



STAFF REPORT

TO: Environment & Planning Subcommittee

FROM: Mark Morris, Senior Consent Planner, Subdivision

REFERENCE: RM070086, RM070087, RM070238, NN980291V1 and NN010266V1

SUBJECT: **RIWAKA FRUIT AND VITICULTURAL SERVICES - REPORT EP07/07/01** - Report prepared for 2 July hearing.

1. APPLICATION BRIEF

1.1 Proposal

The application is for the following consents:

- RM070086
Subdivision consent to subdivide two existing titles to create seven titles, five being between 0.344 hectares and 0.788 hectares (Lots 1-5) and two (Lots 6 and 7) being 14.38 and 13.44 hectares respectively.
- RM070087
A land use consent to construct a single dwelling on each of the proposed Lots 1-5.
- RM070238
A land use consent to install a new 2.1m diameter culvert (or pipes to a total equivalent capacity) on the bed of an unnamed watercourse that flows through the site.

Consent is also sought to alter two existing dam structures by increasing the spillway capacity and providing access to proposed Lots 4 and 5.

The assessment for this application is provided in Attachment 3 of this report.

- NN980291V1
To change an existing water permit (NN980291) to allow up to 25 cubic metres of groundwater per day (out of the current allocation of 557 cubic metres per day) to be used for domestic purposes on the proposed Lots 1-5.
- NN010266V1
To change an existing water permit (NN010266) to allow water taken from an existing dam to be used for domestic irrigation and firefighting purposes on proposed Lots 1-5.

The assessment for these changes to water permits is provided in Attachment 5 of this report.

1.2 Location, Legal Description and Background

The property is located on Flett Road, Lower Moutere.

The legal description of the land is Lots 1 and 2 DP 19388, CTs NL 13A/206 and NL 13A/207 .

1.3 Zoning and Consent Requirements

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

The subdivision is considered to be a Discretionary Activity under the relevant rules of the Proposed Tasman Resource Management Plan in that the minimum lot size is less than 12 hectares required under the controlled activity rule 16.3.7 for the Rural 1 zoned land.

2. INTRODUCTION

2.1 The Application Site and Background.

The 30 hectare site consists mainly of the alluvial valley floor with the Flett stream bisecting the property in half.

Until recently, the property was virtually entirely in pip fruit orchard which had been run by the Limmer family for many years. In 2006 the property was purchased by the applicant who are in the process of converting the entire orchard into a commercial vineyard to supply grapes to Anchorage Wines NZ Ltd together with other vineyards run by the applicant in the Motueka Valley.

In November 2006 the applicant gained resource consent to establish an outlet for cellar door sales and storage of their wines in the former packhouse on Lot 7. The consent (RM060771) also allowed for the construction of a managers dwelling on the proposed Lot 6

This proposal involves a narrow raised terrace on the northern boundary which has lower productive value and is impractical to be incorporated into the commercial vineyard on the property. Instead the applicant seeks to use this terrace for five rural residential allotments, two of which are separated by existing irrigation dams on the terrace.

The proposed allotments will not directly linked to the vineyard operation, but instead will be sold off as rural residential allotments.

3. NOTIFICATION, SUBMISSIONS and AFFECTED PARTIES CONSENT.

The application was publicly notified on 7 April 2007.

Thirteen submissions were received.

1. C D Boyd

Supported the application.

Did not wish to be heard.

2. New Zealand Fire Service

Did not support or oppose the application, but wanted a consent notice registered on the new certificates of title requiring compliance with the New Zealand Fire Service Code of Practice for Fire Fighting Water Supply SNZ PAS 4509:2003 for any new dwelling constructed on the proposed allotments.

Wished to be heard.

3. D Horn

Opposed to the application for the following reasons:

- The application represents unnecessary and unwarranted fragmentation of Rural 1 zoned land.
- Land fragmented by the subdivision and development will be lost to any agricultural use with little possibility of restoration.
- There are no compelling reasons for the subdivision.
- The argument of poor soils does not stand up. It may affect the way the land is used, but there is no suggestion that the land is unusable.
- There are appropriate zones for this type of development.
- The precedent set by granting this application would mean that any “development potential” could put as an argument for subdivision.

4. E M Greenhough

Opposed to the application for the following reasons:

- Even though the land in question looks un-productive at present, with fertiliser and lime, it could be very productive pastoral land.
- The Flett Road/Braeburn Road area is predominantly a farming area with a cluster of houses at the bottom of Flett road. The addition of five extra houses will lead to more conflicts from urban dwellers who find the dust, smells and sights associated with farming contrary to their ideal of living in the country.
- The right hand turn from the Moutere Highway into Flett Road is very dangerous and if left in its present state will lead to serious accidents in the future.

Wished to be heard.

5. R Dobson and Julian Fowler

Supported the application for the following reasons:

- Many people are looking for small lifestyle blocks which are close to town, not too large and a semi rural flavour.
- The applicants have taken care to ensure that the proposed dwellings fit in well with the natural environment.
- Having small clusters of lifestyle blocks in areas such as this will enhance the value of the Motueka Area.

Did not wish to be heard.

6. E D Kiddle

Opposed to the application for the following reasons:

- Opposed to subdivision that take land out of production in the Rural 1 zone.
- Rural 1 land is our most productive land and it is critical that it is retained for productive purposes and not used for residential blocks.
- The site of the rural residential blocks has been used for production before and may have potential for other crops.
- The approval will set a precedent for other landowners to subdivide rural 1 land using similar arguments.

Wished to be heard.

7. A and C Dunkley

Supported the application

Did not wish to be heard.

8. S J Langdon

Was neutral in regard to the application, but wanted to make sure that the subdivision did not affect his access. The access to the proposed lots needs to be resited east of his property, so it does not run past his house.

Wanted the right-of-way access separate from the main subdivision access.

Wished to be heard.

9. M Stanley and H Murdoch

Opposed to the application for the following reasons:

- Concerned about the flooding and erosion effects and lack of stormwater management from the development and the removal of upstream forestry.
- There has been no mitigation measures to deal with stormwater.
- The development is too intensive and does not comply with Rural 1 development rules.
- The applicant's objective of maintaining flows to pre-development flows will not be possible because of the clear felling of 100ha of adjoining forest in the valley's upper catchment.
- The removal of the dam in the northernmost corner of the property will increase sediment runoff and silt retention dams need to be provided to replace this.

Wished to be heard.

10. Nelson Tasman Branch Of the Royal Forest and Bird Protection Society Inc

Neither supports or opposes the proposal but made the following comments:

- The subdivision is predominantly for residential purposes and result in land being lost to production forever.
- There is no discussion in the application over provision of esplanade strips or reserves along Flett stream
- If the stream is over 3m width, then esplanade strips or reserves needs to be imposed to riparian values and water quality.
- Measures should be undertaken to preserve, protect and enhance fish passage.

Wished to be heard.

11. Carter Holt Harvey Properties

Opposed to the application stating that the zoning of the property does not allow for the creation of 5 rural-residential properties.

The former dam on the northern most corner of the property needs to be reinstated to ensure proper control of stormwater and restore water resource and amenity values associated with the reservoir.

Wished to be heard.

12. KM and KRW Parker

Opposed to the application for the following reasons:

- The lot sizes are far too small for the rural 1 zone.
- The dwellings are too close to the adjoining forest.
- The subdivision will have off-site effects on the aquifer water resource.
- Concerned about the effects of the proposed recreation uses of the water storage dams such as noise and pest fish.

Wished to be heard.

13. Whenua Iti Trust

Supported the application, in particular the proposal to seal the central access road to the site.

Better visibility is needed at the intersection.

Did not wish to be heard.

Affected Parties Consent

The applicant has provided the signed written consent from the following parties:

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 subdivision must be deemed to represent the sustainable use and development of the land resource. The critical issue of this consent is the potential effect of that subdivision and development on rural land values.

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 subdivision 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 104B 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 landuse 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 Plan that is most relevant in the assessment of this application is the Proposed Tasman Resource Management Plan, due to the fact that the Rural 2 zoning that applies to this property is effectively operative.

The most relevant Objectives and Policies are contained in: Chapter 5 'Site Amenity Effects' and Chapter 7 'Rural Environment Effects'. These chapters articulate Council's key objectives: To protect rural land from inappropriate subdivision and development and to ensure character and amenity values are maintained or enhanced.

The most relevant Rules which follow from these imperatives are contained in Chapter 16.3 'Subdivision' and Chapter 17.4 'Rural 1 Zone'. The assessment criteria set out in 16.3A, which are provided to guide Council in evaluating the proposed subdivision.

Details of the assessment of the proposed subdivision in terms of these matters is 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 Assessment of Environmental Effects

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

5.1.1 Rural Land Productivity

The Council's Resource Scientist (land), Andrew Burton has commented on the soil productivity of the property in Attachment 1. The report found that Lots 6 and 7 is made up of Braeburn silt loams and Mapua sandy loams which are considered to be highly productive and well suited for intensive horticulture. These areas are being retained in their present form with Lots 6 and 7 being complying in terms of Rural 1 lot size.

The remaining soils on the property are a small area of "moutere hill" land made of raised terrace along the northern boundary. This also has Mapua Sandy Loam soils, but with much less shallower topsoils. These soils have been used for viticulture in parts of the district, but the dissected nature of the terrace makes it a major limitation to intensive horticulture and viticultural development.

Overall, the applicant the applicant has sought to keep rural residential development away from the most productive part of the property, and instead the additional lots are located on the less productive portion of the property, although the Mapua Sandy Loam soils on the Moutere Hill country is used in other areas of the district for viticulture.

5.1.2 Traffic Effects

Fletts Road provides a sealed road access to the site. The intersection of Fletts Road and Moutere Highway, needs upgrading to make it safe. An assessment of traffic effects and the effect on the Fletts Road/Moutere Highway intersection is contained in Dugald Ley's Report (Attachment 2)

5.1.3 Servicing Effects

The application stated that the following will be provided in regard to servicing for the subdivision:

Water supply for Lots 1-5 is intended to be provided from a small portion of an existing water take NN980291 which is being varied to allow for this. An assessment of this variation proposal is contained in Neil Tyson report found in Attachment 5.

Power and telephone connections will be provided to each allotment.

Site-specific wastewater disposal systems are proposed for each of the new allotments. Careful design of systems will be required to ensure that on-site effluent disposal does not adversely effect down stream water quality. An assessment of these effects is provided by Michael Durand in Attachment 4.

There has been concern from some of the submitters in regard to stormwater effects. However the greater issue appears to be the removal of forestry outside the subdivision site which has caused major changes in drainage runoff characteristics in the Fletts Stream catchment. By the contrast, the effects of runoff from the proposed dwellings sites on Lots 1-5 are relatively minor and should be able managed by conditions of consent.

5.1.4 Rural Character and Amenity Values

The Council's policies and objectives on the Rural Environment seek to protect the rural environment from the adverse effects of activities including of subdivision and urbanisation and thereby maintaining and enhancing the rural character and amenity values of the area.

Amenity values, as defined in Section 2 of the Resource Management Act 1991, means:

"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."

The creation of rural-residential lots, has the potential to detract from the amenity values of the property and the rural character of the surrounding environment.

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

The creation of five dwelling sites on Lots 1-5, and the associated built development would bring a higher density of development to this side of the valley, than would normally be anticipated with a Rural 1 zoning. However it is acknowledged that the proposed dwelling sites, in this particular location, will still be able to provide an attractive rural amenity in this location in spite of their small lot size.

5.1.5 Reserves and Walkways

An assessment of these matters has been carried out by Ros Squire in Attachment 6.

5.1.6 Stability

The applicant provided a geotechnical report with the application, confirming that Lots 1-5 could be built on, subject to specific development conditions that can be incorporated into consent notices on the respective titles.

5.1.7 Contaminated site Issues

The Council Resource Scientist (Contaminated sites), Jenny Easton has advised that because Lots 1-5 were not used for orcharding prior to the 1970's, that is unlikely that there would be any pesticide residues that would require testing for.

5.1.8 Cross-Boundary Effects.

Having five rural residential allotments adjoining a commercial vineyard has potential for creating problems with cross boundary effects. The elevated sites should mitigate most problems with cross boundary effects, but the rural emanations easements have been volunteered by the applicant, to make it clear to landowners that they will be living next to a commercial vineyard that involves spraydrift, noise and dust emanations from time to time.

5.2 Relevant Plans and Policy Statements.

The subdivision and resulting landuse activities must be deemed to be consistent with relevant objectives and policies pursuant to Section 104 (1) (c) and (d) 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 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 rural character and amenity values of the site and surrounding environment are protected, and any actual or potential effects of the proposed subdivision must be avoided remedied or mitigated, including cross boundary effects.

Objectives: 5.1, 5.2, and 5.3 As detailed in the assessment of effects (Chapter 5.1), there will be an effect of the proposed activity on character and amenity values. Additional allotments and associated

Policies: 5.1.1, 5.1.3A, 5.1.9, 5.2.1, 5.2.7, 5.2.8, 5.3.2, 5.3.3, 5.3.5 residential development would be created in a rural landscape which can adversely affect the natural rural amenity.

Chapter 7 – Rural Environment Effects The productive potential of land resources must be protected, and used efficiently. Rural character and amenity values must be maintained or enhanced

- Objectives:* 7.1, 7.2, 7.3 Lots 1-5 have a lower productive and versatility value, than the rest of the vineyard in Lots 6 and 7, but still have productive potential for small scale farming activities.
- Policies:* 7.1.1, 7.1.2, 7.1.2A, 7.1.3, 7.2.1, 7.2.2, 7.2.4, 7.3.1, 7.3.3, 7.3.7, 7.3.8. Rural amenity values may be affected by the additional residential activity in the area. These matters are discussed in more detail in the assessment of effects (Chapter 5.1).
- Chapter 10 – Significant Natural Values and Cultural Heritage* – Archaeological sites of significance must be protected, including any sites of significance to Maori.
A notation as part of consent if granted may be provided to alert the applicant of her obligations in terms of the Historic Places Trust. There are no known sites of heritage value.
- Objectives 10.1*
Policies 10.1.3, 10.1.5.
- Chapter 11 - Land Transport Effects* The potential effects of the proposed subdivision on traffic safety must be avoided, remedied or mitigated.
- Objectives 11.1, 11.2*
Policies 11.1.2B, 11.1.3, 11.1.4A. The proposed subdivision and additional dwellings will result in additional traffic on to the Fletts Road and the Moutere Highway.
This matter is discussed in more detail in the assessment of effects (Chapter 5.1).
- Chapter 16.2 – Transport* – Permitted activity performance conditions that manage vehicle access, parking and road standards are contained in this rule.

The standards can be met by the applicant, though further works would be required for the access onto Fletts Road to meet the standards in 16.2.2. of the Plan.
- Chapter 16.3 – Subdivision* – Requires Discretionary Activity resource consent for Rural 1 Zone subdivision, namely the creation of allotments that will be less than 12 hectares.
- Assessment Criteria: Rule 16.3A* Assessment criteria set out in Rule 16.3A provide guidance in the assessment of the application for determining appropriate conditions. Key matters such as servicing, amenity values and the effect of the proposal on productive soil resources must be addressed when assessing any application for subdivision consent. Matters most relevant to this application have been covered in the assessment of effects of this report (Chapter 5.1).

Chapter 17.4 – Any activity on the proposed lots is subject to permitted Rural 1 Zone Rules activity performance standards and conditions set out in Rule 17.4.2, Rural 1 Zone rules.

Additional dwellings on lots less than 12 hectares are a discretionary activity in the Rural 1 zone.

Chapter 36.1 – The discharge of wastewater to land must comply with Discharges to Land performance standards and conditions of this rule or otherwise require separate discharge consent.

Standards for the discharge of domestic wastewater must be met. These can be ensured by way of conditions if consent to the dwellings is granted.

Chapter 7 *Rural Environment Effects* is concerned with the effects of land fragmentation on all productive land whether it be highly productive or not.

In Objective 7.1.0 it sets out its principle objective to:

”Avoid the loss of potential for all land of existing and potential productive value”.

Policy 7.1.2 seeks 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 7.1.2A seeks to avoid, remedy or mitigate the *“cumulative effects on the soil resource and productive value of the land.”*

Policy 7.1.3 requires land parcels *“upon subdivision”* to be of a size that *“retains the land productive potential”*, having regard to the *“versatility of the land”*.

Although Lots 1-5 have lower productive values than the rest of the property, they still have potential for productive use and it is this potential that will be lost to rural residential use.

Also Lots 1-5 are clearly not of a size “that retains the productive potential” as required by Policy 7.1.3.

Objective 7.2.0 sets out Council’s intention to provide opportunities for rural-residential activities.

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.

While objective 7.2.0 does allow for the use of sites for rural residential activities in restricted locations, it is clear from 7.2.20, which sets out the *“Methods of Implementation.”* that the zone framework to achieve this objective is the Rural Residential and Rural 3 zones and does not include the Rural 1 and 2 zones.

The additions to 7.2.20 were put in as part of Variation 32 (Dec 2003) to avoid any confusion over interpreting Objective 7.2.0 which some people had assumed that any land of low or no productive value (i.e 95% of the district) was available to rural residential subdivision and use. The variation made it clear that these objectives and policies were to be achieved by the provision of specific zoned areas for rural-residential development.

In this respect the application is considered contrary to the Objective 7.2.0 in that it is not located in a specific rural-residential zoned area. I accept that the adjoining property to the north of the site is zoned deferred rural residential, but that does not necessarily mean that rural-residential activity is acceptable on this site, which is zoned Rural 1.

It is my conclusion that Council's planning documents and the policies that I have set out above, seek to avoid the adverse effects of fragmentation of all productive land in both the Rural 1 and 2 zones and that allotment size is centred around facilitating productive use, rather than residential use, except in specific rural residential zones.

The Council has provided ample opportunity for rural-residential development by zoning large areas of the District, rural-residential and Rural 3. In 7.1.30 under the "*Principal reasons and Explanation*" it states that these rural residential zones: "*are intended to relieve the on going pressure for fragmentation of the rural land resource.*"

In conclusion it is considered that the proposed subdivision into five rural residential allotments is contrary to the policies and objectives in Proposed Plan in that it seeks to fragment an existing rural block for rural residential purposes that is not envisaged in the Rural 1 zone.

Recent Environment Court Decisions.

Recent Environment Court decisions such as Jennings v Tasman District Council (RMA0350/02), Burnaby v Tasman District Council (RMA 766/03), Appleby Estates v Tasman District Council (A122/2003), Collis v Tasman District Council (RMA 876/03) all focused the Council policies and objectives in relation to creation of rural residential allotments in Rural zones. In all these cases the Court upheld Council's decision to decline consent for rural residential subdivision in the Rural 1 zone.

It is important that Councils decisions are in accordance with the Courts interpretation of the Plan in these cases.

The Jennings decision in particular is relevant in that it also was zoned Rural 1 and involved less productive land, similar to Lots 1-5 in this application, and the creation of rural residential allotments.

In the Jennings case Judge Sheppard found that "*although the site is not land of high productive value, Objective 7.1.0 is not limited to land of that quality, and the effects make the subdivision contrary to that objective, and to Policies 7.1.2 and 7.1.2A for achieving it.*" [156]

Also in terms of cumulative effects, the Court found that:

“ the development the subdivision is intended to enable, would, in combination with adverse effects of other rural-residential development in the vicinity, would have cumulative effects on the fragmentation of land, and on the rural character and rural amenities of the locality. In that regard, the adverse effects are significant.”

[127]

It is important that Council's decisions are in accordance with the Court's interpretation of the Objectives and Policies of the Plan, and it is my opinion that based on these recent cases, that it is clear that this proposal is contrary to the relevant policies and objectives of the Proposed Plan.

5.3 Part II Matters

The proposed subdivision and associated landuse activities are considered to be inconsistent with the purpose and principles contained in Part II of the Resource Management Act.

Part II of the Act is concerned about “maintaining and enhancing amenity values” under Section 7 (c). As I have discussed earlier this proposal has the potential to adversely affect the open rural amenity of this area by introducing a higher density of rural residential development, that is incompatible with its Rural 1 zoning.

However I do accept that in this particular location with the raised terrace, that if the allotments are landscaped as volunteered by the applicant, the overall development in conjunction with the larger vineyard development on Lots 6 and 7 could still retain a high degree of productive rural amenity, compared with other rural residential developments, particularly if residential development is removed from Lots 6 and 7 and transferred to Lots 1-5.

5.4 Other Matters

Precedence and Cumulative Effects

Precedence in itself is not an “effect” but the subsequent approval of this subdivision is likely to lead to lead to other similar applications from Rural 1 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.

In the case of this application to subdivide, the key issue is the potential for a cumulative loss of rural character, loss of productive land and loss of rural amenity values associated with more dense residential development in the rural landscape.

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 consent to previous applications have been granted under like conditions.

- 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.

In the *Jennings V Tasman District Council W046/2003* the Court found that a three lot rural-residential subdivision would have an “adverse precedent effect”[136] in that approval of the subdivision would lead other subsequent applications that together would have significant “cumulative effect” on the environment [135].

The Court also found that that the “*Council’s strategy for providing efficiently for demands for rural-residential activities was by planned rural residential zones, rather than responding to ad-hoc applications.*” [132].

In this case we have a 12 hectare minimum lot size under the Proposed Plan, which has been set in order to ensure productive versatility within each allotment. Clearly the integrity of the Rural Zone rules in achieving a low density productive rural environment will be undermined by the approval of this application, particularly if it led to other similar applications in the Rural1 zone rules.

However I do acknowledge there some relatively unique features about this site that would make it different most other Rural 1 properties. These are:

- The sites of Lots 1-5 are very well separated from the main productive vineyard, by the terrace bank.
- The proposed Lots 1-5 are all contained on the less productive area of the property which will be difficult to incorporate into a large productive vineyard.
- The terrace provides a well defined physical boundary to stop further rural residential development within the property.
- Lots 1-5 adjoin a deferred rural residential zone and have more in common, topographically, with the deferred rural-residential zone to the north than the rest of the property which is in the valley floor and clearly has high productive values.
- The elevated sites of Lots 1-5 would significantly reduce the possibility of cross-boundary effects from productive activities in the valley floor.
- The five rural residential allotments, if properly landscaped, are unlikely to create a visual intrusion on the rural landscape and do not create skyline effects, because they are not on a ridge or a spur.
- The applicants are able to remove residential development from the productive part of the property as mitigating factor to compensate for the additional dwellings on Lots 1-5, particularly if all dwellings and proposed dwellings were eliminated from Lots 6 and 7.

It is unlikely there would be many sites in the Rural 1 zone that would have this combination of factors, that would enable them to use the same circumstances as this one. In this regard precedence is less of an issue than other ad-hoc proposals in the Rural 1 zone.

Permitted Baseline Test

Under Section 104 (2) of the Resource Management Act the Council may use the “permitted baseline” test to assess the proposal.

Under this principle the proposal is compared with what could be done as permitted activity under the relevant Plan.

In this case no additional dwellings would be permitted on the property under Rule 17.4.4. The resulting five additional dwellings and associated development will clearly have a much greater effect on the environment.

In terms of the subdivision there is no permitted activity rule so the permitted baseline test is not considered relevant.

6. CONCLUSIONS

- 6.1 The subdivision proposal is a Discretionary Activity under the Proposed Tasman resource Management Plan. The Proposed Plan is the relevant Plan due to its advanced state and its development under sustainable management principles of the Resource Management Act.
- 6.2 The property is zoned Rural 1 under the Proposed Plan.
- 6.3 The property is in an area which has a high degree of open rural amenity, particularly on the northern side of the valley. To approve a rural residential subdivision such as this, has the potential to adversely affect this rural amenity, in a way that is not envisaged by the Rural 1 zone rules and the related policies and objectives under the Proposed Plan. It is acknowledged that the proposed lots 1-5 in this particular location will still be able to retain high level of amenity, though it will more of rural-residential amenity rather than a productive rural amenity.
- 6.4 It is likely that if Council approved this subdivision it would expect further applications from similar sized Rural 1 properties, all of which would expect similar favourable treatment. However there are number of characteristics about this property and this proposed subdivision that would be difficult to replicate in other parts of the Rural 1 zone.
- 6.5 The policies and objectives of the Proposed Plan seek to avoid the adverse effects of fragmentation on productive values of all rural land (objective 7.1.0) including those in less productive soils the Rural 1 and 2 zones.
- 6.6 It is acknowledged that the soil productivity on Lot 1-5 is less than the rest of the site, though they still have potential for small scale productive use.
- 6.7 The allotments can be serviced with out adverse effects on the environment, though upgrading of the Fletts Road intersection will be required to ensure to safe access from Fletts Road on to the Moutere Highway.
- 6.8 The applicant could amend the application to incorporate Lot 1 with Lot 6 and have the Lot 1 building site for the proposed vineyard managers dwelling, subject to a variation to RM060771. Also the existing dwelling on Lot 7 could be removed

together with the existing workers baches on Lot 6, which would mean that all residential development would be removed from the more productive Lots 6 and 7. However this would need to be volunteered by the applicant.

- 6.9 The Plan acknowledges that there will be a demand for rural-residential subdivision in rural areas and has provided for it in “restricted locations” these being the 39 rural residential zoned areas. The rural residential zones are specifically intended to complement the Rural 1 and 2 in order to “*relieve the ongoing pressure for fragmentation of the land resource*” (7.1.30). For these above policies and objectives to be successful in the long term, the Council needs to be consistent in retaining the existing character of Rural 1 and 2 zones while allowing rural residential subdivision in the specific rural residential zones.
- 6.10 The application is against the Council’s planning framework (as set out in 7.2.20 of the Plan) which seek to provide for rural residential development in specified rural residential zones where the development can be consolidated. Instead this proposal seeks to create a five rural residential allotments in a rural 1 zoned area with no direct correlation to productive use or any mitigating factors such as amalgamation of titles to avoid progressive fragmentation. This approach is considered to be contrary to the principles of sustainable development of resources required under Part II of the Resource Management Act 1991.
- 6.11 It is considered that the proposal is contrary to general thrust of the Council’s planning documents which seek to avoid fragmentation of productive land for non-productive uses and to direct rural residential development to specific zoned areas for rural residential development.

7. RECOMMENDATION

Subdivision and Land use consent (RM070086 and RM07087)

That pursuant to Section 104B of the Resource Management Act 1991 the Tasman District Council **DECLINES** its consent to the application by Riwaka Fruit and Viticultural Services to subdivide Lots 1 and 2 DP 19388 into seven allotments and a land use consent to erect dwellings on Lots 1-5 (RM070086 and RM070087).

Land use consent (RM070238) and changes to NN010266 and NN980291

Because these consent applications are totally consequential to the subdivision consent, I recommend these applications be also **DECLINED**.

8. RECOMMENDED CONDITIONS

Subdivision Consent (RM070086)

If the committee were going to grant consent, I would recommend that approval include the following conditions:

8.1 Application Plan

The subdivision shall be completed in accordance with the Staig & Smith Plan 8835 dated 20/6/2007 submitted with the application.

8.2 Financial contributions are required on five allotments (Lots 1-5)

The following will apply:

Reserves and Community Services

Payment of a reserves and community services levy assessed at 5.5% of the total market value of a 2,500 square metre notional building site contained within each of Lots 1-5

The valuation will be undertaken by Council's valuation provider within one calendar month of Council receiving a request for valuation from the Consent Holder. The request for valuation should be directed to the Consents Administration Officer at Council's Richmond office. The cost of the valuation will be paid by Council.

If payment of the financial contribution is not made within two years of the date of this consent and a revised valuation is requested as provided by Rule 16.5.5(d) of the Proposed Tasman Resource Management Plan, the cost of the revised valuation shall be paid by the Consent Holder.

Advice Note:

Council will not issue the Section 224(c) certificate 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 which are the amount to be paid and 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 five allotments in respect roading.

8.3 Right-of-Way

- i) Right-of-way A, J, B and C (to where Lots 2 and 3 leave the right-of-way) and out to Fletts Road carriageway shall be formed to a 4.5m sealed width (grade 4 and 6 chip) together with side drains draining to the Fletts Stream – the maximum grade shall be 1-in-5.
- ii) The balance of the right-of-ways shall be formed to a 3.5m width with an all weather surface and to a maximum grade of 1-in-6.(Grades steeper than 1 in 6 shall be sealed).
- iii) Widening for passing on the right-of-way shall be formed at appropriate intervals.
- iv) The existing right-of-way culvert shall be removed and replaced with the equivalent of a 2.1m diameter culvert together with appropriate inlet and outlet rip-rap protection while maintaining secondary flood paths. Appropriate vehicle barriers shall be constructed at each end of the culvert.

- v) The route of the right-of-way AB shall be as per Staig & Smith Plan dated 20/6/2007, which has the right-of-way well away from Lot 2 DP 19338.

8.4 Roading

The intersection of Fletts Road/Moutere Highway shall be reconstructed into an appropriate “tee” intersection together with sealed tapers, seal widening, lane markings and signs. It is logical that Council carry out this work with its contractors and therefore the developer should contribute \$130,000 plus GST plus land purchase cost (subject to costs being finalised at completion of design and land purchase) in lieu of doing the work themselves. This is an “off site” effect resulting from the subdivision/development and is in addition to the Development Contribution set out in 8.2.

- 8.5 Prior to the commencement of works, engineering plans shall be submitted for approval by the Councils Engineering Manager, detailing all proposed earthworks, the access and right-of-way works, including the sight distances and the works required in condition 8.3.and 8.4
- 8.5 Live telephone and electric power connections shall be provided to the building site of each of Lots 1-5 and all wiring and connections shall be located underground and be to the standard required by the supply authority. Confirmation that these requirements have been met shall be provided by way of a statement from the supply authority and a copy of the supplier’s certificate of compliance shall be provided to the Council prior to a completion certificate being issued pursuant to Section 224(c) of the Resource Management Act 1991.
- 8.6 Certification of each of proposed Lots 1-5, each allotment is suitable for residential buildings, shall be provided by a Chartered Professional Engineer in accordance with TDC Engineering standards Section 11 Appendix B and certification that all engineering works have been completed in accordance with TDC Engineering Standards or to the satisfaction of the Council’s Engineering Manager.
- 8.7 The proposed “no building area” shown on the applicant’s geotechnical report (Plan SK01 dated 1/11/06 shall be shown on the Section 223 survey plan.
- 8.8 The applicant shall provided landscaping plan showing landscaping along the southern terrace bank of Lots 1-5 and 7, designed to mitigate the visual effects of the proposed dwellings on Lots 1-5. The landscaping plan shall be to the satisfaction of the Council’s Environment and Planning Manager and the actual landscaping works shall be fully completed prior to the signing of the Section 224 (c) certificate.
- 8.9 Consent notices on the proposed titles including the following:
- a) No buildings shall be built within the “no build areas” on Lots 1-3 marked “X, Y and Z on the Title Plan
 - (b) Each dwelling shall be provided with a fire fighting water supply in accordance with the New Zealand Fire Service Code of Practice for Fire Fighting Water Supply SNZ PAS 4509:2003.

- (c) The landscaping area along the southern terrace bank of Lots 1-5 and 7 as required by condition 8.8 of subdivision consent RM070086, shall be maintained and retained by the landowners.

8.10 Easements shall be provided for all services located outside the allotments that they serve. The rural emanations easements shall be registered over lots 1-5 in favour of Lots 6 and 7, as volunteered by the applicant.

8.11 All works and engineering plan details are to be in accordance with Tasman District Engineering Standards 2004 or to the satisfaction of the Tasman District Engineering Manager.

LAND USE CONSENT (RM070087)

8.12 The dwelling shall be constructed in accordance with the bulk and location standards in section 17.1.4 of the Proposed Tasman Resource Management Plan except that the setback shall be 10m from the northern boundary.

8.12 On site waste water disposal shall be by subject to the specific investigation and design by a suitably qualified professional. Effluent quality being discharged into the disposal field shall comply with the following minimum standards:

BOD-5

150 milligrams per litre

Total suspended solids

150 milligrams per litre.

8.13 Stormwater runoff from the any roof areas and hard stand areas shall drain into a stormwater management system designed by suitably qualified professional to ensure that the downstream runoff from the dwelling area is maintained to pre-development flows.

8.14 The exterior of the dwellings and associated garaging shall be finished in non-reflective materials and recessive colours that blend in with the existing natural environment:

Advice Note:

As a guide, the Council will generally approve alternative 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 BS 5252:1976 (British Standard Framework for Colour Co-ordination for Building Purposes).

8.15 The dwellings shall be constructed in accordance with the development conditions set out in the Connell Wagner Report dated October 2006 ref: 16988.001 submitted with RM070086.

8.16 Each dwelling shall be provided with a fire fighting water supply in accordance with the New Zealand Fire Service Code of Practice for Fire Fighting Water Supply SNZ PAS 4509:2003.

RM070238

8.17 The recommended conditions as set out in Donna Hill's and Neil Tyson's report in Attachment 3.

M D Morris
Senior Consent Planner (Subdivisions)

**ATTACHMENT 1:
Soil and Land Productivity report**

RM070086, Riwaka Fruit and Viticulture Services Ltd

The application area is situated at Flett Road, Lower Moutere. Accompanying the application is a report on the productive attributes of the land by Duke and Cook, Valuation and Property Specialists.

That report highlights the differences in the productivity of the flat and gently sloping land found over the majority of the property to the small area of "Moutere hill" land situated along the northern boundary of the property.

The flat and gently sloping land is the main productive area of the property by way of its size and gentle contour. The soils have been described in the Duke and Cook report for this area as being Braeburn silt loams. Published geological and soils information confirm that the Braeburn silt loam exists over approximately 60% of this area and found on the lower terrace. The remaining 40% of the area is Mapua sandy loam soils which is found on the higher terrace and separated from the Braeburn soils by a distinct escarpment.

Although the two soils are quite different in their physical and chemical characteristics, the Duke and Cook report does accurately describe the productive capacity of the area as a whole as being well suited for intensive horticulture. The AgNZ Productive Land Classification for the Tasman District report ranks this area as class B which is the 2nd highest versatility ranking in the district. This indicates that there are some limitations to use, and as described in the Duke and Cook report these are mainly associated with the soil types present but in general those limitations can be overcome and intensive use of the area is possible. The applicant intends to leave this productive area as two complying rural allotments.

The other distinct part of the application area is the small area of "Moutere hill" situated along the northern boundary of the property. This area is proposed to be subdivided into 5 rural residential allotments. This area is elevated from the adjacent flat areas described in the previous paragraphs. It is mapped as having Mapua sandy loam soils. Being on hill country they will have shallower topsoil to those Mapua soils found on other parts of the property. The area is undulation to rolling, ranging in slopes from 7 to 11 degrees. The total area, excluding dams is approximately 2.7 hectares.) 0.9 hectares of this area has been used for orcharding in the past. Some land recontouring has been carried out to accommodate this. Potentially another 0.2 hectares of land is of a contour that could be used for horticulture production.

The slope or soil type of this block is not a major limitation to productive use. Some horticulture, including viticulture is found on similar slopes. The major limitation to the effective use of this hill area is the size, shape and segregated nature of the land. The largest “productive” block is 0.6 hectares in size. Maximum row length is less than 70 metres, minimum row length 12 metres and an average row length being only 40 metres under a viticulture regime. Rightly stated in the Duke and Cook report this is a major limitation to intensive horticulture and viticulture management.

Report prepared by:

Andrew Burton
Resource Scientist (land)

FROM: Dugald Ley, Development Engineer
REFERENCE: RM070086
SUBJECT: **FLETT ROAD SUBDIVISION, RIWAKA FRUIT AND VITICULTURAL SERVICES LTD**

1. INTRODUCTION

The property is presently contained in 2 existing titles, ie CT13A/206 and 207 and resulting from this application there will be 7 new titles, therefore an increase in 5 new titles for residential lifestyle use. These will range from 3440m² to 7800 m² in area.

2. BACKGROUND

Access to the 5 lots will be achieved via a right-of-way off the legal section of Flett Road. A new/upgraded entrance is proposed to the west of the "Flett Road Cemetery" and formed as per easements A, J, B and C shown on the application plan. The new access will have a number of users as follows:

- Lots 1 to five
- CT13A.208 - existing dwelling
- Lot 6 - plus workers accommodation – three baches and a future dwelling
- Lot 7 - plus workers accommodation – one bach and a future dwelling plus Anchorage Wines NZ Ltd and cellar door operation (9 car parks provided).

3. TRAFFIC GENERATION

For rural residential properties the traffic movements can range from 4 to 8 vehicles per day (bpd) so on average 6 can be assumed (10 is used for urban residential properties).

Therefore new traffic movements generated from the subdivision will be approximately 6x5 = 30 vpd. Together with the above existing users using the right-of-way of up to 44 vpd this makes a total of traffic movements on the right-of-way of 74 vpd. This would be the equivalent of approximately 12 residential dwellings which would be over the limit of 6 as per the TRMP and Engineering Standards.

3.1 Flett Road/Moutere Highway

Flett Road is classed as an Access Road on Council's roading hierarchy. It is sealed to approximately 5.0m and carries some 70-90 vpd (traffic counts are in excess of 12 months old).

There are approximately 17 existing titles served by Flett Road and these, together with the increased traffic generated by the land use consents and the additional 5 new lots, require that Flett Road have a 6.0m seal width together with a footpath and drainage swales.

The intersection of Flett Road and the Moutere Highway (see attached Figure1) is not an ideal layout as there is limited sight distance, ie down to 100m and drivers have to “look over their shoulder” to view oncoming vehicles.

Moutere Highway is an open speed highway with 85% of its speeds ranging in the 90-100 kmh range. Recent submissions by Transit NZ on various applications have confirmed their policy viz:

“The uninterrupted sight distance required by Transit’s Planning Policy Manual for this speed environment (ie 100 kmh) is 330m. This distance is called the Safe Intersection Sight Distance and is the minimum amount of visibility that is required for vehicles approaching the intersection on the state highway to be able to react and avoid a collision with a turning vehicle.”

Council’s requirement for sight distance under Figure 16.2c of the TRMP for 100 kmh is 250m and clearly this is not met.

On reviewing past accident history in the immediate vicinity of the intersection, ie within 300m of it, there has been 3 accidents in the last 10 years from loss of control for Moutere Highway traffic. The application will be contributing further traffic movements into this intersection and therefore greater potential for accidents.

An informal gravel access path has been formed to the centre of the intersection (unknown who formed this) which allows residents to get a clearer view of impending traffic from north and south on the Moutere Highway. On viewing the LTCCP there are no items listed for upgrading this intersection.

It is my view therefore that this application will create effects at the intersection that are more than minor, however they can be mitigated to a lesser extent by the reconstruction of the intersection into a “tee” formation plus slip lanes and widening. Council’s consultants have valued this work at approximately \$130,000 plus GST and land purchase and would have to be confirmed with a design assessment.

Should the applicant not agree to fund the “off site” works then it would be Engineering’s view that the application be declined.

The substandard intersection has been mentioned by two submitters as being of concern to them with the extra traffic generated by this application.

4. RIGHT-OF-WAYS

The right-of-way shown as A, J, B and C will be created and will traverse between Lots 6 and 7 and thence to Lots 1 to 5.

Where the right-of-way traverses a river terrace before the Flett Stream it will be required to be regraded to meet a minimum grade of at least 1-in-6 (presently looks steeper than 1-in-6).

The culvert crossing will need to be reformed with adequate rip-rap protection for the inlet and outlet together with barriers restricting traffic away from the pipe ends.

It is noted in the report from Connell Wagner that 2 x 1.5m diameter pipes are required to replace the single 1.5m diameter pipe that presently exists.

4.1 Stability

The right-of-way traverses two “dam” embankments and Connell Wagner have certified that certain restrictions will be required for the right-of-way and these should be implemented as part of the consent conditions if the committee were of a mind to grant consent.

Fifteen test pits have been carried out on each of lots 1 to 5 (ie 3 on each lot). (Plan and table references are difficult to correlate as the test pit data specifies SP1a, SP1b etc whereas the log charts show SP1, SP2 etc.

What is of concern to potential purchasers of these lots is that it appears that around the 0.7m to 1.0m depth zone a weak foundation layer and therefore weak bearing strength means that any house foundations may have to be driven piles or excavations past this substandard foundation zone area and have special engineering certification.

5. RECOMMENDATION

It is Engineering’s view that there will be adverse effects created by this application that are more than minor. However these effects can be mitigated to an extent by conditions should the committee decide that after hearing all evidence that consent can be granted.

5.1 Recommended Conditions

In lieu of widening Flett Road by 1.0m and formation of a footpath down the length of Flett Road, the more important concerns are the intersection improvements at Flett Road/Moutere Highway that are required.

Roading

The intersection of Flett Road/Moutere Highway shall be reconstructed into an appropriate “tee” intersection together with sealed tapers, seal widening, lane markings and signs. It is logical that Council carry out this work with its contractors and therefore the developer should contribute \$130,000 plus GST plus land purchase cost (subject to costs being finalised at completion of design and land purchase) in lieu of doing the work themselves. This is an “off site” effect resulting from the subdivision/development and is in addition to the Development Contribution set out below.

Right-of-Way

Right-of-way A, J, B and C (to where Lots 2 and 3 leave the right-of-way) and out to Flett Road carriageway shall be formed to a 4.5m sealed width (grade 4 and 6 chip) together with side drains draining to the Flett Stream – the maximum grade shall be 1-in-5.

The balance of the right-of-ways shall be formed to a 3.5m width with an all weather surface and to a maximum grade of 1-in-6.(Grades steeper than 1 in 6 shall be sealed).

Widening for passing on the right-of-way shall be formed at appropriate intervals.

The existing right-of-way culvert shall be removed and replaced with the equivalent of a 2.1m diameter culvert together with appropriate inlet and outlet rip-rap protection while maintaining secondary flood paths. Appropriate vehicle barriers shall be constructed at each end of the culvert.

Appropriate certification will be required for building sites and existing dams where a right-of-way access is constructed over them.

Practical access shall be formed on to each site.

Engineering plans for approval of the Engineering Manager will be required to be submitted prior to the approval of a 223 certificate.

Power and telephone shall be supplied underground to each lot and certifications from the utility operator required prior to the issue of a 224 certificate.

Development Contributions in respect to roading for five lots are required as set out in the LTCCP.

Dugald Ley
Development Engineer



ExploreTasmanMap

7/6/2007 DISCLAIMER:

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<http://tsrvims-9/servlet/com.esri.esrimap.Esrimap?ServiceName=ExploreTasman&Clie...> 7/06/2007

Figure 1:
Proposed upgrading works for the Fletts Road intersection.

FROM: Donna Hills and Neil Tyson
REFERENCE: RM070238
SUBJECT: "Riwaka Fruit and Viticultural Services"

1. INTRODUCTION

The applicant has applied for consent to upgrade an existing culvert on the property to provide access over right of way B within the proposed subdivision.

The applicant has also applied for consent to alter two existing irrigation dam structures and upgrade their spillways to provide adequate stormwater detention.

The applicant has advised that consent NN010255 authorising a third dam (153) in the north-western corner of the property is surrendered as this dam has been physically removed, albeit without Council approval.

While not applying for retrospective consent to remove dam 153, the applicant has subsequently applied to undertake works to upgrade the watercourse from this side catchment where it runs through their property. The constructed watercourse as it exists currently is unsatisfactory.

A 35 year term is being sought for this consent.

2. STATUS UNDER TRANSITIONAL AND PROPOSED PLANS

Rules

Presently, the only proposed or operative regional plan pertaining to the use of river and lake beds at the applicant's site is the Transitional Regional Plan (TRP). Under the provisions of the TRP, consent is required for the proposed activities.

3. STATUTORY CONSIDERATIONS

Section 13 of the Resource Management Act 1991, requires that consent be obtained to erect a structure in, on, under, or over the bed of a river, unless expressly allowed by a rule in a regional plan and in any relevant proposed regional plan or resource consent. There is currently no such rule in any relevant plan.

4. SUBMISSIONS

The culvert upgrade is not specifically referred to in any submission.

Regarding dam 153, submitters M Stanley and H Murdoch and Carter Holt Harvey Properties both refer to the removal of this in the northernmost corner of the property and note no proposed mitigation and are concerned this may increase sediment and stormwater runoff.

5. ASSESSMENT

5.1 Culvert

The location of the culvert is shown on the plan of subdivision, which is attached as Plan A to this report.

- Disturbance of the bed or banks of a watercourse may result in sedimentation and therefore adverse effects on the water quality of the stream. The work will be carried out with the minimum possible disturbance to the bed and banks and measures will be undertaken to limit sedimentation as much as is practicable, such as a temporary diversion and silt fences during the works, if necessary.
- The placement of structure in the stream may affect the upstream passage of fish if it is either too narrow making the water flow too fast, or too high creating a waterfall. The culvert will be wide enough and the bases will be inverted such that the passage of fish will not be impeded.
- The placement of the culvert may result in scour and erosion to the bed and banks of the stream. Rock armouring/scour protection works will be placed such that scour and erosion is limited, particularly on the downstream side of the culvert.
- If the culvert is too small it may impede flood flows. The culvert has been sized at 2100mm diameter by Connell Wagner to carry the 50 year return flood period event.

5.2 Dam and Watercourse Changes and Upgrade

The dam spillways (dams 188 and 128) and a small watercourse discharging through the applicant property in the north-east corner need to be designed and constructed so as to cope with design flood flows. Rock armouring/scour protection works may be required where erosion is occurring or is likely. The application includes an assessment by Connell Wagner (CW) who advise that the spillway upgrade will cater for a 100 year return flood period event. In addition, the dam crests are proposed as ROW access to Lots 4 and 5. This access will be formed to an all weather metallised finish with side fencing as recommended in 2.6.5 of the CW report. CW will be retained to design and certify this work.

Given that the dams are likely to be full most of the time, it is proposed that CW also design for installation of a low flow pipe to restrict water flow via the spillways to flood events.

Connell Wagner (CW) need to design any watercourse upgrade to cater for a minimum of a 50 year return flood period event.

6. RECOMMENDATION

It is recommended that consent be granted subject to conditions. Should the Committee grant consent then it should be for a period of 35 years which is the maximum allowable under the Resource Management Act 1991. A set of recommended conditions is provided in Section 8 below.

7. REASONS

Provided the culverts are appropriately designed and constructed, fish passage is provided for, and scour prevention measures are installed, then any effects will be no more than minor.

Upgrading of the dam spillways is appropriate if the subdivision is approved.

8. CONDITIONS

1. The Consent Holder shall ensure that all works are carried out in accordance with the application and plans submitted by Staig & Smith dated 22 January 2007, and the supporting engineering report by Connell Wagner dated 8 March 2007. In particular these details include:

Culvert:

- a) the culvert located as shown on Plan A dated 13 June 2007 (attached);
- b) the culvert sized at least 2100 millimetres in diameter to cope with the 50 year flood return period;
- c) design and installation to provide for fish passage; and
- d) rock armouring to be installed as necessary to prevent scour and erosion of bed and watercourse banks.

Dam:

- e) that the Consent Holder include installation of a low flow pipe to restrict water flow via the spillways to flood events.

2. The Consent Holder shall design and construct and upgrade the watercourse running parallel to their northern boundary (ie the Stanley/Murdoch boundary) to cater for a minimum of a 50 year return flood period event and shall undertake any rock armouring necessary to prevent scour and erosion of bed and watercourse banks.
3. The Consent Holder shall advise Council's Co-ordinator Compliance Monitoring at least 24 hours prior to commencing any works.
4. The culvert shall be constructed and maintained such that:
 - a) it remains free of debris at all times;
 - b) fish passage is provided for (baffles in the form of rocks or timber may be fixed (cemented) inside the culvert to slow down the flow of water, and provide resting places for fish and eels travelling upstream against the current. The culvert should be at least the width of the existing watercourse and the culvert invert should be set below the bed level;
 - c) scour prevention measures, such as rock armouring at the inlet and outlet, are provided and maintained at all times;
 - d) banks around the culvert are planted, where necessary, to prevent erosion, and provide shelter for fish and eels.

5. The Consent Holder shall take all practicable measures during the construction phase to limit the mobilisation and discharge of sediment and other contaminants to any surface stream. The works should be undertaken during fine weather periods and low flows.
6. The Consent Holder shall ensure that all excess construction material is removed from the stream bed, and that the site is left in a neat and tidy condition following the completion of construction works.
7. Council may, during the month of June each year , review the conditions of the consent pursuant to Section 128 of the Resource Management Act 1991 to:
 - a) deal with any adverse effect on the environment that may arise from the exercise of the consent and which it is appropriate to deal with at a later stage; or
 - b) to require compliance with operative rules in the Proposed Tasman Resource Management Plan or its successor; or
 - c) when relevant national environmental standards have been made under Section 43 of the Resource Management Act 1991.
8. Pursuant to Section 125 of the Act, this consent shall lapse five years after the date of this consent unless either the consent is given effect to, or the Council has granted an extension pursuant to Section 125(1)(b) of the Act. Once the consent has been given effect to, all works to install the culvert shall be completed within two months.
9. The consent is granted for a period of 35 years, which is the maximum duration allowed under Section 123 of the Resource Management Act 1991.

ADVICE NOTES

1. The Consent Holder shall meet the requirements of Council with respect to all Building Bylaws, Regulations and Acts.
2. This resource consent only authorises the activities described above. Any matters or activities not referred to in this consent or covered by the conditions must either: 1) comply with all the criteria of a relevant permitted activity rule in the Proposed Tasman Resource Management Plan (PTRMP); 2) be allowed by the Resource Management Act; or 3) be authorised by a separate consent.
3. This consent is granted to the abovementioned Consent Holder but Section 134 of the Act states that such land use consents “attach to the land” and accordingly may be enjoyed by any subsequent owners and occupiers of the land. Therefore, any reference to the “Consent Holder” in the conditions shall mean the current owners and occupiers of the subject land. Any new owners or occupiers should therefore familiarise themselves with the conditions of this consent, as there may be conditions that are required to be complied with on an ongoing basis.
4. Access by the Council officers or agents to the property is reserved pursuant to Section 332 of the Resource Management Act 1991.

5. Monitoring of this resource consent may be required under Section 35 and 36 of the Resource Management Act 1991, and a deposit fee is payable at this time. Should monitoring costs exceed this initial fee, the Council will recover the additional amount from the Consent Holder. Monitoring costs are able to be minimised by consistently complying with the resource consent conditions.
6. Pursuant to Section 127 of the Resource Management Act 1991, the Consent Holder may apply to the Consent Authority for the change or cancellation of any condition of this consent.
7. Council draws your attention to the provisions of the Historic Places Act 1993. In the event of discovering an archaeological find during the earthworks (eg, shell, midden, hangi or ovens, garden soils, pit depressions, occupation evidence, burials, taonga, etc) you are required under the Historic Places Act 1993 to cease the works immediately until, or unless, authority is obtained from the New Zealand Historic Places Trust under Section 14 of the Historic Places Act 1993.
8. The consent is given effect to once the works commence.

FROM: Michael Durand, Consent Planner – Discharges
REFERENCE: RM070086
SUBJECT: ON-SITE WASTEWATER DISPOSAL

1. INTRODUCTION

My name is Michael Durand and I have been Consent Planner (Discharges) at TDC since May 2006. I hold a BSc (Hons) in Geographical Sciences and a PhD in Environmental Science, and have nine years professional experience as a scientist and researcher. In my position of Consent Planner one focus of my work is the assessment of on-site wastewater treatment and disposal system designs. Currently this involves the checking of every system design submitted to Council through both the Resource Consent and Building Consent processes. I have attended numerous training courses and seminars on domestic wastewater treatment and disposal.

This report relates to the proposed subdivision of 30 ha at Flett Road, Harakeke. The purpose of the report is to assess the feasibility of on-site wastewater treatment and disposal on the proposed Lots 1-5, which are intended for residential use.

2. APPLICANT'S PROPOSAL

The applicant proposes to subdivide 30 ha of land into eight lots, five of which are intended to be sold and developed as residential allotments (Lots 1-5). These residential sites are sized between 3440 m² and 7800 m². Lots 6 and 7 are proposed to be used for viticulture and are 13-14 ha in size. There are existing dwellings on the proposed Lots 7 (13.51 ha) and 8 (3320 m²).

It is understood that the existing dwellings are served by on-site wastewater treatment and disposal systems. The applicant has not provided information about these systems, but, assuming they were established before 20 December 2003 (they almost certainly were), these discharges are subject to the criteria of permitted activity rule 36.1.4 of the TRMP. Therefore they are not considered to be a significant issue in relation to the proposed subdivision.

As stated above, this report focuses on wastewater matters associated with the new discharges that will take place on the proposed Lots 1-5, should consent to subdivide be granted.

3. STATUS UNDER THE TASMAN RESOURCE MANAGEMENT PLAN

The proposed lots do not lie within either the Wastewater Management Area nor any of the Special Domestic Wastewater Disposal Areas. The default rule for these discharges, therefore, is the permitted activity rule 36.1.4. In Table 1, below, the criteria of this rule are analysed against the likely characteristics of the wastewater discharges.

Rule criteria	Comment
(a) Any new discharge first commencing after 19 September 1998 is not in any Special Domestic Wastewater Disposal Area.	The discharges shall not be in any Special Domestic Wastewater Disposal Area.
(aa) Any discharge first commencing after 20 December 2003 is not within the Wastewater Management Area.	The discharges shall not be in the Wastewater Management Area.
(b) The volume of effluent discharged is not more than a weekly averaged flow of 2000 litres per day.	According to the Australia/New Zealand Standards for on site wastewater disposal ¹ , wastewater flows of approximately 180 litres per day are typical from households on reticulated or bore supply (i.e. not roof water collection only). These factors are used routinely in the industry and by Council to calculate wastewater flows for system design purposes. To exceed 2000 litres per day the maximum occupancy of a dwelling would need to exceed 11 persons, and therefore be a six bedroom home. Alternatively, if extra wastewater producing facilities are present (e.g. numerous bathrooms with high-flow shower heads, multiple bathtubs etc.) then flows are taken to be 220 litres per person per day. In that case, an occupancy of nine people (five bedrooms) would be required to exceed 2000 litres per day of wastewater discharge.
(c) There is no discharge or run-off of effluent into surface water.	Suitable system design should be possible to prevent this from occurring.
(d) The disposal field is located not less than: (i) 20 metres away from any surface water body, or the coastal marine area; (ii) 20 metres from any bore for domestic water supply; (iii) 1.5 metres from any adjoining property.	(i) The proposed Lots 3, 4 and 5 are adjacent to existing irrigation ponds which are to remain should the subdivision go ahead. A 20 m set-back from these water bodies will restrict the possible locations of wastewater disposal on these lots. This is expected to be most restrictive on Lot 5 which has the smallest area available. Without viewing detailed site plans it is not possible to judge whether or not this setback is possible whilst maintaining

¹ AS/NZS 1547 (2000) Australian/New Zealand Standard: On-site domestic wastewater management. Standards New Zealand / Standards Australia.

	preferred positions for the dwelling, driveway, and any other amenities in the lot. If the setback cannot be met, the the property owner would need to hold a resource consent to discharge wastewater on the site. See further comments below on this matter.
(e) The design and operation of the system must result in the depth of unsaturated soil between the effluent disposal field and the average winter level of groundwater or of the basement rock being no less than 500 millimetres or sufficient to ensure that the discharge does not result in any bacterial contamination of groundwater beyond the property boundary.	Suitable treatment and discharge through an appropriately designed wastewater system should ensure this criterion is met. (ii) There are no bores within 20 m of the proposed residential lots. (iii) Good design of the wastewater disposal fields should ensure there is no need to discharge wastewater less than 1.5 m from the property boundary.
(f) There is no discharge of effluent from the disposal field to the ground surface.	A properly installed and maintained wastewater treatment and disposal system should ensure this criterion is met.
(g) The septic tank must be regularly desludged so that the liquid volume (excluding sludge and scum) is maintained at not less than one-third of the tank volume.	Council relies on property owners to make sure their septic tanks (and other types of wastewater systems) are properly maintained and desludged at regular intervals. However, staff are working closely with the companies involved in installations and maintenance as well as de-sludging services. These efforts aim to elevate standards within the industry and ensure that maintenance such as de-sludging of tanks and cleaning of filters occurs regularly.
(h) The discharge does not create an offensive or objectionable odour discernible beyond the property boundary.	A properly designed and maintained system should not generate any odour at all; occasional odours may be present during periods of high or sudden loading, but these should not be so significant as to reach beyond the boundary.
(i) An access point to allow sampling of the effluent being discharged to the disposal field must be provided with any on-site wastewater disposal system installed after 19 September 1998.	Modern systems provide sampling points.
(j) The quality of the effluent being discharged into the disposal field does not exceed the following	These standards can typically be expected from a standard septic tank fitted with an outlet filter. Such a system

standards: BOD-5 150 milligrams per litre Total suspended solids 150 milligrams per litre	would be considered the minimum requirement for a dwelling on the proposed subdivision.
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4. RECEIVING ENVIRONMENT AND SUITABLE WASTEWATER SYSTEMS

The most important aspect of the environment to be considered in the design of wastewater treatment and disposal systems is the soil into which wastewater is to be discharged.

Wastewater receives ‘treatment’ by bacteria in the soil following its discharge from the wastewater system. The discharge should occur at a rate within the hydraulic capacity of the soil (i.e. at a rate at which the soil can physically absorb the water). If the discharge is maintained below this rate then typically the soils remain aerobic (air spaces are present within the soil), and so the water is treated by aerobic bacteria. If the rate of discharge is too high then these air spaces may be lost (the soil becomes saturated). Under these conditions the anaerobic bacteria multiply in the soil and these typically emit an offensive odour. Furthermore, some of the discharged wastewater may reach the surface. Neither of these outcomes are intended or desirable.

This situation is best avoided by the installation of a wastewater system that is suitable for the site, and in particular, discharges the treated wastewater at an appropriate rate for the soil type.

I conducted a site inspection on 21 May 2007. I found soil conditions there to be typical of the Moutere Hills area, with topsoils of clay loam overlying light–medium clays. Clays are relatively poorly draining. Elsewhere in this area there are heavy clays present and Council has gazetted the Wastewater Management Area (WMA) to provide a high level of regulation on wastewater disposal in these marginal soils.

The proposed site is outside the WMA and, on my assessment, not characterised by heavy clays. However, there is a proportion of clay within the soils on the site. Clay soils are not usually suitable for traditional treatment and disposal systems (e.g. septic tanks).

It is anticipated that any experienced wastewater designer or engineer would understand this and recommend the installation a secondary treatment system. These systems treat wastewater to a relatively high standard, making the discharge more suitable for poorly draining soils.

By definition, secondary treatment usually means that the domestic wastewater (blackwater and greywater combined) goes through two stages of treatment in tanks that are arranged in series. First the separation of solids, grease and oils takes place in a ‘septic tank’. Here there is also some anaerobic biodegradation of organic matter in the wastewater. Second, wastewater is treated under aerobic conditions in a second chamber or via dosing to a filter medium (e.g sand) in which aerobic conditions are maintained. From here wastewater is both recirculated to the primary tank and pumped to a land disposal system. Secondary treatment systems produce effluent that is of high quality relative to that from conventional septic tanks. As mentioned above,

following discharge to land, bacteria in the soil break down organic components of the wastewater still further.

Secondary treated wastewater can be used for irrigation purposes and if the discharge is properly managed it should pose little risk of contamination to groundwater, to surface water bodies or to human health.

It should be noted that the above comments are generic and intended to provide an overview of the wastewater treatment and disposal options for the proposed subdivision. Should consent be granted, any proposed wastewater system would need to be designed by a suitably qualified or experienced wastewater designer or engineer. This design would need to be based on detailed site investigations and would be assessed by Council staff at the Building Consent stage.

5. FURTHER COMMENTS ON PERMITTED ACTIVITY RULE 36.1.4(d)(i)

As noted in Table 1, the proposed Lots 3, 4 and 5 are adjacent to irrigation ponds. Permitted activity rule 36.1.4(d)(i) requires a horizontal separation distance of 20 m between any new wastewater discharge and a surface water body.

Any discharge of wastewater less than 20 m from any of these ponds would require the property owner to hold a resource consent authorising that discharge. A resource consent application for this activity would be a discretionary activity under rule 36.1.16 of the TRMP.

Resource consents have been granted in the District authorising wastewater discharges less than 20 m from similar waterbodies. However, any application to do so would be treated independently and on its own merits.

7. SUMMARY AND CONCLUSION

After considering the subdivision application in detail and visiting the site I consider that the discharge of treated domestic wastewater on the proposed residential lots wastewater will most likely be a permitted activity. However, on Lots 3, 4 and 5 there may be a need for resource consents to discharge wastewater to land less than 20 m from a water body. This would have to be determined at such a time that detailed wastewater system designs are provided to Council (i.e. at the Building Consent Stage).

Michael Durand, Consent Planner – Discharges

FROM: Neil Tyson, Consent Planner-Water
REFERENCE: NN010266V1 and NN980291V1
SUBJECT: Riwaka Fruit and Viticultural Service Ltd

1. APPLICATION BRIEF

1.2 Proposal

The proposal requires various regional consents and the reader is referred to RM070238 regarding proposed upgrading of the spillways of the two existing dams.

The applicant has also applied for a change of conditions of water permit NN980291 to authorise the use of their groundwater irrigation bore for potable supply to the five proposed lifestyle blocks and their dwellings. The applicant is retaining the two dams (188 and 128) but storage in these dams is no longer used for irrigation of the main vineyard. NN010266 currently authorises irrigation of 25 hectares and the application is to change the conditions of NN010266 to authorise the use of storage for amenity, minor irrigation use and emergency fire-fighting use for the five lifestyle blocks.

The applicant has surrendered consent NN010255 authorising a third dam (153) in the north-western corner, and this dam has been physically removed. While not applying for retrospective consent to remove the dam, the applicant has applied to undertake works to upgrade the constructed watercourse from this catchment. This upgrading is also being addressed under RM070238.

The proposal is also to seek consequential amendment of the legal descriptions referred to in the various regional consent if and when this subdivision is approved. As advised on 13th March 2007, both the dams and the main bore will be located within proposed Lot 7 in the single ownership of the applicant. This is desirable outcome and important for dam maintenance and responsibility.

1.5 Special Overlay Areas

The application site is within the Moutere Surface Zone with their two dams (reference numbers 188 and 128), and an unnamed (Flett Road) stream running through the property. The property appears to have three bores drilled into the Moutere Gravels being WWD 8071 (50m deep), WWD 8051 (44m deep) and WWD 8011 (147m deep). WWD 8011 is authorised under NN980291 as the irrigation source.

2.2 Submissions

None of the 13 submissions raise issues which are considered relevant to the writer's report. The possible exception is M Stanley and H Murdoch who seek tanks for each house lot to ease peak demand.

Bore Water Supply - NN980291

The application site has no reticulated TDC supply and none are available in this area. A reticulated water supply may be provided by TDC in future in this area but there is no certainty of this.

A water permit (NN980291) is in place (expiry date 31 May 2013), to take 557 cubic metres of groundwater per day from the existing irrigation bore WWD 8011 for the irrigation of 25 hectares of land within this Eastern Groundwater Zone. The application is to change the use of NN980291 to authorise, in addition to irrigation, potable use and supply to the owners of the five proposed dwellings. An easement is proposed to allow for this ongoing supply across the relevant properties.

The applicant's bore WWD 8011 is 147m deep and, when drilled, was tested to determine its sustainable yield and the water permit was allocated on this basis. NN980291 provides for a take of 3900 cubic metres per week for irrigation supply and the applicant has identified that the quantity allocated is in excess of their needs for irrigation of grapes.

The bore is understood to continue to be reliable and, while not confirmed, is likely to be suitable as a potable supply to the five dwellings as proposed. However, the amount supplied for potable use should be restricted and an allocation of 1.25-2 cubic metres per house is considered to be an adequate quantity for potable supply. An amended consent NN980291 is attached.

Dam Water Use – NN010266

The application is to change the conditions of NN010266 to authorise the use of storage for amenity, minor irrigation use and emergency fire-fighting use for the five lifestyle blocks. An amended recommended consent NN010266V1 is attached. No change to the consent expiry date can occur under a change of conditions process.

Boundary Location and Dams

Regarding the lots adjoining the dams, the applicant proposes that the adjoining lots own and maintain the land down to the dam water level. The problem with this is that the water margin changes due to flood and drought and any trespass issue should be avoided. Importantly, all of a dam including the spillway, pipes etc should be in a single, clear ownership to allow for unimpeded access and maintenance. The suggestion is that the boundary be set at, or just above, the dam crest level with no internal boundary encroaching within five metres of the dam or any dam related structure.

RESOURCE CONSENT DECISION

Resource consent number: NN010266V1

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

Riwaka Fruit and Viticultural Service Ltd
(hereinafter referred to as “the Consent Holder”)

Activity authorised by this consent: To take and use storage for irrigation (and emergency fire-fighting use).

Location details:

Address of property: Flett Road
Valuation number: 1928032600

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

CONDITIONS

1. Site, Dam and Take Details:

Legal Description of Irrigated Land: Proposed Lots 1-5 of the subdivision of Lots 1 and 2 DP19388 Blk VII Motueka SD
Source: Storage
Catchment: Moutere
Dam ID Number: 188 and 128
Approximate Area Irrigated: 1.5 hectares
Maximum Rates of Take Authorised: 25 cubic metres per day
175 cubic metres per week
Approximate Dam Location: Easting:2510369 Northing:6003969

2. The Consent Holder shall regularly inspect their dams and maintain them in good condition.
3. If required, appropriate rock protection (or similar) shall be provided and thereafter maintained at the outlet of the spillway and the rock protection shall be sufficient to avoid or remedy any adverse erosion of the watercourse downstream of the dam that is a result of the dam.
4. The Council may, during the month of August each year, review any or all of the conditions of the consent pursuant to Section 128 of the Resource Management Act 1991 for all or any of the following purposes:
 - a) to deal with any unexpected adverse effect on the environment that arises from the exercise of the consent, including adverse effects on adjacent or downstream landowners, on downstream water use and on instream values; or

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

ADVICE NOTES

1. This resource consent only authorises the activities described above. Any matters or activities not referred to in this consent or covered by the conditions must either: 1) comply with all the criteria of a relevant permitted activity rule in the Proposed Tasman Resource Management Plan (PTRMP); 2) be allowed by the Resource Management Act; or 3) be authorised by a separate consent.
2. Access by the Council officers or agents to the property is reserved pursuant to Section 332 of the Resource Management Act 1991.
3. Monitoring of this resource consent may be required under Section 35 and 36 of the Resource Management Act 1991, and a deposit fee may be payable at this time. Should monitoring costs exceed this initial fee, the Council will recover the additional amount from the Consent Holder. Monitoring costs are able to be minimised by consistently complying with the resource consent conditions.
4. It is recommended that the Consent Holder hold an appropriate level of public liability insurance cover throughout the life of the dam.
5. The application of water to any land shall not exceed the rate of 190 cubic metres per hectare per week.

RESOURCE CONSENT DECISION

Resource consent number: NN980291V1

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

Riwaka Fruit and Viticultural Service Ltd
(hereinafter referred to as “the Consent Holder”)

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

Location details:

Address of property: Flett Road
Valuation number: 1928032600

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

CONDITIONS

1. Site and Take Details

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

2. Water Metering

The Consent Holder or their agent shall, at their own expense and prior to the exercising of this consent, install and thereafter operate and maintain a water meter to record all water taken pursuant to this consent.

- The water meter required under Condition 2, shall comply with the Council’s Water Meter Specifications as stated in the Tasman Resource Management Plan.
- The Consent Holder is required to record weekly meter readings and supply this information each fortnight to the Council during every November to April inclusive.

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

5. Artesian Flow Restriction

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

6. Annual Water Allocation

The quantity of water abstracted from bore WWD 8011 during any 12 month period 1 October to 30 September, shall not exceed 93600 cubic metres.

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

10. Review of Conditions

Council may for the duration of this consent, and within three months of the anniversary of its granting each year, review the conditions of the consent pursuant to Section 128 of the Resource Management Act 1991, for any of the purposes stated in that section of the Act, or to:

- a) *deal with any adverse effect on the environment that may arise from the exercise of the consent; or*
- b) *require compliance with operative rules in the Tasman Resource Management Plan, including rules relating to maximum or minimum levels or flows or rates of use of water, or rationing requirements, or water meters, or soil-based application rates; or*
- c) *reduce the quantities of water authorised to be taken if the consent is not fully exercised; or*

d) *require a financial contribution to be made to offset or otherwise avoid, remedy or mitigate the adverse effects of the exercise of the consent.*

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

ADVICE NOTES

1. Access by the Council or its officers or agents to the land subject to this consent is reserved pursuant to Section 332 of the Resource Management Act 1991.
2. Under Section 36 of the Resource Management Act 1991, the Consent Holder shall pay the reasonable costs associated with the monitoring of this consent.
3. This resource consent only authorises the activities described above. Any matters or activities not referred to in this consent or covered by the conditions must either: 1) comply with all the criteria of a relevant permitted activity rule in the Proposed Tasman Resource Management Plan (PTRMP); 2) be allowed by the Resource Management Act; or 3) be authorised by a separate consent.

From: Rosalind Squire – Planner, Community Services

Subject: RM070086 Riwaka Fruit and Viticultural Services Ltd, Flett Road, Harakeke

The report by the principal planner outlines the proposed subdivision. This memorandum summarises Community Services interests with respect to this subdivision proposal. Staff from the Community Services Department visited the site on 7 June. The recommendations are made without prejudice, subject to Council approving the application.

The application involves the subdivision of two titles with areas of 15.14 and 15.44 hectares respectively into 7 allotments (5 rural-residential and 2 larger productive lots). The site is located on the northern side of Flett Road and is zoned Rural 1. Flett Stream bisects the property from the south east to the north west, the stream is adjoined by vineyard and/or access tracks up to or close to its banks.

Reserves and Walkways

Community Services staff visited the site and have considered the application in the wider context of existing formed and unformed legal roads, reserves and walkways in the vicinity. The Moutere Highway is approximately 180 metres from the western boundary of the site and Old Coach Road approximately 310 metres from the north eastern boundary. It is recognised that linking these two arterial roads with cycle and walkways would have significant benefits for the community. However, there are already existing legal roads linking the Inland Highway with Old Coach Road in the vicinity of the site, School Road to the north and Braeburn Road to the south. The formation of an additional link by way of pedestrian access easements in this location was not considered to be a high priority.

When we visited the site we were unable to determine if the width of the stream was less or greater than 3 metres at its annual fullest flow and requested Council's hydrologist to confirm the width of the stream. He visited the site on 20 June and confirmed that the average width of the stream at its annual fullest flow would be less than 3 metres. As such the esplanade provisions of the Resource Management Act do not apply.

Flett Cemetery

Flett Cemetery is located at the end of Flett Road mid way along the south western boundary of the site. The right of way servicing the proposed allotments is located approximately 10 metres to the west of the north western boundary of the cemetery and is proposed to adjoin the north eastern boundary.

The Community Services Department needs to provide additional land for its cemeteries within the district in order to provide for the medium to long term needs of the immediate community and can approach landowners at any time to seek to purchase additional land. However, in this instance the proposed location of the right of way adjoining the north eastern boundary would limit Council's ability to purchase additional land in that location in the future. As such it was considered to be an appropriate time to approach the applicant to see if they were agreeable (by way of a reserve fund contribution credit) to the sale of approximately 1,000 m² of land adjoining the north eastern boundary of the property (i.e. a 15 metre wide strip adjoining the long boundary of the cemetery). This consultation was

undertaken on 13 June through the applicant's agent. The applicant responded on 20 June 2007 that they would be open to the sale of an equivalent area of land adjoining the south eastern boundary of the cemetery, north east of the existing access strips which adjoin Flett Road and that they would also be agreeable to providing a water connection for the cemetery. Although this is not Community Services preferred site for an addition to the cemetery, if the applicant or submitters have concerns with the preferred location the alternative would be acceptable. (see attached plan dated 20/6/2007)

Submissions

There were 13 submissions to the application, one specifically refers to esplanade issues.

Forest and Bird

This submitter neither supports or opposes the application but in relation to esplanades states that the application does not state whether or not esplanades are warranted. They request that further information be sought from the applicant with regard to its width and values so that if consents are granted the stream can be preserved, protected and enhanced through appropriate conditions such as esplanade mechanisms, riparian planting, pest monitoring and the enhancement and preservation of fish passage.

As mentioned above Flett Stream is considered to be less than 3 metres and as such the esplanade provisions of the Resource Management Act do not apply. However, it is acknowledged that increased riparian planting would enhance in stream values.

Rosalind Squire
Planner, Community Services

Locality Diagram

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Notes:

Warning

This Plan has been prepared for the purpose of a resource consent application only. It is not a precise survey plan. As areas and dimensions are likely to vary upon survey it should not be attached to sales & purchase agreements without an appropriate condition to cover such variations.

This Subdivision was approved as

Activity on theday of.....
20..... subject to the conditions noted in the file.

SUBDIVISION OFFICER

EASEMENTS:

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

Comprised in : CT NL 13A/206, 13A/207 & 13A/208

Applicants:

Riwaka Fruit & Viticulture Services Ltd.

Job Title:

Riwaka Fruit & Viticulture Services Ltd.
Flett Road
Riwaka

Drawing Title:

Resource Consent
Application Plan

Plan information:

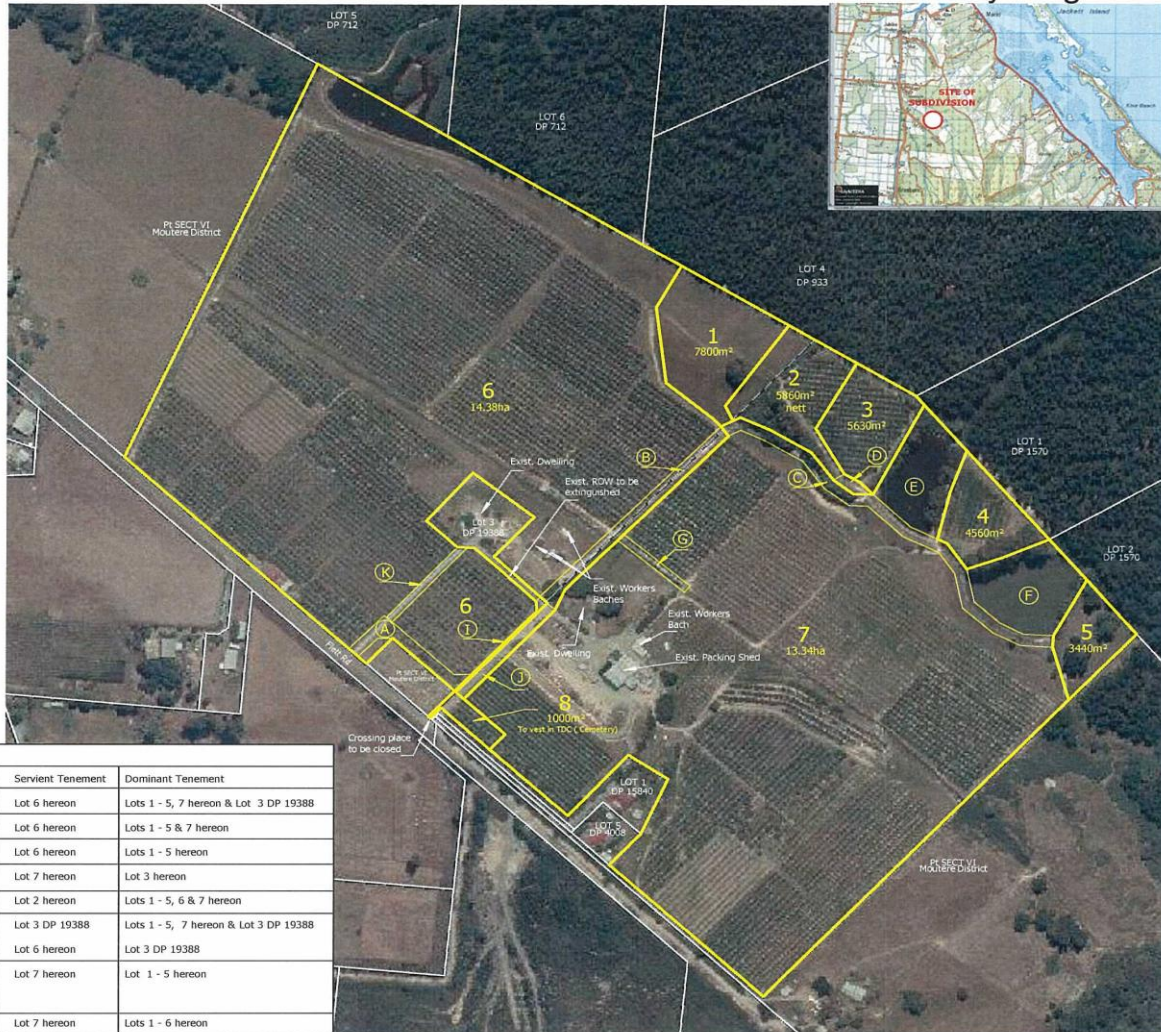
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Job No.	CAD File No.	Sheet	
8835	8835-01	1 of 1	
Issue No.	Drawn	Date	
1	M. Graf	20/06/2007	
Amendments			

Concept Developed by:

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ENHANCING THE LAND

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SURVEYING-PLANNING-ENGINEERING-RESOURCE MANAGEMENT



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

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