



STAFF REPORT

TO: Environment & Planning Subcommittee

FROM: Mandy Bishop, Consent Planner

REFERENCE: RM060855

SUBJECT: **B A SMITH – REPORT EP07/02/15** - Report prepared for 26 February 2007 Hearing

Personal Background

I graduated with first class honours from Massey University in 2002 with a Bachelor of Resource and Environmental Planning. I have approximately four years equivalent full-time experience in resource consent processing for regional, district and unitary authorities. I am a graduate member of the New Zealand Planning Institute.

1. APPLICATION BRIEF

1.1 Proposal

The application is for land use consent to establish and operate a horse trekking and equestrian centre. The activity will involve up to three horse treks on the applicant's property as well as off-site treks (the off-site trekking does not form part of this application as it does not require resource consent). Riding lessons will also be offered. The operational times will be between 7.00 am and 9.00 pm, seven days a week, and operated initially by the applicant but may in the future employ up to two additional staff. Up to 15 additional vehicle trips per day are expected and some of these may be via a pick-up or drop-off service. Access to the applicant's property is via Harvey Road, a legal right-of-way through "Old MacDonald's Farm" along a section of legal road then another right-of-way on the applicant's land and across the Marahau River via a newly constructed bridge owned by the applicants.

1.2 Location and Legal Description

The property is located at Marahau Valley Road, Marahau (see Annexe 1 attached).

The legal description of the land is Lots 1 and 2 DP 13077, Certificate of Title NL 8A/819.

1.3 Zoning and Consent Requirements

The land is zoned Rural 1 under the Proposed Tasman Resource Management Plan. This zoning is considered to be operative (as there are no outstanding appeals of relevance to this proposal), so no analysis is given of the Transitional Plan provisions.

The application is considered to be a Restricted Discretionary Activity under the relevant rules of the Proposed Tasman Resource Management Plan in that the proposal involves a home occupation activity on a site that is located on a shared access in the Rural 1 Zone. The Council has restricted matters over which the Council has reserved its control.

2. INTRODUCTION

2.1 The Setting

The site is a 10.56 hectare site on the southern side of the Marahau River near the top of Marahau Valley, with only one other property with a dwelling being further inland than the subject property (owned by Welte, see Annexe 2). The access is from Harvey Road onto a shared right-of-way of approximately 900 metres in length bisecting Old MacDonald's Farm, then onto legal public road for approximately 870 metres until reaching the boundary of the applicant's property, where another right-of-way commences for use by the Hollingworths and Weltes. Portions of the physical road are not within the legal road boundaries and there is a ford approximately 75 metres east of the applicant's property.

The property is surrounded by lifestyle blocks or rural activities and adjoins Marahau Valley Farms, where informal access used to be gained through this property from Marahau Valley Road. A locked chain now prevents access via this route. The wider area provides southern access to the Abel Tasman National Park and associated small-scale tourist, recreational and residential activities in this coastal holiday destination.

3. NOTIFICATION AND SUBMISSIONS

3.1 The application was limited notified to six parties on 28 November 2006 to the owners of properties with legal right-of-way and the Department of Conservation. Two of the parties (Goodman and Welte) had provided written approvals for the proposal.

Three submissions were received; one opposing, one supporting and one neutral with two requesting to be heard.

R Seager and A Opie

They are neutral in regards to the application stating concerns over increased traffic causing congestion on the narrow right-of-way and increased traffic noise. They state the majority of vehicles using the right-of-way do not go beyond "Old MacDonald's" camping ground at present and seek a condition of consent (if granted) limiting the number of vehicle movements generated by the residential and business activities on the subject site to 15 one-way movements per day.

They do not wish to be heard in support of their submission.

Abel Tasman Deer Farm Ltd (J and A Hollingworth)

They oppose the application based on concerns regarding traffic and road conditions, the rural zoning pattern and the effects on the coastal environment. They feel the condition of the single-lane, unsealed road is not suitable for the expected increase in traffic volume and the blind spots, lack of turning bays and numerous potholes, combined with increase in traffic movements, will create a high risk of accident and danger to existing road users. They are also concerned about the maintenance of the road (currently by voluntary neighbour contributions) from increased traffic movements and heavy vehicles such as horse trucks and floats.

They also suggest additional signage would be required along the Marahau Beach front and the granting of this consent will encourage ribbon tourism services development, thereby compromising the rural character and amenity of the area with the increase in traffic and people to the area. The third concern relates to the cumulative effects of horse trekking businesses on the ecosystems of the area such as disturbance of native sea birds, cockle beds and sea grass forests.

They wish to be heard in support of their submission.

Marahau Estates Ltd (D MacDonald)

Supports the application and would like conditions imposed on the resource consent, if granted, to address their concerns for the safety of existing road users, the nuisance of horse droppings and the potential for the existing vegetation on "Old MacDonald's Farm (OMF)" being interfered with. They propose all traffic be restricted to 15 kilometres per hour, all horse droppings to be removed immediately and no vegetation on OMF be interfered with. They wish to be heard in support of their submission.

4. STATUTORY CONSIDERATIONS

4.1 Resource Management Act

Part II Matters

In considering an application for resource consent, Council must ensure that if granted, the proposal is consistent with the purpose and principles set out in Part II of the Act.

If consent is granted, the proposed activity must be deemed to represent the sustainable use and development of a physical resource and any adverse effects of the activity on the environment are avoided, remedied or mitigated. The critical issue of this consent is whether the proposal represents sustainable use of the rural zoned land resource, whereby traffic and activity adverse effects are no more than minor.

These principles underpin all relevant Plans and Policy Statements, which provide more specific guidance for assessing this application.

Section 104

Subject to Part II matters, Council is required to have regard to those matters set out in Section 104. Of relevance to the assessment of this application, Council must have regard to:

- Any actual and potential effects of allowing the activity to go ahead (Section 104 (1)(a));
- Any relevant objectives and policies in the Tasman Regional Policy Statement and the Proposed Tasman Resource Management Plan (Section 104(1)(b));
- Any other relevant and reasonably necessary matter(s) to determine the consent (Section (1)(c)).

In respect of Section 104(1)(b), the Proposed Tasman Resource Management Plan is now considered to be the dominant planning document, given its progress through the public submission and decision-making process.

Section 104C sets out the framework for granting or declining consent based on the status of an activity as set out in the relevant Plan.

4.2 Tasman Regional Policy Statement

The Regional Policy Statement seeks to achieve the sustainable management of land and coastal environment resources. Objectives and policies of the Policy Statement clearly articulate the importance of protecting land resources from inappropriate land use and development.

Because the Proposed Tasman Resource Management Plan was developed to be consistent with the Regional Policy Statement, it is considered that an assessment under the Proposed Plan will satisfy an assessment against Policy Statement principles.

4.3 Tasman Resource Management Plan

The most relevant Objectives and Policies are contained in: Chapter 5 “Site Amenity Effects”, Chapter 7 “Rural Environment Effects” and Chapter 11 “Land Transport Effects”. These chapters articulate Council’s key objectives: To ensure land uses do not significantly adversely affect local character, to provide opportunities for a range of activities in rural areas and ensure land uses do not significantly adversely affect the safety and efficiency of the transport system.

The most relevant Rules which follow from these imperatives are contained in Chapter 17.4 “Rural 1 Zone Rules” and Chapter 16.2 “Transport (Access, Parking and Traffic)”.

Details of the assessment of the proposed activity in terms of these matters are set out in the chapters following.

5. ASSESSMENT

In accordance with Section 104 of the Resource Management Act, Council must consider the actual and potential effects on the environment of allowing the activity, have regard for any relevant objectives, policies, rules, and consider any other matters relevant and reasonably necessary to determine the application.

5.1 Matters of Discretion and Control in the Plan

The proposal is a discretionary activity where the Council has restricted matters over which it has reserved its control to the following seven matters:

- (1) The extent to which the activity will result in the loss of rural character on the site and in the vicinity of the site.
- (2) Any adverse effect on the amenity values of the area.
- (3) Adverse effects of the home occupation in terms of noise, odour, vibration, dust, glare, visual impact, loss of privacy, traffic and parking congestion on-site, and safety and efficiency of traffic on roads giving access to the site.
- (4) & (5) Are not considered relevant as they relate to effects of outdoor storage and natural or technological hazards.
- (6) The duration of consent and purpose and timing of reviews.
- (7) Financial contributions, bonds and covenants in respect of the performance of conditions.

The vibration, glare, visual impact, loss of privacy and traffic and parking congestion on-site components of matter (3) are not considered relevant to this proposal. Noise and dust effects and the safety and efficiency of traffic are considered in the Transport Effects section in 5.2 below. Odour is potentially a concern resulting from horse droppings and is addressed along with matters (1) and (2) in the Rural Character and Amenity Values section of 5.2 below.

5.2 Assessment of Environmental Effects

Pursuant to Section 104(1)(a) of the Resource Management Act, the following effects assessment has been set out:

Permitted Baseline

Section 104(2) gives a consent authority the ability to disregard adverse effects on the environment of activities that the Plan permits, if it so wishes. This is the “permitted baseline” and can provide a yardstick for the effects that otherwise might arise.

The Plan permits Home Occupation activities in the Rural 1 Zone provided permitted standards are met including:

- any building used for the Home Occupation activity is no more than 75 square metres in gross floor area;
- the activity employs no more than two full-time equivalent persons who reside off-site; and
- the home occupation is not undertaken on a site which is located on a shared access or private way except where there are no visitors, off-site employees or deliveries to the site.

Chapter 16 details access and parking standards, where two parking spaces for the home occupation are required in addition to the dwelling requirement of two spaces. This proposal breaches the permitted activity standard of being a home occupation on a shared access. Had a public road been formed to any standard to the site resource consent would not be required for the horse trekking and equestrian centre as proposed. In addition, no resource consent is required for horse trekking on public roads or the beach, although other provisions under other legislation may require a Concession be obtained from the Department of Conservation for the commercial use of the recently notified Abel Tasman Foreshore Scenic Reserve.

While it could be argued the effects of proposal could only be considered in terms of the effects on the shared access portions only, the following assessment encompasses both legal road and shared access to provide a complete overall assessment.

Rural Character and Amenity Values

Horses are commonly found in the rural area for working animals, breeding and recreational purposes. Amenity values, as defined in Section 2 of the Resource Management Act 1991, mean:

“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.”

Marahau is a special rural and coastal scenic area providing access to one of New Zealand’s most visited National Parks. Both residents and visitors to the area could realise benefits from this proposal in providing recreational activities that are compatible with the rural and tourist nature and character of Marahau. Perceived problems raised by submitters include the nuisance of horse droppings, vegetation being interfered with, concerns of ribbon tourism development and effects of increased traffic movements.

The applicant has undertaken to collect any droppings as soon as practicable and in the best interests of her business will control the treks to not interfere with private property. Any development in the rural zone must meet Plan permitted standards or require resource consent, where assessments are made as to the compatibility of the development with the existing environment. The Rural 1 zoning in this area is not identified as going to change but the zoning does allow for small-scale businesses as home occupations, including visitor accommodation. These activities are anticipated in the zone and are therefore compatible with the zone.

Outside of permitted standards, compatibility will depend on a case by case basis and each case would not lead to ribbon tourism development in itself, although similar cases can expect to be treated in a similar manner. There may be many cases where the activity is deemed to fit in with the rural environment and the cumulative effects of these seem to alter the present character of the area. Areas do change over time however and as long as development occurs through a resource consent process or notified plan or zone change, the development is considered to be robust and appropriate for the environment, albeit not everyone will agree with the change. Traffic effects are addressed in the following section.

Transport Effects

As stated earlier, the proposal would have been a permitted activity had access to the property been gained via legal public road. There is no requirement for an existing legal road to be of a minimum standard before home occupations can occur on the property. There is also no requirement for the existing road or right-of-way to be of a certain standard before the applicant can use her legal right to gain access to and from her property with any manner of vehicles, including horse floats or livestock transportation vehicles. The applicant can ride horses via this existing access as-of-right and there is only Council's Stock Control Bylaw controlling the use of public roads by animals (see Annexe 3), which the applicant has read and stated she can comply with this Bylaw.

One of the matters of discretion Council has restricted its control is the "safety and efficiency of traffic on roads giving access to the site" (part of matter 3). All three submitters raised concerns of vehicle movements and safety matters, with one submitter proposing a condition to restrict the speed to 15 kilometres per hour and another submitter proposing to restrict the number of vehicle movements generated from the applicant's site to a total of 15 one-way movements. The other submitter does not feel the condition of the road is suitable for the expected increase in traffic.

While parts of the road and right-of-way may not meet current standards for road and access formation for the type and number of properties it services, access formation standards set out in Rule 16.2.2(b) refer to differing standards based on the zoning of the access and number of "users". A user in this instance means "any discrete household or business unit" (see footnote 3 of Figure 16.2A attached as Annexe 4). This infers traffic movements associated with a home and business on the one property would count as one "user" of the site and this proposal would therefore maintain the existing number of "users" on the shared access.

There are also numerous vehicle movements to and from the campground, café, and other accommodation and tourist activities offered at Old MacDonald's Farm that would far exceed 15 vehicle movements per day. The campground could accommodate up to 140 people in the original resource consent for the activity and additional on-site café and kayak rental activities would also generate additional traffic movements. Associated traffic noise and dust nuisance would therefore be more significant from current activities than the proposal and conditions of consent can keep the scale of the business at a level where noise and dust problems will be no different than that produced by permitted activities. It would be in the consent holder's interest to advise visitors to travel at reduced speeds in dry conditions to minimise the dust nuisance and a review condition could be imposed to address this issue should it become a problem.

Comments from Council's Engineering Department recognise that improvements are desirable on some of the more publicly used roads by some physical works to improve sight lines and placement of horse signs. As these areas commented upon are outside of the scope of this resource consent they serve to advise the consent holder only. Should the consent holder wish to proceed with such works permission would need to be obtained from applicable land owners (see Annex 5 for all comments from Council's Engineering Department).

Conditions of consent need to be related to the proposal, reasonable and achieve a resource management purpose. I do not consider it reasonable to restrict all traffic to 15 kilometres per hour, as the Council cannot impose a condition that requires any third party to comply, that is, the other right-of-way users and this speed is less than the legal speed limit for the legal road portion. There are at least three informal 15 kilometre per hour signs, three speed bumps and a one-lane bridge when travelling through Old MacDonald's Farm and this would seem adequate to ensure visitors on the shared access travel at slow speeds. Any upgrading of the shared access to comply with current standards is considered unreasonable given the current usage of Old MacDonald's Farm activities far exceed the proposed vehicle trips.

The public road portion is single lane and unsealed, with some low visibility corners and other areas where two vehicles will be able to pass. A comfortable travelling speed is less than 30 kilometres per hour. The ford would pose a problem at times for visitors not used to crossing streams and for two-wheel drive vehicles. The temptation to use the bridge on Hollingworth's property as an alternative route to the applicant's property cannot be discounted. Clear advice and instructions would need to be given to visitors to the property not to use the Hollingworth's bridge without the owners' permission and there may be circumstances where the Consent Holder picks up clients from other places should they not have four-wheel drive vehicles to traverse the stream.

The remaining right-of-way section on the applicant's property has good visibility and areas for vehicles to pass. As there are no restrictions on the number of traffic movements for residents of properties in the area, I cannot support restricting traffic movements for both residential and business activities. Restricting traffic movements as a condition of consent for business activities in combination with other restrictions on the hours of the business and number of horse treks per day will achieve keeping the business at a scale where the effects on existing right-of-way users will be no more than minor.

Cumulative Effects

As discussed in Transport Effects above, the additional traffic movements associated with this activity over and above that normally associated with existing activities is not considered to be significant and would not result in overall movements being above a threshold beyond which the safety and efficiency of the road and access is compromised. The cumulative effect on amenities and rural character is also considered to be no more than minor, as the horse trekking and equestrian centre fits in with the rural and tourist area. The cumulative effect on zoning is no more than minor given the activity is potentially permitted in this zone, the only resource consent issue being a shared access.

Summary of Effects

The adverse effects of traffic movements associated with this proposal on the shared access is no more than minor given the existing vehicle use. The additional traffic movements on the public road will require drivers to be cautious given some blind corners and a ford, but these conditions are expected on an isolated rural road. Public road standards are not a matter of consideration for permitted home occupations. Visitors to the proposed activities can be adequately pre-warned and advised of the road condition, stream level and safe travelling speed, as they will need to pre-book the activities. The Consent Holder can also provide a pickup service to further mitigate safety concerns.

Horse activities are expected to be located in a rural environment and the proposal will maintain or enhance existing amenity values by providing additional recreational opportunities for the area. Conditions of consent can ensure the scale of the business remains consistent with permitted home occupation activities and compatible with the surrounding environment.

5.3 Relevant Plans and Policy Statements.

The land use activity must be deemed to be consistent with relevant objectives and policies pursuant to Section 104(1)(b) of the Act. The most relevant Plan is considered to be the proposed Tasman Resource Management Plan and will be used in this assessment. Because this was developed to be consistent with the Regional Policy Statement, the assessment would also be considered to satisfy an assessment under the Policy Statement.

The following summarises the most relevant Plan matters and provides brief assessment commentary:

Chapter 5 - Site Amenity Effects Council must ensure that the character and amenity values of the site and surrounding environment are protected, and any actual or potential effects of the proposed activities must be avoided remedied or mitigated, including cross-boundary effects.

Objectives: 5.1, 5.2 As detailed in the assessment of effects (Chapter 5.1), the existing character and amenity values are maintained for the nature and scale of the proposed home occupation activity that would be permitted had access to the property be via public road only.

Policies: 5.1.1, 5.1.4, 5.1.12, 5.2.1, 5.2.8.

Chapter 7 – Rural Environment Effects Residential activities and associated development in rural areas can potentially detract from the environmental quality and rural character.

Objectives: 7.1, 7.2, 7.3 The Plan seeks to provide for a range of activities in rural areas, including tourist services, while managing their effects.

Policies: 7.1.2, 7.1.2A, 7.2.1A, 7.3.1, 7.3.3, 7.3.4,

7.3.9

Chapter 11 – Land Transport Effects The Plan seeks to provide a safe driving environment and safety for people in the environment where vehicles are driven.

Objective: 11.1

Policies: 11.1.2, 11.1.2B & 11.1.4 Adverse effects of traffic generation are to be avoided, remedied or mitigated and development is to be located where it avoids an increase in traffic safety risk (including pedestrians and cyclists).

Chapter 17.4 – Rural 1 Zone Rules – The proposed activity is subject to permitted activity performance standards set out in Rules 17.4.2 and 17.4.12A.

Chapters 16.2 and 18.10 – Access and Road Area Rules Access and Road permitted standards are set out in Rules 16.2.2, 18.10.2 and 18.10.3.

Chapter 5 “Site Amenity Effects” is concerned with the effects of land uses that cross property boundaries that may add to or detract from the use and enjoyment of neighbouring properties. They may also affect local character.

The effect on the rural character is unchanged by this proposal, as the provision of a stable and grazing horses fits in with the existing rural environment. The associated use of the road and right-of-way will maintain the privacy for other rural dwelling sites and not cause any significant increase in dust, noise or odour given the existing traffic movements to Old MacDonald’s Farm, the scale of the activity being potentially a permitted home occupation and the applicant undertaking to remove all horse droppings.

Chapter 7 “Rural Environment Effects” is concerned with the fragmentation of rural land, the availability of rural land for a range of purposes, and the protection of rural character and amenity.

Objective 7.1.0 and related policies seek to avoid the loss of potential for all land of existing and potential productive value. Objective 7.2.0 seeks to provide opportunities to use rural land for other activities, including tourist services, while avoiding the loss of land of high productive potential. Objective 7.3.0 and related policies are concerned with the adverse effects of uses or activities in rural areas.

The proposed activities will not fragment the land, will retain the productive potential of the land, as it will be used for grazing or riding horses and the use of horses will blend in with both the rural character and nearby tourist activities. Potential adverse effects of odour, vegetation loss, noise, dust and safety of access users can be avoided, remedied or mitigated through consent conditions or are at a level that would not have any significant effects on others given the existing use of the area.

Chapter 11, “Land Transport Effects” seeks to provide a safe driving environment for people and vehicles.

Objective 11.1.0 and associated policies seek to provide a safe and efficient transport system by locating development that avoids, mitigates or remedies the adverse effects of traffic generation and avoids an increase in traffic safety risk. 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 (Policy 11.1.2(a)). Adequate and efficient parking and loading spaces are also to be provided.

Traffic generation from home occupations is not a standard in itself under permitted rules, but other standards will ensure the home business is of a nature and scale that would not generate significant traffic volume. The only non-compliance for this proposal involving clients or visitors to the site is that part of the access to the subject site is shared. The additional traffic movements from this proposal are considered to maintain the existing safety and efficiency of this shared access, as it also serves a campsite and café that attracts significantly more visitor numbers.

In conclusion, it is considered that the proposed home occupation activity is not contrary to the site amenity, rural environment and transport policies and objectives of the Proposed Plan.

5.4 Part II Matters

The proposed commercial activity is considered to be partly consistent and partly inconsistent with the purpose and principles contained in Part II of the Resource Management Act.

Part II of the Act is concerned about:

- sustaining physical resources to meet the needs of future generations (Section 5(a));
- avoiding, remedying or mitigating any adverse effects of activities on the environment (Section 5(c));
- the efficient use and development of physical resources (Section 7(b));
- maintaining and enhancing amenity values (Section 7(c));
- maintaining and enhancing the quality of the environment (Section 7(f)); and
- recognising any finite characteristics of natural resources (Section 7(g)).

It is considered that the home occupation activity is consistent with the Act's purpose of maintaining or enhancing the amenity values and quality of the environment currently enjoyed by existing rural and tourist services properties. The isolated rural access is deemed to be able to receive additional traffic subject to conditions of consent, thereby achieving the sustainable management of natural and physical resources. While other users of this environment may not agree with the changes to their area and perceive a safety risk, this proposal can maintain the quality of the environment, maintain and enhance amenity values, efficiently use the Rural 1 land resource and while there is always an element of risk on any road this is often due to people's behaviour in given conditions and not the formation of the resource in itself.

5.5 Other Matters

Precedence Effects

Precedence in itself is not an “effect” but the subsequent approval of this proposal may lead to other similar applications seeking to establish home occupation activities on shared access properties, each wanting like treatment. This can lead to a cumulative effect that is very much a relevant adverse effect under Section 3(d) 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 “precedence” must be acknowledged in practical terms as giving rise to cumulative adverse effects:

- applications for consent are lodged on the basis that consents 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.

The effects arising from the grant of other applications for resource consent must satisfy the requirement that there is a high probability that the effects will occur or that they will have a significant impact on values that the RMA and the Plan seek to preserve. More home occupation activities on shared accessways in a rural environment will not necessarily lead to adverse effects on safety and efficiency of the access, or on amenity. The rural area could already be used for frequent visitor and recreational activities and businesses have an advantage of the opportunity to inform visitors how to reach their site appropriately and safely when receiving bookings.

Road or access formations do not in themselves have significant impacts, rather their inappropriate use may have significant impacts. This is the same for permitted activities, as activities requiring resource consent. Therefore, the granting of other similar resource consents may not necessarily add to inappropriate use of shared accessways or isolated rural roads.

6. CONCLUSIONS

- 6.1 The proposal is a Restricted Discretionary Activity under the Proposed Plan.
- 6.2 The proposed activities maintain the amenity values of surrounding rural zoned properties.
- 6.3 The existing shared access and road formation is not untypical of isolated rural roads where cautious road users will avoid increasing safety risks and avoid reducing efficiency for other access and road users. Permitted home occupation standards anticipate additional traffic movements on the public roading network.

- 6.4 The granting of this consent will not set a precedent where there is a high probability other resource consent applications of a similar nature will be made and the effect on values the RMA and the Plan seek to preserve will not be significant.
- 6.5 Conditions of consent can ensure adverse effects of this proposal are similar in nature and scale to permitted activities and are of less significance than existing activities.
- 6.6 It is considered that this proposal, on this particular site, subject to recommended conditions of consent, is consistent with the policies and objectives of the Proposed Plan and with the Act's purpose of achieving the sustainable management of natural and physical resources.

7. RECOMMENDATION

That pursuant to Section 104C of the Resource Management Act, I recommend the application to operate a horse trekking and equestrian centre at Marahau Valley Road, Marahau be granted.

8. CONDITIONS

Should the Hearing Committee grant consent I recommend the following conditions be imposed:

1. The maximum number of vehicle trips associated with the horse trekking and equestrian centre is 16 movements per day.
2. Clients of the horse trekking or equestrian centre shall be in four-wheel drive vehicles when using the existing ford to gain access to Lots 1 and 2 DP 13077.
3. A maximum of three horse treks per day may be operated on or from Lots 1 and 2 DP 13077.
4. The hours of operation for the horse trekking and equestrian centre shall be between 7.00 am and 9.00 pm seven days a week.
5. Horse droppings from the Consent Holder's horses not on Lots 1 and 2 DP 13077 shall be removed as soon as practicable and no later than six hours after defecation.
6. The consent holder shall replace any landscaping vegetation on the right-of-way destroyed by horses in the consent holder's care within two weeks of any such occurrence.
7. Council, pursuant to Section 128 of the Resource Management Act 1991, may review any of the foregoing conditions after a one year period from the date of commencement of this consent or by giving written notice of its intention to do so at any other time deemed necessary by Council staff.

The purpose of such review would be to deal with any adverse effect on the environment which may arise, and is appropriate to deal with at a later stage, because it is not presently known what would be required of the consent holder

to adopt the best practical option to reduce the adverse effects on the environment.

The particular issues, which Council will consider in its review, would be in regard to matters relevant to the number and type of vehicle trips, number of horse treks, collection of horse droppings, hours of operation and access formation. The Council may add or amend conditions of this consent to mitigate any adverse effects on the environment resulting from the operation of the horse trekking and equestrian centre.

8. The consent holder shall advise Council when the activity this consent authorises commences so monitoring of conditions can be programmed.

Conditions 1, 3 and 4 above shall lapse immediately when access to Lots 1 and 2 DP 13077 is by public road only.

Advice Notes

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.
2. Any matters not referred to in this application for resource consent or are otherwise covered in the consent conditions must comply with the Proposed Tasman Resource Management Plan (PTRMP) or the Resource Management Act 1991 or separate consent.

Note:

Permitted Home Occupation standards 17.4.12A(a) to (da) and dated 20 August 2005 (attached as Annexe 4) must be complied with, or a variation or new consent is required to be obtained.

3. This consent is issued pursuant to the Resource Management Act 1991 and the Proposed Tasman Resource Management Plan. There may be other requirements under other legislations this proposal is also required to meet, including obtaining a Concession from the Department of Conservation.
4. The horses shall not be permitted to graze or trample plantings on property known as "Old MacDonald's Farm" on Part Section 115 Motueka District.

Mandy Bishop
Consent Planner

ANNEXE 1



