



STAFF REPORT

TO: Environment & Planning Subcommittee

FROM: Laurie Davidson – Consents Planner, Golden Bay

REFERENCE: RM070939

SUBJECT: **JD ADVENTURES LTD – REPORT EP08/10/05** – Report prepared for hearing of 13 October 2008

LOCATION

242 McCallum Road, Golden Bay.

LAND DESCRIPTION

Lot 1 DP 356640, all land contained in Certificate of Title NL 237895

PROPOSED TASMAN RESOURCE MANAGEMENT PLAN

Zone: Rural 1
Area: Land Disturbance Area One

PROPOSAL

1. To undertake a commercial activity on Rural 1 land through a licensed café that will process and sell salmon products produced on site.
2. To vary the conditions of consent of RM010180 by removing Condition 4 relating to the discharge of waste water.

RESOURCE CONSENT STATUS

The land use application lodged by JD Adventures Ltd is part of a suite of applications that include a land use application, a variation to the existing land use consent issued for the Anatoki Salmon Farm (RM010180) in relation to the discharge of waste water, an application for a water permit and an application for a discharge permit. The water permit and discharge permits are reported separately by other Council Officers.

The land use component of the application for JD Adventures to expand the food service to a café operation and to provide for the sale of liquor is a Discretionary Activity under the Proposed Tasman Resource Management Plan.

The variation to the existing land use application is a matter of housekeeping as condition 4 of that consent limited the discharge of waste water to the permitted activity status of not more than 2000 litres per day. That discharge is now going to be exceeded with the new discharge consent that is being applied for.

NOTIFICATION

Council processed this application under the provisions of the Resource Management Act 1991 as a notified application, as there was one neighbour that had been identified as “an affected party” who chose not to provide written approval for the applications that were proposed.

Written approvals pursuant to Section 94 of the Act have been provided by;

A Wolvertang and D Gfeller
C M, M R and R M Bengé
R R Heese
E Rings
G Hansmann
T M Brett
BAE Hutchinson and J C Bellerby

1. INTRODUCTION

The application by JD Adventures seeks consent to expand to operation of the current salmon farm operation to enable a wider range of food and beverages to be sold from a 20 seat licensed café. The application is accompanied by an application for a water permit and a discharge permit to enable the café to operate with all the necessary consents in place.

The current salmon farm operation operates under four consents granted by Council, three of which relate to the salmon farming operation and the other to process and sell salmon and have signage for the facility. The land use application (RM010180) has a condition imposed that restricts the quantity of waste water produced to 2000 litres per day and an application has been made to have this condition removed and replaced by the discharge permit that has been applied for.

2. SITE DESCRIPTION

The Anatoki Salmon Farm operates on a title of 2.468 hectares that is zoned Rural 1 and located on the northern side of McCallum Road two kilometres from the junction with Kotinga Road, which comes off State Highway 60 approximately 0.7 kilometres south of Takaka.

The land is an older river terrace that is bordered by the Anatoki River and contains three fish rearing ponds and a lake, all of which are fed by water from the Anatoki River. The land also contains a salmon processing room and seating for guests on a decked area. It is this building and associated facilities that are intended to be used for the licensed café. The applicants live on the site above the fish farm and there is also a car park that adjoins McCallum road for visitors on the upper terrace. Access is generally by foot from this car park but there is an access formed to enable vehicles to park closer to the facilities if specifically required (e.g. disabled access).

This part of the Anatoki Valley is characterised by several “lifestyle” allotments that were created relatively recently. Some have had dwellings erected on them and they are generally of a size that provides an open rural environment with a view across the Takaka Valley to the Pīkikiruna Ranges. The land on the northern side of the Anatoki River is also zoned Rural 1 and is a lifestyle property that has an established orchard. This area is accessed from One Spec Road and is screened from the salmon farm by vegetation on both sides of the river.

The area on the eastern side of the Salmon Farm is occupied by Bencarri Nature Park and Cafe, a popular tourist destination in Golden Bay. This operation is based on a small scale farm with a range of animals and an arranged visit to feed the eels in the Anatoki River. The farm also has a licensed café and has operated on that site for some time. Parking for this facility is located on the southern side of McCallum Road.

Both the Salmon Farm and Bencarri Nature Park are accessed by McCallum and Kotinga Roads, sealed roads that are relatively narrow, serving the rural community in this part of Golden Bay. The access issues are described more fully within the body of this report.

3. NOTIFICATION AND SUBMISSIONS

The application was notified on a limited basis on 5 July 2008, with submissions closing on 1 August 2008. One submission was received from Bencarri Nature Park and Café and M J and L H Dixon that opposes the suite of applications and asks that they are declined by Council. The submission sets out a number of matters that are of concern and those that relate to the land use application are as follows:

- the application underestimates the level of adverse effects from the activity and particularly the number of people utilising the facility;
- the traffic effects from increased patronage on traffic safety;
- inadequate parking for visitors to the site;
- an increased traffic safety risk associated with the provision of alcohol;
- granting consent would not result in the sustainable management of natural and physical resources;
- the amenity value of the area would not be maintained and enhanced;
- the quality of the environment will not be maintained and enhanced;
- granting consent will adversely affect the rural amenity of the area through noise, cooking odours, visual effects, public safety, reduced rural character and amenity;
- further commercial expansion is inappropriate for the Rural 1 area and will lead to adverse cumulative effects; and

- the proposal is contrary to the relevant objectives and policies of the Proposed Resource Management Plan.

Comment:

The submission lodged in opposition to the suite of applications lodged covers a range of matters that the submitter believes are applicable. The proposal is not an application to start a commercial activity in a Rural 1 Zone but rather an expansion of the current proposal to provide a wider range of food and beverages for visitors to the Salmon Farm. It is accepted granting consent can have some potential to attract additional people to the Salmon Farm, but their visit is likely to be two-fold rather than solely for the purpose of visiting the café.

The operation of the salmon farm has a strong emphasis on encouraging visitors to have the salmon they catch “further processed” by filleting and smoking on site. The café is designed to be complementary to that concept and the menu provided with the application indicates quite clearly the intention is very much focussed on the products produced on the site and this is quite different from the typical menu one would normally find in a café.

Many of the matters raised in the submission can be considered to be actual and potential effects and as such, they are discussed further in this report to consider them and the effects they may have on the local environment.

4. ASSESSMENT

The application before the Committee is a Discretionary Activity in terms of the proposed land uses that have been applied for and described in the preamble to this report. The Transitional District Plan (Golden Bay Section) has virtually no relevance to the application. Section 19 of the Resource Management Act 1991 (as amended by the Resource Management Amendment Act August 2003) makes it very clear that where the provisions of a Plan have passed the point where they are beyond further challenge, the rules become operative. The final references that related to the Rural 1 Zone have now been settled and Council is in the process of making Part II of the PTRMP fully operative. It is therefore appropriate to now rely fully on the PTRMP when considering this application.

The Committee may grant or decline an application for a Discretionary Activity, pursuant to Section 104(B) of the Resource Management Act and if consent is granted, conditions may be imposed pursuant to Section 108.

In making such a decision, the Committee is required to first consider the matters set out in Section 104(1) of the Act, in addition to the matters set out in Section 7. Primacy is given to Part II of the Act, “the purpose and principles of sustainable management of natural and physical resources.

The decision should therefore be based, subject to Part II of the Act, on:

- The actual and potential effects on the environment of allowing the activity;
- Any relevant provisions of national or regional policy statements;

- Relevant objectives, policies, rules or other provisions of a plan or proposed plan; and
- Any other matters the Committee considers relevant and reasonably necessary to determine the application.

5. RESOURCE MANAGEMENT ACT

The purpose and principle of the Act is to promote the sustainable management of natural and physical resources. Sustainable management means:

“Managing the use, development and protection of natural and physical resources in a way, or at a rate, which enables people, and communities to provide for their social, economic and cultural well-being and for their health and safety while:

- a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations;
- b) Safeguarding the life-supporting capacity of air, water, soil and ecosystems;
- c) Avoiding, remedying, or mitigating any adverse effects of activities on the environment”.

5.1 Matters of National Importance – Section 6 of RMA

The matters of National Importance are set out in Section 6 of the Resource Management Act. In this case the following matters are seen to be relevant to this application:

- a) The preservation of the natural character of ... rivers and their margins..., and the protection of them from inappropriate subdivision, use and development; (*edited*)
- b) The protection of outstanding natural features and landscapes from inappropriate subdivision, use and development;
- c) The maintenance and enhancement of public access to and along ... rivers...; (*edited*)

5.2 Other Matters – Section 7 of RMA

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

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

6. STATUTORY PLANNING DOCUMENTS

6.1 Tasman Regional Policy Statement

The Tasman District Council has prepared a Regional Policy Statement in accordance with the provisions of the Resource Management Act and this became fully operative in July 2001. The Statement takes national policies and refines and reflects them through to the local area, making them appropriate to the Tasman District. Council is required to have regard to the Regional Policy Statement as an overview of resource management issues.

The policies that are considered relevant to this application are set out in Appendix A to this report.

6.2 The Proposed Tasman Resource Management Plan

The Proposed Tasman Resource Management Plan has been prepared and has progressed to the point that it is close to being operational. There are still some outstanding matters to be resolved but generally much of the Plan is effectively operational.

The Plan sets out a range of policies and objectives that are pertinent to sustainable development and in particular those that relate to site amenity.

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

The following table summarises the most relevant plan matters and provides brief assessment commentary. The objectives and policies that are particularly relevant to this application relate to the use of the rural environment and site amenity.

Summary of Objectives and Policies – Proposed Tasman Resource Management Plan

<i>Chapter 5 – Site Amenity Effects</i>	Council must ensure that the rural character and amenity values of a site and the surrounding environment are protected, and any actual or potential effects of the proposed land use must be avoided remedied or mitigated so they are minor.
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<p><i>Objectives 5.1, 5.2 and 5.3</i></p> <p><i>Policies: 5.1.1, 5.1.2, 5.1.3, 5.1.4, 5.1.7, 5.2.4 5.2.8, 5.2.9, 5.2.10, 5.2.13, 5.3.2, 5.3.3 and 5.3.5</i></p>	<p>Management of the effects of the proposed use must protect the use and enjoyment of other land in the area, including the provision for satisfactory on-site disposal of wastewater and avoidance of noise and dust. There is also a focus to maintain and enhance amenity values in relation to traffic and signs.</p>
<p><i>Chapter 7 – Rural Environment Effects</i></p>	<p>The use of the rural environment for activities other than productive land use can occur in certain locations, but it should be undertaken in a manner that does not compromise the rural character or amenity values.</p>
<p><i>Objectives: 7.1, 7.2 and 7.3</i></p> <p><i>Policies 7.1.2, 7.1.2A, 7.2.1, 7.2.1A, 7.2.4, 7.3.3 and 7.3.4</i></p>	<p>Allow for activities other than soil based activities to locate in rural areas on land that is not of high productive value. Any proposal is required to preserve the amenity and rural character values of an area including wastewater disposal and access.</p>
<p><i>Chapter 9 – Landscape Effects</i></p>	<p>The protection of landscape and natural features, particularly in rural areas and along the coast</p>
<p><i>Objectives 9.1 and 9.2</i></p> <p><i>Policies 9.1.6, 9.1.7, 9.2.1, 9.2.3, 9.2.4 and 9.2.5</i></p>	<p>The rural landscape in Tasman District is an important regional feature, particularly recognising the openness and rural amenity. Development should not compromise that value.</p>
<p><i>Chapter 11 – Land Transport Effects</i></p>	<p>The provision of a safe and efficient transport system is a matter that is pertinent to Golden Bay where there are significant traffic flows, particularly at holiday periods.</p>
<p><i>Objective 11.1</i></p> <p><i>Policies 11.1.2, 11.1.2B, 11.1.3, 11.1.4 and 11.1.7</i></p>	<p>The District's transport system should be appropriate for the use it receives and to provide a safe and efficient means of accessing the various parts of the District.</p>

The policies that are considered relevant to this application are summarised above and set out fully in Appendix B to this report. The objectives and policies that relate to site amenity and the rural environment are particularly relevant to this application.

In particular Objective 5.1, supported by Policy 5.1.1 seeks to protect the amenity of the area and to control built development.

By contrast, Objective 7.2 supported by Policies 7.2.1 and 7.2.1A makes provision for activities other than soil based production and in particular tourist services on rural land.

It is also relevant to consider Objective 11.1.1 and the associated Policies 11.1.2, 11.1.3 and 11.1.4 that relate to traffic, access and parking in relation to activities generating significant traffic volumes. This matter is relevant to the expansion of commercial activities on existing roads that do not meet current engineering standards and is discussed further in the actual and potential effects section of this report.

7. ACTUAL AND POTENTIAL EFFECTS OF ALLOWING THE ACTIVITY

The application lodged by JD Adventures to expand the current operation of the Anatoki Salmon Farm at McCallum Road at the start of the Anatoki Valley can be seen as an increase in the commercial nature of the business. If consent is granted, there is some potential to change the current environment in this part of Golden Bay and if that is the case, the need to avoid, remedy or mitigate any potential adverse effects to the extent they become minor should be considered.

It is important to recognise the consent that has already been granted that has allowed a commercial fish raising and harvesting operation to be established on the site. The current application is a refinement of that operation that sees visitors catch fish, have them processed and in some cases consumed on site. There are also visitors to the site that choose to take a picnic lunch to the farm and enjoy the local environment. The proposed application may have some change to the way the farm operates at the current time, but whether those changes will produce any adverse effects is a matter of some conjecture.

The matters that are considered actual and potential effects of allowing the activity are now discussed in more detail to assess their relevance to this application.

7.1 Permitted Baseline

The land is zoned Rural 1 and the Proposed Tasman Resource Management Plan and the permitted baseline has little relevance to the commercial activity of operating a café on the site.

The Rural 1 Zone Rules make the sale of liquor a Discretionary Activity, as does any form of commercial activity on a site. The existing consent (RM010180) allows the processing and sale of salmon on the site and the indicative menu is not a significant departure from that activity. It is possible to place restrictions on the café operation to ensure it remains focussed on the primary activity on the site of raising and selling salmon.

Overall the permitted baseline has little relevance to this application.

7.2 Use of Rural Land and Effects on Productivity

The existing salmon farm operation can be seen as a productive use of rural land alongside the Anatoki River. While it is not the actual land that is producing, the location and access to water from the Anatoki is essential to its successful operation. The current application has little to do with the productivity of rural land, but it does become a complementary factor in making the sale of fish produced on the site a more successful venture. This activity in a rather unique environment remains a successful and productive use of the land in this part of Golden Bay.

While it could be argued the expansion of the commercial activity on the site is taking the use of the land further away from the intended use of land zoned Rural 1, the salmon farming operation is a consented activity that is well established and demonstrating there was justification for granting consent for that activity. If consent is granted to this application, it consolidates that use and potentially makes it more viable than the current operation.

7.3 General Rural Character of the Anatoki Valley Area

The subject site is located at the start of the Anatoki Valley, which is a quite remote wilderness area that is sparsely populated, but contains two communities at the end of McCallum Road. Closer to the salmon farm there are a number of lifestyle blocks of land that are starting to be developed, but they are some distance from the site and generally cannot be seen from the road. The land on the other side of the river cannot be easily seen from the site and while a portion of it is used for horticultural purposes, it is generally a lifestyle block with well established indigenous vegetation.

The development of the salmon farm has been undertaken in an environmentally sensitive manner and provides a very attractive setting with a number of areas where people can fish from the lake, or use the various picnic tables to enjoy the surroundings. The “commercial” buildings on the site occupy a small area of the site and clearly any café operation will be constrained by the area available and the fact that the application is for a 20 seat facility.

The rural character of this area is altered to some degree by the presence of the Salmon Farm and Bencarri Nature Park, but both facilities have a rural focus of their own and have operated for some time in this area without any identified adverse effects that can be seen to affect the rural character of the area.

7.4 Traffic Effects and Parking

The issues associated with traffic in this case relate to access to the site from State Highway 60 via Long Plain and McCallum Road, access to the actual site from McCallum Road and on-site car parking.

Long Plain Road is a two lane sealed road that is approximately 6.0 – 6.5 metres in width. It has a centre line marked and normal rural sign posting is in place. The road is constrained by the one way bridge over the Takaka River, but it can generally function as an open road 100 kph area.

McCallum Road is narrower than Long Plain Road being approximately 5.0 - 5.5 metres in width and has no centre line marked. It has a one lane bridge over a small creek near Long Plain Road and generally has a lower traffic speed environment. Traffic can pass each way on this road with some care, without leaving the sealed carriageway and it generally functions satisfactorily as a Golden Bay rural road.

I am not aware of any traffic hazards associated with either of these sections of road and there is no planned upgrading of either of them at the current time.

The access to the existing car park for the site is not particularly satisfactory at the current time and it is an appropriate time to consider upgrading of this to meet PTRMP requirements. In its current form, there is no defined entry or exit and it creates very inefficient use of the site for parking vehicles. It also has metalled surfaces out to the sealed carriageway and there can be a potential traffic hazard with the migration of gravel off the car parking area onto the road.

The applicants have indicated they are willing to improve this arrangement and are also in the process of providing new foot access from the car park to the salmon farm. This will provide additional parking on site and can also formalise the access with a defined and marked entry and exit that is finished to a sealed surface. There is ample area available to provide the required parking for the activity which has been assessed as five parking spaces for the 20 café customers and 15 for up to 60 additional visitors to the site. Providing the entry and exit are sealed, a permanent metalled surface is appropriate for this area for car parking.

Comment has been sought from Council's Engineering Department to provide further guidance in these areas and a Memorandum from Mr D Ley, Council's Development Engineer, is attached to this report as Annexure "A". It is appropriate for plans of any upgrading to be submitted to Council for approval before any improvements are undertaken on the site.

7.5 Scale and Commercial Nature of the Activity

The provision of a licensed café catering for up to 20 people in conjunction with the salmon farm operation is not considered to be a major departure from the current operation that sees people bringing their own picnics to the site so they can catch a salmon to be processed and smoked on site. Those people have a number of areas they can use around the farm and the café operation will be confined to a limited area on the deck in front of the buildings on the site. The proposal can be seen as an increase in the level of the commercial activity on a Rural 1 site but it is deemed to be a minor change from the current operation.

As raised earlier under the comments on the submissions received, it is considered appropriate that the café retains a focus on the primary use of the site and the operation does not become a full café operation providing a complete range of food service. If the Committee sees fit to grant consent to this application, a condition can be included to restrict the operation to a "salmon or fish" based menu and on-going control by Council for any approval to change that concept. In a similar fashion, the size of the operation can be controlled by limiting the number of seats available for diners.

7.6 Hours of Operation

The applicants have indicated the hours of operation requested for the café would be 0900 to 1900 hours, Monday to Sunday, with the exception of Christmas Day. While it is not clear from the application whether the café would be open Christmas day, it is assumed this means it would be closed.

The hours sought are considered reasonable, particularly during the height of the tourist season when the visitor numbers are likely to be at their peak. The adjoining Bencarri Nature Park has an authorised operation that includes the sale of liquor until 10.00 pm and that operation has not created any adverse effects that Council is aware of.

The topography of the local area and extensive screening by existing vegetation is a very fortunate factor in the case of both the Salmon Farm and the Bencarri Nature Park. This has the effect of mitigating many of the potential adverse effects from activities that involve visitors to the site.

The daytime operation of the café is unlikely to have effects that can be identified beyond the boundaries of the site.

7.7 Potential Noise Effects

While there is nothing in the application to indicate the facility is a place of “entertainment” it is not unusual for some form of entertainment to be provided in cafes and restaurants. Depending on the type of entertainment, noise can become an issue for nearby residents, particularly in rural areas.

At the current time the peaceful surroundings at the farm provide an attractive environment for visitors to enjoy and entertainment does not seem to fit with that tranquil setting. A condition relating to noise can be included should the Committee see fit to grant this particular application.

8. VARIATION TO CONSENT RM010180

An application was lodged in 2001 to enable salmon to be processed and sold on the site, establishing that part of the commercial operation to process and sell salmon by retail from the site. That process involved processing fish and resulted in the discharge of waste water. Council imposed a condition (Condition 4) at that time that restricted the discharge of waste water to 2000 litres per day and prescribed a standard to be met for BOD₅ and TSS. The current application seeks a variation to that consent, asking that Condition 4 of consent RM010180 be cancelled as a new application to discharge waste water is being sought that is greater than that volume.

This matter is seen as a “housekeeping” issue and it is appropriate to grant this if consent for the new discharge is granted.

9. OTHER MATTERS – PRECEDENT

Case law has established that the granting of consent for one application may well have an influence on how another application should be dealt with. The extent of influence will depend upon the extent of similarities.

The current applications have arisen due to the combination of distinct features of the site and the purposes of the applicant. The site features include the location in the Rural 1 zone, the setting within the greater district, the property’s orientation and topography, it’s proximity to the Anatoki River, the land productivity class, and the presence of the existing park and associated buildings authorised by the earlier resource consent. The applicant has incorporated these site factors with their

development aspirations in the hope of realising an extension to their existing operation. This combination of many site related and development related factors are unlikely to be duplicated elsewhere in the District.

Due to the consistency with the purpose of the Resource Management Act 1991, the relevant provisions of the Proposed Plan, and the low level of environmental effects generated, the proposed land use activity can be approved on its merits and there is consequently no issue of precedent arising from the grant of consent.

10. CONCLUSION

The application lodged by JD Adventures Ltd seeks land use consent to provide a licensed café operation at the Anatoki Salmon Farm. The proposal is a land use application that is part of a suite of applications that have been lodged to enable the current operation to be expanded to provide a service the applicant believes is lacking at the current time. Consent is also sought to take water for the complex and to discharge domestic wastewater on site. The land use components of the proposal are a Discretionary Activity under the Proposed Tasman Resource Management Plan.

The Transitional Plan now has no real relevance to the application and the Proposed Tasman Resource Management Plan is the correct document to evaluate this application.

The application has been processed as a limited notified application and attracted one submission from an adjoining neighbour. The applicant has provided written approval from seven other parties surrounding the salmon farm.

The submission opposing the proposal considers the expanded operation of a licensed café is inappropriate and will produce adverse effects that are more than minor and in particular the number of visitors is underestimated, there will be adverse traffic and parking effects, alcohol will increase safety risks, and the amenity of the area will be compromised. They do not consider the proposal will result in the sustainable management of the area and believe it is contrary to the policies and objectives of the PTRMP.

The assessment of the actual and potential effects looks at a range of issues that are considered relevant to this particular application and the most relevant are the matters that can affect the amenity of the local area. Other matters relate to traffic and parking, the use of the site for uses other than rural productivity, the scale and nature of the activity and the hours of operation. The permitted baseline has little relevance to the proposal in this case.

The issues relating to on-site parking are a matter it is appropriate to review in this case and a re-design of the current parking can provide more efficient access and on-site parking for visitors.

The policies and objectives of the Proposed Tasman Resource Management Plan provide a framework to assess the application. As such it is important to weigh the issues appropriately to determine how the proposal fits with the Plan. The policies and objectives that relate to amenity are particularly relevant to this application and there is support for the provision of tourist activities in Tasman District. The use of

productive land has been considered a more minor matter and the current use on the site can be seen as a productive use of rural land, utilising the Anatoki River resource to produce salmon on site.

The scale of the operation and the proposed capacity of 20 people for the café is a matter that can be considered for a rural area in this part of the Anatoki Valley. The existing salmon farm operation and Bencarri Nature Park have operated on this site for some time with no identified adverse effects.

I can find support for the café facility in the limited form the proposal takes and consider it is complementary to the current salmon farm operation. It may be appropriate in this case to link this consent to the current land use for the farm and limit the café capacity to say 20 persons. Providing appropriate care is taken with conditions of consent, I believe the amenity of the local area can be preserved.

Accordingly, I am prepared to recommend the application be granted in its current form subject to appropriate conditions being imposed.

11. RECOMMENDATION – LAND USE

Pursuant to Section 104(B) of the Resource Management Act 1991, I recommend the application by JD Adventures Limited to undertake a commercial activity on Rural 1 land, namely a licensed café that will process and sell salmon products produced on site at 242 McCallum Road, Golden Bay, on land described as Lot 1 DP 356640, comprised in Certificate of Title NL 237895, being land zoned Rural 1 where the area of the title is 2.4680 hectares, be **granted**. Further, providing consent is granted to the discharge permit applied for (RM080187), I recommend the application to vary the existing land use consent (RM010180) by removing condition 4 is also **granted**. If consent is granted, I recommend the following conditions are included for Consent RM070939;

1. The establishment of a licensed café to process and sell salmon products produced on site at 242 McCallum Road shall be generally in accordance with the application submitted, dated 14 January 2008. Where there is any apparent conflict between the information provided with the application and any condition of consent, the conditions shall apply.
2. The hours of operation for the café and on site dining areas, shall be limited to the hours of 0900 to 1900 hours on any day. No operation shall take place on Christmas Day.
3. The operation of the café shall be limited to the existing deck area and restricted to a maximum of 20 people.
4. The operation of the café shall be restricted to the sale of fish and fish products produced on site, together with complementary side dishes.
5. The sale of liquor on the site shall be restricted to an On Licence only, within the hours specified for the operation of the café.

6. Access to the car park shall be upgraded to provide a defined entry and exit, with the balance of the park fenced at the property boundary. The entry and exit areas shall be sealed with a two-coat chip seal not less than 5 metres from the existing McCallum Road carriageway.
7. On site parking shall be provided for twenty vehicles, including one bus park, finished to an all-weather metalled surface. **Note:** The car park shall be defined or otherwise marked out to provide the required parking.
8. The conditions of the land use consent may be reviewed by Council in accordance with Section 128 of the Resource Management Act 1991 within a period of one month after six months of the consent becoming operational and thereafter at intervals of twelve months, for the purpose of;
 - Dealing with any adverse effect on the environment arising from the exercise of the application;
 - Requiring the applicant to adopt the best practicable option to remove or reduce any adverse effect on the environment.

Advice Notes

1. Attention is drawn to the noise levels that are controlled for Rural 1 Zones by rule 17.4.2(d) of the PTRMP.
2. This consent is issued pursuant to the Resource Management Act 1991 and the Proposed Tasman Resource Management Plan. It does not constitute consent under any other legislation and the consent holder has the duty to comply with any other requirements that may apply under any building, health or fire safety legislation.
3. Any matters that are not referred to in this application for resource consent or are covered by specific consent conditions, must comply with the relevant provisions of the Proposed Tasman Resource Management Plan and the Resource Management Act (as amended).
4. Consent to sell alcohol under an On Licence from the complex is subject to the provisions of the Sale of Liquor Act and requires an application to be lodged under the provisions of that legislation.
5. The consent holder should note that this resource consent does not override any registered interest on the property title.



Laurie Davidson
Consents Planner (Land)
Golden Bay

TO: Laurie Davidson, Consent Planner
FROM: Dugald Ley, Development Engineer
DATE: 17 September 2008
REFERENCE: RM070939
SUBJECT: **APPLICANT – JD ADVENTURES
ANATOKI SALMON – MCCALLUM ROAD
ESTABLISH AND OPERATE A LICENSED CAFÉ**

Introduction

The above application is to operate a licensed café at the Anatoki Salmon complex. It is not envisaged that any new buildings will be erected and that this new use will be accommodated in the existing sales area.

Background

Anatoki Salmon has been in operation for a number of years and they offer visitors the opportunity to catch salmon or purchase salmon products. The site is located at the end of the sealed portion of McCallum Road and is some five kilometres from the state highway 60 intersection. McCallum Road carries approximately 300 vehicles per day and Long Plain Road leading to McCallum Road carries approximately 600 vehicles per day. McCallum Road has an approximate 5.0 metre to 5.5 metre sealed carriageway and Long Plain Road has up to 6.0 metres seal.

It is my view that users of the proposed café will be existing customers using the salmon facility or there will be a minor number of café users who will come solely to enjoy the ambience of the park like setting. It is my view that there will be a minor increase in numbers compared with that of the existing facility.

The present entry/exit into the complex is not ideal and with the slight increase in vehicle traffic numbers may compromise traffic safety and increase maintenance on Council's road. The existing access to the site comprises four entrances, ie one to the existing house, two to the existing car park and one access down to the ponds.

The increase in vehicle numbers visiting the site will require a minor improvement in the entry/exit to satisfy our concerns for traffic safety. These recommendations are:

- a) Close off the western entrance to the car park permanently.
- b) The two northern entrances to be formed up to a similar standard as diagram 1, Schedule 16.2c of the TRMP so that the entrances are sealed for at least 10.0 metres from the seal edge.
- c) Appropriate signage denoting an "Entry" "Exit" flow regime.

d) Car parks and access to be to a minimum crushed dolomite surface.

e) Car parks to be appropriate marked out on the ground.

Should the committee consider that the application be approved, they should consider the notes above as potential conditions of consent.

Dugald Ley
Development Engineer

REGIONAL POLICY STATEMENT

Policies and objectives appropriate to this application are as follows:

General Objectives

- GO 1 Maintenance and enhancement of the quality of the Tasman District Environment.
- GO 3 Avoidance, remedying or mitigation of the adverse effects on the environment and the community from the use, development or protection of resources.
- GO 4 Efficient use and development of resources.
- GO 5 Maintenance of economic and social opportunities to use, and develop resources in a sustainable manner.
- GO 8 Open, responsive, fair and efficient processes for all Resource Management decision-making.
- GO 9 Resolution of conflicts of interest in resource management between people in the community and within Council.

Land Resource Objectives

- Obj 6.3 Avoidance, remedying, or mitigation of adverse cross boundary effects of rural land uses on adjacent activities
- Pol 6.1 Council will protect the inherent productive values of land from effects of activities which threaten those values, having particular regard to ;
 - i) the effects of land fragmentation on productive values; and
 - ii) the protection of land with high inherent productive value; and
 - iii) the protection of significant natural or heritage values; and
 - iv) the availability of water to support productive values.
- Pol 6.2 Council will ensure that subdivision and uses of land in the rural areas of the District avoid, remedy or mitigate adverse effects on:

productivity and versatility of land, particularly in areas of high productive value, and

provision of services, including roading, access, water availability waste water treatment or disposal, and

amenity, natural and heritage values of sites, places or areas including landscape features such as karst terrain, and

accessibility of mineral resources, and

socioeconomic viability of adjacent areas

and that are not unnecessarily exposed to adverse effects from;

- a) adjacent land uses across property boundaries
- b) natural hazards

Transport

Obj 12.4 Maintenance and enhancement of safe and efficient land, maritime, and air transport systems, while avoiding, remedying or mitigating the adverse effects on human health, public amenity and water, soil, air and ecosystems.

Pol 12.5 The Council will ensure that the land transport system efficiently and safely provides for the movement of goods, services and people, including a reasonable level of access, while avoiding, remedying or mitigating adverse effects on the environment including communities.

PROPOSED TASMAN RESOURCE MANAGEMENT PLAN

Policies and objectives appropriate to this application are as follows:

Site Amenity

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. *(Objective 5.1.0)*

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

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. *(Policy 5.1.4)*

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. *(Policy 5.1.7)*

Maintenance and enhancement of amenity values on-site and within communities throughout the District. *(Objective 5.2.0)*

To promote amenity through vegetation, landscaping, street and park furniture, and screening. *(Policy 5.2.4)*

To avoid remedy or mitigate the adverse effects of traffic on the amenity of residential, commercial and rural areas. *(Policy 5.2.8)*

To avoid, remedy or mitigate the adverse effects of signs on amenity values *(Policy 5.2.9)*

To allow signs in residential, rural residential, recreation and rural areas that are necessary for information, direction or safety (*Policy 5.2.10*)

To limit lighting of rural and residential subdivisions and development, including rural signs, to that which is necessary for safety and security, including public safety and security. (*Policy 5.2.13*)

Maintenance and enhancement of the special visual and aesthetic character of localities. (*Objective 5.3*)

To maintain the open space value of rural areas. (*Policy 5.3.2*)

To avoid, remedy or mitigate the adverse effects of the location, design and appearance of buildings, signs and incompatible land uses in areas of significant natural or scenic, cultural, historic or other special amenity value. (*Policy 5.3.3*)

To maintain and enhance features which contribute to the identity and visual and aesthetic character of localities, including;

- a) heritage
- b) vegetation
- c) significant landmarks and views (*Policy 5.3.5*)

Rural Environment Effects

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. (*Objective 7.1*)

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 7.1.2*)

To avoid, remedy or mitigate adverse actual, potential, and cumulative effects on the rural land resource. (*Policy 7.1.2A*)

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. (*Objective 7.2.0*)

To enable activities which are not dependent on soil productivity to be located on land which is not of high productive or versatile value. (*Policy 7.2.1*)

To enable sites in specific locations to be used primarily for rural industrial, tourist services or rural residential purposes (including communal living and papakainga) with any farming or other rural activity being ancillary, having regard to:

- a) the productive and versatile values of the land;
- b) natural hazards;
- c) outstanding natural features and landscapes and the coastal environment;
- d) cross boundary effects, including any actual and potential adverse effects of existing activities on future activities;
- e) servicing availability;

- f) the availability of specific productive natural resources such as aggregates or other mineral resources;
- g) transport, access and effects;
- h) potential for cumulative adverse effects from further land fragmentation;
- i) maintaining a variety of lot size;
- j) efficient use of rural land resource;
- k) cultural relationship of Maori to their land. (*Policy 7.2.1A*)

To ensure that activities which are not involved or associated with soil-based production do not locate where they may adversely affect or be adversely affected by such activities. (*Policy 7.2.4*)

To ensure that activities which are not involved or associated with soil-based production do not locate where they may adversely affect or be adversely affected by such activities. (*Policy 7.2.4*)

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. (*Objective 7.3.0*)

To provide for the maintenance and enhancement of local rural character, including such attributes as openness, greenness, productive activity, absence of signs, and separation, style and scale of structures. (*Policy 7.3.3*)

To exclude from rural areas, uses or activities (including rural residential) which would have adverse effects on rural activities, health or amenity values, where those effects cannot be avoided, remedied or mitigated. (*Policy 7.3.4*)

Landscape

Protection of the District's outstanding landscapes and features from the adverse effects of subdivision, use or development of land and management of other land, especially in the rural area and along the coast to mitigate adverse visual effects. (*Objective 9.1*)

To promote awareness and protection of landscape (including seascape) values. (*Policy 9.1.6*)

To manage activities which may cause adverse visual impacts in the general rural area. (*Policy 9.1.7*)

Recognition of the contribution of rural landscapes to the amenity values and environmental qualities of the District, and protection of those values. (*Objective 9.2*)

To integrate consideration of rural landscape values into any evaluation of proposals for more intensive subdivision and development than the Plan permits. (*Policy 9.2.1*)

To retain the rural characteristics of the landscape within rural areas. (*Policy 9.2.3*)

To encourage landscape enhancement and mitigation of changes through landscape analysis, subdivision design, planting proposals, careful siting of structures and other methods, throughout rural areas. (*Policy 9.2.4*)

To evaluate, and to avoid, remedy or mitigate cumulative adverse effects of development on landscape values within rural areas. (*Policy 9.2.5*)

Transport

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. (*Objective 11.1.0*)

To ensure that land uses generating significant traffic volume:

- (a) are located so that the traffic has access to classes of roads that are able to receive the increase in traffic volume without reducing safety or efficiency;
- (b) are designed so that traffic access and egress points avoid or mitigate adverse effects on the safety and efficiency of the road network. (*Policy 11.1.2*)

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

To control the design, number, location and use of vehicle accesses to roads; including their proximity to intersections and any need for reversing to or from roads; so that the safety and efficiency of the road network is not adversely affected. (*Policy 11.1.3*)

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. (*Policy 11.1.4*)

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