorised on the site by land use consent RM090273, becoming habitable.

The covenant shall be entered into pursuant to Section 108(2)(d) of the Act and shall be registered against the title pursuant to Section 109 of the Act. All costs incurred in preparing and registering the covenant shall be paid for by the consent holder.

Recessive Colours

3. 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's Consent Planner, Motueka 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:

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.

Building location and construction standards

4. The dwelling shall be sited, designed and serviced complying with rules for the Rural 2 Zone of the Tasman Resource Management Plan (attached).
5. The new dwelling shall be sited in the location shown on attached Plan A dated (insert date).
6. The maximum gross ground floor area of the dwelling shall be no greater than 200 m².

Water Supply

7. Sufficient water supply for firefighting purposes shall be provided to the new dwelling on Lot 4 in accordance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008.

Advice Note:

The New Zealand Fire Service Commission considers the optimal means of compliance with the Code is the installation of a domestic sprinkler system in new dwellings in accordance with Fire Sprinkler Systems for Houses NZS 4517:2010.

Cultural Heritage

8. The Consent Holder shall engage the services of a representative of Tiakina te Taiao Limited to be present during any earthworks. The Consent Holder shall contact Tiakina te Taiao Limited, PO Box 1666, Nelson (ph (03) 546 7842) at least five working days prior to commencing any earthworks and advise it of the commencement date of the earthworks. In the event of Maori archaeological sites (e.g. shell midden, hangi or ovens, garden soils, pit depressions, occupation evidence, burials, taonga) or koiwi (human remains) being uncovered, activities in the vicinity of the discovery shall cease. The Consent Holder shall then consult with the New Zealand Historic Places Trust's Central Regional Office (PO Box 19173 Wellington, phone (04) 801 5088, fax (04) 802 5180), and shall not recommence works in the area of the discovery until the relevant Historic Places Trust approvals to damage, destroy or modify such sites have been obtained.

Advice Note:

The discovery of any pre-1900 archaeological site (Maori or non-Maori) which is subject to the provisions of the Historic Places Act needs an application to the Historic Places Trust for an authority to damage, destroy or modify the site.

9. In the event of Maori archaeological sites (e.g. shell midden, hangi or ovens, garden soils, pit depressions, occupation evidence, burials, taonga) or koiwi (human remains) being uncovered, activities in the vicinity of the discovery shall cease. The Consent Holder shall then consult with the New Zealand Historic Places Trust's Central Regional Office (PO Box 19173 Wellington, phone (04) 801 5088, fax (04) 802 5180), and shall not recommence works in the area of the discovery until the relevant Historic Places Trust approvals to damage, destroy or modify such sites have been obtained.

GENERAL ADVICE NOTES

Council Regulations

1. The Consent Holder shall meet the requirements of Council with regard to all Building and Health Bylaws, Regulations and Acts.

Tasman Resource Management Plan

2. Any activity not referred to in this resource consent must comply with either: 1) a relevant permitted activity rule in the Tasman Resource Management Plan (TRMP); 2) the Resource Management Act 1991; or 3) the conditions of a separate resource consent which authorises that activity.

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 which are required to be complied with on an ongoing basis.

Development Contributions

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.

Monitoring

5. Monitoring of this resource consent will be undertaken by the Council as provided for by section 35 of the Act and a one-off fee has already been charged for this monitoring. Should the monitoring costs exceed this fee, the Council reserves the right to recover these additional costs from the Consent Holder. Costs can be minimised by consistently complying with conditions, thereby reducing the necessity and/or frequency of Council staff visits.

Road Numbering

6. The new street number for the dwelling is (insert).

Interests registered on Property Title

7. The Consent Holder should note that this resource consent does not override any registered interest on the property title.

Colour

8. 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 $\leq 50\%$	A09 to A14 and reflectance value $\leq 25\%$
Group B	B19 to B29 and reflectance value $\leq 50\%$	B23 to B29 and reflectance value $\leq 25\%$
Group C	C35 to C40, reflectance value $\leq 50\%$, and hue range 06-16	C39 to C40, reflectance value $\leq 25\%$, and hue range 06-16
Group D	D43 to D45, reflectance value $\leq 50\%$, 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.

RM100280: To undertake a commercial activity, tourist accommodation activity, the sale of liquor (off-licence) and three dwellings to accommodate staff working on the site, all in association with the tourist accommodation activity on the site.

General

1. The activities shall be undertaken in accordance with the documentation submitted with the application and plans attached marked Plan A titled "Holiday Park Plan", Plan B titled "Holiday Park Plan showing development Areas" and Plan C titled "Planting Plan" all dated (insert date), as amended by the conditions of consent. Where there is any apparent conflict between the information provided with the application and any condition of this consent, the conditions shall prevail.

Previous Consent

2. This consent replaces previous land use consent RM930359 to operate a 140 person camp ground.

Advice Note:

While some of the current activities on the site are already authorised under the 1993 consent it is preferable to incorporate all the Park activities under a single land use application for simplicity and ease of administration. Existing land use consent RM970469 authorising the licensed sale of beer and wine to customers staying at the camping ground complex still needs to be complied with on an ongoing basis.

Scale

3. The maximum number of people accommodated on the site at any one time shall be:
 - 364 persons from 1 December to 21 December
 - 504 persons from 22 December to 31 January
 - 364 persons from 1 February to 31 March
 - 249 persons from 1 May to 30 November
 - 5 staff
4. Accommodation at the camp ground shall take place within:
 - 50 unpowered sites
 - 50 powered sites
 - 6 five bed cabins
 - 2 four bed cabins
 - 12 three bed cabins
 - 1 four bed self contained studio unit attached to the manager's dwelling

5. The accommodation areas and camp facilities of the Holiday Park shall not expand beyond the areas authorised by this consent shown on attached Plan B titled "Holiday Park Plan showing development Areas".

Independent Guides Kayaks

6. This consent does not include Independent Guide Kayaks who operate from the site.

Advice Note:

The application states that Independent Guide Kayaks are not included within the scope of this consent. They need resource consent to operate on this Rural 1 zoned site. They should leave the site or obtain their own consent.

Camp Shop

7. The camp shop shall not advertise for customers who are not patrons of the Park.

Dwellings on the Park Site - Covenant

8. A covenant under Section 108 of the Resource Management Act 1991 shall be entered into and registered against the certificate of title before building consent is issued for the land on which the new dwelling is to be located. The covenant shall state that:
 - (a) the three dwellings for managers and staff of the camp ground that is the subject of resource consent RM090280 shall not provide a future basis for subdivision of the title unless Plan rules are changed so the subdivision becomes a controlled activity; and
 - (b) the dwelling on Area 5 and Cowman's Cottage on Area 11 on attached Plan B dated (insert date) shall not be extended or altered to contain more than one self-contained housekeeping unit.
 - (c) The manager's dwelling within Area 4, dwelling within Area 5 and Cowman's Cottage within Area 11 on attached Plan B dated (insert date) shall only remain as "dwellings" as long as the camping ground is in operation and the dwellings are required to accommodate managers or staff of the camp ground. If one or more of the dwellings are not required for the above purpose they shall be removed or rendered an "accessory building" in accordance with the following Tasman Resource Management Plan definition

"accessory building means any separate building the use of which is incidental to, and coexistent with, the use of a principal building, or activity on a site, and includes a sleep-out, studio, garage or carport, garden shed, glasshouse, swimming pool, shed used solely as a storage area, or other similar structure."

The covenant shall be entered into pursuant to Section 108 of the Act and shall be registered against the title pursuant to Section 109 of the Act. All cost

incurred in preparing and registering the covenant shall be paid for by the property owners.

Advice Note:

The applicant has volunteered the dwellings be removed if not required for camp staff.

Cultural Heritage

9. The Consent Holder shall engage the services of a representative of Tiakina te Taiao Limited to be present during any earthworks. The Consent Holder shall contact Tiakina te Taiao Limited, PO Box 1666, Nelson (ph (03) 546 7842) at least five working days prior to commencing any earthworks and advise it of the commencement date of the earthworks. In the event of Maori archaeological sites (e.g. shell midden, hangi or ovens, garden soils, pit depressions, occupation evidence, burials, taonga) or koiwi (human remains) being uncovered, activities in the vicinity of the discovery shall cease. The Consent Holder shall then consult with the New Zealand Historic Places Trust's Central Regional Office (PO Box 19173 Wellington, phone (04) 801 5088, fax (04) 802 5180), and shall not recommence works in the area of the discovery until the relevant Historic Places Trust approvals to damage, destroy or modify such sites have been obtained.

Advice Note:

The discovery of any pre-1900 archaeological site (Maori or non-Maori) which is subject to the provisions of the Historic Places Act needs an application to the Historic Places Trust for an authority to damage, destroy or modify the site.

10. In the event of Maori archaeological sites (e.g. shell midden, hangi or ovens, garden soils, pit depressions, occupation evidence, burials, taonga) or koiwi (human remains) being uncovered, activities in the vicinity of the discovery shall cease. The Consent Holder shall then consult with the New Zealand Historic Places Trust's Central Regional Office (PO Box 19173 Wellington, phone (04) 801 5088, fax (04) 802 5180), and shall not recommence works in the area of the discovery until the relevant Historic Places Trust approvals to damage, destroy or modify such sites have been obtained.

Numbering of sites

11. All camp sites and cabins shall be numbered.

Advice Note:

An Environmental Health Officer from Council inspected the site in October 2010 and advised that some camp sites were not numbered. Numbering of all sites (unpowered and unpowered) will assist Council staff to ensure that conditions of consent are met. In addition, numbering is required under the Camp Ground Regulations.

Parking

12. On site parking shall be provided as follows:

- a) one space per camp site and one space per cabin, totalling 121 parking spaces, to a minimum surface of grass.
 - b) 3 staff spaces. This is based on a maximum of 5 staff will be working at one time, to a minimum surface of compacted basecourse.
 - c) two parking spaces for each of the three dwellings on the site
13. Two of the total car parks should be accessible car parks for people with disabilities.
 14. The 50 car park compound which is currently grassed and shall be formed in compacted basecourse in order to avoid tracking of mud onto the right-of-way and road carriageway during wet weather.

Harvey Road

15. Harvey Road shall to be widened to a minimum of 5.5 metre wide carriageway with a 0.6 metre unsealed shoulder on either side.
16. The pole adjacent to the Harvey Road carriageway shall be moved away from the edge of the widened sealed carriageway. The clear separation distance shall be a minimum of three metres from the edge of the widened carriageway.

Advice Note:

I understand that the pole relocation has been discussed between the applicant, Council's Engineering Department and the network provider. However, it would be useful for the applicant to provide confirmation at the hearing that the network provider has agreed to the relocation to ensure there are no third party issues in complying with the condition.

Access and right-of-way

17. The vehicle crossing from Harvey Road shall be upgraded with an extension of the sealed road carriageway surface standard from the edge of the road carriageway to a minimum of 20 metres into the legal site.
18. A minimum of four signs stating "speed limit 10 km/h" and an additional four signs stating "watch for children" or words to that effect shall be maintained along the central access of the Park.
19. A separate walking and cycling track of a minimum of 1.5 metres in width for campers to use shall be constructed and maintained at all times along the full length of the main right-of-way that traverses the Holiday Park. The track shall be formed in compacted basecourse and shall be separated from the right-of-way by 1.2 metre high bollards and a chain or similar fencing. There shall be four access points along the length of the track for campers to cross the right-of-way into the northern side of the camp. The track shall be signposted for walking and cycling only in several locations. At the four access points signs shall be posted to advise campers to beware as they cross the right-of-way as it has through traffic.

20. All lengths of the right-of-way within 200 metres of a dwelling off the site shall be sealed for 200 metres beyond the section of right-of-way within 200 metres of a dwelling.
21. The cost of the required upgrades to the right-of-way and ongoing maintenance within the camp ground property shall be borne by the consent holder.
22. The corners of the main right-of-way shall be widened to a minimum carriageway width of 7.0 metres 15 metres either side of the centre of the curve. The remainder of the right-of-way shall be widened to a minimum carriageway width of 4.5 metres.
23. Engineering works relating to the upgrade to the right-of-way and Harvey Road shall be shown on Engineering Plans and to the requirements set out in the Tasman District Council Engineering Standards and Policies 2008. Prior to occupation of the dwelling, the consent holder shall provide the Engineering Plans to Council's Engineering Manager to be affirmed that they are in accordance with the Tasman District Council Engineering Standards and Policies 2008 or otherwise acceptable.
24. As-built Engineering Plans detailing the right-of-way and Harvey Road upgrading shall be provided at the completion of works to be affirmed by Council's Engineering Manager that they are in accordance with the Tasman District Council Engineering Standards and Policies 2008 or otherwise acceptable.

Planting

25. Amenity planting shall be maintained on the areas labelled "areas already planted or existing bush", and new planting shall be established in the locations labelled "proposed possible future planting" shown on attached Plan A dated (insert date). All planting shall be implemented by 30 November 2013 and be maintained on an ongoing basis. If plants die they shall be replaced by the following November.

Colour

26. The exterior of all buildings shall be painted/finished in colours that are recessive and which blend in with the immediate environment. The consent holder shall submit to the Council's Consent Planner, Motueka for approval the following details of the colours proposed to be used on the walls and roof of the buildings:
 - (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:

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.

Signage

27. The single sign adjacent to the access shall be maintained in good repair at all times.

Flood and Fire Hazard

28. The Consent Holder shall provide an advance warning and emergency response system which shall be put in place to the satisfaction of Council's Co-ordinator Compliance Monitoring. This system shall monitor weather patterns for forecast heavy rain-falls and provide appropriate advance warning and emergency response procedures for the occupants of the campground and adjoining and downstream landowners/occupiers.

Advice Note

This system is to ensure that campers' safety from flood events is not reliant upon the ongoing presence of staff familiar with the flood potential of the catchment and should allow a degree of automated flood warning for campers/occupants.

29. The consent holder shall prepare, in consultation with the NZ Fire Service, a Fire Risk Management Plan for the site. This Plan shall be approved by the NZ Fire Service.

Monitoring Log and Camp Rules

30. Upon request by Council staff, the consent holder shall provide to Council a log of customer numbers.

Advice Note:

The applicant volunteered the above condition.

31. A copy of the Holiday Park Rules shall be furnished to the Coordinator Compliance Monitoring and shall be provided to all patrons.

Review

32. That pursuant to Section 128(1)(a) and 128(1)(c) of the Resource Management Act 1991, the Consent Authority may review any conditions of the consent for any of the following purposes:
- a) to 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) to deal with inaccuracies contained in the consent application that materially influenced the decision made on the application and are such that it is necessary to apply more appropriate conditions; or
 - c) to assess the appropriateness of imposed compliance standards, monitoring regimes and monitoring frequencies and to alter these accordingly.

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, Camp Ground Regulations, other Regulations and Acts.

Other 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 Tasman Resource Management Plan (TRMP); 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 familiarize themselves with the conditions of this consent as there may be conditions which are required to be complied with on an ongoing basis.

Development Contributions

4. The Consent Holder is liable to pay a development contribution for the activities authorised over and above what was authorised and given effect to under the original consent RM930359 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.

An invoice for the Development Contributions will be included upon issue of this resource consent. The activity will not be deemed legally established until all development contributions have been paid in accordance with Council's Development Contributions Policy under the Local Government Act 2002.

Building Requirements

5. It appears that not all buildings on the site have the required building approval. Some buildings will require the appropriate formalisation and compliance checks under the Building Act 2004. Please contact the Council's Building Section to discuss this.

Monitoring

6. Monitoring of this resource consent will be undertaken by the Council as provided for by section 35 of the Act and a one-off fee has already been charged for this monitoring. Should the monitoring costs exceed this fee, the Council reserves the right to recover these additional costs from the Consent Holder. Costs can be minimised by consistently complying with conditions, thereby reducing the necessity and/or frequency of Council staff visits.

Archaeological

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 (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.

Interests registered on Property Title

8. The Consent Holder should note that this resource consent does not override any registered interest on the property title.



Paul Gibson
Consent Planner

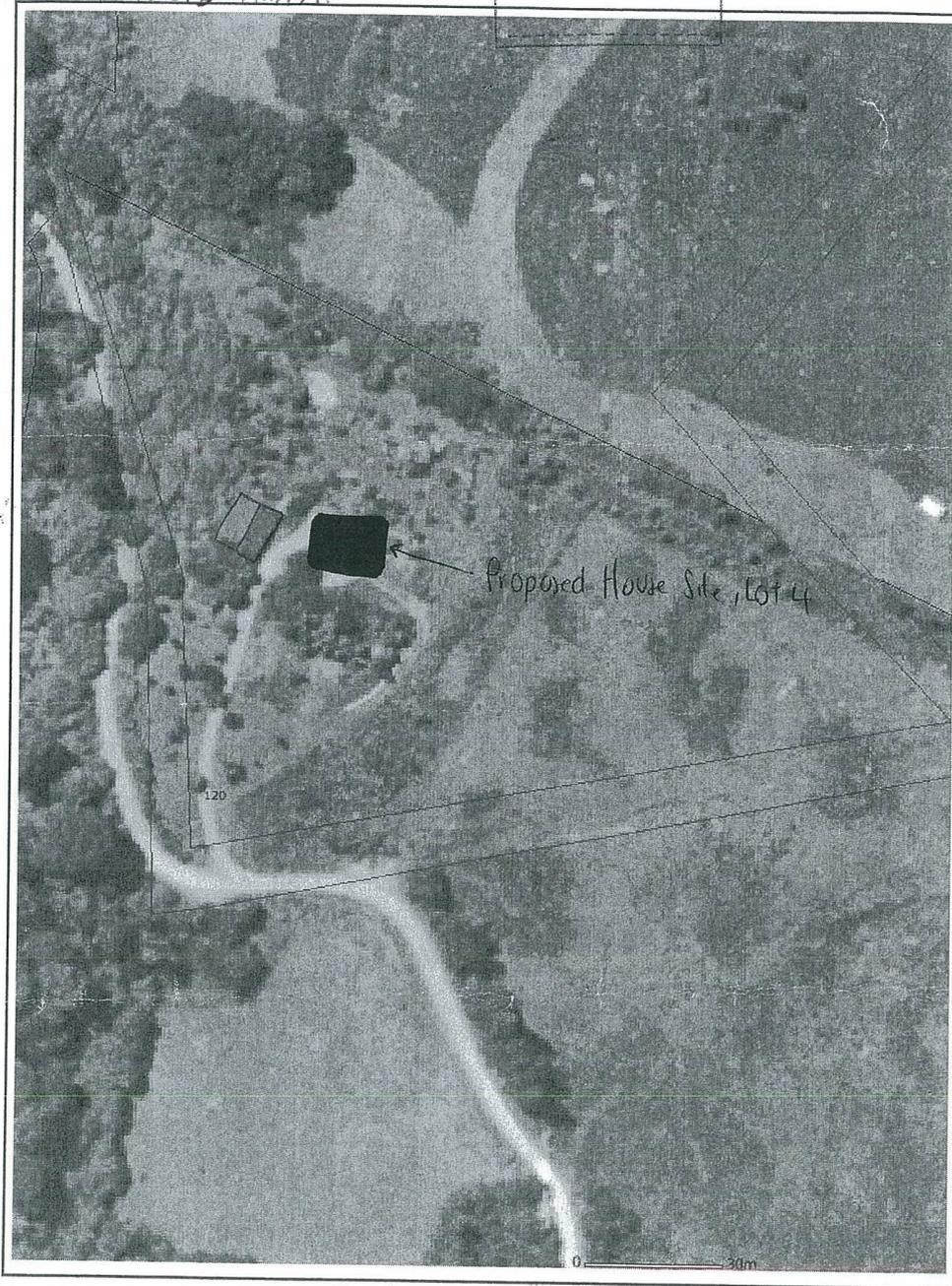
RECOMMENDED PLANS

Map Output

RECEIVED
15 JUN 2009

Page 1 of 2

RM090273 Plan A.



ExploreTasmanMap

Approximately 30mtrs.
From Sleepout

2/6/2009 DISCLAIMER:

This map is derived from ExploreTasman and has generally been compiled from data generated by and supplied to the TDC. It has no legal status and is known to be incomplete. To ascertain the exact location of any item, TDC advises that the customer arrange onsite verification. TDC will not be liable for any damages or loss whatsoever suffered from the use of this information.
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Aerial photography copyright Terralink International Ltd.

<http://gis.tdc.govt.nz/servlet/com.esri.esrimap.Esrimap?ServiceName=ExploreTasman...> 2/06/2009

17.6.3 Building Construction or Alteration

Not yet operative as at 9 October 2010

17.6.3.1 Permitted Activities (Building Construction or Alteration)

[17.5.4 Proposed]

Construction or alteration of a building is a permitted activity that may be undertaken without a resource consent, if it complies with the following conditions:

- (a) The activity does not contravene any other rule in chapters 16, 17.1 or 18 of this Plan.

[Condition (a) deleted]

C19 5/10

- (b) The activity is not the construction or alteration of any building within, or 10 metres from, any indicative road or indicative reserve in the Richmond West Development Area and the Richmond South Development Area.

C10 10/07

- (ba) The activity is not the construction or alteration of a building on the site annotated "Subject to Schedule 17.6A" on the planning maps (Ngarua Caves, Takaka Hill).

C19 5/10

One Dwelling

- (c) There is no more than one dwelling on a site.
- (d) A dwelling may contain no more than two self-contained housekeeping units, provided both are contained within the same building and one is clearly subsidiary and is no more than 60 square metres in floor area.

Workers' Accommodation

- (e) Any building that is constructed is not part of any workers' accommodation.

Sleepout

- (f) The area of the sleepout is no more than 36 square metres.
- (g) The distance from the principal dwelling is no more than 20 metres.

Height

- (h) The maximum height of a building is 7.5 metres, except that:
- (i) for slimline, self-supporting masts and poles and attached infrastructure, Rule 16.6.2.1(j) applies;
 - (ii) for antenna attached to a building, Rule 16.6.2.1(k) applies.
- (i) Buildings sited on a hill whose ridgeline is identified on the planning maps are no higher than the level of the ridgeline.

Setbacks

- (j) Buildings are set back at least:
- (i) 10 metres from road boundaries and 5 metres from internal boundaries (subject, in the case of artificial shelter, to Rule 17.6.4.1(c)), except that telecommunication and radio-communication facilities less than 10 square metres in area and less than 3 metres in height are exempt from this requirement;
 - (ii) 20 metres from the margins of lakes, and from the boundaries of Open Space, Recreation and Conservation zones;
 - (iii) 8 metres from the top of the bank of any river with a bed less than 5 metres in width;
 - (iv) 20 metres from the top of the bank of any river with a bed greater than 5 metres in width;
 - (v) 30 metres from a plantation forest.

- (ja) In the Richmond West Development Area, notwithstanding the exemption in condition (j)(i) relating to telecommunication and radio-communication facilities, the building is set back at least 20 metres from the centreline of any electricity transmission line as shown on the planning maps.

D 9/09

- (k) Any building forming part or all of a rural selling place is set back at least 30 metres from the road boundary.
- (l) Buildings are set back at least 100 metres of a Viewpoint shown on the planning maps.
- (m) If the adjoining property has horticultural plantings where pesticides may be discharged to air, any dwelling, or any other building used for any residential activity is set back at least:
- (i) 30 metres from the boundary common to the horticultural plantings and the building; or
 - (ii) 20 metres from horticultural plantings where a spray belt is established along the boundary common to the horticultural plantings and the building; or
 - (iii) 30 metres from the horticultural plantings that are vineyards.
- (n) Dwellings are set back at least 500 metres from any boundary of an existing quarry site, except for a quarry permitted under Rule 17.5.2.1(b)(ii) or Rule 17.6.2.1(b)(ii).

Building Coverage

- (o) The total area of all buildings on any site which is 25 hectares or less in area, excluding dwellings and greenhouses, is not greater than 200 square metres for any site with a net area of 4,000 square metres or less, or is not greater than five percent of the net site area (but not greater than 2,000 square metres) for any site with a net area greater than 4,000 square metres.

Building Envelope

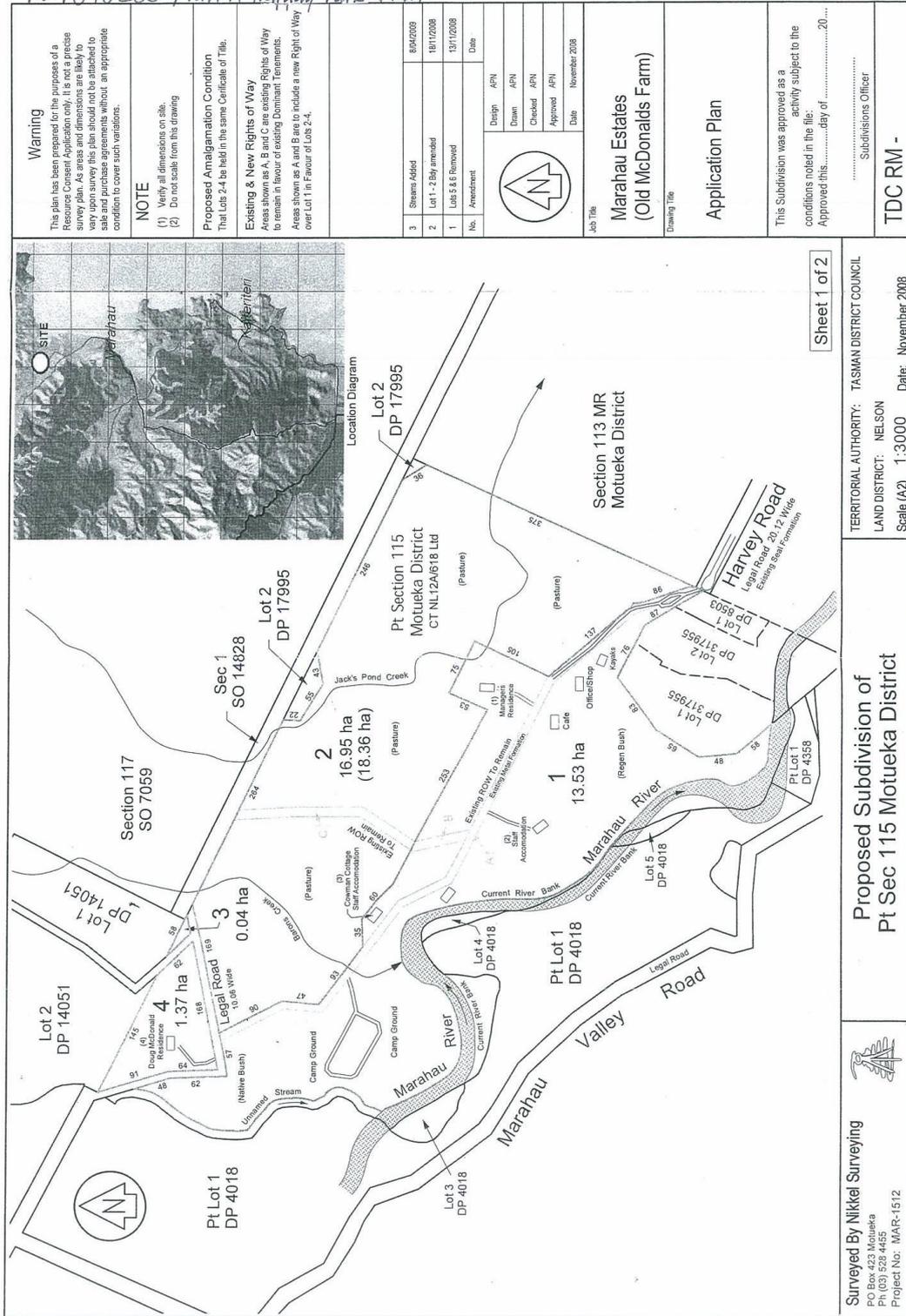
- (p) Any building on a site that adjoins a Residential Zone does not project beyond a building envelope constructed by daylight admission lines commencing from points 2.5 metres above ground level from all boundaries adjoining the Residential Zone. The angle is calculated according to the elevation calculator in Schedule 17.1A.

Additional Conditions for Dwellings

- (q) Except where any dwelling is connected to a reticulated water supply:
- incorporating water mains fitted with fire hydrants; and
 - the closest fire hydrant is no more than 135 metres from the dwelling,
- the dwelling is:

(i)	provided with on-site water storage of not less than 23,000 litres and whether the storage is provided by an above-ground or an underground tank, the tank is fitted with an accessible 100mm female thread coupling to enable connection with firefighting equipment; and	C19 5/10
(ii)	connected to a reticulated supply that is capable of supplying a potable water supply, or if such a supply is not available, the dwelling is supplied from: <ul style="list-style-type: none">• a rainwater supply; or• a surface water source; or• a groundwater source that is both reliable and potable.	
	Note: 1. The storage tank can also be used for the purpose of domestic water supply. 2. Further advice about managing fire risk and storage of water for fire fighting can be obtained from the New Zealand Fire Service.	
(r)	There is adequate area on site for effluent disposal for the dwelling.	
(s)	Stormwater is managed and disposed of on-site, and the stormwater discharge complies with section 36.4 of this Plan.	C7 7/07 Op 10/10

RM090280 Plan A Holiday Park Plan



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 this plan should not be attached to sale and purchase agreements without an appropriate condition to cover such variations.

NOTE
(1) Verify all dimensions on site.
(2) Do not scale from this drawing.

Proposed Amalgamation Condition
That Lots 2,4 be held in the same Certificate of Title.

Existing & New Rights of Way
Areas shown as A, B and C are existing Rights of Way to remain in favour of existing Dominant Tenements. Areas shown as A and B are to include a new Right of Way over Lot 1 in Favour of Lots 2,4.

3	Shares Added	8/04/2009
2	Lot 1 - 2 by amended	18/1/2008
1	Lots 5 & 6 Removed	13/1/2008
No.	Amendment	Date

Job Title
Marahau Estates (Old McDonalds Farm)

Drawing Title
Application Plan

This Subdivision was approved as a activity subject to the conditions noted in the file: Approved this.....day of.....20.....

Subdivisions Officer
TDC RM -

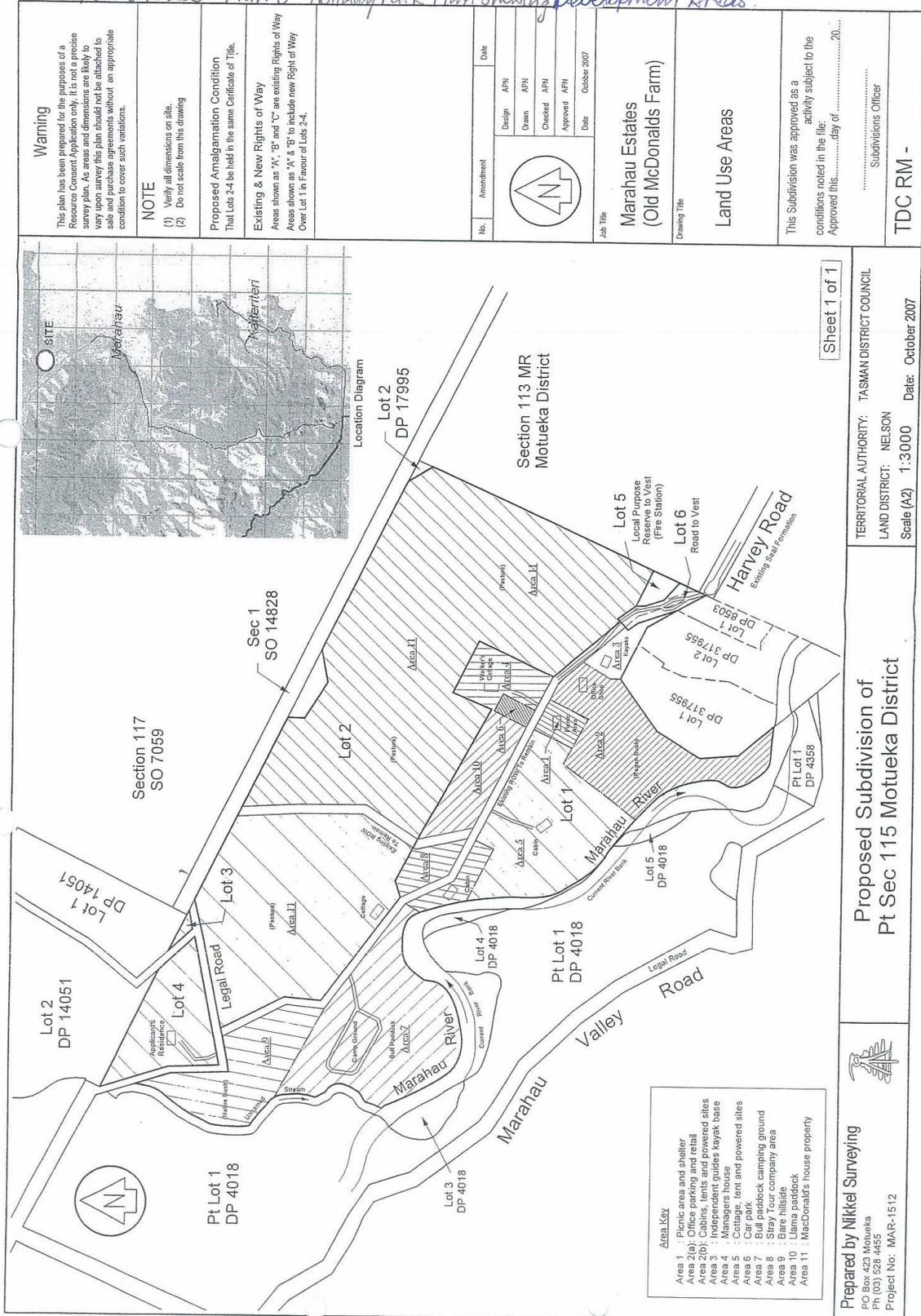
Sheet 1 of 2

TERRITORIAL AUTHORITY: TASMAN DISTRICT COUNCIL
LAND DISTRICT: NELSON
Scale (A2) 1:3000
Date: November 2008

Proposed Subdivision of
Pt Sec 115 Motueka District

Surveyed By **Nikkal Surveying**
PO Box 423 Motueka
Ph (03) 528 4455
Project No: MAR-1512

RM 090280 Plan B Holiday Park Plan showing Development Areas.



RM090280 Plan C Planting Plan.



← AREAS ALREADY PLANTED
OR EXISTING BUSH



← PROPOSED POSSIBLE
FUTURE PLANTING





STAFF REPORT

TO: Environment & Planning Committee (or Subcommittee for consents)

FROM: Pauline Webby-Consent Planner - Subdivision

REFERENCE: RM090272- Subdivision

SUBJECT: **MARAHAU ESTATES LIMITED**

1. SUMMARY OF PROPOSAL

This report assesses the proposal for a two lot subdivision (RM090272) that has been applied for as part of the suite of consents.

Marahau Estates Ltd has applied for a suite of resource consent applications to increase the scale of the Old MacDonald's Farm and Holiday Park (the Park) at Harvey Road in Marahau.

This report should be read in conjunction with the other Council officers' reports which together provide an assessment of the relevant resource management aspects of the proposal.

1.2 Site, Application and Background- Subdivision Consent (RM090272)

To subdivide Part Section 115 comprised in CT 12A/618 into two allotments with proposed Lot 1 having an area of 13.53 hectares and Lots 2, 3 and 4 (held together by amalgamation condition) having an area of 18.36 hectares. Lot 1 currently contains various buildings that could be defined as dwellings and form part of the Old MacDonald's Farm and Holiday Park. Both allotments would have a vehicle access to an existing right-of-way (with more than 6 users) exiting via Harvey Road.

The existing property area is zoned rural 1 with the 1.37 hectare area that forms part of northwestern end identified as Lot 4 being zoned rural 2.

2. STATUS OF APPLICATION

Zoning: Rural 1 and Rural 2

Areas: Protected tree T241 Lombardy Poplar Category C; Predominantly Land Disturbance Area 1 with a small portion of Land Disturbance Area 2; A small portion of Coastal Environment Area, Cultural Heritage site N26-031

The activity authorised by this resource consent does not comply with Controlled and permitted Activity Rules for:

16.3.6.1 (Subdivision-Rural 2); 16.3.5.1 (Subdivision-Rural 1); 16.2.2.6 (Access standards and more than 6 users on a right-of-way) and 16.4.2.2 (Esplanade strip on subdivision-Allotments 4 hectares or more) of the TRMP and is deemed to be a discretionary activity in accordance with Rules 16.3.6.2, 16.3.5.2 (over 6 users on the ROW) and a restricted discretionary activity in accordance with 16.2.2.6 and 16.4.2.2 of the TRMP.

Overall the proposal is a discretionary activity.

3. NOTIFICATION AND SUBMISSIONS

3.1 Written Approvals

Prior to notification written approvals for the subdivision were received from:

- On 16 April 2009 Kelvin Goodman of Marahau Valley Road gave his written approval to four of the six applications (the land use applications to construct a dwelling on Lot 4 and to increase the scale of the camp ground, the discharge of domestic wastewater and the subdivision.

Pursuant to Section 104(3)(a)(ii) of the Act, the decision making panel must not have any regard to any effect on this party as it relates to the subdivision proposal.

He subsequently made a submission in opposition to the stop bank application. The location of this party's property is shown in the appendices of Mr Gibson's report RM090273 and RM090280.

3.2 Notification

The application was fully notified and submissions closed on 17/01/2011.

3.3 Submissions

The full list of submissions has been set out in the land use reports for RM090273 and RM090280 and is not repeated here.

3.4 Comments on Submissions (relative to the subdivision application RM090272)

The R Seager and A Opie submission opposed the application as a whole and in relation to the subdivision component commented that there are a number of dwellings already existing on the property. The consent legitimising the camp and associated activities rationalises the additional dwellings and links them to the camp activity. The subdivision will not in itself increase the dwelling density beyond what is anticipated by the zone 1 rules and legitimises by consent if granted.

4. STATUTORY CONSIDERATIONS

Section 104

A decision on this application must be made under Section 104 of the Act. The matters for the Council to address are:

- Part 2 (Sections 5, 6, 7 and 8)
- Effects on the environment (positive and negative)
- Objectives and Policies of the TRMP
- Other matters

Section 106

Some of the activities and buildings on the proposed Lot 1 (campground and associated facilities, buildings and dwellings) have had consents granted at an earlier time. It is acknowledged that some aspects of the Marahau estates do not have legitimate consents. In terms of the subdivision, Lots 1 and Lots 2-4 (amalgamated) are not considered to have an increased risk from inundation over and above what already exists. Lot 2 has a proposed building site on a higher area and is clear of inundation risk apart from access through the lower areas of the right of area and Harvey road which can be inundated in a flood event.

This is currently the situation for all users of the right-of-way.

It is considered that this two lot subdivision proposal does not provide sufficient reasons for the consent authority to decline under sections 106(a)-(c) of the RMA.

5. SECTIONS 6, 7 AND 8

Matters of national importance

- S.6(d) the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers.
- S.6(e) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.

Treaty of Waitangi

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).

6. KEY ISSUES

The key issues are:

- Access
- Esplanade strip - Public access
- Flooding

- Rural amenity
- Fragmentation of productive land
- Cultural heritage matters

6.1 Access

The subdivision of this 32 hectare property into two allotments will generate one additional user on the existing right-of-way. While this may not constitute a significant issue in terms of increased traffic movements on the right-of-way it should not be considered in isolation. The suite of consents being applied for at this hearing include the proposal seeking an additional 350 people as part of the camp ground operation utilising the right-of-way and Harvey road. The effects, relative objectives and policies relating to the traffic and access issues on the right-of-way are discussed in full within Mr Gibson's hearing report for RM090273 and RM090280 and are not repeated here.

6.2 Public Access - Esplanade strips

Objectives and Policies relating to reserves and open space

Objective 14.1.2 *Adequate area and distribution of a wide range of reserves and open spaces to maintain and enhance recreation, conservation, access and amenity values.*

Policy 14.1.3.7 *To identify, acquire, and manage land, including esplanade reserves and road reserves, to facilitate public access to water bodies and the coast.*

The applicants have not volunteered any esplanade strips. Rule 16.4.2.2 of the TRMP requires that on subdivision of an allotment greater than 4 hectares in area including any balance lot adjacent to a river with a bed of greater than 3 metres Council will require an esplanade reserve or strip.

Council's Forward Reserves Planner has advised that as part of this subdivision application Council is requiring a 10 metre esplanade strip along Lot 1 where it adjoins Marahau River. Marahau River has high recreational and amenity values close to the entrance of the Abel Tasman National park where public access provision and enabling public recreational use are considered to be matters of national importance.

There are two existing buildings positioned over the esplanade strip either wholly or in part, the applicants and council staff are investigating options to manage this issue.

A 10 metre Esplanade Strip has been included as a condition of consent.

6.3 Flooding

Flooding from either Barron's Creek or the Marahau River is not considered to have effects more than minor in terms of the s106 or schedule 16.3 of the TRMP assessments. Both Lots 1 and Lots 2-4 (amalgamated) have dwelling sites that are in locations where the risk of flooding is minor or nil. There is a past history of inundation over parts of the existing right-of-way and Harvey Road. Advice from

Council's Coast and Rivers-Scientist has advised that the effects from flooding across the access are of short duration and less than minor.

6.4 Rural Land Productive Value Assessment

Objectives and Policies relating to Rural Land Productive Values

(The underlined terms are defined below).

Objective 7.1.2 *"Avoid the loss of potential for all land of existing and potential productive value to meet the needs of future generations, particularly land of high productive value".*

"High Productive Value" is defined in Chapter 2 of the PTRMP as:

"in relation to land, means land which has the following features:

- (a) flat to gently rolling topography;*
- (b) free-draining, moderately deep to deep soils;*
- (c) moderate to good inherent soil fertility and structure;*
- (d) a climate with sufficient ground temperature, sunshine, available moisture, and calmness to make the land favourable for producing a wide range of types of plants."*

Policy 7.1.3.4 *"requires land parcels upon subdivision to be of a size and shape that "retains the land's productive potential, having regard to the actual and potential productive values, the versatility of the land, ecosystem values, the management of cross-boundary effects, access, and the availability of servicing.*

Objective 7.2.0 *"Provision of opportunities to use rural land for activities other than soil-based production, including papakainga, tourist services, rural residential and rural industrial activities in restricted locations, while avoiding the loss of land of high productive value."*

Subdivision Schedule matter 16.3A (1) *The productive value of the land in Rural 1, 2 and 3 zones and the extent to which the proposed subdivision will adversely affect it and its potential availability.*

6.4.1 Rural Land Productive Values Assessment

Both Lot 1 and Lots 2-4 (amalgamated) exceed the minimum area controlled standard of 12 hectares for Rural 1 with areas of 13.53 hectares and 18.36 hectares respectively. It should be noted that the Lot 4 area is zoned rural 2 and has an area of 1.37 hectares. This allotment size does not meet the minimum controlled standard of 50 hectares for subdivision of rural 2 lands.

The 1.37 hectare area of rural 2 is not considered relevant to the subdivision proposal in any practical sense as this small area of rural 2 has always formed a minor part of the original property and this subdivision proposal does not change this.

The Lot 1 area is currently lost to productive purposes as it encompasses the existing consented camp ground but is considered to be consistent with Objective 7.2.0 as the camp ground does provide for an alternative rural land use for which there is a high demand for in this location.

The proposed Lot 2-4(amalgamated) encompasses the gently sloping land to the north and has an existing grazing and pastoral use which is consistent with the anticipated rural 1 productive land use.

The small area of rural 2 offers the opportunity to site the proposed applicant's residence away from the more productive areas of the rural 1 land encompassed within Lot 2-4(amalgamated) and is considered to be consistent with Objective 7.1.2.

6.5 Rural Character, and Amenity Values

Objectives and Policies - Rural Character and Amenity Values

(The underlined terms are defined below).

Objective 5.1.2 *“Avoidance, remedying or mitigation of adverse effects from the use of land on the use and enjoyment of other land and on the qualities of natural and physical resources”.*

Policy 5.1.3.1 *“To ensure that any adverse effects of subdivision and development on site amenity, natural and built heritage and landscape values, and contamination and natural hazard risks are avoided, remedied, or mitigated.”*

Policy 5.1.3.5 *“To ensure that the characteristics, including size, soil type and topography of each lot of any proposed subdivision or built development are suitable for sustainable on-site treatment of domestic waste in unreticulated areas, particularly in areas where higher risks of adverse effects from on-site disposal of domestic wastewater exist.”*

Objective 5.2.2 *“Maintenance and enhancement of the amenity values on site and within communities throughout the District.”*

Policy 5.2.3.1 *“To maintain privacy in residential properties, and for rural dwelling sites.”*

Objective 7.4.2 *“Avoidance, remedying or mitigation of the adverse effects of a wide range of existing and potential future activities, including effects on rural character and amenity values.”*

Subdivision Schedule matter 16.3A (2) *“The potential effects of the subdivision on the amenity values and natural and physical character of the area.”*

“Rural character” is defined in the TRMP (Chapter 2) as:

“the character of the land as shown by the predominance of rural productive activities and includes:

- (a) a high ratio of open space to built features;*
- (b) large areas of pasture, crops, forestry, and land used for productive end;*
- (c) built features associated with productive rural land uses;*
- (d) low population density;*
- (e) predominant form of residential activity directly associated with a productive land use;*

- (f) *social and economic activity associated with productive land use;*
- (g) *cultural values associated with farming and living on the land.*”

“*Amenity values*”, as defined in Section 2 of the Resource Management Act 1991, is set out below:

“Amenity values means those natural or physical qualities and characteristics of an area that contribute to people’s appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes.”

6.5.1 Assessment of the Proposed Amenity and Rural Character

The current landscape of the immediate area around the application site comprises these aspects of “*rural character*”, with the provision of open space, and pastoral activities surrounding the site. The subdivision of this 32 hectare property and an additional dwelling within the area of Lots 2-4 is considered to be consistent with the amenity and rural character anticipated by Rural 1 zone.

This application proposes allotment sizes that are consistent with the rural 1 controlled standard for a minimum area of 12 hectares

The proposed density of the site is consistent with the definition of “*Rural character*” as defined by the Plan and set out above and it is considered that the two lot subdivision is not inconsistent with the rural 1 zone’s anticipated rural character and amenity given each allotment exceeds the minimum areas prescribed within the TRMP for a controlled rural 1.

The 1.37 hectare area of rural 2 is not considered relevant to the subdivision proposal in any practical sense as this small area of rural 2 has always formed a minor part of the original property and this subdivision proposal does not change this.

It is considered that privacy and amenity values for adjoining properties are maintained because the size of the property is consistent with the minimum areas and the boundary does not change along the northern margin. The applicants have volunteered that a new dwelling within the Lot 4 area of the new allotment will meet the permitted standards for building construction specified in the TRMP for the rural 2 zone.

6.6 Servicing Matters

Objectives and Policies relating to servicing

Policy 5.1.3.5 *“To ensure that the characteristics, including size, soil type and topography of each lot of any proposed subdivision or built development are suitable for sustainable on-site treatment of domestic waste in unreticulated areas, particularly in areas where higher risks of adverse effects from on-site disposal of domestic wastewater exist.”*

Policy 7.4.3.9 *“To avoid, remedy or mitigate servicing effects of rural subdivision and development, including road access, water availability and wastewater disposal*

Subdivision Schedule matters 16.3A relating to servicing.

8A) *“For water supply, the extent of compliance with the “Drinking Water Standards for New Zealand 1995” or any subsequent replacement of this standard.”*

(10) *“Where wastewater disposal will occur within the net area of the allotment, the extent to which the site and soil assessment, design and construction of the system complies with the AS/NZS 1547; 2000, taking into account the requirements of rules in Chapter 36 regulating the discharge of wastewater.”*

(11) *“The adequate provision of potable water and water for fire fighting.”*

6.6.1 Assessment of servicing

The area of Lot 2 is zoned rural 2 and no further resource consents are required for the construction of a new dwelling on the proposed new allotment (Lots 2-4 amalgamated) as it is located within the rural 2 area (Lot 4) of the proposed allotment. Currently the applicants are occupying a shed in this location that has temporary living accommodation created within it. The applicants have volunteered to decommission this prior to the construction of the principal dwelling on this new allotment if the subdivision consent RM090272 or land use consent RM090273 are granted.

Lot 1's existing built environment provides service infrastructure to this proposed allotment and elements of legitimisation associated with the wastewater discharge and water supply are being dealt with in the other suite of consents and are not repeated here.

6.6.2 Water supply / firefighting

There is an existing water supply is available to the site for Lots 2-4(amalgamated).

The water supply for Lot 1 and the Marahau Holiday Park activities are dealt with in the other consents and are not repeated here. Refer RM090273, RM090280 and RM090747.

The Fire Service requested in its submission that the applicant achieves compliance with the NZ Fire Service Code of Practice.

Conditions are included requiring compliance with NZ Fire Service Code of Practice for Lot 2 to be implemented at the time of dwelling construction.

6.6.3 Power and Telephone

Power and telephone services already exist on the Lot 4 area and are available for servicing a new dwelling. This infrastructure already exists in the Lot 1 allotment area.

6.7 Cultural Heritage matters

There is an identified cultural heritage site identified on the property. The full effects and relative objectives and policies relating to the Cultural Heritage site are

discussed in full within Mr Gibson's hearing report for RM090273 and RM090280 and are not repeated here. A consent notice requiring an Iwi monitor for any land disturbance has been requested as part the suite of consents and for completeness this condition has been included in the Consent notices (condition 9(c)) to alert new owners of Lots 1 and Lots 2-4 (amalgamated) of this requirement.

7. SECTION 5 AND RECOMMENDATION

In terms of Section 5 of the Act, I consider that a grant of consent for the subdivision would promote the sustainable management of natural and physical resources.

A list of recommended conditions is provided should the committee grant consent to this subdivision.

8. CONDITIONS, ADVICE NOTES, PLANS

General

1. The subdivision shall be undertaken in accordance with the information submitted with the application and in particular with the plan prepared by Nikkel Surveying Ltd titled, "*Proposed Subdivision of Pt Sec 115 Motueka District*" and amended as dated 30/10/09, and attached to this consent as **Plan A**. If there is conflict between the information submitted with the consent application and any conditions of this consent, then the conditions of this consent shall prevail.

Easements

2. Easements shall be created over any services located outside the boundaries of the allotments that they serve as easements in gross to the appropriate authority or appurtenant to the appropriate allotment. The survey plan which is submitted for the purposes of Section 223 of the Act shall include reference to easements.
3. Easements shall be created over any right-of-way and shall be shown in a memorandum 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.
4. The survey plan that is submitted for the purposes of Section 223 of the Act shall include reference to easements.

Financial Contributions

5. 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 5.62 per cent of the total market value of 2,500 square metres (rural)(at the time subdivision consent is granted) of Lot 2;

- b) the Consent Holder shall request in writing to the Council's Consent Administration Officer (Subdivision) that the valuation be undertaken. 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 5.62 per cent contribution 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 one allotment (Lot 2) in respect of roading.

Amalgamation

- 6. That Lots 2-4 hereon be held together in the same computer freehold register Land Information New Zealand reference: to be advised.

Esplanade Strip and Access

- 7. That an esplanade strip 10 metres wide be created over the land in Lot 1 adjoining the Marahau River and that an easement allowing public access to the Marahau River to be shown as area A be granted. The purpose of this strip is to enable public access to and along the Marahau River and to enable public recreational use of the strips and the Marahau River. All the prohibitions of Clause 2 of the Tenth Schedule apply to the strips and easement area A, and there is no provision for fencing (Clause 3) or closure (Clause 7).

The survey plan submitted to Council under Section 223 shall show a 10 metre wide esplanade strip on Lot 1 adjoining the Marahau River.

Advice Note:

In accordance with Sections 128 and 129 of the Act you are advised of Council's intention to review the above condition following receipt of the valuation of Council's interest in the land by virtue of the esplanade strips.

Explanation

Section 237F of the Act provides for Council to pay compensation for any interest in land taken for an esplanade strip, unless the registered proprietor agrees otherwise.

The review of the condition provides Council an opportunity to amend or delete the condition following receipt of the valuation and/or agreement with the registered proprietor.

Right-of-way formation

8. Conditions relating to right-of-way are included in the report for RM090273 and RM090280.

Consent Notices

9. The following consent notices shall be registered on the certificate of title for Lots 2-4 pursuant to Section 221 of the Resource Management Act.

Building Location (Lot 2-4)

- (a) That the construction of a dwelling on Lots 2-4 (amalgamated) shall be restricted to the general dwelling site area within Lot 4 identified as the "applicant's residence" on attached Plan A, dated 30/10/09 and this area shall be shown on the Section 223 plan. The site shall be dimensioned and identified.

Water/firefighting storage (Lot 2-4)

- (b) Sufficient water supply for firefighting purposes shall be provided to the new dwelling on Lot 4 in accordance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008.

Advice Note

The New Zealand Fire Service Commission considers the optimal means of compliance with the Code is the installation of a domestic sprinkler system in new dwellings in accordance with Fire Sprinkler Systems for Houses NZS 4517:2010.

Cultural Heritage

- (c) The Consent Holder shall engage the services of a representative of Tiakina te Taiao Limited to be present during any earthworks. The Consent Holder shall contact Tiakina te Taiao Limited, PO Box 1666, Nelson (ph (03) 546 7842) at least five working days prior to commencing any earthworks and advise it of the commencement date of the earthworks. In the event of Maori archaeological sites (eg shell midden, hangi or ovens, garden soils, pit depressions, occupation evidence, burials, taonga) or koiwi (human remains) being uncovered, activities in the vicinity of the discovery shall cease. The Consent Holder shall then consult with the New Zealand Historic Places Trust's Central Regional Office (PO Box 19173 Wellington, phone (04) 801 5088, fax (04) 802 5180), and shall not recommence works in the area of the discovery until the relevant Historic

Places Trust approvals to damage, destroy or modify such sites have been obtained.

advice Note:

The discovery of any pre-1900 archaeological site (Maori or non-Maori) which is subject to the provisions of the Historic Places Act needs an application to the Historic Places Trust for an authority to damage, destroy or modify the site.

In the event of Maori archaeological sites (eg shell midden, hangi or ovens, garden soils, pit depressions, occupation evidence, burials, taonga) or koiwi (human remains) being uncovered, activities in the vicinity of the discovery shall cease. The Consent Holder shall then consult with the New Zealand Historic Places Trust's Central Regional Office (PO Box 19173 Wellington, phone (04) 801 5088, fax (04) 802 5180), and shall not recommence works in the area of the discovery until the relevant Historic Places Trust approvals to damage, destroy or modify such sites have been obtained.

- (d) The existing temporary dwelling on proposed Lots 2-4 (amalgamation) shall be either removed, or converted to an accessory building in accordance with the definition of "accessory building" as defined in Chapter 2 of the Tasman Resource Management Plan and quoted below:

"accessory building means any separate building the use of which is incidental to, and coexistent with, the use of a principal building, or activity on a site, and includes a sleep-out, studio, garage or carport, garden shed, glasshouse, swimming pool, shed used solely as a storage area, or other similar structure."

The above mentioned conversion shall be undertaken within three months of a replacement dwelling being authorised by building consent on the site becoming habitable.

Building Colour (Lot 2-4)

- (d) The exterior of any building on Lots 2-4 (amalgamated), shall be finished in colours that are recessive and blend in with the immediate environment and have been approved by the Council. The Consent Holder shall submit to the Council's Consent Planner 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 (eg, paint, Colorsteel);
 - (b) the name and manufacturer of the product or paint;
 - (c) the reflectance value of the colour;
 - (d) the proposed finish (eg, 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.

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 $\leq 50\%$	A09 to A14 and reflectance value $\leq 25\%$
Group B	B19 to B29 and reflectance value $\leq 50\%$	B23 to B29 and reflectance value $\leq 25\%$
Group C	C35 to C40, reflectance value $\leq 50\%$, and hue range 06-16	C39 to C40, reflectance value $\leq 25\%$, and hue range 06-16
Group D	D43 to D45, reflectance value $\leq 50\%$, 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:

These consent notices shall be prepared by the Consent Holder’s solicitor at the Consent Holder’s expense and shall be complied with by the Consent Holder and subsequent owners on an ongoing basis. All costs associated with approval and registration of the consent notice shall be paid by the Consent Holder.

GENERAL 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 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 Tasman Resource Management Plan (TRMP); 2) be allowed by the Resource Management Act; or 3) be authorised by a separate resource consent.

Consent Holder

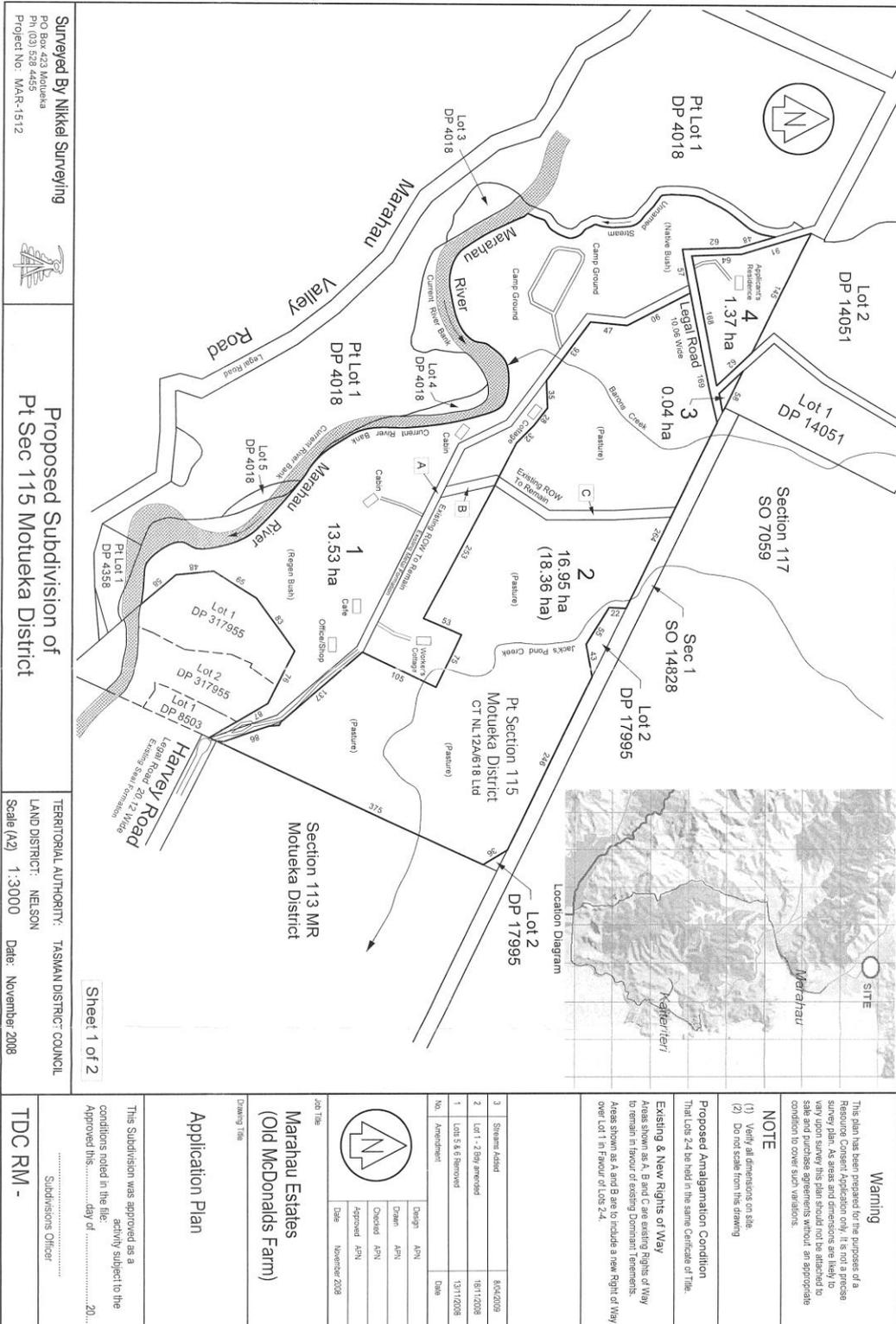
3. This consent is granted to the abovementioned Consent Holder but Section 134 of the Act states that such land use consents “attach to the land” and accordingly may be enjoyed by any subsequent owners and occupiers of the land. Therefore, any reference to “Consent Holder” in the conditions shall mean 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.

Temporary dwelling on Lots2-4 (amalgamated)

4. The applicants are advised that the residential dwelling use has not been legitimately established on the site and steps should be taken to rectify this situation via appropriate mechanisms available under the Building Act or decommission it.

Plan A prepared by Nikkel Surveying Ltd titled, "Proposed Subdivision of Pt Sec 115 Motueka District" and amended as dated 30/10/09.



Surveyed By Nikkel Surveying
 P.O. Box 423 Motueka
 Ph (03) 528 4455
 Project No: MAR-1512

Proposed Subdivision of
 Pt Sec 115 Motueka District

TERRITORIAL AUTHORITY: TASMAR DISTRICT COUNCIL
 LAND DISTRICT: NELSON
 Scale (A2) 1:3000 Date: November 2008

Sheet 1 of 2
 TDC RM -

30.10.09 amended Plan A
 RHO90272

Warning
 This plan has been prepared for the purposes of a Resource Consent Application only. It is not a precise survey plan. As areas and dimensions are likely to vary upon survey this plan should not be attached to resource consent applications without an appropriate condition to cover plans variations.

NOTE
 (1) Verify all dimensions on site.
 (2) Do not scale from this drawing.

Proposed Amalgamation Condition
 That Lots 2-4 be held in the same Certificate of Title.

Existing & New Rights of Way
 Areas shown as A, B and C are existing Rights of Way to remain in favour of existing Dominant Tenements. Areas shown as A and B also include a new Right of Way over Lot 1 in favour of Lot 2-4.

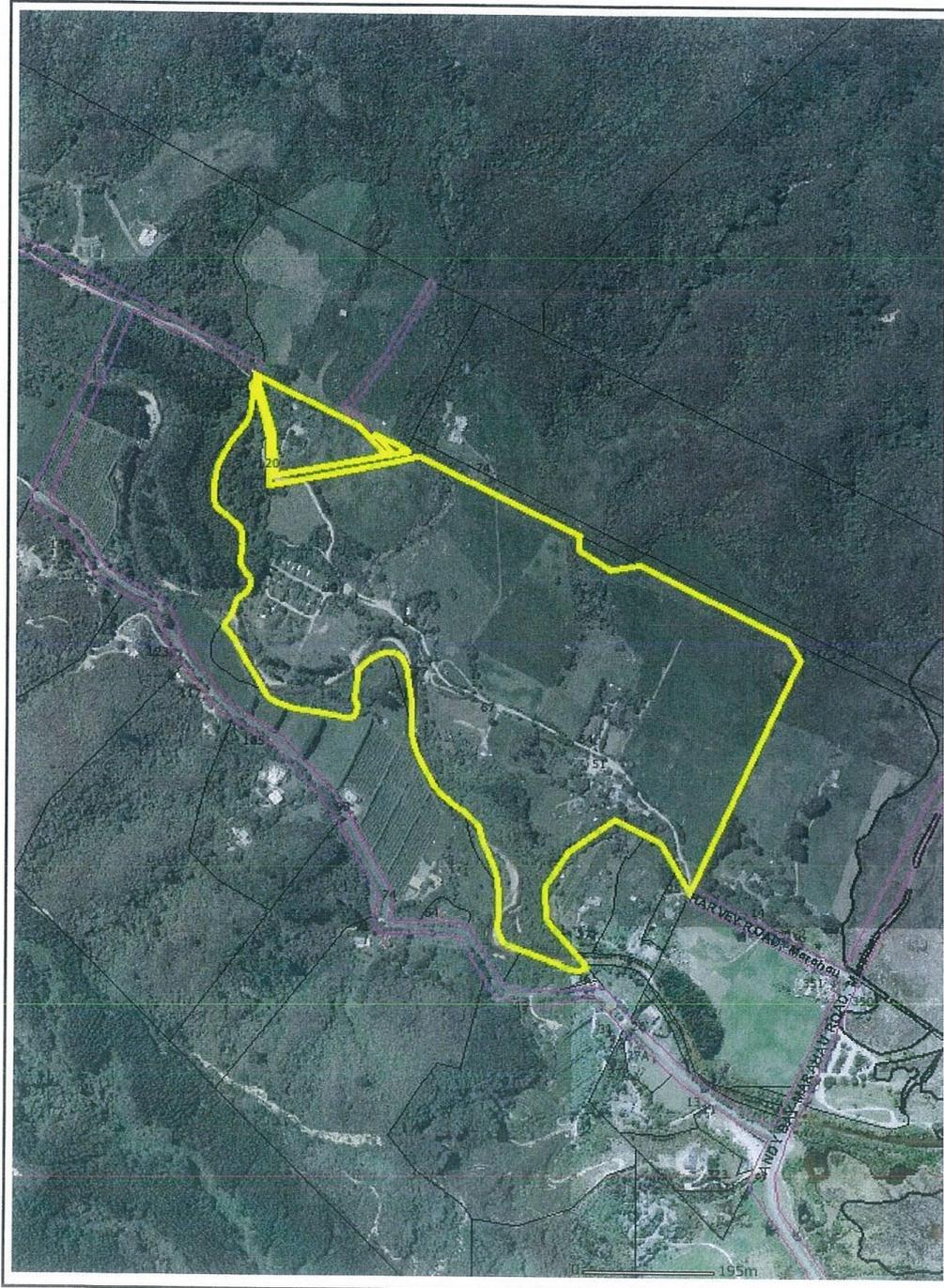
No.	Amendment	Date
1	Lot 1 - 2 Day amended	18/11/2008
2	Lot 5 & 6 Removed	13/11/2008

Design	ASN
Drawn	ASN
Checked	ASN
Approved	ASN
Date	November 2008

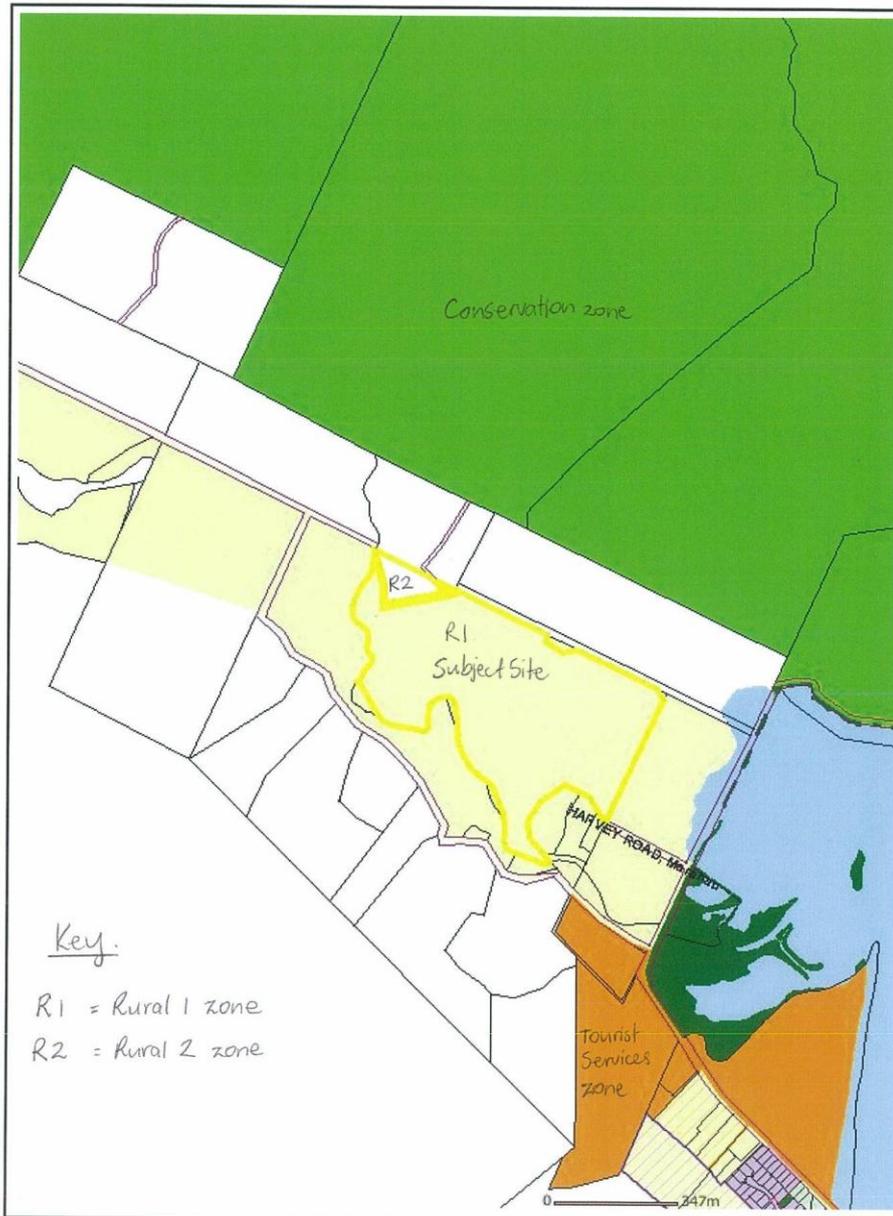
Marahau Estates (Old McDonalds Farm)
 Application Plan

This Subdivision was approved as a condition noted in the file activity subject to the conditions noted in the file.
 Approved this: day of 20.....

APPENDIX 2
Aerial Photograph



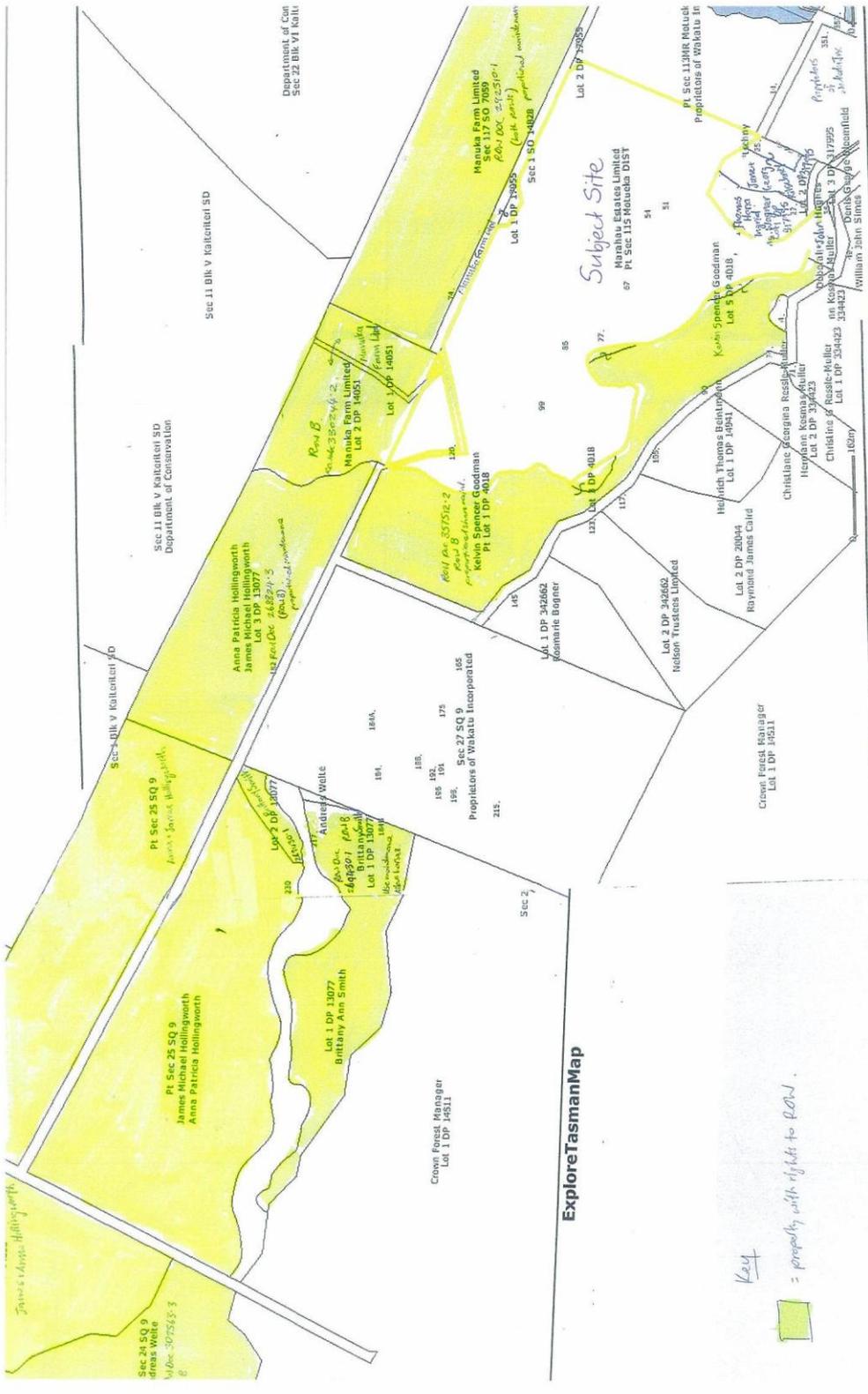
**APPENDIX 3
Tasman Resource Management Plan Zoning Map**



ExploreTasmanMap

15/5/2009 **DISCLAIMER:**
This map is derived from ExploreTasman and has generally been compiled from data generated by and supplied to the TDC. It has no legal status and is known to be incomplete. To ascertain the exact location of any item, TDC advises that the customer arrange onsite verification. TDC will not be liable for any damages or loss whatsoever suffered from the use of this information.
Cadastre sourced from Land Information New Zealand data. Crown Copyright reserved.

APPENDIX 5 Map of Right-of-way users



STAFF REPORT

TO: Environment & Planning Committee
FROM: Gary Clark, Transportation Manager
REFERENCE: RM090273 and RM090280
SUBJECT: **MARAHAU ESTATES LTD, HARVEY ROAD, MARAHAU**

Introduction

The application is to increase the camp ground at the end of Harvey Road from 140 campers (currently consented) to 500 campers at peak time. In addition, one additional title with one dwelling to be constructed on it is proposed onto the main right-of-way.

In relation to the Holiday Park there is nine staff in total on a roster with a maximum of six staff working at any one time. Five of the nine staff live on site. The applicant has advised that they have 100 campsites and 21 cabins (at peak time).

Traffic Generation

Urbis has undertaken a Traffic Impact Report in relation to the application. The Traffic Generation Estimate Table on Page 5 of their attached report provides an appropriate estimate of traffic generation for the camp ground, with the exception of two matters. The box on 40 guests permanently departing at an average of three people per vehicle should read 13 movements (not 3 movements). Therefore the total should be 170 trips per day (not 160 as per their table). In addition, day visitors visiting campers should also be formally factored in. It is considered that 30 movements per day would be an appropriate number. This brings the estimated peak daily movements to around 200.

Effect on Harvey Road and the greater Marahau Network

The portion of Harvey Road from the bend to the closed end of the road is unmarked and has a sealed carriageway width of approximately 4.6 metres. The road ends in a cul-de-sac with entrances to properties, including the subject site at the end of the road.

Harvey Road needs to be widened to a minimum of 5.5 metre carriageway with a 0.6 metre unsealed shoulder on either side. This is necessary in order to provide a safe traffic environment for the increased users of the road. Such a carriageway width will allow vehicles to pass while remaining on the sealed carriageway. The current 4.6 metre sealed width requires some vehicles to move off the seal onto the gravel shoulder which can result in loss of control of the vehicle with reduced traction on the gravel. Reduced width also leads to maintenance issues relating to edge break along the sealed edge.

The pole on Harvey Road needs to be moved to away from the off the edge of the widened sealed carriageway. The clear separation distance needs to be at least three metres. This will move the pole to an appropriate distance from the carriageway.

The Marahau roading network has the capacity to absorb the proposed traffic provided the recommended conditions are adopted. The nature and level of traffic effects on Harvey Rd and the Marahau network will be less than minor. This also takes into account possible future demand from an uptake of the tourist services zoning at Marahau.

Parking

On site parking needs to be provided on the site in order to adequately provide for vehicles on the site. The parking should be provided at a rate of one space per campsite (100) and one space per cabin (21) and one space for each 35m² gross floor area for the retail shop on the site. Two spaces per dwelling on the site (there are three dwellings on the site). The new dwelling should be provided with two spaces. This is in accordance with the TRMP. This will be an appropriate amount of parking provision to mitigate traffic effects. There could be a reduction in parking associated with the retail aspect of this proposal as this is unlikely to generate an additional parking demand.

The spaces in the 50 car park compound which is currently grassed and should be formed in compacted basecourse in order to avoid tracking of mud onto the right-of-way and road carriageway during wet weather.

The parking spaces serving the shop and camp office should be in compacted basecourse. The one parking space per camp site and per cabin can remain in grass. The acceptable practice in the majority of New Zealand camping grounds is to provide a grassed parking space as part of, or adjacent to, the camp site. This will work in this location.

I do not consider the ability for the proposal to provide parking to be an issue because of the size of the site and the typical operation of camping grounds.

Right-of-way

The main right-of-way through the site serves seven other properties. It is formed in compacted basecourse to a varying width of between 3.5 and 4.5m.

Any lengths of the right-of-way within 200 metres of a dwelling off the site should be sealed for 200 metres beyond the section of right-of-way within 200 metres of a dwelling. This will mitigate the effect of dust effect on adjacent other properties.

Expected traffic generation at the peak times of the year is about 200 movements per day plus 10 vehicle movements from the new dwelling on proposed Lot 4. These camp users and the occupants of the dwelling will be using main right-of-way. The other seven users are expected to contribute around 30 - 50 vehicle movements on the right-of-way each day. The increase in the scale of the camp ground and additional title proposed by this development will create most of the wear and tear on the right-of-way. Consequently the cost of the required upgrades that are needed on order to adequately cater for the additional traffic should be borne by the applicant.

Some users of the right-of-way have raised concerns regarding the effectiveness of their travel along the right-of-way given at peak times there will be a number of users of the right-of-way at the camp in "holiday mode" walking on the access.

In this case the number of users on the main right-of-way will be eight upon completion of the development. This is two more than the maximum of six users specified in the TRMP. In relation to traffic effects, six users is an arbitrary number of users. The important consideration is whether the right-of-way is designed for the safe and efficient passage of the number of users and nature of traffic.

In order to provide safe approach for vehicles on the right-of-way, the corners should be widened to a minimum carriageway width of 7.0 metres 15 metres either side of the centre of the curve. For the number of users and the nature of the traffic the remainder of the right-of-way should have a minimum of 4.5 metres.

The first 20 metres of the access should be sealed to the same standard as the road. There are currently some potholes adjacent to the Harvey Road access so some upgrading will be required.

Other possible access to the sites served by the ROW

Mr Andreas Welte, a user of the right-of-way, has made a submission. He states that "there is an alternative legal access to my property (and other properties upstream from the applicant's land). The absence of a bridge however means that such legal access is at present ineffective to provide vehicular access to my property. If the Applicant (an/or Tasman District Council and other potential users) would fund the construction of the necessary bridges and approaches, then that would provide effective alternative access, thereby enabling the rights of way to be extinguished and removing general traffic wholly from the Applicant's camping ground."

The TDC would not contribute to the formation of the unformed legal road and bridge as it is not considered to be cost effective or necessary in this instance.

Conclusion

In conclusion, the traffic effects of the proposal can be mitigated by the recommended conditions.

Gary Clark
Transportation Manager

STAFF REPORT

TO: Environment & Planning Subcommittee
FROM: Pete Harcom, Environmental Health Officer
REFERENCE: RM090273 & RM090280
SUBJECT: **MARAHAU ESTATES LIMITED, HARVEY ROAD, MARAHAU**

1. Noise Obligations - applicable to Old MacDonald's Farm, Marahau

In general terms, the legal obligations on the occupiers of Old MacDonald's Farm camping ground is to comply with the Resource Management Act 1991 (RMA) and the Tasman Resource Management Plan (TRMP).

The obligation is on Old MacDonald's farm to control noise levels from the activities on the site at all times. This will be to comply specifically with RMA Section 16 and section 326 and the TRMP rules if applicable to this site.

Old MacDonald's farm will need to ensure they are applying the 'Best Practicable Option' as imposed by section 16 of the RMA.

1.1 Duty to Avoid 'Unreasonable Noise' - Resource Management Act 1991 (RMA) Section 16

This requirement is contained in Section 16 of the RMA, which states:

(1) Every occupier of land and every person carrying out an activity on land..... shall adopt the best practicable option to ensure that the emission of noise from that landdoes not exceed a reasonable level.

The occupiers of the nearby residences (dwellings) can reasonably expect that the noise provisions of the RMA and the TRMP will be applied.

Section 16 of the RMA does not require that a landowner simply undertakes some means of controlling noise, but that the "**best practicable option**" is adopted to control noise.

Pete Harcom
Environmental Health Officer