



STAFF REPORT

TO: Environment & Planning Subcommittee

FROM: Jack Andrew, Co-Ordinator Land Use Consents

REFERENCE: RM071217

SUBJECT: **D M HOLMES and J N HARRY - REPORT EP08/08/01 - Report prepared for hearing of 11 August 2008**

1. APPLICATION BRIEF

1.1 Proposal

The application is for land use consent to undertake the following at a 0.8044 hectare rural property in the Rural 1 zone:

- Between 9.00 am and 6.00 pm operate a cellar door providing for the tasting and sale of wine (under an off licence) made at the property's winery;
- Operate commercial offices associated with the on-site winery business and without any limitation on hours for office work;
- Construct a building of approximately 135 m² which increases the existing site building coverage from 9.3% to 10.9%.

1.2 Location and Legal Description

The application site is located at 108 McShane Road, Richmond (Refer Map 1 attached).

The legal description of the property is Lot 1 DP 337857

1.3 Zoning and Consent Requirements

The land is zoned Rural 1 under the Proposed Tasman Resource Management Plan (hereafter referred to as the PTRMP). Under the Transitional District Plan (Waimea Section) the land is zoned Rural A.

1.4 Weighting Afforded to Plans

The PTRMP has been prepared in accordance with the Resource Management Act 1991 and the relevant provisions of the Proposed Plan are at the stage of preparation where all outstanding appeals to relevant provisions of the plan have been resolved and no further changes can be made to the relevant rules applying to the site and the applicant's development proposal. For this reason and pursuant to Section 19 of the Act, no further consideration of the Transitional Plan rules is provided in this report.

For the same reason, the PTRMP may be relied upon to determine the permitted baseline for assessing the actual and potential adverse effects on the environment, and the relevant objectives and policies that need to be considered.

1.5 Discretionary Activity

The activity being considered trips permitted activity rules 17.4.2(iv) and (v) and (vii) and 17.4.4(h) and falls to be considered as a full discretionary activity and building under rules 17.4.3 and 17.4.6.

1.6 Submissions

Two submissions have been lodged to the application. Both are in opposition but also indicate adverse effects that the submitters would want covered by conditions in the event of Council granting its consent to the application. The submitters property is the neighbouring property to the north of the subject site (refer Map 1).

2. INTRODUCTION

The applicant has planted several vineyards on the Waimea Plains and developed an oblong shaped 0.8044 hectare Rural 1 zone property as the winery for these vineyards. The winery building is a large one that is well setback from McShane Road. The building has been finished in recessive colours and to some degree is screened from neighbours by existing shelter planting to the north and south of the site. There are six staff based at the winery and two managers visiting it on most days.

The winery's existing cellar door operation is based at the nearby Grape Escape complex. The applicant intends relocating its Grape Escape Cellar Door business to the application site.

The winery's office type administration and commercial marketing work is presently done by staff and managers working from their own residences. This work is to be undertaken from the proposed new offices at the winery site.

The proposed offices and cellar door operation is to be undertaken immediately in front of the existing winery building. The proposed building will be single story having three offices, a general office, a store room, a meeting room, a reception-tasting room with off licence sales and a toilet(convenience)(refer Maps A, B and C attached).

Access to the property is along an existing metalled ROW driveway located on the northern boundary of the property. The Right Of Way provides access to Lot 2 DP 337857 (which is owned by one of the winery managers Mr Jensen)) and to the winery building. I understand from the applicant that shelter trees have been planted along the common property boundary with the Colville's property (Lot 1 DP7953). There is a fence along the submitter's side of the trees. Some flax bushes are interspersed among the shelter trees. The shelter trees are due for topping. While the shelter trees provide some visual screening of the proposed building as viewed from the Colville's property they do not provide a solid visual screen for the Colvilles.

From site inspections it is clear that the subject site and the immediate environment about it is a mixed use one, including productive rural land uses, some commercial operations such as the Grape escape and Eyebright operations, and some rural residential properties. As the crow flies the two dwellings on the adjoining Colville property are setback just over 120 metres (main dwelling) and 70 metres (front cottage) from the site of the applicants proposed cellar door and office building (refer Map 1).

3. NOTIFICATION AND SUBMISSIONS

The application was notified on 3 June 2008 by way of a Limited Notification Application and two submissions were received from the Colville property.

For the sake of brevity the comments from each submitter are briefly summarised below for the purpose of this report.

3.1 Mrs Marion Colville

Opposes the application and in seeking it be declined raises the following concerns:

- Addition of another building
- Effects on privacy and effects of noise, traffic, dust, and glare.
- Lack of car parking assessment
- Adverse effects on lifestyle.

In the event of Council granting consent Mrs Colville requests a number of conditions to be included in any consent including a request for control on the hours of operation of the administrative activities.

3.2 N Colville and M Englefield

Oppose the application on similar grounds to Mrs Marion Colville but also raise rural view impacts and in the event of consent being granted request that office hours be limited from 9.00 am – 5.00 pm Monday to Friday to protect current rural lifestyle.

The submitters wish to be heard and have the opportunity to elaborate on the matters raised in their submissions at the Council hearing.

Where possible the concerns raised have been addressed in the assessment of effects section of this report with assistance from Council's engineering and noise staff.

4. STATUTORY CONSIDERATIONS

4.1 Resource Management Act 1991 (The Act)

Power to Grant or Refuse Consent and Impose Conditions

After having considered the matters in Section 104 of the Act, the consent authority may grant or refuse resource consent for a discretionary activity in accordance with Section 104B of the Act.

The Section 104 matters are addressed in Part 9 of this report.

4.2 Matters to be Considered in Assessment

In regard to this particular application, the decision must be based on consideration of the following the matters set out in Section 104(1) of the Act:

- a) Part II matters;
- b) the any actual and potential effects on the environment of allowing the activity;
- c) any relevant provisions of national or regional policy statements;
- d) any relevant provisions of a plan or proposed plan;
- e) any other matters considered relevant and reasonably necessary to determine the application.

In having regard to the above matters, primacy is given to Part II of the Act; the purpose and principles of sustainable management of natural and physical resources.

In addition, Section 104(1)(a) “*any actual and potential effects on the environment of allowing the activity*” can be qualified by the permitted baseline concept in Section 104(2).

4.3 Permitted Baseline

The actual and potential adverse effects on the environment of the proposal may be determined having regard to the permitted baseline concept in Section 104(2) of the Act, which states:

“When forming an opinion for the purposes of subsection (1)(a), a consent authority may disregard an adverse effect of the activity on the environment if the plan permits an activity with that effect.”

A comparison can be made between the proposed activity and what other activities could take place on the subject site as of right. The comparison must be with a credible as of right development and not a fanciful one. In this instance there no comparable permitted activity.

4.4 Conditions

If consent is granted, conditions may be imposed pursuant to Section 108 of the Act

4.5 Written Approvals

The consent authority must not have regard to any actual or potential effect on any person who has provided their written approval in accordance with Section 104(3)(b) of the Act. The applicants obtained written approvals from three of four potentially affected neighbours. Written approval was obtained from P R Jones; L S Jensen; and P C Field (for A E Field and Sons Ltd and McShane Holdings Ltd).

4.6 Purpose and Principles of the Act (Part II Matters)

In this instance the “Section 104 matters” are to be considered subject to Part II of the Act. This includes the purpose and principles in Section 5 of the Act, and other matters to be recognised and provided for in Section 6, or had regard to in Section 7, or taken into account in Section 8 of the Act.

The purpose of the Act is to promote the sustainable management of natural and physical resources. The underlying philosophy is “enabling” in nature, so that people should be able to meet their needs as long as they do not compromise the ability of others to meet their needs now and in the future. Appropriate protection is to be afforded to the environment from any potential adverse effects.

If granted, the proposed development must be determined to represent a sustainable use and development of the land and associated resources. There are several key issues for this proposed development, including its impact upon land productivity, the character and visual amenity of the neighbourhood, and effects on service infrastructure.

These aspects are addressed where relevant throughout in this report.

4.7 Section 6: Matters of National Importance to be Recognised and Provided For

The matters in Section 6 of the Act are not considered to be relevant to determine this application.

The site is well set back from the Coastal Environment Area and the development should not adversely affect the coast.

The site is not known to contain any heritage sites or any items known to be of significance to Maori.

4.8 Section 7: Matters to be had Particular Regard to

The following other matters to be had regard to in Section 7 of the Act are considered relevant:

“(b) The efficient use and development of natural and physical resources;

(c) The maintenance and enhancement of amenity values;

(f) Maintenance and enhancement of the quality of the environment;

(g) Any finite characteristics of natural and physical resources.”

These matters are considered as follows:

Efficient Resource Use

The extent to which the proposal represents efficient use and development of natural and physical resources will depend on the extent to which any adverse effects arising from the proposal can be avoided, remedied or mitigated having regard to the general direction afforded by the PTRMP. In terms of the Rural 1 zone and the rural area near Richmond the proposed building is essentially within the property's building curtilage area (an existing shed and winery building). The proposed building has a direct relationship to the on-site winery which in turn has a direct relationship to the productive vineyard use of Rural 1 land in the vicinity. While there is an increase in building coverage at the subject property, a large part of the building will provide a better facility for workers most of whom already work at the site. The development can generally be regarded as efficient resource use provided that adverse potential cross boundary effects are mitigated. In my opinion potential adverse cross boundary effects can be mitigated.

Amenity Values

The property has local amenity value. The proposed building sited in front of the large winery building and well set back from adjoining properties and existing dwellings should not detract from the visual amenities of the neighbourhood. The effects of the use of the proposed building should also not detract from the existing amenity values provided the site access, driveway and car parking area is sealed to reduce potential dust and noise effects (also see comments from Council's Co-ordinator Regulatory Services in paragraphs 9.4 and 9.5 of this report). Working late at office type work does not generally generate complaints to Council but nevertheless it may generate some light spill and noise from vehicles leaving the property. In my opinion at the subject site these effects are unlikely to be more than minor given sealing of the driveway and either retention of the existing boundary shelter planting or replacement shelter planting in evergreen species

Maintenance and Enhancement of the Quality of the Environment

Given upgrading of the access, driveway and carparking by sealing then the proposed development should not detract from the Rural 1 neighbourhood or the future food producing potential of immediately adjoining properties.

5. NEW ZEALAND COASTAL POLICY STATEMENT

The Coastal Environment Area is the Proposed Plan's mechanism for dealing with coastal land use issues and was developed having regard to the New Zealand Coastal Policy Statement. The proposed development is located well outside the Coastal Environment Area of the Proposed Plan. Therefore, there is no need to have particular regard to the latter document in considering this application.

6. TASMAN REGIONAL POLICY STATEMENT

The Tasman Regional Policy Statement became operative on 1 July 2001. The Tasman Regional Policy Statement specifies the overriding policies of the Tasman District Council when preparing other resource management plans and when considering any application for any resource consent.

The Regional Policy Statement seeks to achieve the sustainable management of the District's land and associated environmental resources. Objectives and policies of the Policy Statement clearly articulate the importance of avoiding the loss of highly productive land resources and mitigating adverse cross boundary effects of development on adjacent properties (refer Objective 6.1 and 6.3). The importance of the development as it affects the character and amenity of Richmond is also a matter of importance (Objective 5.4).

“Objectives 6.1 and 6.3

Avoidance of the loss of the potential for land of productive value to meet the needs of future generations, particularly land with high productive values.

Avoidance, remedying, or mitigation of adverse cross-boundary effects of rural land uses on adjacent activities.”

In addition, Objective 5.5 is relevant:

“Objective 5.5

Maintenance and enhancement of urban environmental quality, including amenity values and the character of small towns.”

Because the PTRMP 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 the Policy Statement.

7. PROPOSED TASMAN RESOURCE MANAGEMENT PLAN (PTRMP)

The Plan that is relevant in the assessment of this application is the PTRMP.

Key **Objectives and Policies** relevant to an assessment of this application for subdivision consent are as follows:

Chapter 5 - Site Amenity Effects

“Objective 5.1.0

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

Policies

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

5.1.2 *To protect the quality of groundwater and surface water from the adverse effects of urban development and rural activities.*

5.1.3 *To limit the intensity of development where wastewater reticulation and treatment are not available.*

5.1.4 *To avoid, remedy, or mitigate effects of:*

- (a) noise and vibration;*
- (b) dust and other particulate emissions;*
- (c) contaminant discharges;*
- (d) odour and fumes;*
- (e) glare;*
- (f) electrical interference;*
- (g) vehicles;*
- (h) buildings and structures;*
- (i) temporary activities;*

beyond the boundaries of the site generating the effect.

5.1.7 *To avoid, remedy, or mitigate the likelihood and adverse effects of the discharge of any contaminant beyond the property on which it is generated, stored, or used.”*

Comment on Site Amenity Objectives and Policies

The development proposal does not create any amenity issues that conflict with the above objective and policies. The proposal has an intricate relationship to the applicants productive use of the Rural 1 land resource for grapes and wine production. All potential adverse effects should be able to be controlled by the development's location which is well set back from adjoining dwellings and is unlikely to create glare and reverse sensitivity effects for traditional productive Rural 1 zone land uses. Conditions can be included to ensure that the cellar door operation remains a relatively small scale one as desired by the applicant. The area within the building for the cellar door operation can be identified and be required to simply be for tasting and buying wines processed within the onsite winery. This application does not have scope to permit a restaurant/café development with music etc to take place. Potential noise and dust from vehicles using the driveway and car parking can be mitigated so that they are no more than minor by sealing them(see advice from Councils Coordinator of Regulatory services in paragraphs 9.4 and 9.5 of this report).

Chapter 7 – Rural Environment Effects

“Objective 7.1.0

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

Policies

7.1.2 *To avoid, remedy or mitigate the effects of activities which reduce the area of land available for soil-based production purposes in rural areas.*

7.1.2A *To avoid, remedy or mitigate adverse actual, potential, and cumulative effects on the soil resource and the productive value of the land.*

Objective 7.3.0

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

Policy 7.3.1

To ensure that there is sufficient flexibility for a wide range of productive rural activities to take place, while avoiding, remedying or mitigating adverse effects.

Comment on Rural Environment Effects Objectives and Policies

In my opinion this development is a value added and efficient approach to utilising grapes grown on the Waimea plains and processed within an on site winery. A small amount of potentially productive land will be lost to the proposed building but this is minimised by locating the proposed building alongside existing buildings and not at the roadside. The existing access can be utilised and the traditional boundary landscaping can be retained or improved and these two factors also help to minimise the further loss of good land. In my opinion the proposed development will not detract from the visual amenity of the neighbourhood.

Chapter 11 - Land Transport Effects

“Objective 11.1.0

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

Policies

11.1.2B *To avoid, remedy or mitigate adverse effects of traffic on amenity values.*

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

- 11.1.7** *To ensure that signs do not detract from traffic safety by causing confusion or distraction to or obstructing the views of motorists or pedestrians.*

Comment on Land Transport Policies

It is considered that the development will meet this objective and the relevant transport policies if the access, driveway and car parking areas are sealed and access finished in accordance with the commercial access standard as outlined in Diagram 2 on page 16/31 of the PTRMP. With this access standard and signage being in compliance with the PTRMP rules no adverse effects on the safe and efficient operation of the road network are expected(refer to Councils Development Engineers advice in Paragraph 9.1 of this report).

Summary of Objectives and Policies

Overall in terms of the objectives and policies of the Council's planning documents the development does not compromise their main thrust and should not detract from the productive working rural amenity and character of this part of Richmond.

8. PTRMP RULES

Key **Rules** relevant to an assessment of this application are as follows:

Chapter 17.4 – Rural 1 Zone Rules

The development proposal is a discretionary activity in the Rural 1 zone as the following permitted activity rules are breached:

- 17.4.2 (b) (iv) sale of liquor
- 17.4.2 (b)(v) Rural Selling place rule (breached because the selling place is more than 25 m²)
- 17.4.2(b)(vii) a commercial activity
- 17.4.4(h) building coverage of up to 5% permitted

Chapter 36.1 – Discharges to Land

- The discharge of wastewater to land must comply with performance standards and conditions of this chapter or otherwise require separate discharge consent.
- Rule 36.1.4 sets out standards for the discharge and it is expected that the applicants system meets this rules wastewater requirements. The matter will be checked and confirmed before any building consent is issued for the proposed building.

9. ACTUAL OR POTENTIAL EFFECTS ON THE ENVIRONMENT

In accordance with Section 104(1)(a) of the Resource Management Act, an assessment of environmental effects on the environment of allowing the development proposal is required. In this instance the relevant environmental effects are: traffic and parking; land productivity; stormwater disposal; noise; signage and other miscellaneous management effects outlined in the neighbours' Marion Colville, Natalie Colville and Mark Englefield's submissions.

9.1 Traffic and Parking

In relation to traffic generation and the effects on the safe and efficient operation of McShane Road, Council's Development Engineer Mr Ley of the engineering department has considered the applicants development proposal and advised as follows:

“Vehicle use on to the site in traffic terms is deemed to be minor and the traffic already exists on the road albeit that it is now in a different location.

In terms of traffic movements the applicant advisers that visitors are likely to be approx 14 to 16 vehicle movements per day plus the staff and in approx terms, relating this to a residential dwelling, would equate to about three residential dwellings accessing off the highway.

Mc Shane Road is approx 5 to 6 metre seal width and only recently widening at the SH60 end has been undertaken. The Council has also recently designated McShane Road for future widening.

Engineering would be satisfied that to mitigate any adverse effect on Council roading network, then the following suggested conditions be imposed:

- 1. Generally seal from the seal carriageway onto the site for 10 metres as per TRMP diagram 2 of Schedule 16.2c***
- 2. Any access and parking areas shall be formed to a minimum dust free compacted AP20 Basecourse.”***

In relation to the assessment of carparking needs the applicant's proposal has two components which are: firstly a Cellar Door operation limited to the tasting and sales of wines produced in the adjoining winery; and secondly as an office base for five people that is intricately associated with the winery operation.

The first function of tasting and wine sales wines is to be conducted within the proposed office/cellar entrance area of the building. This area has a gross floor area of approximately 40 m². In terms of the PTRMP the cellar door operation is essentially a Rural Selling Place function where the car parking requirement is three car parks per 25 m². By extrapolation the car parking requirement for a 40 m² rural selling place would be five car parks.

The second function of commercial offices usually involves providing for staff at a ratio of one car park for each 35 m² of gross office space. At a 1:35 ratio the approximately 72 m² commercial office space would require two car parks.

Altogether in terms of the TRMP seven car parks are required however there is plenty of space for car parking and providing ten car parks as proposed should be better than providing seven. In my opinion ten car parks should adequately cater for the parking needs of the office and a relatively low key cellar door operation close to Richmond.

In my opinion adequate on site car parking is proposed by the applicant.

9.2 Land Productivity

The proposed development will be conducted within the existing building curtilage area of the property. In this situation I consider that the loss in potential land productivity is no more than minor.

9.3 Stormwater Disposal

Additional stormwater will be generated by the building and car park area. The property is large enough and the buildings and car parking area has been setback sufficiently from neighbour's properties to help ensure that stormwater disposes naturally within the property and does not adversely affect neighbours. Detailed stormwater disposal proposals for the building and car parking area should be submitted at the building consent stage of the development.

9.4 Noise Effects

The applicant is confident of meeting the PTRMP permitted activity noise standards for the Rural 1 zone without relying on the exception provided for intermittent rural activity noise. This Rural 1 zone noise standard without the exemption is incorporated in Condition 7.

In addition Council's noise advisor the Coordinator of Regulatory Services, Mr Caradus has commented as follows:

"The applicant's AEE notes that noise effects are likely to be associated with vehicle movements. I agree and note that the requirements of s16 RMA is also relevant. That states:

Every occupier of land shall adopt the best practicable option to ensure that the emission of noise from that land or water does not exceed a reasonable level.

To eliminate any significant noise associated with vehicle wheels rolling through gravel, the drive-way to the proposed tasting room and retail outlet, and any associated parking area should be suitably sealed and maintained in a state which is substantially free of loose gravel.

The distance between the proposed car park area and the closest residence (approximately 70 metres) is such that the noise of car doors being opened and shut, and engine start up is likely to be no more than minimal, and no special noise attenuation is considered necessary."

9.5 Dust

In the Rural 1 zone dust can adversely affect the versatility of highly productive land as it can limit export opportunities for fruit and also be a nuisance for nearby dwellings? The submitters have identified dust generated by the increased traffic on the accessway and car parking areas as a concern.

Council's Coordinator of Regulatory Services, Mr Caradus has considerable experience in environmental health and dust nuisance assessment advises as follows:

“The subject of dust has been identified as a potential issue, and I concur that the current unsealed driveway on to the subject property could result in some nuisance being caused during dry weather. It is noted that southerly sector breezes predominate on the Waimea Planes and these would carry any dust generated towards the nearest neighbour. The sealing of the driveway and parking area as detailed above would overcome any such problems.”

9.6 Signage

The applicant proposes meeting the Rural 1 Zone sign requirements and this is incorporated into Condition 6.

9.7 Richmond West Development

Council has notified its intentions for the future development of the Richmond West area which includes land on the eastern side of McShane Road opposite the subject site. As part of the infrastructure needed to support the Richmond West area Council has recently notified a number of public works requirements and one of those Requirements RM080286 would result in a 7.5 metre widening occurring on the road frontage of the subject property and an additional 376 m² of the property being incorporated into the road reserve (refer maps D and E attached). The loss of 376 m² from the properties frontage while slightly increasing the building coverage non compliance (from 10.9% to 11.4%) has no substantive effect on the application. Reducing the proposed building's setback by 7.5 metres would have minimal impact on the future streetscape of McShane Road. Also it would not affect the development's compliance with the 10 metre front yard and 5 metre side yard building setback requirements of the Rural 1 zone.

For these reasons I believe the road widening Requirement has no substantive impact on this resource consent application and can be disregarded in relation to the hearing of the subject application.

Incidentally, I should point out that any debate on the merits of the Requirement is beyond Council's scope of consideration of the present application.

9.8 Scale of the Commercial activity, Cellar Door Operation, and Hours of Operation

Understandably the submitters who are immediate neighbours do not want a large scale cellar door operation and office operation to develop at the property. I understand that the applicants have no intention of large development and this is reinforced by the proposed size of the building and the operating hours for the cellar door operation. The hours sought for the cellar door operation are 9.00 am until 6.00 pm and these should not be intrusive for neighbours.

The applicant wants staff to be able to use the offices at any time. Office use does not usually generate adverse off site affects.

9.9 Visual Amenity and Effects on Neighbour's Views

The application site is a fairly small flat Rural 1 zoned property that is quite visible from McShane Road. As discussed earlier the proposed building will be attractively finished and is located well back from McShane Road where it will not detract from the streetscape of McShane Road.

On the adjoining Colville property there are two dwellings.

The larger dwelling toward the western end of the Colville property is substantially screened by its own homestead plantings, by boundary shelter planting and by the existing winery building from the proposed cellar door and office building and carpark.

The smaller dwelling located at the eastern edge of the Colville property by McShane Road will be more exposed to the proposed cellar door and office building and car park development. There is an existing shelter belt planted but not topped along the common boundary but it does not completely screen out the applicants building and carpark development.

The advice I have received from Council's Reserves Officer, Glenn Thorn is that screen planting could be achieved by planting a dense evergreen shelter and when that is well established to provide a visual screen then removing the existing shelter planting

I understand that the applicants would be prepared to do that but as the existing shelter belt is planted on the boundary they would do that with the Colville's agreement.

If agreement can not be reached then in my opinion the existing shelter planting does provide some visual relief and protection from the glare of vehicle lights. Glare is not likely to be a major problem not only because of the shelter belt but also because the cellar door operation will mostly occur during daylight.

9.10 Summary of Actual and Potential Adverse Effects

In summary, the immediate consequence of granting consent to this application is no more than minor in terms of actual and potential adverse effects on the environment. Some mitigation measures are required but virtually all of those measures and controls apart from sealing were part of the application as submitted by the applicant.

10. CONCLUSION AND RECOMMENDATION

Pursuant to Section 104B of the Resource Management, I recommend that the D M Holmes and J N Harry application to establish and operate a commercial activity consisting of a tasting room (Cellar Door) with sale of liquor, and associated administration facilities (including offices) with the proposed hours for sale of liquor between 9.00 am to 6.00 pm seven days a week and the proposed activity being in conjunction with an existing winery on the property be **granted**, for the reasons outlined in this report and summarised below:

1. The site of the proposed activity is a relatively small flat 0.8044 hectare Rural 1 zoned property at McShane Road, Richmond. The applicants are well established viticulturalists having vineyards located nearby on the Waimea Plains and their winery exists at the subject site. The proposal will enable them to more efficiently operate their business and involves utilising an area of land that has an existing formed access and can be described as being within the existing building curtilage area of the property. The offices are limited in number and will only be used in association with the applicants' on-site winery and vineyard business.
2. The Cellar Door operation is for the tasting and sales of wine produced in the winery, is limited in area and hours 9.00 am until 6.00 pm seven days a week. The operation of the office is not restricted to the same hours as the cellar Door as the nature of office work is not intrusive and unlikely to generate cross boundary effects that are more than minor.
3. The proposal includes the provision of ten on-site parking spaces. Although the amount of car parking required by Council's planning documents is seven car parks the loss of potentially productive land through providing ten car parks is considered to be insignificant. Stormwater from the car parking area and new building is to be disposed of on site.
4. The development is not expected to jeopardise the safe and efficient operation of traffic on McShane Road. McShane Road both now and in the future has sufficient capacity to safely handle the expected traffic generation. Conditions ensure traffic movements to and from the site flow freely and include sufficient parking provisions. The entrance to the property is to be widened to facilitate safe manoeuvring of traffic entering and leaving the property.

The monitoring and review conditions enable Council to ensure traffic safety is not compromised by the granting of this consent.

5. The hours of operation are within those expected for this kind of facility and the noise standards are those required of non agricultural uses in the Rural 1 zone. The location of the activity is sufficiently set back from adjoining dwellings on McShane Road and mitigates any adverse amenity effects which are likely to be generated.
6. The effects of the proposal are considered to be no than minor for the following reasons:
 - a) the applicant is proposing a small scale wine sales area which will have a relatively small flow of visitors;
 - b) the new buildings will be attractively finished and being located within the building curtilage area of the property should not detract from current amenity values and rural character of the area;
 - c) sealing the access and driveway from McShane Road to the development and also sealing the car parking area is recommended to help mitigate possible adverse effects of dust and noise nuisances.

7. This proposed development (activity) although on a Rural 1 zoned property is considered to be consistent with objectives and policies of Council's planning documents. The activity does not adversely affect the productive capacity of the Rural 1 land or adversely affect the productive uses of adjoining properties by reverse sensitivity effects. The proposed conditions of consent and location of the activity mitigate the adverse effects on rural character and amenity values (Objective 7.3.0)
8. The proposal is not contrary to the matters contained in Part II of the Resource Management Act 1991. The proposal is in accord with Sections 5, 6, and 7 of the Resource Management Act 1991 and there is no known conflict with tangata whenua values or Section 8.
9. In summary, I am satisfied that the proposal should be approved subject to the following conditions:

11. CONDITIONS

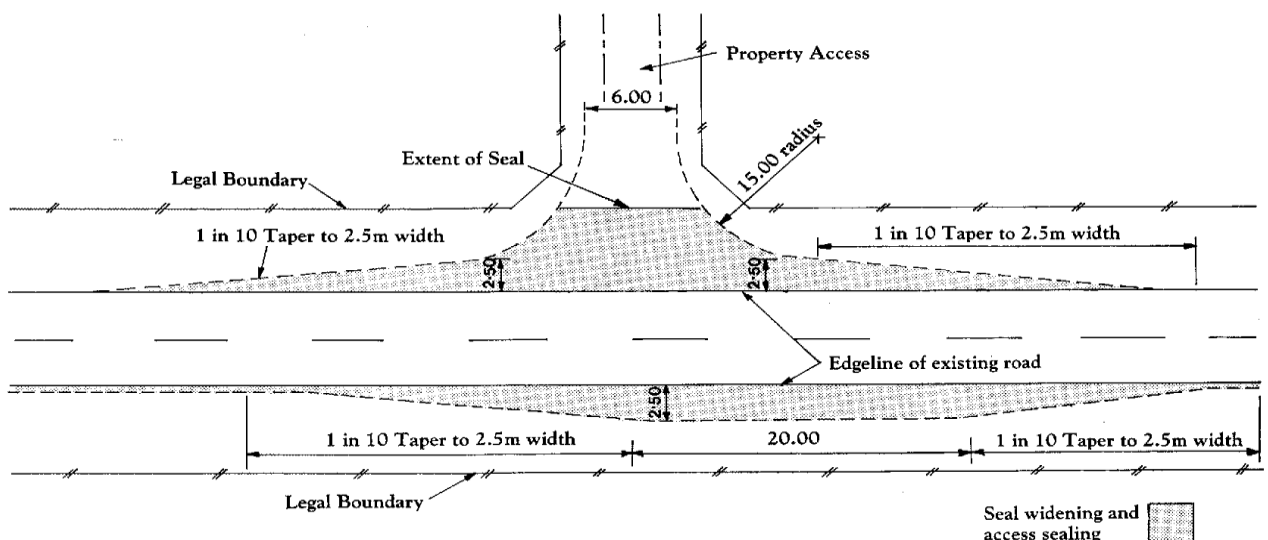
General

1. The development shall be in accordance with the documentation submitted with the application and with plans A, B and C attached to this consent.

Parking and Access

2. The access and driveway to the site shall remain in the existing location with the access being upgraded and widened to the design as set out in Diagram 2 of Schedule 16.2C of the Proposed Tasman Resource Management Plan. The access and driveway shall be sealed prior to the Cellar Door and office activities commencing on-site (two coat chip seal), including the Cellar door and Office building car parking and associated vehicle manoeuvring area.

Diagram 2: Vehicle Crossing for more than Six Dwellings, or for a Rural Activity



NOTE: Diagram not to scale. All dimensions are in metres.

3. Ten sealed car parks shall be provided for the Cellar Door and Office buildings prior to the Cellar Door and office activities commencing on-site in the location shown on Plan A attached to this decision. A detention pond or swale shall be installed to intercept drainage from the car park and associated manoeuvring area.

Noise

4. Noise levels created by activities on the site shall not exceed the following levels:
 - a) 0730-1800 Monday to Saturday (but excluding public holidays)
55 dBA (L₁₀); and
 - b) 0730-1800 on Sundays, plus public holidays and all other times
40 dBA (L₁₀) and 70dBA (L_{max})

Such levels shall be measured at the boundary or notional boundary used for residential purposes.

Hours of Operation

5. The Cellar Door may provide for sale of wine and tasting of wine produced at the on-site winery only between the hours of 9.00 am and 6.00 pm seven days a week. The sale and tasting of wine shall be confined to the area of the building shown as "Reception Tasting" on Plan "B" attached

Monitoring and Review

6. The resource consent holder shall advise Council when the activity this consent authorises commences so monitoring of conditions can be programmed.
7. Pursuant to Section 128 of the Resource Management Act 1991, the conditions of this consent may be reviewed at six months after the date of consent, or at the expiry of any six month period thereafter. The review may be necessary to:
 - a) deal with any significant adverse effects on the environment which may arise as a result of this consent; and
 - b) deal with any other matters relevant to the authorised activity that may be raised through the review.

The review of conditions shall allow for:

- i) the deletion or amendment of any of the conditions of this consent; or
- ii) the addition of new conditions as necessary to avoid, remedy or mitigate any adverse effects on the environment.

ADVICE NOTES

Council Regulations

1. This is not a building consent and the Consent Holder shall meet the requirements of Council with regard to all Building and Health Bylaws, Regulations and Acts.
2. The applicant shall obtain and at all times hold the necessary premises registration and licences required under all and any legislation relating to the sale of liquor.

Other Proposed Tasman Resource Management Plan Provisions

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

Consent Holder

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

Interests Registered on Property Title

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

Monitoring

6. Monitoring of the consent is required under Section 35 of the Resource Management Act 1991 and a deposit fee is payable at this time. Should monitoring costs exceed this initial fee, Council will recover this additional amount from the resource consent holder. Costs are able to be minimised by consistently complying with conditions and thereby reducing the frequency of Council visits.

Discharge of Wastewater

7. Any discharge of wastewater must comply with the requirements of permitted activity Rule 36.1.5 of the proposed Tasman Resource Management Plan unless otherwise authorised by way of resource consent for the discharge.

Stormwater

8. Stormwater disposal for buildings, parking and manoeuvring areas shall meet the permitted activity standards of Rule 36.4.2 of the Tasman Resource Management Plan.

Development Contributions

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

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




Jack Andrew

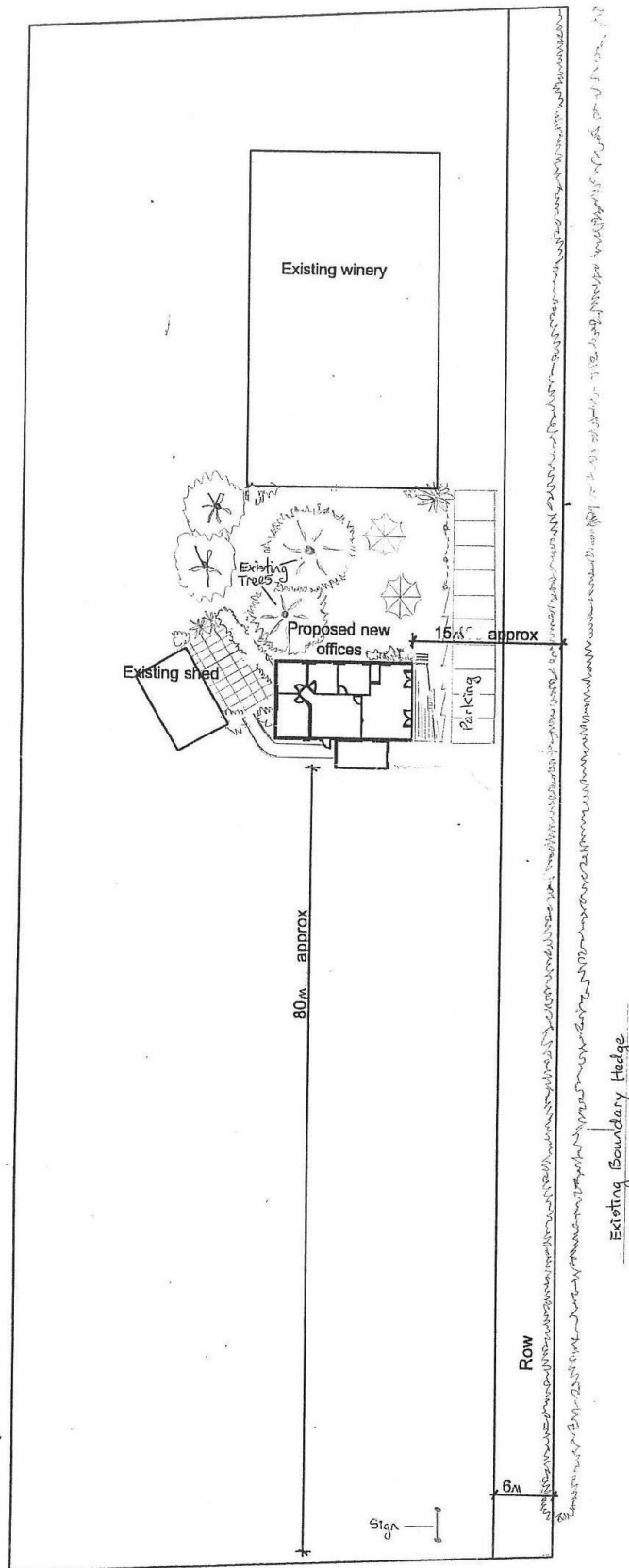
Co-ordinator Resource Consents

MAP 1 – Subject Site and Affected Parties

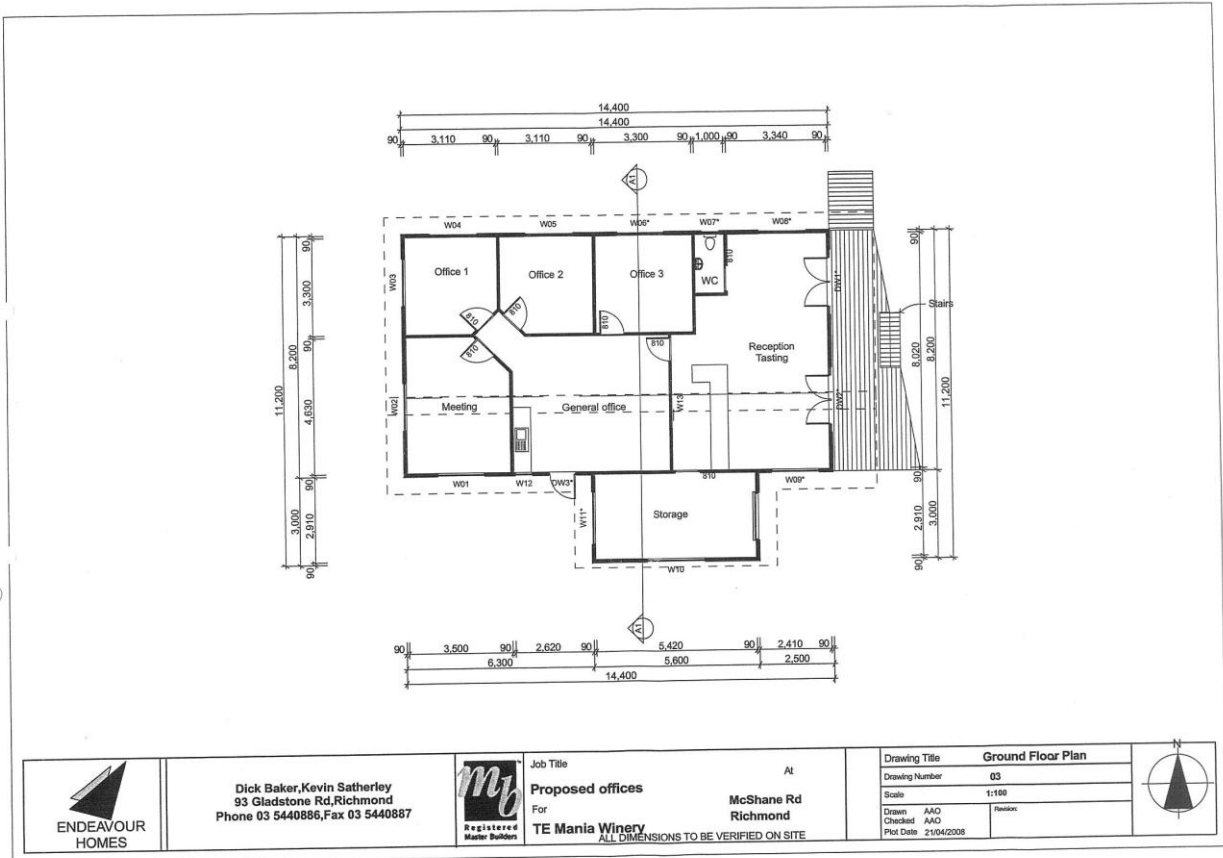


KEY

-  Subject Site
-  Submitters Property
-  Written Approvals



Plan B – RM071217 – Floor Plan



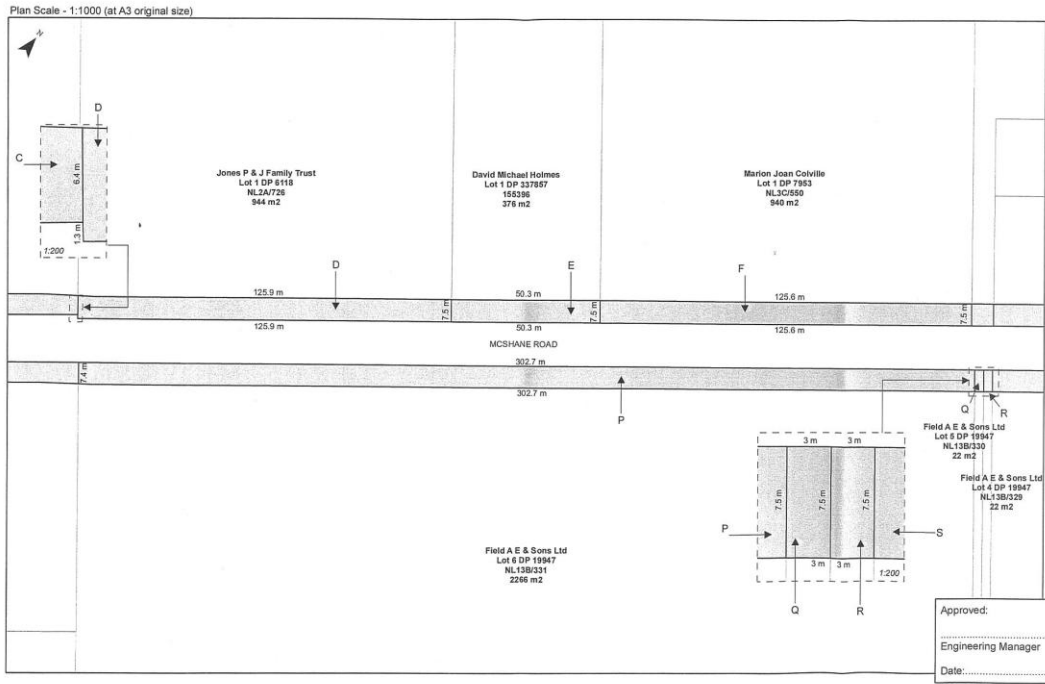
Plan C – RM071217 – Elevations



	Dick Baker, Kevin Satherley 93 Gladstone Rd, Richmond Phone 03 5440885, Fax 03 5440887		Job Title	At	Drawing Title		
			Proposed offices	McShane Rd	Elevations		
			For	Richmond	Drawing Number	11	
			TE Mania Winery	ALL DIMENSIONS TO BE VERIFIED ON SITE	Scale	1:100	
				Drawn	AAO	Revision	
				Checked	AAO		
				Plot Date	24/04/2008		

Plan D – RM071217 – Requirement Plan

Requirement of Tasman District Council - Alteration to Proposed Tasman Resource Management Plan
 Land Requirement Plan: areas to be designated for road widening purposes (McShane Road).



Plan E – RM071217 – Requirement Plan Aerial

Requirement of Tasman District Council - Alteration to Proposed Tasman Resource Management Plan
Land Requirement Plan: areas to be designated for road widening purposes (McShane Road).

Plan Scale - 1:1800 (at A3 original size)

