

# MINUTES

**TITLE:** Environment & Planning Committee  
**DATE:** Friday, 1 February 2008  
**TIME:** 9.30 am  
**VENUE:** Council Chamber, 189 Queen Street, Richmond

**PRESENT:** Crs T B King, (Chair), S J Borlase and S G Bryant

**IN ATTENDANCE:** Subdivision Officer (R D Shirley), Coordinator Natural Resource Consents (M Durand), Consent Planner Land (J Harley), Community Services Planner (R Squire), Administration Officer (B D Moore)

## 1. SEBASTIEN VINEYARD LIMITED, COASTAL HIGHWAY, TASMAN – RM070582 TO RM070587 AND RM0701007

### 1.1 Proposal

#### **RM070583 Subdivision Consent and Land Use Consent**

The application seeks to subdivide five existing titles comprising 46.4264 hectares into the following:

- Proposed Lots 1-9, being rural-residential allotments ranging between 3,155 and 4,845 square metres in area;
- Proposed Lot 10 of 1.91 hectares containing an existing packhouse and proposed to include a rural-residential building site;
- Proposed Lot 11 of 39.49 hectares to be used as a productive vineyard; and
- Proposed Lot 12 of 1.52 hectares containing an existing campground.

A land use consent is also sought to construct an under-width and over-length right-of-way, which will serve nine users.

#### **RM070584 Land Use Consent**

To construct a dwelling on each of proposed Lots 1-11 of the subdivision application described above (Application RM070583), with a 20 metre setback between the dwellings and the vineyard and potential productive activities on NL103/81.

#### **RM070582 Discharge Permit**

To discharge up to 21.4 cubic metres of tertiary treated domestic wastewater per day by way of surface and/or subsurface irrigation. The wastewater to be treated and discharged would be that generated from the dwellings, farm sheds associated with the subdivision application described above (Application RM070583), and campground.

- RM070586  
Discharge Permit** To discharge contaminants (primarily odour) to air associated with the proposed wastewater treatment and disposal system servicing the subdivision application described above (Application RM070583).
- RM070585  
Discharge Permit** To discharge stormwater to land and to unnamed tributaries of the Moutere Inlet from proposed dwellings and hard surfaces associated with the subdivision application described above (Application RM070583).
- RM070587  
Water Permit** To take up to 146.4 cubic metres of groundwater per day from an existing bore for irrigation, filling of existing dams, and to provide potable water (up to 36 cubic metres per day) for a homestead, the subdivision application described above (Application RM070583), and an adjacent school, church, and residential dwelling.
- This application is for a replacement water permit with unchanged volumes being sought but a change of use of the water is being proposed.
- RM071007  
Land Use Consent** To undertake works in the bed of an unnamed tributary of the Moutere Inlet to enhance a wetland.

The Committee proceeded to hear the application, presentation of submissions and staff reports as detailed in the following report and decision.

The Committee reserved its decision.

## **RESOLUTION TO EXCLUDE THE PUBLIC**

**Moved Crs Borlase / Bryant  
EP08/02/01**

**THAT the public be excluded from the following parts of the proceedings of this meeting, namely:**

Sebastien Vineyard Limited

**The general subject of the matter to be considered while the public is excluded, the reason for passing this resolution in relation to the matter, and the specific grounds under Section 48(1) of the Local Government Official Information and Meetings Act 1987 for passing this resolution are as follows:**

<b>General subject of each matter to be considered</b>	<b>Reason for passing this resolution in relation to each matter</b>	<b>Ground(s) under Section 48(1) for the passing of this resolution</b>
Sebastien Vineyard Limited	Consideration of a planning application	A right of appeal lies to the Environment Court against the final decision of Council.

**Moved Crs Bryant / King**  
**EP08/02/02**

**THAT the open meeting be resumed and the business transacted during the time the public was excluded be adopted.**

**CARRIED**

**2. SEBASTIEN VINEYARD LIMITED, COASTAL HIGHWAY, TASMAN – RM070582 TO RM070587 AND RM0701007**

**Moved Crs King / Borlase**  
**EP08/02/03**

**THAT pursuant to Section 104B of the Resource Management Act, the Committee GRANTS consent to Sebastien Vineyard Limited subject to conditions as detailed in the following report and decision.**

**CARRIED**

**Report and Decision of the Tasman District Council  
through its Hearings Committee Meeting  
held in the Tasman Room, Richmond  
on 1 February 2008, commencing at 9.30 am**

A Hearings Committee (“the Committee”) of the Tasman District Council (“the Council”) was convened to hear the application lodged by **Sebastien Vineyard Limited** (“the applicant”) to subdivide Rural 3 zoned land, with associated Land Use Consents, Discharge Permits and a Water Permit. The application, made in accordance with the Resource Management Act 1991 (“the Act”), was lodged with the Council and referenced as RM070582 (Discharge Permit - wastewater to land), RM070583 (Subdivision Consent), RM070584 (Land Use Consent – erect dwellings), RM070585 (Discharge Permit - stormwater), RM070586 (Discharge Permit - contaminants to air), and RM070587 (Water Permit - groundwater take), RM071007 (Land Use Consent – works in watercourse to form a wetland)

**PRESENT:** **Hearings Committee**  
Cr T King, Chairperson  
Cr S G Bryant  
Cr S J Borlase

**APPLICANT:** Mr G Allan, (Legal Counsel)  
Mr P Born, (Water, Wastewater and Stormwater Consultant)  
Mr R Poole, (Representative of the Applicant Company)  
Mr D Petrie, (Traffic Engineering Consultant)  
Mr R Bennison, (Registered Valuer)  
Mr R Langbridge, (Registered Landscape Architect)  
Mr M Lile, (Planning Consultant)

- CONSENT AUTHORITY:** **Tasman District Council**  
Mr R Shirley, Consent Planner, Subdivisions  
Dr M Durand, Co-ordinator, Natural Resources Consents  
Ms J Harley, Consent Planner, Land Use  
Ms R Squire, Community Services Planner
- SUBMITTERS:** Mr A E G Thomas, (Legal Counsel on behalf of Mr P and Mrs G Russell)  
Mr D and Mrs M Hattersley, (tabled submission on behalf of Dalem Hills Limited)
- IN ATTENDANCE:** Mr R Askew, Principal Resource Consents Adviser, Assisting the Committee  
Mr B Moore, Committee Secretary

## 1. DESCRIPTION OF THE PROPOSED ACTIVITY

To undertake the following activities associated with a comprehensive and fully integrated Rural 3 subdivision and development:

### **Discharge Permit (Application RM070582)**

To discharge up to 27.5 cubic metres of tertiary treated domestic wastewater per day by surface and/or subsurface irrigation. The wastewater to be treated and discharged would be that generated from the dwellings and farm sheds associated with the subdivision application (RM070583), and an existing campground.

### **Subdivision Consent and Land Use Consent (Application RM070583)**

To subdivide five existing titles comprising 46.4264 hectares into the following:

- Proposed Lots 1-9, being rural-residential allotments ranging between 3,155 and 4,845 square metres in area;
- Proposed Lot 10 of 1.91 hectares containing an existing packhouse and proposal to include a rural-residential building site;
- Proposed Lot 11 of 39.49 hectares to be used as a productive vineyard; and
- Proposed Lot 12 of 1.52 hectares containing an existing campground.

A land use consent is also sought to construct an under width and over length right-of-way which will serve nine users.

### **Land Use Consent (Application RM070584)**

To construct a dwelling on each of proposed Lots 1-11 of the subdivision application (RM070583), with a 20 metre setback between the dwellings and the vineyard and potential productive activities on NL103/81 (the 13.87 hectare block previously owned by Mr and Mrs Lewis and currently owned by Mr R Parkin).

### **Discharge Permit (Application RM070585)**

To discharge stormwater to land and to unnamed tributaries of the Moutere Inlet from proposed dwellings and hard surfaces associated with the subdivision application (RM070583).

**Discharge Permit (Application RM070586)**

To discharge contaminants (primarily odour) to air associated with the proposed wastewater treatment and disposal system servicing the subdivision application (RM070583).

**Water Permit (Application RM070587)**

To take up to 146.4 cubic metres of groundwater per day from an existing bore for irrigation, filling of existing dams, and to provide potable water (up to 36 cubic metres per day) for the homestead, subdivision application (RM070583) and an adjacent school, church, and residential dwelling.

**Land Use Consent (Application RM071007)**

To undertake works in the bed of an unnamed tributary of the Moutere Inlet to enhance a wetland.

The property is located on the Coastal Highway between Horton Road and Williams Road, Tasman. The property has multiple addresses, being 41 Williams Road, and 1689 and 1713 Coastal Highway.

The land is contained in five separate certificates of title as summarised below:

<b>Title Reference</b>	<b>Legal Description</b>	<b>Area (hectares)</b>	<b>Description</b>	<b>Owner (At date of notification of application)</b>
204612	Lot 2 DP 349997	19.4240	Cottage block	Sebastien Vineyard Ltd
115584	Lot 3 DP 304381 & Lot 1 DP 328328	13.7494	Williams block	Sebastien Vineyard Ltd
204611	Lot 1 DP 349997	8.6480	Wetland block	Sebastien Vineyard Ltd
NL13A/507	Lot 1 DP 19518	2.5817	Packhouse block	B A and V S Wood and N A McFadden
NL9C/1224	Lot 2 DP 15342	2.0233	House block	Y N Grant
<b>Total</b>		<b>46.4264 hectares</b>		

## 2. PROPOSED TASMAN RESOURCE MANAGEMENT PLAN ("PTRMP") ZONING, AREAS AND RULE(S) AFFECTED

According to the PTRMP the following apply to the subject property:

Zoning: Rural 3  
 Area(s): Wastewater Management Area  
 Land Disturbance Area 1

Regarding Discharge Permit application RM070582, the discharge of domestic wastewater under PTRMP rule 36.1.14A is a Restricted Discretionary Activity as the discharges will be within the Wastewater Management Area and some allotments are less than 2,000 square metres.

Note that PTRMP rule 36.1.14A appears to assume that the discharge will occur via on-site systems to land on the allotments on which the wastewater was generated. In the present case, the allotment size is not relevant as the wastewater will be discharged via the central land application area. However, the allotments are smaller than 2 hectares, and therefore the discharge is deemed to be Restricted Discretionary.

Regarding Subdivision Consent application RM070583, the application is considered to be a Restricted Discretionary Activity under PTRMP rule 16.3.9D in that the proposal has allotment areas less than the Controlled Activity criteria of 50 hectares and not all permitted transport criteria are complied with.

Regarding Land Use Consent application RM070584, the dwellings are considered to be a Controlled Activity pursuant to rule 17.5A.5 of the PTRMP.

Regarding Discharge Permit application RM070585, the PTRMP permits the diversion, damming and discharge of stormwater subject to specific criteria (PTRMP rule 36.4.2). The stormwater diversions and discharges on Rural 3 land however are not authorised by the rule and are therefore considered to be controlled under PTRMP rule 36.4.3A.

Regarding Discharge Permit application RM070586, the discharge of contaminants (odour) to air is a Discretionary Activity pursuant to rule 36.3.12 of the PTRMP.

Regarding Water Permit application RM070587, the proposal is to replace and change existing groundwater take Water Permit NN980029, A change to this consent is a Discretionary Activity pursuant to Section 127(3)(a) of the Act. Note the proposal also includes minor changes to Water Permits NN990305 and NN990308 (irrigation dam).

Regarding Land Use application RM071007, the disturbance of the watercourse is made pursuant to Section 13 of the Act as there are no active rules in the PTRMP and/or Transitional Regional Plan ("the TRP") covering the proposed activity. The activity therefore falls to be considered as a Discretionary Activity pursuant to Section 77C(1) of the Act.

Notwithstanding that some of the activities fall to be Controlled or Restricted Discretionary Activities (over which the Council has restricted the matters to be considered), the Discharge Permit (contaminants to air), change to Water Permit (groundwater take) and Land Use Consent (disturbance to watercourse) are each a Discretionary Activity and as this is the most restrictive consent status applicable to the suite of resource consents applied for it provides the overall status for considering the application.

A Discretionary Activity is one that the Council may grant or decline and, if granting, may include conditions.

### **3. NOTIFICATION AND SUBMISSIONS RECEIVED**

The original application was formally received by the Council on 18 June 2007. Following a preliminary assessment by the Council staff, further information on a range of matters was requested on 23 July 2007. Subsequently a fresh application was lodged on 4 October 2007 which was publicly notified on 27 October 2007 with submissions closing on 23 November 2007.

A total of five submissions were received, all of which were either neutral or conditionally supported the application.

A summary of the submissions follow:

#### **3.1 Nelson/Tasman Branch, Royal Forest & Bird Protection Society**

- neither supports or opposes the application;
- supports the development of the wetland;
- suggests use of eco sourced plants and long term formal protection of the wetland.

The submitter did not wish to be heard.

#### **3.2 Mr P Russell and Mrs G Russell**

- supports the application in so far as there is no walkway over the site, particularly over the wetland;
- supports creation of the wetland;
- seeks formal ongoing maintenance and protection of the wetland.

The submitters wished to be heard and addressed their submission through their legal counsel at the hearing.

#### **3.3 Mr C A Freyberg and Mr D J Beagle**

- supports the application;
- seeks a condition banning the use of audible bird scarers;
- seeks a condition banning the use of vineyard machinery between hours of 10.00 pm and 6.00 am including the use of helicopters for frost control;
- seeks assurance that the vineyard will be developed quickly and remain in the long term.

The submitter did not wish to be heard.

#### **3.4 Tasman Bay Church / Stewards Trust of New Zealand Incorporated**

- supports the application;
- ideal use of land;
- positive impact overall on Tasman.

The submitter did not wish to be heard.

#### **3.5 Dalem Hills Limited**

- supports the application;
- seeks condition requiring consultation with the Department of Conservation regarding the wetland;

- seeks condition requiring management plan with performance targets for the wetland;
- seeks that performance targets should be met before issue of Section 224 Certificate.

The submitter did not wish to be heard but an email highlighting matters was tabled at the hearing from Mr D Hattersley and Mrs M Hattersley, who represent the submitter.

The applicant also provided written approvals from 16 persons, several of whom were adjoining or near neighbours of the proposal.

#### **4. PROCEDURAL MATTERS**

A fax received by the Council on 31 January 2008 from Mr R Parkin was tabled at the hearing. The fax was to advise the hearing that he was the new owner of 69 Williams Road, Tasman which adjoins the applicant's property to the south-west. The previous owners of the property were Mr S T Lewis and Mrs H E Lewis who had given written approval and had not been submitters to the proposal. The fax raised Mr Parkin's concerns regarding a public walkway proposed by the Council staff as a condition of the subdivision consent. The Chairman was advised that the fax was received just prior to the hearing and that was well outside the statutory period provided in the Act for receiving submissions.

The Chairman subsequently ruled that the correspondence not be accepted as a submission but advised the applicant that they could introduce the correspondence as part of their evidence.

#### **5. EVIDENCE HEARD**

The Committee heard evidence from the applicant, expert witnesses, submitters, and the Council's reporting officer. The following is a summary of the evidence heard at the hearing.

##### **5.1 Applicant's Evidence**

Mr Allan, Counsel for the applicant, tabled and read an opening submission. He referred to the proposed conditions of consent and proposed an amended condition to the wetland development proposal. Mr Allan described why the applicant strongly opposed the proposed walkway between Williams Road and Horton Road as recommended by Council officers. Mr Allan described the proposed walkway condition as unreasonable with reference to the Newbury test. Mr Allan stated that the applicant was opposed to the proposed financial contributions recommended by the Council as proposed in the reporting officer's conditions of consent.

Mr P Born, Water, the Wastewater and Stormwater Consultant for the applicant, stated that he had discussed the wastewater and water supply issues with Dr Durand and Mr Tyson and he had agreed to the recommendations and to the amended conditions of consent.

In clarification and confirmation of Mr Born's evidence, Mr Shirley spoke for Mr Tyson stating that proposed Condition 9(b) of RM070583, which required that the wetland be completed prior to issue of 224(c) certificate, should be deleted. Dr Durand also



tabled a copy of the proposed amended conditions to RM071007 (establish the wetland), which was agreed to between the applicant's representative Mr P Born and Council staff.

Mr Poole stated that he and his wife own Sebastien Vineyard Limited through their family trusts. He tabled and read a statement of evidence and explained how he wished the Rural 3 model to apply to this proposal. He stated that the staff recommendation was to locate a public walkway across the rear boundary and immediately behind the foremost valuable proposed residential sections threatens the entire viability of this project.

Mr Poole stated that buyers of these properties would put a very high value on their privacy and security. He stated that the walkway proposal would devalue the four residential sites that would adjoin the walkway by more than a total of \$1 million.

Mr Poole stated he believed the request for a public walkway was unreasonable and unnecessary. He stated that the applicant is volunteering to develop a wetland. Mr Poole stated that the applicant could, reluctantly, accept a walkway behind the macrocarpa hedge along the state highway.

Mr R Bennison, Registered Valuer and Registered Farm Management Consultant, tabled and read a statement of evidence. He stated that the cost to purchase the total property of five separate titles is to be recovered through the sale of residential sections. Views and privacy are two primary factors which determine quality in this top end of the market and the value of sections plays a significant role in the feasibility of the proposal. The proposed walkway and cycleway will affect the value of Lots 6, 7, 8 and 9 to a total of between \$640,000 and \$960,000. Mr Bennison spoke about the lack of residential community which the proposed walkway and cycleway will serve. He stated a strategic walkway plan for the area should be developed with public consultation before any additional walkways are developed. He stated that the community's needs are better met with adopting walkways on the existing road reserves on Williams Road and Horton Road.

Mr R M Langbridge, Landscape Architect, tabled and read a statement of evidence. He provided an aerial photograph endorsed with the three walkway options being the frontage option along State Highway 60, the legal road option using Williams and Horton Roads and their unformed portions and lastly the east/west option following the southern boundary of the subject site. Mr Langbridge also provided an aerial photograph extending from the Tasman area in the north to Ruby Bay Bluffs to show both formed and unformed roads and unsecured strategic linkages and approved public cycle/walkways.

Mr Langbridge discussed the three walkway/cycleway options and stated that none of these cater for all potential users adequately. Mr Langbridge described previous Rural 3 subdivision applications and how these differed from the subject proposal. He was unable to support the walkway proposed by Council staff.

Mr D Petrie, Traffic Engineering Consultant, tabled and read evidence to describe the traffic and transportation effects of the Sebastien Vineyard application on land adjacent to the Coastal Highway between Williams Road and Horton Road. Mr Petrie also addressed the matter of the provision and/or integration of walking/cycling facilities that most appropriately serve the site and wider the community. The evidence included a locality plan showing existing routes, the

subdivision layout plan, eastern and western driveway access plans to Transit New Zealand's, "Diagram D" specification and illustrations of potential cycleways.

Mr Petrie explained how the Ruby Bay Bypass will reduce traffic along the present frontage of the site from a current estimated level of 6,000 vehicle movements per day to an estimated level of 1,500 vehicles per day. Mr Petrie referred to the three pedestrian/cycle routes described in the evidence provided by Mr Langbridge. Mr Petrie considered that a route along the frontage of the site adjoining the Coastal Highway would attract the highest demand for all user types, simply by virtue of its location.

Mr Petrie concluded that he could find no evidence to support what appears to be an arbitrary provision of a walkway across the back of the site.

Mr Lile, Resource Management Consultant, tabled and read planning evidence in support of the application. Mr Lile referred to the large wetland which will be created based on the existing deep drainage channel.

Mr Lile referred to the evidence of the 16 written approvals provided with the revised copy of the application lodged with the Council on 16 August 2007. He provided a plan to identify the location of those parties who had provided written approvals. Only five submissions were received to the application lodged with the Council with none in opposition and only one wished to be heard. A submission from P and G Russell supported the application but specifically opposed the walkway at the rear of the subject site proposed by Council officers.

Mr Lile referred to Variation 55 to the proposed Tasman Resource Management Plan which provides a design guide for subdivision and development and the applicant has followed this lead and not provided for a walkway linkage. He stated that the distinct difference between this application and other Rural 3 applications is that this is the first to involve the more productive land. Mr Lile stated that the proposed walkway recommended by the Council's Community Services Department is unnecessary.

Mr Poole added that the applicant's preferred option for the walkway is the legal road option and that he would reluctantly agree to the Coastal Highway road frontage option. He stated that the macrocarpa hedge will remain.

The letter from Mr R Parkin which had been faxed to Council but was not received as a submission (as referred to earlier in this report under procedural matters), was attached and submitted with Mr Lile's evidence.

## **5.2 Submitters Evidence**

The submission on behalf of P and G Russell was presented by their solicitor, Mr A E Thomas. He stated that the Russells fully support the wetland proposal but do not agree to the creation of a walkway through the application site and that no party has requested such a walkway. The Russells are concerned about the potential impacts on their privacy and the potential for use by motorbikes and people walking dogs. The Russells are also concerned about the effect that visitors and dogs may have on the safety of livestock.

Mr Thomas sought that the Council not impose a condition on the application to provide a walkway at the rear of the subject site and if the Committee was inclined to require a walkway, that this be located alongside the Coastal Highway. Mrs Russell

confirmed the opposition she and Mr Russell had to the proposed walkway through the application site. She supported the proposed wetland but not a park-like area where the public can access it. The Russells sought that all the consents applied for be granted and that there is no condition imposed requiring a walkway through or near to the wetland or their property. Should a walkway be created the submitters requested that this be located alongside Coastal Highway, behind the large hedge.

Mr Askew tabled copies of an emailed submission from Dalem Hills Limited (D and M Hattersley) which supported their formal submission. The submission sought that the management plan for the wetland include performance targets for planting and weed control.

### **5.3 Council's Reporting Officer's Report and Evidence**

Mr Shirley, Consent Planner, Subdivisions, spoke to his report contained within the agenda and summarised the submissions received, all of which were neutral or conditionally supported the application. He stated that this productive land is in five separate certificates of title which could be sold separately. The current proposal is for a productive unit of 30 hectares with covenants and planning instruments to preserve productive potential. He stated why the south west boundary of the land was considered suitable for the proposed walkway. Proposed conditions of consent were attached to his report.

Ms Squire, Community Services Planner, referred to the staff request for a walk/cycleway link from Horton to Williams Road along the proposed rear boundary of the subject site. She stated that staff did not support a walkway along the Coastal Highway frontage as it has no additional benefits over and above providing a footpath adjoining Coastal Highway.

### **5.4 Applicant's Right of Reply**

Mr Allan responded for the applicant saying that there needs to be indicative walkways shown on planning maps contained in the PTRMP similar to those shown for roading. He stated that the publication of a proposed variation would allow some input from the community into the planning process. He stated that this Rural 3 development is different to those previously considered by the Council because of the productive land values and that the professional experts have not supported the walkway requirement. He stated that the applicant would not like a walkway at all and it is not required. Mr Allan stated that the staff proposal for the walkway is very subjective and not supported by evidence that people want to go for a walk in the country. Mr Allan stated that there is a future development to be considered and that productive land is a priority for the district as supported by the Act.

Mr Allan stated that to make a successful Rural 3 proposal, it is necessary to bring together a combination of factors. He stated that the subject site would be a block of land that will be preserved for this district as a successful Rural 3 development. He explained that the productive land is the essential difference with this application. He stated there is a difference of opinion regarding the conflicting use of this property, between farmers, cyclists, children and dogs. He stated health and safety matters must also be considered. Mr Allan reminded the hearing panel that this is a working environment and the proposed four premium sites on the south end are sought in order to get some capital return. The issue of the impact on the value of the

properties is quite significant should a public walkway be allowed to be formed beside them as recommended by staff.

Mr Allan stated that the proposed walkway location at the south of the property is not a logical location and is not a decision that has come out of a proper process. The legal roads are a viable alternative that people could link through and not have the productive land divided. The evidence that the applicant relies on is that there is no real need for a walkway. The roadside walkway is an acceptable option as when the Coastal Highway usage drops because of the Ruby Bay Bypass, a cycleway could then be constructed within the road reserve. He stated that the applicant would reluctantly agree to the 'behind the hedge' option as an alternative to the roadside walkway. Local residents supported the development proposal without a walkway. Within the design guide checklist is the requirement for high productive land to be retained. He stated this is an indication of the priority of high productive land. The applicant has tried to keep faith with that objective.

Mr Allan explained that there is a distinct statutory difference between the requirement for esplanade reserve and this situation. He referred to the Estate Holmes case (2007) where the Supreme Court ruled that conditions must not be for an exterior or ulterior concern. He repeated that a desirability of a walkway has not been tested or planned, with community input, and another option may need consideration. Mr Allan reminded the Committee of the evidence presented by Mr Petrie and Mr Langbridge and stated that the Council's decision must be based on facts, plans and evidence. He stated a grant of consent without the walkway will not prejudice the design guide.

## 6. PRINCIPAL ISSUES

The principal issues that were in contention were:

- a) Does the subdivision trigger the need for a walkway/cycleway?
- b) If a cycleway/walkway is needed, where would be the most appropriate location for it from the options presented at the hearing?
- c) Is the development otherwise appropriate for the Rural 3 zone?

## 7. MAIN FINDINGS OF FACT

The Committee considers that the following are the main facts relating to this application:

### **Need for a walkway/cycleway:**

- a) Evidence was presented drawing the Committee's attention to the following provisions of the PTRMP:
  - (i) Policy 7.2A.14 (Rural Environment Effects) of the PTRMP, which provides; *"To progressively develop a network of interconnected pedestrian, cycle and equestrian routes, and reserves within the Coastal Tasman Area, including to and along the coast"*.

- (ii) Schedule 16.3A (Assessment Criteria for Subdivisions) of the PTRMP, which in clause (32) requires the Council to have regard to; *“The provision, design and routes of cycleways, walkways and bridle-paths, including linkages between any site and local retail areas, schools, reserves, bus routes and arterial roads”*.
  - (iii) Section 3.7(b) of the Design Guide (for the Rural 3 zone) which provides; *“for alternative public accessways – such as cycle paths, walkways and bridle paths – to connect dwellings and link them to each other, to public amenities and to other community services”*. This provision is linked through rule 16.3.9D of the PTRMP as a matter that the Council has reserved control over a Restricted Discretionary Activity subdivision in the Rural 3 zone, and which provides in clause (4) as a matter of discretion, *“Consistency with the Design Guide for Subdivision and Development in the Coastal Tasman Area, Tasman District”*.
- b) The New Zealand Transport Strategy and the Tasman Walking and Cycling Strategy clearly support the development of cycleways and walkways with the vision of the strategy to *“progress Tasman District towards being a safe and enjoyable place to walk and cycle”*.

**Location for a walkway/cycleway:**

- c) Three alternative walkway/cycleway options were presented at the hearing, referred to as:
  - (i) the “Requested Option”, which was the option recommended by Council staff and which was to locate the walkway/cycleway along the western boundary of the property running from Williams Road, exiting onto Horton Road going partially through and to eastern side of the proposed wetland that is to be developed alongside Horton Road;
  - (ii) the “Frontage Option”, which was for a walkway alongside the Coastal Highway (State Highway 60), with a further choice for this option to have the walkway/cycleway either within the State Highway road reserve along the western side of the road, or within the applicant’s property boundary to the western side of an existing hedge running along the road frontage;
  - (iii) the “Legal Road Option”, which was to consider development of a walkway/cycleway using existing formed roads and the unformed road linkages between Williams Road, Dicker Road and Horton Road.
- d) There is no strategic plan either within the PTRMP or elsewhere, for the future development of cycleways/walkways in the rural zones which includes the Rural 3 zone.
- e) The application had not included provision for a cycleway/walkway in the proposal.
- f) The submitters who attended the hearing, namely Mr P Russell and Mrs G Russell, had previously raised concerns about any proposed walkway that may go through the wetland or close to their property. They re-asserted

their concerns regarding the “Requested Option” that was referred to in the Council staff Section 42A reports.

- g) The faxed correspondence from Mr Parkin that was introduced as evidence by the applicant stated that as the new owner of the Lewis property, that he strongly objected to any walkway along the common boundary with his and the applicant’s property.

#### **Appropriateness of the development for the Rural 3 zone:**

- j) The applicant had amended its proposal following initial appraisal by the Council staff and consultation with neighbouring property owner/occupiers to incorporate changes that addressed the concerns raised (with the exception of the matter of the walkway/cycleway).
- k) The amended proposal (again with the exception of the matter of the walkway/cycleway) was supported by the Council staff and the neighbouring community.
- l) No submissions opposing the application were received (some submissions raised conditions that could be considered).

### **8. RELEVANT STATUTORY PROVISIONS**

#### **8.1 Policy Statements and Plan Provisions**

In considering this application, the Committee has had regard to the matters outlined in Section 104 of the Act. In particular, the Committee has had regard to the relevant provisions of the following planning documents:

- a) Tasman Regional Policy Statement (TRPS);
- b) the Transitional Regional Plan (TRP);
- c) the Proposed Tasman Resource Management Plan (PTRMP);
- d) the New Zealand Transport Strategy and the Tasman Walking and Cycling Strategy

#### **8.2 Part II Matters**

In considering this application, the Committee has taken into account the relevant principles outlined in Sections 6, 7 and 8 of the Act, as well as the overall purpose of the Act as presented in Section 5.

### **9. DECISION**

Pursuant to Section 104B of the Act, the Committee **GRANTS** consent subject to conditions.

### **10. REASONS FOR THE DECISION**

The proposal is to subdivide 5 existing titles ranging from 2.0 hectares to 19.4 hectares to provide for 9 residential lots ranging from 3,195 square metres to 4845 square metres, one lot of 1.9 hectares contain the existing packhouse and

proposed dwelling, one lot of 1.52 hectares containing the existing camping ground and with a large productive block remaining of 39.49 hectares.

The land has Class B soils which are considered to be of high productivity and suitable for semi-intensive horticulture. The proposed residential sites are either clustered around the existing two dwellings on the site or are located on the ridges on the south-western side of the property in areas that are less productive.

The 5 existing titles could have been developed independently but only two of the parcels are of sufficient size and have the productive potential to be economically viable. The development of the existing land parcels could have more likely led to larger lifestyle blocks that may or may not have included any production from the land.

With the proposed subdivision, the applicant has stated that the intention is to develop the 34 hectare productive block as a vineyard. The applicant has other productive vineyards in this area and the land acquisition will allow the operation to expand. The applicant stated that the development of nine residential lots within the properties will help finance the development and that further expansion of the vineyard onto adjoining properties may eventuate.

The Rural 3 zone was introduced to facilitate the demand for residential development on rural areas whilst protective the productive potential of the land. The Committee considered that this proposal fits extremely well to the Rural 3 concept.

With the notable exception of the issue of the walkway/cycleway, Council staff, the applicant, submitters and the neighbouring community are supportive of the proposal. A relatively minor adjustment regarding the timing of the development of the wetland was the only other consideration requiring changes to the staff recommended conditions and staff were supportive of the amendment proposed

The matter of the walkway/cycleway has been discussed in the parts of this report relating to the principle issues, the main findings of fact and commentary on conditions of this consent. The Committee's decision not to include the Council staff recommended condition for a proposed walkway/cycleway traversing the property was made only after considerable discussion and evaluation of the alternatives both from the evidence presented at the hearing and from the site visit to the property.

The Committee acknowledges the support and vision for a comprehensive linked cycleway/walkway network within the District and considers that the alternatives of using existing legal roads and the option for a cycle lane along the Coastal Highway, once the Ruby Bay Bypass is commissioned, will go a long way to achieving that goal.

In regards to the development as a whole, the Committee has carefully considered all other evidence and submissions made, including those submissions from persons that were not able to attend the hearing and concluded that the proposed development is consistent with the purpose and principles of sustainable management as provided in Part 2 of the Act, the Policies and Objectives of the PTRMP and more specifically the matters to be considered for the Rural 3 Zone including the Rural 3 Zone Development Guidelines included within the PTRMP.

The development includes appropriate landscaping and a significant positive initiative is the development of the wetland alongside Horton Road.

The conditions of consent, with the exception of the walkway and changes required to the timing of the wetland development, have not been challenged by the applicant or submitters.

The Committee considers that, with the conditions imposed with each consent to mitigate any adverse effects, the development will successfully achieve the outcomes sought for the Rural 3 zone.

## **11. COMMENTARY ON CONDITIONS OF CONSENT**

The Committee considered fully the evidence and opinion presented by all parties to the hearing. The Council officers' Section 42A reports had recommended a condition to impose a walkway/cycleway along the south western boundary of proposed Lots 6, 7, 8, 9 and 11. This condition was strongly supported by the Council's Community Services Planner.

The Council staff's position on the provision of a walkway/cycleway was in conflict with the applicant and some submitters. The reasons for the negative response to the Council staff recommended option was that the proposed walkway location would adversely affect privacy and security of residential properties proposed along the boundary and that the walkway could adversely affect any proposal to develop productive land uses on the adjoining property now owned by Mr Parker. The applicant had proposed two alternative routes for a walkway/cycleway but these did not have support from Council staff.

The Committee viewed each of the walkway options during the site visit to the property and considered that the Legal Road Option provided a practical alternative option that would provide a walkway/cycleway linkage that would connect Old Coach Road and the recently approved Ruby Bay Developments subdivision with the Coastal Highway and Tasman Village. The Committee also considered that the option of developing a cycleway along the Coastal Highway after the Ruby Bay Bypass was developed would have merit for those walkers/cyclists wishing to have a direct link between the coastal centres of population.

All parties were in agreement for the need to provide safe and enjoyable linkages for walkers, cyclists and horse riders. The Committee considered that the lack of a strategic development plan for such linkages in rural areas needs to be addressed to allow public input into such a process and to provide more certainty for developers as to where future walkway/cycleway links are to be created.

Whilst in this case the staff "Recommended Option" had some positive elements, the Committee felt that the adverse effects of the proposed location and the suitability of the alternative options put forward meant that the Committee was not convinced that the "Recommended Option" was the best alternative.

The Committee therefore decided that the recommended Condition 7(c) of RM070583 be deleted.



The matter of the development of the wetland was raised by the applicant in regards to the recommended condition that the wetland development be completed prior to the issue of the Section 224(c) certificate for the subdivision. The applicant pointed out that the development of the wetland could take a number of years and that the tie to the Section 224(c) certificate did not provide sufficient time to complete the work proposed.

The Council staff were in agreement to amending both Condition 9 of RM070583 (referenced as Condition 10 of the resource consent issued) and Condition 1 of RM071007 to provide for the wetland development to occur over several years. The duration of resource consent RM071007 has also been provided with an expiry date of ten years.

## **12. LAPSING OF CONSENT**

Pursuant to Section 125(1) of the Act, resource consents, by default, lapse in five years unless they are given effect to it before then or the Council has granted an extension pursuant to Section 125(1)(b) of the Act.

Section 125(2) of the Act makes particular provision for the lapsing of subdivision consents. In the case of the Subdivision Consent (RM070583), this consent is given effect to when a Survey Plan is submitted to the Council for the subdivision under Section 223 of the Act. Once the Survey Plan has been approved by the Council under Section 223 of the Act, the consent lapses three years thereafter unless it has been deposited with the District Land Registrar as outlined in Section 224 of the Act.

Discharge Permits (RM070582 - discharge wastewater to land and RM070586 – discharge to air), and Land Use Consent (RM070584 - erect dwellings), will lapse five years after the issue of each of the certificates of title for the respective allotments (Lots 1 – 11) inclusive. This is a pragmatic approach to ensure that delays with the subdivision do not compromise the effective 'life' of the land use consent for the dwellings to be erected on the titles created by the subdivision and the associated discharge permits for the wastewater treatment and land application systems.

## **13. EXPIRY OF CONSENTS**

Pursuant to Section 123 of the Act, land use consents have no expiry provided they are given effect to within the lapse period provided and also provided that the use is not discontinued for a continuous period of more than 12 months. An exception is made for Land Use (RM071007 – wetland development). This consent is to permit something that would contravene Section 13 of the Act (restrictions on works in a river/watercourse). Such consents have a default duration of five years if no expiry date is specified in the consent and a maximum duration of 35 years. In this case the consent has been granted with an expiry period of 10 years as the works in developing the wetland will be continuing during the whole of the subdivision development.

The Discharge Permits, (RM070582 – wastewater discharge) and (RM070586 – contaminants to air) expire in 15 years, which is a common term imposed by the Council for such discharge permits. The Discharge Permit RM070585 – stormwater) expires in 35 years which is the maximum provided in the Act for such consents and is considered appropriate as the activity is unlikely to change significantly once the development has been completed.

Water Permit (RM070587) has an expiry date which is the same as the exiting Water Permit (NN980029) which is approximately five years.

Consents that have a set duration have the relevant date of expiry recorded on each consent.

Issued this 25<sup>th</sup> day of February 2008



Cr T King  
**Chair of Hearings Committee**

**RESOURCE CONSENT NUMBER:** RM070582

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

**Sebastien Vineyard Limited**  
(hereinafter referred to as “the Consent Holder”)

**ACTIVITY AUTHORISED BY THIS CONSENT:** Discharge of wastewater to land from a communal wastewater treatment plant associated with Subdivision Consent RM070583 and Land Use Consent RM070584.

**LOCATION DETAILS:**

Address of property: 41 Williams Road, and 1689 and 1713 Coastal Highway, Tasman.  
Legal description: Proposed Lot 11 of a subdivision of Lot 2 DP 349997, Lot 3 DP 304381 and Lot 1 DP 328328, Lot 1 DP 349997, Lot 1 DP 19518, and Lot 2 DP 15342.  
Certificates of title: 204612, 115584, 204611, NL13A/507, NL9C/1224.  
Valuation numbers: 1928079000, 1928079100, 1928079102.  
Approximate Location: E: 2514861 N: 6000870 (N Z Map Grid).

Pursuant to Section 108 of the Act, this consent is issued subject to the following conditions:

**Discharge Restrictions**

1. The maximum rate of discharge shall not exceed 27,500 litres per day (27.5 cubic metres per day).
2. The discharge shall contain only treated wastewater which is of a domestic nature. For the purposes of this condition, wastewater which is of a “domestic nature” includes wastewater from toilets, urinals, kitchens, showers, washbasins, spa baths,

and laundries but does not include water from spa pools and large-scale laundry activities. No industrial or tradewaste shall be included.

**Advice Note:**

Wastewater generated from campsites and any associated food preparation areas is considered to be of a “domestic nature”.

3. The treated wastewater entering the disposal areas, based on the results of any single sample collected from the sampling point required to be installed in accordance with Condition 24, shall comply at all times with the following limits:

<b>Determinand</b>	<b>Maximum allowable concentration</b>
Carbonaceous biochemical oxygen demand (cBOD <sub>5</sub> )	30 grams per cubic metre
Total suspended solids	30 grams per cubic metre
Faecal coliforms	200 coliforms units per 100 millilitres

**Disposal / Land Application System**

4. The maximum loading rate at which the wastewater is applied to land shall not exceed 2 millimetres per day (2 litres per square metre per day).
5. All wastewater shall be discharged to land by way of pressure compensating dripper line(s). The Consent Holder shall, at all times, ensure that the dripper lines used for the disposal of wastewater are located within a planted area and have no less than a 50 millimetres cover of soil, bark or an appropriate alternative.
6. The irrigation lines used to discharge the treated wastewater to the primary land application area shall be those constructed as part of the vineyard irrigation system. The pressure compensating drippers used to discharge the treated wastewater to the reserve area shall be spaced at intervals not exceeding 600 millimetres along the irrigation line and the maximum spacing between adjacent irrigation lines shall be 1 metre. The instantaneous flow rate for each dripper shall not exceed 1.6 litres per hour.
7. The land application areas (including reserve areas) shall not be located on slopes averaging greater than 15 degrees over a 10 metres length and shall not be located within:
  - (a) 20 metres of any surface water body;
  - (b) 20 metres of any bore for domestic water supply;
  - (c) 5 metres of any adjoining road, or of any adjoining property external to the land covered by this resource consent, except that this may be reduced to 1 metre where the ground slopes away from the adjoining property or road; or
  - (d) 600 millimetres, measured vertically, separation from dripper line to average winter groundwater table.

**Advice Note:**

There are no setback requirements for land application areas from property boundaries between the proposed Lots within the consented subdivision.

8. The land application areas shall not be used for:
  - (a) Roading, whether sealed or unsealed;
  - (b) Hardstand areas;
  - (c) Golf course tees and greens, and other intensively managed turf areas (e.g. grass tennis courts, bowling greens);
  - (d) Erection of buildings or any non-wastewater systems structures; or
  - (e) Stock grazing.
9. Any trees planted within the actual land application area shall remain in place for the duration of this consent except for the purposes of removal and replacement of trees which have reached maturity or require removal for some other reason. In that situation the Consent Holder shall replace the removed trees with trees that are equally suitable, or trees that are of the same species, and will not remove and replace more than 20% of the trees in any one year.
10. The Consent Holder shall mark each wastewater land application area by any means that ensures the extent of them is identifiable on the ground surface.
11. There shall be no surface ponding or surface runoff of any contaminants from any of the land application areas as a result of the exercise of this consent.

### **Collection, Reticulation, Treatment and Disposal Systems**

12. The Consent Holder shall submit a detailed "Wastewater Collection, Treatment, and Disposal Design Report", prepared by a person who is suitably experienced in designing wastewater treatment and land application systems, to the Council's Coordinator Compliance Monitoring prior to the construction of the collection, treatment or land application systems. This report shall provide evidence of how design requirements imposed by this Consent on the treatment and land application systems shall be met and shall include, but not be limited to, the following information:
  - (a) certification that the selected land application areas are of suitable topography and soil type and are suitable for the loading rates proposed and sufficiently stable for wastewater land application ;
  - (b) the location and dimensions of land application areas (including reserve areas), including setbacks from neighbouring properties, watercourses and domestic bores, depth of unsaturated soils beneath dripper lines and avoidance of slopes greater than 15 degrees;
  - (c) details of how the land application system will be operated and criteria to be used to determine the timing, period and rate of application. The criteria shall be based on, amongst other things, climatic data, soil moisture status, and groundwater levels within the land application areas;
  - (d) details regarding management of vegetation at the land application area for the duration of consent;
  - (e) the measures proposed to minimise stormwater infiltration and inflow into the land application field;
  - (f) the location of the wastewater treatment plant;

- (g) details of the treatment plant layout, including storage capacities of all tanks and layout of pumps (duty and standby); and
  - (h) details of the wastewater collection system, including details of the pumps and tanks to service the various buildings of the subdivision development.
13. The construction and installation of the wastewater collection system, treatment plant and land application system shall be carried out in accordance with information submitted with the application for resource consent RM070582, the design report required to be prepared by Condition 12, and under the supervision of a person who is suitably qualified and experienced in wastewater treatment and land application systems.
14. The person supervising the construction and installation of the wastewater collection system, treatment plant and land application system shall provide a written certificate or producer statement to the Council's Coordinator Compliance Monitoring prior to the exercise of this resource consent. This certificate or statement shall include sufficient information to enable the Council to determine compliance with Conditions 4-7 (inclusive), 8 (a)-(d), and 10. In addition, the certificate or statement shall also confirm the following:
- (i) that the wastewater system, including the collection system, treatment plant and the land application areas, is capable of treating the design flows and that it has been designed generally in accordance with standard engineering practice;
  - (ii) that all components of the wastewater system, including the collection system treatment plant and the land application areas, have been inspected and installed in accordance with the manufacturer's specifications and standard engineering practice; and
  - (iii) that the components used in the wastewater system, including the collection system treatment plant and the land application areas, are in sound condition for continued use for the term of this resource consent, or are listed in the Operations and Management Plan (required by Condition 16) for periodic replacement.
15. Prior to the exercise of this consent, the Consent Holder shall submit a set of final "as-built" plans to the Council's Coordinator Compliance Monitoring which show the siting of all components of the wastewater collection, treatment, and land application system. For the purpose of this condition, the Consent Holder shall ensure that the "as-built" plans are drawn to scale and provide sufficient detail for a Council officer to locate all structures identified on the plans.

### **Wastewater System Operation and Maintenance**

16. A chartered professional engineer or suitably qualified person experienced in wastewater engineering shall prepare an "Operations and Management Plan" for the wastewater treatment and land application system. This plan shall be prepared in accordance with the conditions of this resource consent and shall contain, but not be limited to, the following:

- (a) an inspection programme to verify the correct functioning of the wastewater treatment and land application systems including not less than monthly inspections of the wastewater treatment plant and land application areas;
  - (b) a schedule for the daily, weekly, monthly and annual operational requirements including requirements of compliance monitoring of consent conditions;
  - (c) a schedule of maintenance requirements for the pumps and tanks, recirculation tanks, treated effluent holding tank, flow meters and stormwater control drains;
  - (d) a schedule of maintenance requirements for the management of vegetation on the wastewater land application area;
  - (e) a contingency plan specifying the actions to be taken in the event of failure of any component of the system and any non-compliance with the conditions of this resource consent;
  - (f) details of how the wastewater land application system will be managed;
  - (g) emergency contact details (24 hour availability) for the Service Provider and Consent Holder; and
  - (h) monitoring of the wastewater land application areas shall include visual ground inspections to identify above ground and surface flows of wastewater and methods to remedy such flows should any be identified.
17. A copy of the "Operations and Management Plan" required by Condition 16 shall be submitted to the Council's Coordinator Compliance Monitoring to that officer's satisfaction prior to exercising this consent. Any changes to this plan shall be in accordance with the conditions of this consent and submitted to the Council's Coordinator Compliance Monitoring prior to them taking effect.
18. The Consent Holder shall enter into, and maintain in force, a written maintenance contract with a suitably qualified and experienced wastewater treatment plant operator suitably trained in wastewater treatment plant operation by the system designer, to the satisfaction of the Council's Coordinator Compliance Monitoring for the ongoing maintenance of the pumps and tanks, and the treatment and land application systems and control of the remote monitoring system as required by Condition 21. The maintenance contract shall require the operator to perform maintenance functions and duties specified in the "Operations and Management Plan" required to be prepared by Condition 16. A signed copy of this contract, including full contact details for the Service Provider, shall be forwarded to the Council's Coordinator Compliance Monitoring, prior to exercising this consent. Any changes to this maintenance contract must be in accordance with the conditions of this consent and submitted in writing to the Council's Coordinator Compliance Monitoring prior to them taking effect.

In addition, the Consent Holder shall, every six months from the date of first exercising this consent, provide the Council's Coordinator Compliance Monitoring with a copy of a written report that details the maintenance that has been undertaken on the wastewater treatment and land application system during the previous six month period in accordance with the requirements of the Operations and Management Plan.

**Advice Note:**

For compliance purposes, a suitably qualified and experienced person would be either a person employed and trained by the manufacturer of the treatment and land application system, or someone who can provide evidence of satisfactory qualifications and experience in maintaining such wastewater treatment and land application systems.

19. The collection and treatment tanks that form part of the wastewater treatment plant shall be inspected not less than once every three months and the tanks shall be inspected not less than once every six months. Where appropriate, all tanks, except those which are specifically used for storing sludge, shall as a minimum be cleaned out once the combined depth of the sludge and scum in any tank occupies half of the tank's volume. Material collected from the desludging of tanks shall be removed from site for disposal at a facility authorised to receive such material.
20. The Consent Holder shall submit an "Asset Management Plan" for the wastewater collection, treatment and land application system to the satisfaction of the Council's Coordinator Compliance Monitoring prior to the exercise of this consent. This plan shall be prepared by a suitably experienced person and shall detail financial asset management requirements (including depreciation considerations) of the wastewater collection, reticulation, treatment and land application systems for the duration of the consent. Any changes to this plan shall be in accordance with the conditions of this consent and submitted to the Council's Coordinator Compliance Monitoring for approval prior to them taking effect.

**Advice Note:**

Section 11.2 of the Ministry for the Environment's Sustainable Wastewater Management, a handbook for smaller communities, would be a useful reference point in preparing this plan.

**Contingency Measures**

21. A telemetered 24 hour remote advance warning system shall be installed and operated that is capable of warning of any failure within the treatment or land application systems (such as pump failure or mechanical blockage).

This warning system shall be configured to be remotely monitored by the wastewater treatment plant operator for all systems and to activate an audible and visual alarm system located adjacent to the treatment plant or other prominent place on the site for the central treatment plant. The details of the alarm and monitoring systems shall be included in the "Operations and Management Plan" required by Condition 16 and shall achieve as a minimum the following:

- (a) notify operators of any alarm;
- (b) monitor and record daily flow readings from all meters;
- (c) store and transmit daily reports to the operator of the discharge volume meter reading and system status from each site; and

- (d) in the event of any alarm activating, the remote monitor and management system shall immediately notify the maintenance operator and shall continue notifying the operator until the condition has been remedied and cleared by the operator. An audible and visual alarm system shall be installed and operated on all pumps and tanks and, as a minimum, this alarm shall be activated by a high level switch.
  - e) The Consent Holder shall maintain clearly visible signage adjacent to all external alarm panels at the plant to provide a 24 hour contact number in the event of an alarm being activated.
22. The Consent Holder shall ensure that the treatment plant is designed and maintained so that wastewater can be retained within the treatment system above the alarm level without overflow for a period of at least 12 hours, based on average dry weather flows and in accordance with the provisions in the "Operations and Management Plan". All pumps in the treatment plant and land application system that are essential for the continuous processing, treatment, and land application of the wastewater shall include duty and standby units.

**Advice Note:**

The last sentence of this condition requires that all pumps in the treatment plant and land application system that are essential for the continuous operation of the treatment require duplication by way of having a duty and standby pump set up. However, this condition acknowledges that some of the pumps in the system, for example the waste sludge pump, are not necessarily essential for the ongoing operation of the treatment plant and will not be required to have a duty-standby set up. On-site interceptor tanks will not require a duty and standby pump set up.

23. Should power disruption result in the emergency storage capacity required to be provided at the treatment plant by Condition 22 the Consent Holder shall ensure that the wastewater is removed from the storage tank at that time for the purpose of maintaining capacity. Wastewater shall be disposed of to a facility that is authorised to accept such wastes. The relevant details of how this will be achieved shall be incorporated in the "Operations and Management Plan" required to be prepared in accordance with Condition 16.

**Monitoring and Reporting**

24. A sampling point to allow collection of a sample of the treated wastewater, shall be provided at a point located directly after the final pump-out chamber and before the point where the wastewater discharges to the land application field. Details of the location of this sampling point shall be forwarded to the Council's Coordinator Compliance Monitoring prior to the exercise of this consent.
25. A sample of the treated wastewater shall be collected from the sampling point required to be installed in accordance with Condition 24. Samples shall be analysed for five day carbonaceous biochemical oxygen demand (cBOD5), total suspended solids, total faecal coliforms, total nitrogen, pH, and temperature. Samples shall be collected at least every three months (a total of at least four samples a year) with at least one of these samples being collected between 20 December and 10 January provided the contaminant limits specified in Condition 3 are always met.



Should any of these limits not be met, the sampling frequency shall be increased to monthly sampling until full compliance with the contaminant limits of Condition 3 has been achieved over an eight month period.

26. The Consent Holder shall install and maintain at all times a calibrated flow meter, with an accuracy of  $\pm 5\%$ , on the outlet of the wastewater treatment system to measure the quantities of wastewater discharged to the wastewater land application areas.
27. The flow meter required to be installed in accordance with Condition 26 shall be read manually or electronically at the same time daily. In addition, the Consent Holder shall also keep records of which land application areas are utilised daily to dispose of the wastewater to enable daily irrigation rates to be calculated.

Copies of these records shall be forwarded to the Council's Coordinator Compliance Monitoring six monthly in the Six Monthly Monitoring Report required by Condition 32, within one month following the end of the six month period ending 31 March, and 30 September each year.

28. Any exceedance of the authorised discharge volume (refer Condition 1) shall be reported to the Council's Coordinator Compliance Monitoring in writing within three days of the reading. This report must include any explanation for the non-compliance and an assessment of the likely effects of the functioning of the system and the receiving environment. These data shall be securely stored electronically for at least two years.
29. The Consent Holder shall log all complaints received relating to the exercise of this consent and shall maintain a register of complaints including the following information: date and time of the complaint; nature of the complaint; name, address and telephone number of the complainant if available; details of discharge at time of alleged problem; and any remedial action taken to rectify problem or mitigation proposed to prevent future complaints.
30. The Consent Holder shall report all complaints to the Council's Coordinator Compliance Monitoring in writing within 48 hours of receipt and the log, required to be kept in accordance with Condition 29 shall be made available to the Council upon request.
31. The Consent Holder or its authorised agent shall notify the Council's Coordinator Compliance Monitoring of any wastewater discharge to land or water from the treatment plant or wastewater reticulation system which is not authorised by this consent in writing as soon as practicable (but no more than 24 hours) after the discharge commenced.
32. The Consent Holder shall prepare and present a Monitoring Report to the Council's Coordinator Compliance Monitoring, at the following intervals and shall include the following matters:
  - (a) Six Monthly: actual monitoring results for monitoring undertaken in accordance with Conditions 25 and 27 above, for the past six months. The report shall provide a summary of the compliance with discharge quality limits specified in Condition 3 and discharge volume limits and daily wastewater loading rates specified in Conditions 1 and 4 respectively;

- (b) Annually (to be submitted by 1 July each year to cover the previous twelve month period ending 1 June); an interpretation of monitoring results and an outline of any trends in changes in discharge volume, wastewater loading rates, wastewater discharge quality. This report shall also provide a summary of any difficulties that have arisen with the plant operation and/or public complaints received any remedial actions taken as a result during the previous period;

### **General Conditions**

- 33. The wastewater treatment system shall be located, and the surrounding area maintained, so that vehicular access for maintenance is readily available at all times.
- 34. The Council may, in the period 1 January to 1 March each year, review any or all of the conditions of the consent pursuant to Section 128 of the Resource Management Act 1991 for all or any of the following purposes:
  - (i) to deal with any adverse effect on the environment which may arise from the exercise of the consent that was not foreseen at the time of granting of the consent, and which is therefore more appropriate to deal with at a later stage; and/or
  - (ii) to require the Consent Holder to adopt the best practical option to remove or reduce any adverse effects on the environment resulting from the discharge; and/or
  - (iii) reviewing the contaminant limits, loading rates and/or discharge volumes and flow rates of this consent if it is appropriate to do so; and/or
  - (iv) reviewing the frequency of sampling, flow monitoring and/or number of determinands analysed if the results indicate that this is required and/or appropriate.
- 35. The Consent Holder shall administer the responsibilities and obligations of all persons who own lots connected to the wastewater treatment and land application system, to comply with the conditions of this consent. The Consent Holder shall ultimately hold responsibility for ensuring that the owners of properties within the development:
  - i) are connected and discharge to the reticulation and central treatment system whenever the respective dwellings first become occupied; and
  - ii) are aware of and comply with the rules associated with the connection, including restrictions on the discharge of toxic substances.

### **Lapsing of Consent (Section 125 of the Act) and Duration of Consent (Section 123 of the Act)**

- 36. The consent shall not lapse until five years after the certificate of title of each of the allotments is issued unless the consent is either:
  - a) given effect to; or
  - b) the Council has granted an extension pursuant to Section 125(1)(b) of the Act.

37. Notwithstanding Condition 36, this consent expires on 1 January 2023.

### **GENERAL ADVICE NOTES**

1. Officers of the Council may also carry out site visits to monitor compliance with resource consent conditions.
2. It is recommended that household water reduction fixtures be included in the house designs in order to ensure that the discharge volume limit is met. The measures and fixtures should be in accordance with AS/NZS 1547:2000 and Auckland Regional Council's Technical Publication 58.
3. The Consent Holder should meet the requirements of the Council with regard to all Building and Health Bylaws, Regulations and Acts. Building consent will be required for these works.
4. Access by the Council or its officers or agents to the property is reserved pursuant to Section 332 of the Resource Management Act.
5. All reporting required by this consent should be made in the first instance to the Council's Co-ordinator Compliance Monitoring.
6. The Council draws your attention to the provisions of the Historic Places Act 1993. In the event of discovering an archaeological find during the earthworks (e.g. shell, midden, hangi or ovens, garden soils, pit depressions, occupation evidence, burials, taonga, etc) you are required under the Historic Places Act, 1993 to cease the works immediately until, or unless, authority is obtained from the New Zealand Historic Places Trust under Section 14 of the Historic Places Act 1993.
7. 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:
  - a) comply with all the criteria of a relevant permitted activity rule in the Proposed Tasman Resource Management Plan (PTRMP);
  - b) be allowed by the Resource Management Act; or
  - c) be authorised by a separate resource consent.

Issued this 25<sup>th</sup> day of February 2008



Cr T King  
**Chair of Hearings Committee**

**RESOURCE CONSENT NUMBER:** RM070583

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

**Sebastien Vineyard Limited**  
(hereinafter referred to as “the Consent Holder”)

**ACTIVITY AUTHORISED BY THIS CONSENT:** To subdivide five existing titles totalling 46.4264 hectares to create 12 allotments.

**LOCATION DETAILS:**

Address of property: 41 Williams Road, and 1689 and 1713 Coastal Highway, Tasman.  
Legal description: Lot 2 DP 349997, Lot 3 DP 304381 and Lot 1 DP 328328, Lot 1 DP 349997, Lot 1 DP 19518, Lot 2 DP 15342.  
Certificates of title: 204612, 115584, 204611, NL13A/507, NL9C/1224.  
Valuation numbers: 1928079000, 1928079100, 1928079102.

Pursuant to Section 108 of the Act, this consent is issued subject to the following conditions:

**CONDITIONS**

**1. Subdivision Plan**

The subdivision and development shall be carried out in general in accordance with the “Resource Consent Application Plan” prepared by Staig and Smith Ltd, referenced as Job No 10199 and dated 15 August 2007 with a copy attached to this consent as Plan A - RM070583.

**2. State Highway Upgrade**

That the two proposed accesses onto the State Highway from the property as shown on Plan A – RM070583 (referenced as Crossing Point 11 and Crossing Point 13 with Transit New Zealand), shall be upgraded in general accordance to a standard as detailed in “Diagram D” of the September 2005 Version of Transit New Zealand’s Planning Policy Manual and attached to this consent as Plan B – RM070583.

**Advice Notes**

- (i) It is recorded that the applicant volunteered this condition.
- (ii) Section 51 of the Transit New Zealand Act 1989 requires that written permission from Transit New Zealand be obtained prior to any physical works being undertaken on the State Highway road reserve.
- (iii) Confirmation from Transit New Zealand (or their network consultant) that the works have been satisfactory completed is a means of compliance with the condition.

### 3. Rights-of-Way A-I and Vehicle Crossings

- (i) That right-of-way A be designed to provide for:
  - (a) a minimum carriageway width of 3.5 metres;
  - (b) concrete edge restraints to each side of the carriageway;
  - (c) an entrance widening to 6 metres for the first 15 metres and a minimum of 3 passing bays in general accordance with the plan entitled "Proposed Passing Bay Locations", prepared by Traffic Design Group, referenced CAD:9070W1/8 (copy attached to this consent as Plan C – RM070583);
  - (d) collection and discharge of stormwater from the carriageway surface;
  - (e) the carriageway into the property shall be sealed for 10 metres from the edge of the State Highway seal with the balance of the carriageway finished with a permanent weather proof, dust free surface;
  - (g) entry to building location areas to extend 5 metres within the property boundary.
  
- (ii) That rights-of-way B-I be designed and constructed to provide for:
  - (a) a minimum carriageway width 4.5 metres;
  - (b) hard shoulders having a minimum width of 500 millimetres to each side of the carriageway;
  - (c) the carriageway having a maximum gradient 1:5;
  - (d) collection and discharge of stormwater from the carriageway surface;
  - (e) the carriageway into the property shall be sealed for 10 metres from the edge of the State Highway seal for right-of-way J and 10 metres from the edge of Williams Road seal for right-of-way H with the balance of the carriageway finished with a permanent weather proof, dust free surface;
  - (g) entry to building location areas to extend 5 metres within the property boundary.
  
- (iii) That the vehicle crossing to the building location area on Lot 11 be designed and constructed to provide for:
  - (a) a minimum carriageway width 3.5 metres;
  - (b) the crossing to extend a minimum of 5 metres into the property boundary;
  - (c) collection and discharge of stormwater from the crossing;
  - (d) the crossing shall be sealed for 5 metres from edge of the Williams Road seal with balance of the access into the property finished with a permanent weather proof dust free surface.

- (iv) That prior to the rights-of-way and vehicle crossings being constructed engineering plans, prepared in accordance with the Council's Engineering Standards and Policies 2004, be submitted to the satisfaction of the Council's Engineering Manager. All works shall be undertaken in accordance with the approved plans.

#### **4. Wastewater**

**Advice Note:**

Matters relating to wastewater reticulation, treatment and disposal are provided by Discharge Permit RM070582.

#### **5. Water Supply**

- (a) That each residential site plus the camping ground site be serviced with a reticulated potable water supply generally in accordance with Cameron Gibson Wells report entitled "Water Supply, Wastewater Management and Stormwater Management", referenced as 12753-7 and dated May 2007 submitted with the application.

**Advice Note:**

The water supply will need to be certified for compliance with Drinking Water Standards for New Zealand 2005.

- (b) That two water tanks each having a minimum capacity of 23,000 litres shall be installed on the camping ground site.
- (c) The Consent Holder shall provide as built plans and a producer statement for the water supply to the Council.

#### **6. Electricity and Telephone**

That each residential site and camping ground site be serviced with underground electricity and telephone connections.

**Advice Note:**

Provision of power and telephone services will require various approvals from the relevant network supplier.

#### **7. Site Works and Stormwater**

That prior to undertaking any works the following reports be prepared and submitted to the Council to the satisfaction of Council's Coordinator, Compliance Monitoring:

- (a) **Site Works**

A report on the provisions for management of construction and site works, including an environmental management plan to avoid or mitigate any adverse effects from noise, dust, stormwater and silt run-off, and the clearance and disposal of vegetation and other waste.

- (b) **Stormwater**

A report on the provisions for stormwater collection and disposal, including calculations of existing and proposed discharges, secondary flowpaths and the effect or impact on drainage ditch sizes, road culvert crossing and water tables.

## **8. Easements**

### **(a) General**

That any services located outside the boundaries of the lots that they serve, including but not limited to rights-of-way, wastewater, water supply, electricity and telephone, be protected by an appropriate easement referenced on the Survey Plan submitted for the purposes of Section 223 of the Act.

### **(b) Rural Emanations**

That a rural emanations easement be granted over Lots 1-10 and 12 for the benefit of Lot 11 and shall be referenced on the Survey Plan submitted for the purposes of Section 223 of the Act. The purpose of the easement is to allow authorised farming activities to be undertaken on Lot 11 without interference or restraint from the owners of Lots 1-10 and 12.

## **9. Contaminated Soils**

- (a) That prior to the Survey Plan submitted for the purposes of Section 223 of the Act being approved, a contaminated soil sampling and assessment shall be undertaken on Lots 1-10 and the results of such sampling shall be provided to the Council to determine whether any remedial works are required should any contamination be found.

### **Advice Note:**

The protocol established the Council for such testing should be followed.

- (b) That prior to a completion certificate pursuant to Section 224(c) of the Act being issued by the Council any required remedial works shall be completed.

## **10. Wetland**

That a Wetland Development and Management Plan be prepared by the Consent Holder and submitted to the Council's Co-ordinator Compliance Monitoring and which shall be to that officer's satisfaction before the Council shall issue the completion certificate pursuant to Section 224 of the Act for this subdivision.

### **Advice Note:**

The Wetland Development and Management Plan is also required as Condition 1 of land use resource consent RM071007.

## **11. Financial Contributions**

That a financial contribution be paid as provided as follows:

5.5% of the total market value (at the date of this consent) of a notional building site of 2,500 square metres contained within each of Lots 1-7.

The Consent Holder shall request the valuation to be undertaken by contacting the Council's Administration Officer (Subdivision). The valuation will be undertaken by the Council's valuation provider at the Council's cost.

If payment of the financial contribution is not made within two years of the date of this consent and a revised valuation is required, the cost of the revised valuation shall be paid by the Consent Holder.

**Advice Note 1**

A copy of the valuation together with an assessment of the financial contribution to be paid will be provided to the Consent Holder within one calendar month of the Council receiving the request to undertake the valuation.

**Advice Note 2**

Whereas there are 12 allotments being created by the subdivision there are five existing certificates of title pertaining to the land. Therefore in accordance with chapter 16.5.2(a) PTRMP financial contribution are payable on seven lots.

**Advice Note 3 – Development Contributions**

The Council will not issue completion certificate pursuant to Section 224(c) of the Act in relation to this subdivision until all development contributions have been paid in accordance with the Council's Development Contribution Policy under the Local Government Act 2002. The power to withhold a Section 224(c) certificate is provided under Section 208 of the Local Government Act 2002.

The Development Contributions Policy is found in the Long Term Council Community Plan (LTCCP) and the amount to be paid will be in accordance with the requirements which are current at the time the relevant development contribution is paid in full. This consent will attract a development contribution in respect of roading and water for seven allotments.

**12. Building Location Plan**

That a building location area for each of the allotments 1-11 shall be prepared by a registered professional surveyor and submitted to the Council's Environment and Planning Manager and which shall be to that officer's satisfaction prior to approval of a Survey Plan submitted for the purposes of Section 223 of the Act. The building location areas shall be in accordance with Plan A – RM070583.

**13. Residents Association and Management Plan**

(a) That the Consent Holder shall form a Residents Association to which the transferee or its successors shall be members. The purpose of the Residents Association shall be:

- to manage and maintain communal assets and utilities (wastewater reticulation including any reserve land application area, water supply, treatment and reticulation);
- to manage pest plant and animals on land under the control of the Residents Association;



- to manage and maintain all framework plantings shown on the Landscape Planting Plan (copy attached to this consent as Plan C – RM070583), that are located within areas of rights-of-way;
- (b) That the Consent Holder shall, prior to the Survey Plan submitted for the purposes of Section 223 of the Act being approved, provide a Management Plan setting out the purpose, responsibilities, accountabilities and procedural policies of the Residents Association. Such Management Plan shall be submitted to the Council and shall be to the satisfaction of the Coordinator Compliance Monitoring.
  - (c) That the Consent Holder shall provide for ensure a copy of the Management Plan is provided with every sale and purchase agreement for each of the allotments.
  - (d) That the Management Plan shall also make provision for the Council to require work to be undertaken by or on behalf of the Residents Association in the event that the Management Company/Residents Association fails to meet its obligations to the standards identified as appropriate for such purposes, such that a breach of the conditions has occurred or seems likely to occur, and should the work not be undertaken the Council has the power to undertake the work itself and recover the full cost of the work from the Residents Association and its members.

#### **14. Landscape Plan**

- (a) That a Landscape Planting Plan shall be prepared by a qualified Landscape Architect shall be submitted to the Council prior to the Survey Plan for the purposes of Section 223 of the Act being approved. This Landscape Planting Plan shall be prepared only for those areas identified on Rory Langbridge Plan referenced Appendix I, Version 9 (copy attached to this consent as Plan D – RM070583). The Landscape Planting Plan shall detail the following information:
  - (i) Planting plan specifying the type, number and size of the plants.
  - (ii) Establishment works required to implement the Planting plan.
  - (iii) Staging of planting.
  - (iv) The plantings shall be in accordance with the Landscape Report prepared by Rory Langbridge, Landscape Architect, dated May 2007 provided with the application as Annexure D.
  - (v) Pest plant and animal controls and ongoing maintenance schedules.
  - (vi) Replacement planting.
  - (vii) Ongoing maintenance of planted areas (developer and future owners responsibilities).
  - (viii) Landscaping areas to be subject to land covenants to ensure their ongoing existence.

- (b) That the planting required by the Landscape Planting Plan shall be completed prior to the approval of the completion certificate issued pursuant to Section 224(c) of the Act. A written statement shall be provided from a suitably qualified landscaping professional that the plantings have been fully completed in accordance with the approved Landscape Planting Plan.
- (c) That the Consent Holder shall be responsible for maintenance, pest control, replacement and management of the planting required by the Landscape Planting Plan within the development for a minimum of three (3) years following the completion of this planting. The responsibilities thereafter shall devolve to the owner of the allotments and/or the Residents Association.

## 15. Consent Notices

The following consent notices shall be registered on the certificate of title for the respective allotments, as provided in this condition, pursuant to Section 221 of the Resource Management Act.

The consent notices shall be prepared by the Consent Holder's solicitor and submitted to Council for approval and signing. All costs associated with approval and registration of the consent notices shall be paid by the Consent Holder.

Consent notices in accordance with conditions of this consent shall be placed on the allotments as they are created, not on balance areas yet to be developed.

### (a) Building Location Areas

That the construction of buildings on Lots 1 to 11 inclusive shall be restricted to the Building Location Area shown on the Building Location Plan and all new buildings shall be fully contained within each Building Location Area, except that this condition does not apply to any buildings solely associated with utilities within the subdivision which will need to meet the relevant zone building setbacks or be authorised by separate resource consent.

### (b) Building Height

That buildings shall not exceed the following building height as measured from natural ground level:

- Buildings on Lots 1, 4, 6, 8, 9, 11 – 5 metres maximum height.
- Buildings on Lots 3, 5, 10 – 7.5 metres maximum height.
- Buildings on Lots 2 – no building may extend above the 25 metres (Mean Sea Level) contour.
- Buildings on Lot 7 – no building may extend above the 49 metres (Mean Sea Level) contour.

#### **Advice Note:**

Contour heights are shown on Plan D – RM070583

(c) **Building Colour**

That the exterior of all buildings (including water tanks) in this development shall be finished in colours that are recessive and which blend in with the immediate environment.

The finished colours shall meet the following standards:

Colour Group*	Walls	Roofs
Group A	A05 to A14 and reflectance value $\leq 50\%$	That the roof colour is complementary with the rest of the building/s and is no greater a percentage than 25 per cent reflectance value.
Group B	B19 to B29 and reflectance value $\leq 50\%$	
Group C	C35 to C40, reflectance value $\leq 50\%$ , and the hue range 06-12	
Group D	D43 to D45, reflectance value $\leq 50\%$ and hue range 06-12	
Group E	Excluded	
Finish	Matt or low-gloss	Matt or low-gloss

\* Based on BS5252:1976 (British Standard Framework for Colour Co-ordination for Building Purposes). Where a BS5252 descriptor code is not available, a sample colour chip equivalent to acceptable BS5252 colours is satisfactory.

(d) **Building Exterior Surfaces**

That the exterior surfaces of all buildings shall have a low reflective quality.

(e) **Water Tanks**

That all water tanks be incorporated into the structure of the buildings or partially buried and/or screened sufficiently within each lot so as not to be visible from beyond the site.

(f) **Landscaping**

That at the time of development of new dwellings on each of individual allotments, a landscape plan shall be developed by an appropriately qualified person that demonstrates:

- (i) How the proposed buildings would be integrated within the site.

**Advice Note:**

The landscape proposal needs to recognise and respond to the natural form of the land, the form of the buildings and the new framework plantings. The planting proposed needs to specifically respond to and build on this framework.

- (ii) How issues of privacy and views will be addressed and/or protected.

**Advice Note:**

Views enjoyed from adjacent properties need to be specifically considered when planning the development of an adjacent site.

The Landscape Plan must be accompanied by an implementation programme and/or management plan to show how the bulk of the proposal will be implemented in the first five years following the commencement of the house construction.

The land owner shall comply on an ongoing basis with the landscape plan.

(g) **Batters**

That all unsupported batters, including the use of rock stacking, created on the allotments shall not exceed a height of 2.5 metres or a gradient of 1:3, and must be fully planted so that no bare earth remains visible after two growing seasons.

(h) **Retaining Walls**

That all retaining walls, not directly associated with the formation of the house, are restricted to a maximum height of 1.5 metres above adjacent ground level. All visible retaining walls in excess of 1.2 metres in height shall be integrated with the design of the house and be constructed such that planting is possible in front of the wall and shall have planting that screens 80% of the façade of the wall within two years of construction.

(i) **Horticultural Planting**

That no horticultural planting shall be located in Lot 11 within 20 metres of the identified building location areas on Lots 1-11.

(j) **Stability**

That the location of any proposed building platform shall be investigated, evaluated and reported upon by a Chartered Professional Engineer to ensure the site is suitable for the building, particularly in relation to any cuts, fills or batters and foundation design.

The engineering report shall also address stormwater run-off from each building platform, with any recommended conditions to ensure that the run-off does not adversely affect stability or cause instability onsite or cause adverse effects offsite.

(k) **Rainwater Collection**

That every dwelling has a rainwater collection system for domestic use which shall have a minimum capacity of 23,000 litres.

(l) **Fire Fighting**

That prior to issue of any building consent for a dwelling the building site be certified for compliance with NZFS Fire Fighting Water Supplies Code of Practice SNZ PAS 4509:2003.

- (m) That Lots 1-11 shall provide at least two parking spaces formed to a permanent weather proof dust free surface as parking provision associated with the dwelling.

(n) **Wetland – Lot 11**

That the owners of Lot 11 shall continue to develop and maintain the wetland along Horton Road in accordance with the approved Wetland Development and Management Plan referred to in Condition 10 of this resource consent and Condition 1 of resource consent RM071007.

(o) **Camping Ground – Lot 12**

That the use of the camping ground be restricted to seasonal orchard/vineyard workers.

(p) **Future Subdivision**

No further subdivision of any of the allotments in the subdivision will be allowed, except that this consent notice does not apply to subdivision constituting a boundary adjustment where it does not result in the creation of additional Certificates of Title or is for the provision of a utility site. Boundary adjustments and new allotments for utilities will be assessed under the provisions of the applicable Resource Management Plan.

(q) **Residents Association (Management Company) and Management Plan**

That all owners of Lots 1 to 11 inclusive shall be members of the Residents Association and shall comply with the Management Plan on an ongoing basis.

## **GENERAL ADVICE NOTES**

1. The Consent Holder should meet the requirements of Council with respect to all Building Bylaws, Regulations and Acts.
2. 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.
3. This resource consent only authorises the activities described above. Any matters or activities not referred to in this consent or covered by the conditions must either:

- a) comply with all the criteria of a relevant permitted activity rule in the Proposed Tasman Resource Management Plan (PTRMP);
  - b) be allowed by the Resource Management Act; or
  - c) be authorised by a separate consent.
4. Access by the Council officers or agents to the property is reserved pursuant to Section 332 of the Resource Management Act 1991.
  5. Council draws your attention to the provisions of the Historic Places Act 1993. In the event of discovering an archaeological find during the earthworks (eg, shell, midden, hangi or ovens, garden soils, pit depressions, occupation evidence, burials, taonga, etc) you are required under the Historic Places Act 1993 to cease the works immediately until, or unless, authority is obtained from the New Zealand Historic Places Trust under Section 14 of the Historic Places Act 1993.
  6. Plans attached to this consent are reduced copies and therefore will not be to scale and may be difficult to read. Originals of the plans referred to are available for viewing from the Tasman District Council on request.  
Copies of Council Standards and Documents referred to in this consent are available for viewing from the Tasman District Council on request.

Issued this 25<sup>th</sup> day of February 2008



Cr T King  
**Chair of Hearings Committee**

Locality Diagram



Diagram NTS



Lots 1 - 12 being Proposed Subdivision of Lot 1DP 15342, Lot 1 DP 19518, Lot 3 DP 304381, Lot 1 DP 328328 & Lot 1 & 2 DP 349997

Proposed Easements	Shown	Owners	Users
A	Right of Way, Water, Stormwater, Sewer, Power & Telephone	Lot 11 hereon	Lots 1 - 7 hereon, Lot 1 DP 15342 & Lot 2 DP 328328
B		Lot 1 & 2 hereon	Lot 1 & 2 hereon
C		Lots 3 - 7 hereon, Lot 1 DP 15342 & Lot 2 DP 328328	Lots 3 - 7 hereon, Lot 1 DP 15342 & Lot 2 DP 328328
D		Lots 3, 4, 6 & 7 hereon	Lots 3, 4, 6 & 7 hereon
E		Lots 4, 5 & 7 hereon	Lots 4, 5 & 7 hereon
F		Lots 6 & 7 hereon	Lots 6 & 7 hereon
G		Lot 7 hereon	Lot 7 hereon
H		Lots 8 & 9 hereon	Lots 8 & 9 hereon
I		Lot 8 hereon	Lot 8 hereon
J		Lot 2 hereon	Lot 2 hereon
J		Lot 1 hereon	Lot 1 hereon



**Warning**  
This Plan has been prepared for the purpose of a resource consent application only. It is not a cadastral survey plan, as it does not show the boundaries of land parcels. It is subject to the conditions of consent. It is not to be used for any other purpose without the appropriate consent to cover such variations.

**This Subdivision was approved as a Resource Consent under the Resource Management Act 1991, subject to the conditions of consent noted in the file.**

**SUBDIVISION OFFICER**



Composed in : CT NL 90/1224, 13A/507, 115584, 204611 & 204612

Applicants:  
Sebastien Vineyard Development

Job Title:  
Sebastien Vineyard Development

**Sebastien Vineyard Development**

**Resource Consent Application Plan**

Plan Information:

Scale	1:5000 @ A3
Job No.	10199
Job Title	1 of 1
Draft No.	Draft 2
Author	M.G.D.
Approved	15/08/2007

Concept Developed by:

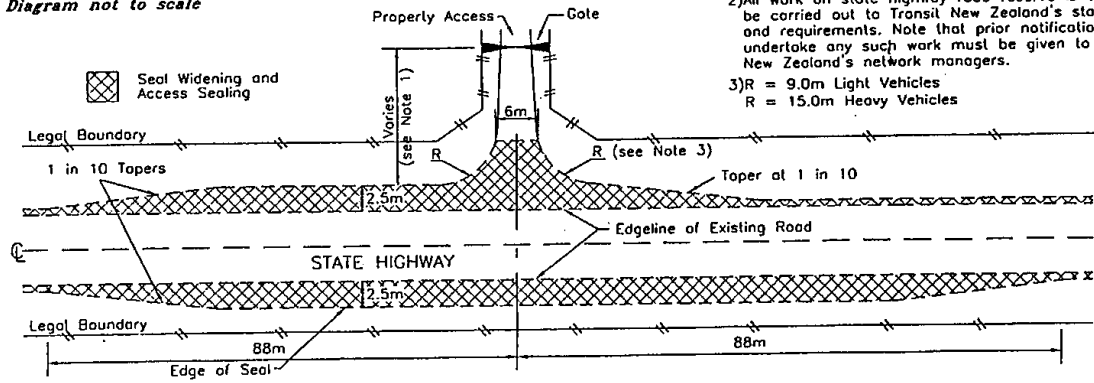
**STAIG & SMITH**  
CONSULTANTS  
ENHANCING THE LAND

81 Silkybun Place  
PO Box 313 Invercargill  
Ph: 03 548 4422  
e-mail: info@staigandsmith.co.nz

**Plan B – RM070583**

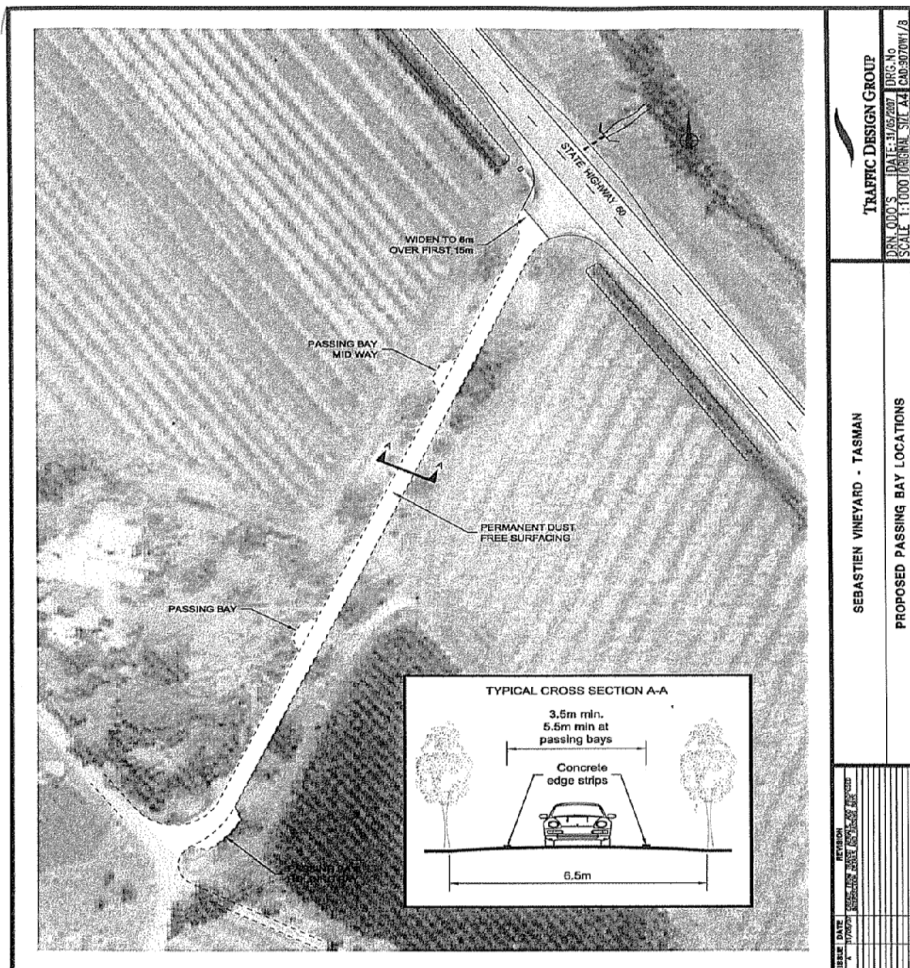
**Diagram D**

Localised road widening and crossing treatment for accesses on rural state highways with traffic generation between 30 and 60 vehicle movement equivalents per day. Diagram not to scale



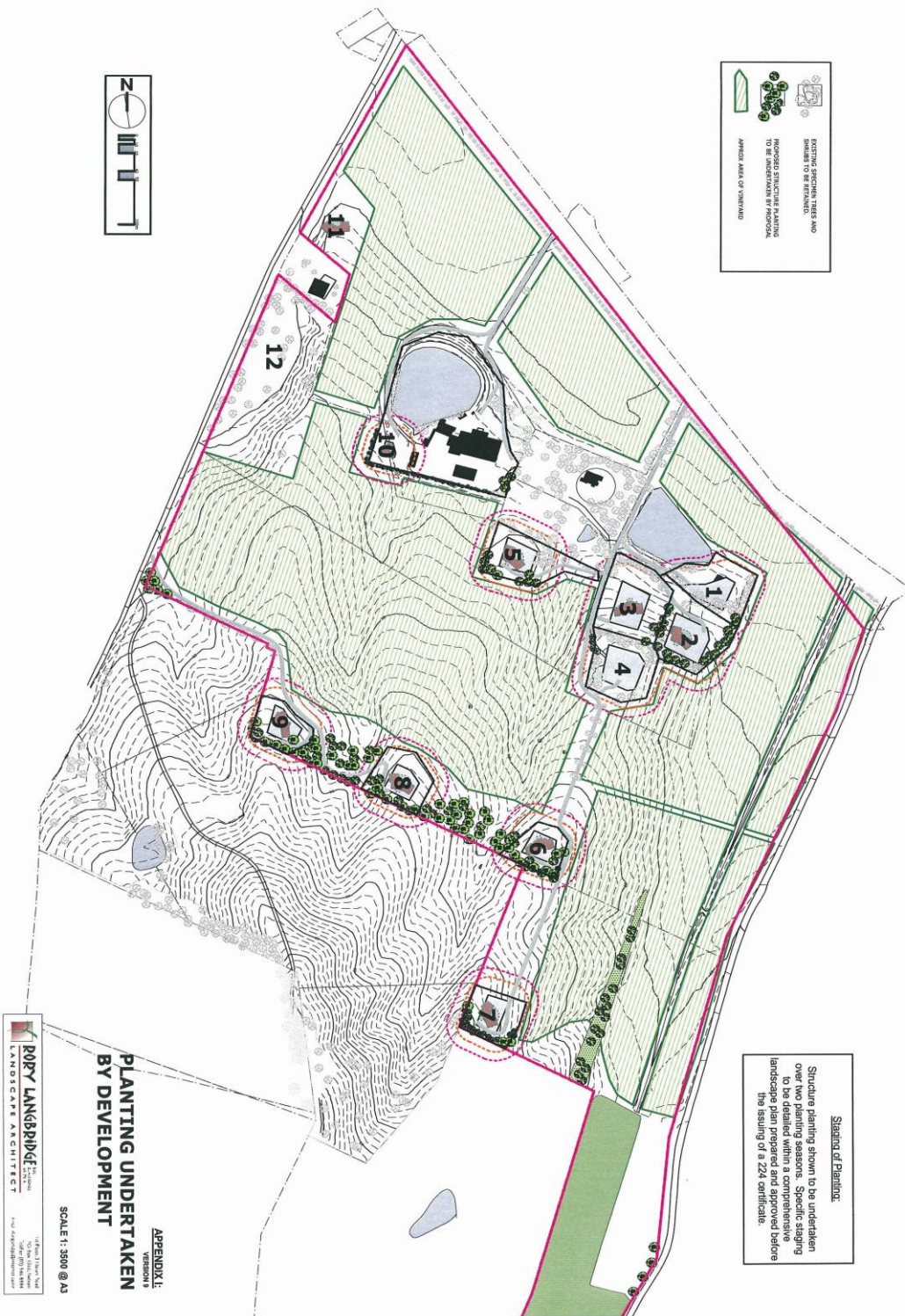
- NOTE: 1) Recess gateway and splay entrance fencing as necessary to ensure that largest vehicle likely to use access can stop at gate and be clear of the highway.
- 2) All work on state highway road reserve is to be carried out to Transit New Zealand's standards and requirements. Note that prior notification to undertake any such work must be given to Transit New Zealand's network managers.
- 3) R = 9.0m Light Vehicles  
R = 15.0m Heavy Vehicles

**Plan C – RM070583**





Plan D – RM070583



**RESOURCE CONSENT NUMBER:** RM070584

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

**Sebastien Vineyard Limited**  
(hereinafter referred to as “the Consent Holder”)

**ACTIVITY AUTHORISED BY THIS CONSENT:** To erect a dwelling on each of Lots 1-11 of subdivision consent RM070583.

**LOCATION DETAILS:**

Address of property: 41 Williams Road, and 1689 and 1713 Coastal Highway, Tasman.  
Legal description: Lot 2 DP 349997, Lot 3 DP 304381 and Lot 1 DP 328328, Lot 1 DP 349997, Lot 1 DP 19518, Lot 2 DP 15342  
Certificates of title: 204612, 115584, 204611, NL13A/507, NL9C/1224  
Valuation numbers: 1928079000, 1928079100, 1928079102

Pursuant to Section 108 of the Act, this consent is issued subject to the following conditions:

**CONDITIONS**

**Lapsing of this Consent**

1. The consent shall not lapse until five years after the certificate of title of each of the allotments is issued unless the consent is either:
  - a) given effect to; or
  - b) the Council has granted an extension pursuant to Section 125(1)(b) of the Act.

**Building Location Plan**

2. The building location areas shall be in accordance the plan entitled, “Resource Consent Application Plan”, Referenced Job No. 10199, dated 15 August 2007, prepared by Staig & Smith Limited (copy attached to this consent as Plan A – RM070584). If there is any conflict between the information submitted with this consent application and any conditions of this consents, then the conditions of this consent shall prevail.
3. That the construction of buildings on Lots 1 to 11 inclusive shall be restricted to the Building Location Areas approved by Subdivision Consent RM070583, and all new dwellings shall be fully contained within each Building Location Area, except that this condition does not apply to any buildings solely associated with utilities within the subdivision which will need to meet the relevant zone building setbacks or be authorised by separate resource consent.

## Building Height

4. That buildings shall not exceed the following building height as measured from natural ground level:
- Buildings on Lots 1, 4, 6, 8, 9, 11 – 5 metres maximum height.
  - Buildings on Lots 3, 5, 10 – 7.5 metres maximum height.
  - Buildings on Lots 2 – no building may extend above the 25 metres (Mean Sea Level) contour.
  - Buildings on Lot 7 – no building may extend above the 49 metres (Mean Sea Level) contour.

### Advice Note:

Contour heights are shown on Plan D – RM070583 attached to resource consent RM070583

## Building Colour

5. That the exterior of all buildings (including water tanks) in this development shall be finished in colours that are recessive and which blend in with the immediate environment.

The finished colours shall meet the following standards:

Colour Group*	Walls	Roofs
Group A	A05 to A14 and reflectance value $\leq 50\%$	That the roof colour is complementary with the rest of the building/s and is no greater a percentage than 25 per cent reflectance value.
Group B	B19 to B29 and reflectance value $\leq 50\%$	
Group C	C35 to C40, reflectance value $\leq 50\%$ , and the hue range 06-12	
Group D	D43 to D45, reflectance value $\leq 50\%$ and hue range 06-12	
Group E	Excluded	
Finish	Matt or low-gloss	Matt or low-gloss

\* Based on BS5252:1976 (British Standard Framework for Colour Coordination for Building Purposes). Where a BS5252 descriptor code is not available, a sample colour chip equivalent to acceptable BS5252 colours is satisfactory.

### Advice Note:

The Consent Holder should engage the services of a professional to ensure the exterior cladding and colour selection are compatible with the long term durability of

the building material in the subject environment and in accordance with the requirements under the Building Act 2004.

### **Building Exterior Surfaces**

6. That the exterior surfaces of all buildings shall have a low reflective quality.

### **Water Tanks**

7. That all water tanks be incorporated into the structure of the buildings or partially buried and/or screened sufficiently within each lot so as not to be visible from beyond the site.

### **Rainwater Collection**

8. That every dwelling has a rainwater collection system for domestic use which shall have a minimum storage capacity of 23,000 litres.

### **Car Parks**

9. That the residential sites on Lots 1-11 shall provide at least two parking spaces, formed to a permanent weather proof, dust free surface.

## **GENERAL ADVICE NOTES**

### **Council Regulations**

1. This resource consent is not a building consent and the Consent Holder should meet the requirements of the Council with regard to all Building and Health Bylaws, Regulations and Acts.

### **Other Proposed Tasman Resource Management Plan Provisions**

2. Any activity not covered in this consent shall either comply with:
  - a) the provisions of a relevant permitted activity rule in the PTRMP; or
  - b) the conditions of separate resource consent for such an activity.
3. This consent is granted to the abovementioned Consent Holder but Section 134 of the Act states that such land use consents “attach to the land” and accordingly may be enjoyed by any subsequent owners and occupiers of the land. Therefore, any reference to “Consent Holder” in the conditions shall mean the current owners and occupiers of the subject land.

Any new owners or occupiers should therefore familiarise themselves with the conditions of this consent, as there may be conditions that are required to be complied with on an ongoing basis.

4. Access by the Council’s Officers or its Agents to the property is reserved pursuant to Section 332 of the Resource Management Act 1991.

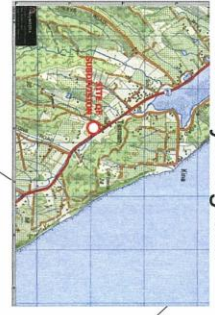
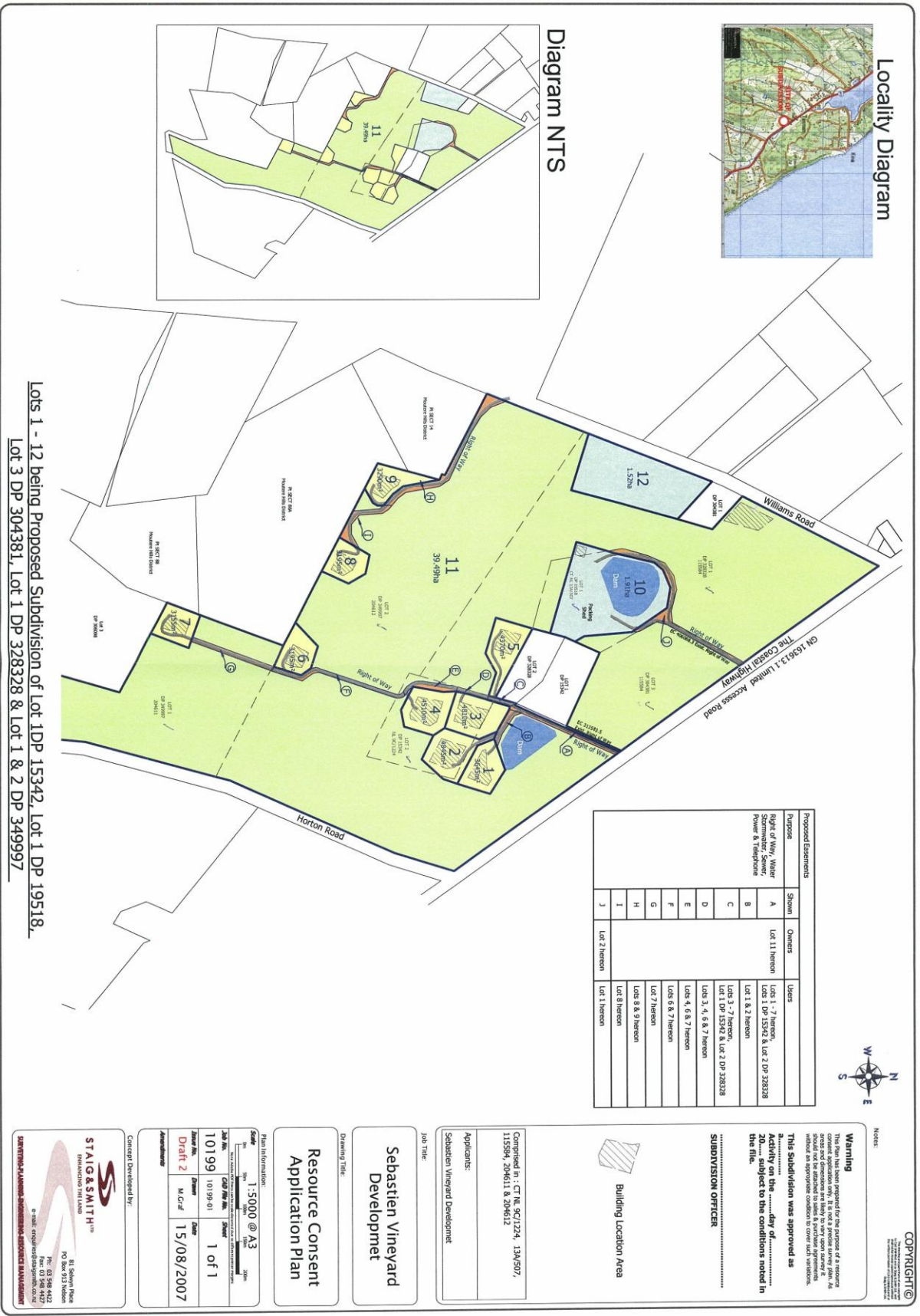
5. Monitoring of this resource consent is required under Section 35 and 36 of the Resource Management Act 1991, and a deposit fee is payable at this time. Should monitoring costs exceed this initial fee, the Council will recover the additional amount from the resource consent holder. Monitoring costs are able to be minimised by consistently complying with the resource consent conditions.
6. The Council draws your attention to the provisions of the Historic Places Act 1993. In the event of discovering an archaeological find during the earthworks (e.g. shell, midden, hangi or ovens, garden soils, pit depressions, occupation evidence, burials, taonga, etc) you are required under the Historic Places Act, 1993 to cease the works immediately until, or unless, authority is obtained from the New Zealand Historic Places Trust under Section 14 of the Historic Places Act 1993.
7. Plans attached to this consent are reduced copies and therefore will not be to scale and may be difficult to read. Originals of the plans referred to are available for viewing from the Tasman District Council on request.  
Copies of Council Standards and Documents referred to in this consent are available for viewing from the Tasman District Council on request.

Issued this 25<sup>th</sup> day of February 2008



Cr T King  
**Chair of Hearings Committee**





Locality Diagram

Diagram NTS

lots 1 - 12 being Proposed Subdivision of Lot 1DP 15342, Lot 1 DP 19518, Lot 3 DP 304381, Lot 1 DP 328328 & Lot 1 & 2 DP 349997

Proposed Easements	Shown	Owners	Users
Purpose of Way, Water Stormwater, Sewer, Power & Telephone	A	Lot 11 Henson	Lots 1, 7 Henson, Lots 1 DP 15342 & Lot 2 DP 328328
	B	Lot 1 & 2 Henson	Lots 3, 7 Henson
	C	Lot 1 & 2 Henson	Lot 1 DP 15342 & Lot 2 DP 328328
	D	Lot 3, 4, 6 & 7 Henson	Lots 3, 4, 6 & 7 Henson
	E	Lot 4, 6 & 7 Henson	Lots 4, 6 & 7 Henson
	F	Lot 7 Henson	Lot 7 Henson
	G	Lot 8 & 9 Henson	Lots 8 & 9 Henson
	H	Lot 8 Henson	Lot 8 Henson
	I	Lot 2 Henson	Lot 1 Henson
	J	Lot 2 Henson	Lot 1 Henson



NOTES:  
 Copyright © 2007  
 This plan has been prepared for the purpose of a resource assessment and does not constitute a final site plan. It is subject to the approval of the Council and the Department of Planning and Environment. It is not to be used for any other purpose without the appropriate conditions of use and variations.

**Warning**  
 This subdivision was approved as activity on the .....day of..... 20.... subject to the conditions noted in the file.  
 SUBDIVISION OFFICER



Compared in : CT NL SC/1234, 134/507, 115584, 204611 & 204612  
 Applicants:  
 Sebastian Vineyard Development  
 Job Title:

Sebastian Vineyard Development

Resource Consent Application Plan

Scale: 1:5000 @ A3  
 Date: 15/08/2007  
 Draft: 2  
 M.C.P.  
 15/08/2007

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**RESOURCE CONSENT NUMBER:** RM070585

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

**Sebastien Vineyard Limited**  
(hereinafter referred to as “the Consent Holder”)

**ACTIVITY AUTHORISED BY THIS CONSENT:** Discharge of stormwater from a subdivision development.

**LOCATION DETAILS:**

Address of property: 41 Williams Road, and 1689 and 1713 Coastal Highway, Tasman.  
Legal description: Lot 2 DP 349997, Lot 3 DP 304381 and Lot 1 DP 328328, Lot 1 DP 349997, Lot 1 DP 19518, Lot 2 DP 15342.  
Certificates of title: 204612, 115584, 204611, NL13A/507, NL9C/1224.  
Valuation numbers: 1928079000, 1928079100, 1928079102.

Pursuant to Section 108 of the Act, this consent is issued subject to the following conditions:

**CONDITIONS**

1. The discharge of stormwater shall be undertaken in general accordance with the information supplied with the application. Where there is any conflict between the plans and the conditions imposed in this resource consent and the information supplied with the application, the conditions shall prevail and if necessary, the plans shall be modified to conform with these conditions.
2. The discharge of stormwater shall not, after allowing for reasonable mixing of the discharge within the receiving water, cause in the receiving water any of the following:
  - (a) the production of any visible oil or grease films, scums or foams, or conspicuous floatable or suspended material;
  - (b) any emission of objectionable odour;
  - (c) the rendering of freshwater unsuitable for bathing;
  - (d) the rendering of freshwater unsuitable for consumption by farm animals; and
  - (e) any adverse effect on aquatic life.
3. The discharge of stormwater shall not result in adverse scouring or sedimentation of any watercourse, or of the two irrigation dams located on the property. Detention structures or similar shall be constructed to remedy any scouring or erosion that is occurring.
4. Any discharge of stormwater shall not aggravate flooding on adjoining properties not owned by the Consent Holder.

**Earthworks**

5. The Consent Holder shall prepare a construction-phase sediment management plan (SMP) which identifies how sediment shall be controlled so that aquatic ecosystems are protected from the deposition of sediment. This plan should include, but not be limited to:
  - (a) structures and maintenance procedures for ensuring the ongoing effectiveness of sediment control measures;
  - (b) a spill management plan that addresses responses to incidences of spills or discharges of substances that may be hazardous to aquatic or wetland ecosystems;
  - (c) a maintenance plan that describes the maintenance regime of the sediment control system(s);

**Advice Note:**

The SMP is also required pursuant to Condition 3 of land use consent RM071007 (undertake works in a watercourse to develop a wetland).

6. A copy of the SMP required by Condition 5 shall be submitted to the Council's Co-ordinator Compliance Monitoring and shall be to that officer's satisfaction, prior to exercising this consent. Any changes to this plan shall be in accordance with the conditions of this consent and submitted to the Council's Co-ordinator Compliance Monitoring prior to them taking effect.
7. The Consent Holder shall contact the Council's Co-ordinator Compliance Monitoring at least 1 working day prior to commencing works to enable monitoring of the effectiveness of stormwater, sediment and erosion controls to be carried out.
8. All bare areas shall be revegetated as soon as is practicable and no later than three months after the completion of the works to limit erosion and downhill movement of exposed material.
9. The Consent Holder shall ensure that the site is left in a neat and tidy condition following the completion of the works.
10. All practicable measures shall be taken to limit the discharge of sediment with stormwater run-off to water or land where it may enter water during and after the construction period. Earthworks should be carried out during fine weather periods when the likelihood of erosion and sedimentation will be least. The cost of monitoring and any subsequent remedial actions shall be borne by the Consent Holder.
11. Council may, for the duration of this consent and within three months following the anniversary of its granting each year, review the conditions of the consent pursuant to Section 128 of the Resource Management Act 1991, to:
  - (a) deal with any unexpected adverse effect on the environment which may arise from the exercise of the consent; or
  - (b) to require compliance with operative rules in the Tasman Resource Management Plan or its successor plan; or



- (c) when relevant national environmental standards have been made under Section 43 of the RMA; or
- (d) to require changes to the dam spillways to ensure their safety and operation.

### **DURATION OF CONSENT (Pursuant to the provisions of Section 123 of the Act)**

12. This resource consent expires on 28 February 2043.

### **GENERAL ADVICE NOTES**

1. The Consent Holder shall meet the requirements of Council with respect to all Building Bylaws, Regulations and Acts.
2. Access by the Council's Officers or its Agents to the property is reserved pursuant to Section 332 of the Resource Management Act 1991.
3. Monitoring of this resource consent is required under Section 35 and 36 of the Resource Management Act 1991. Monitoring costs are able to be minimised by consistently complying with the resource consent conditions.
4. Council draws your attention to the provisions of the Historic Places Act 1993. In the event of discovering an archaeological find during the earthworks (e.g. shell, midden, hangi or ovens, garden soils, pit depressions, occupation evidence, burials, taonga, etc.) you are required under the Historic Places Act, 1993 to cease the works immediately until, or unless, authority is obtained from the New Zealand Historic Places Trust under Section 14 of the Historic Places Act 1993.

Issued this 25<sup>th</sup> day of February 2008



Cr T King  
**Chair of Hearings Committee**

**RESOURCE CONSENT NUMBER:** RM070586

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

**Sebastien Vineyard Limited**  
(hereinafter referred to as “the Consent Holder”)

**ACTIVITY AUTHORISED BY THIS CONSENT:** Discharge contaminants to air from a wastewater treatment and land application areas.

**LOCATION DETAILS:**

Address of property: 41 Williams Road, and 1689 and 1713 Coastal Highway, Tasman.  
Legal description: Proposed Lot 11 of a subdivision of Lot 2 DP 349997, Lot 3 DP 304381 and Lot 1 DP 328328, Lot 1 DP 349997, Lot 1 DP 19518, and Lot 2 DP 15342.  
Certificates of title: 204612, 115584, 204611, NL13A/507, NL9C/1224.  
Valuation numbers: 1928079000, 1928079100, 1928079102.  
Approximate Location: E: 2514837 N: 6000834 (N Z Map Grid).

Pursuant to Section 108 of the Act, this consent is issued subject to the following conditions:

**CONDITIONS**

1. The Consent Holder’s operations shall not give rise to any discharge of contaminants to air, which in the opinion of an Enforcement Officer of the Council is noxious, dangerous, offensive or objectionable at or beyond the property boundary.

**Advice Note:**

To comply with this condition, the Consent Holder may need to install and maintain odour filtration devices on outlets and/or vents of tanks which have the potential to generate odours.

2. The Consent Holder shall log all complaints received relating to the exercise of this consent and shall maintain a register of complaints including the following information: date and time of the complaint; nature of the complaint; name, address and telephone number of the complainant if available; details of discharge at time of alleged problem; and any remedial action taken to rectify problem or mitigation proposed to prevent future complaints.
3. The Consent Holder shall report all complaints to the Council’s Coordinator Compliance Monitoring (“the Coordinator) in writing within 48 hours of receipt and the log, required to be kept in accordance with Condition 2 shall be made available to the Coordinator upon request.
4. The Council may, in the period 1 May to 1 September each year, review any or all of the conditions of the consent pursuant to Section 128 of the Resource Management Act 1991 for all or any of the following purposes:

- (i) to deal with any adverse effect on the environment which may arise from the exercise of the consent that was not foreseen at the time of granting of the consent, and which is therefore more appropriate to deal with at a later stage; and/or
- (ii) to require the Consent Holder to adopt the best practical option to remove or reduce any adverse effects on the environment resulting from the discharge; and/or

**Lapsing of Consent (Section 125 of the Act) and Duration of Consent (Section 123 of the Act)**

- 5. The consent shall not lapse until five years after the certificate of title of each of the allotments is issued unless the consent is either:
  - a) given effect to; or
  - b) the Council has granted an extension pursuant to Section 125(1)(b) of the Act.
- 6. Notwithstanding Condition 5, this consent expires on 1 January 2023.

**Advice Note:**

- 1. 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:
  - a) comply with all the criteria of a relevant permitted activity rule in the Proposed Tasman Resource Management Plan (PTRMP);
  - b) be allowed by the Resource Management Act; or
  - c) be authorised by a separate resource consent.

Issued this 25<sup>th</sup> day of February 2008



Cr T King  
**Chair of Hearings Committee**

**RESOURCE CONSENT NUMBER:** RM070587

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

**Sebastien Vineyard Limited**  
(hereinafter referred to as “the Consent Holder”)

**ACTIVITY AUTHORISED BY THIS CONSENT:** To take and use groundwater for potable domestic use, irrigation of land and filling of storage dams. This water permit replaces existing Water Permit NN980029.

**LOCATION AND CONSENT DETAILS:**

Address of property: 41 Williams Road, and 1689 and 1713 Coastal Highway, Tasman.  
Legal description: Proposed Lot 11 of a subdivision of Lot 2 DP 349997, Lot 3 DP 304381 and Lot 1 DP 328328, Lot 1 DP 349997, Lot 1 DP 19518, and Lot 2 DP 15342.  
Certificates of title: 204612, 115584, 204611, NL13A/507, NL9C/1224.  
Valuation numbers: 1928079000, 1928079100, 1928079102.  
Well Number: WWD 8034  
Bore Location: E: 2514966 N: 6000661 (N Z Map Grid)

**AQUIFER AND USE:**

Aquifer: Moutere Gravel Aquifer  
Zone and Catchment: Eastern Groundwater Zone, Moutere  
Purpose and Use: Irrigation, storage and community supply  
Maximum Area Irrigated: 30 hectares

Pursuant to Section 108 of the Act, this consent is issued subject to the following conditions:

**CONDITIONS**

**Authorised Rates Of Take**

1. The Maximum take authorised by this consent shall be as follows:
  - Maximum instantaneous take: 6.1 cubic metres per hour
  - Maximum daily rate: 146.4 cubic metres per day
  - Maximum weekly rate: 1,024.8 cubic metres per week
  - Maximum yearly rate: 19,676 cubic metres per annum

**Metering and Records**

2. The Consent Holder or their agent shall, at their own expense, install and maintain a water meter that complies with the Council’s “Water Meter Specifications” as stated in the Tasman Resource Management Plan and the meter’s installation shall be in accordance with the meter manufacturer’s specifications and shall be located such that it provides a complete record of the taking of groundwater under this consent.

3. The Consent Holder is required to keep a complete record of their taking of groundwater under this consent and the recorded data shall be accurate to plus or minus 5 percent and at no time shall usage exceed the rates authorised by this consent. The Consent Holder shall, as a minimum, record weekly water meter readings and supply these readings to the Council's Coordinator, Compliance Monitoring, on a fortnightly basis (or such other period that the Council considers is appropriate) during every November to April inclusive.
4. The Consent Holder shall pay the reasonable costs associated with the monitoring of this consent including, if and when requested by Council, the full costs associated with calibration of their water meter to confirm its accuracy provided that calibration is not more frequent than five yearly.
5. The Consent Holder shall keep such other records as may be reasonably required by the Council to confirm compliance with any of the conditions of this consent and shall, if so requested, supply this information to the Council. If it is necessary to install additional measuring devices to enable satisfactory records to be kept, the Consent Holder shall, at its own expense, install, operate and maintain suitable devices.

### **Review**

6. The Council may, in the period 31 May to 31 August each year, review any or all of the conditions of the consent pursuant to Section 128 of the Resource Management Act 1991 for all or any of the following purposes:
  - (a) to deal with any unexpected adverse effect on the environment which may arise from the exercise of the consent including matters which it is appropriate to deal with at a later stage; and/or
  - (b) to comply with requirements of an operative regional plan including any allocation limit, rationing or rostering restriction; and/or
  - (c) to comply with relevant national environmental standards made under Section 43 of the Resource Management Act 1991; and/or
  - (d) to require the adoption of the best practical option to remove or reduce any adverse effects on the environment; and/or
  - (e) to reduce the quantities of water authorised to be taken if the permit is not fully exercised.
7. This consent may be cancelled upon not less than three months notice in writing by the Council to the Consent Holder, if the consent remains unexercised without good reason for any continuous period exceeding five years or, in the event of an alternative Council reticulated water supply becoming available at the property boundary.
8. Effective and reliable backflow prevention devices shall be installed to protect groundwater quality.

**Advice Note:**

Additional backflow prevention devices may be required to meet the provisions of the Drinking Water Standards of New Zealand and/or associated legislation.

9. All water taken for potable use shall be appropriately treated groundwater and shall be piped to each dwelling, school and camping ground.

**Advice Note:**

The Consent Holder should be registered pursuant to the provisions of the Drinking Water Standards of New Zealand and/or associated legislation and the quality of potable water will be determined by those provisions. Such registration will transfer to the Residents Association formed as a condition of subdivision consent RM070583.

10. The yearly allocation in referred to in this Water Permit relates to the twelve month period from November to October (the following year) inclusive.

**Duration of Consent (Section 123 of the Act)**

11. This consent expires on **31 May 2013**

**GENERAL ADVICE NOTES:**

1. 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:
  - a) comply with all the criteria of a relevant permitted activity rule in the Proposed Tasman Resource Management Plan (PTRMP);
  - b) be allowed by the Resource Management Act; or
  - c) be authorised by a separate resource consent.
2. Access by the Council or its officers or agents to the land subject to this water permit is reserved pursuant to Section 332 of the Resource Management Act.
3. Pursuant to Section 36 of the Resource Management Act, 1991, the Consent Holder shall meet the reasonable costs associated with the monitoring of this consent.

Issued this 25<sup>th</sup> day of February 2008



Cr T King  
**Chair of Hearings Committee**

**RESOURCE CONSENT NUMBER:** RM071007

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

**Sebastien Vineyard Limited**  
(hereinafter referred to as “the Consent Holder”)

**ACTIVITY AUTHORISED BY THIS CONSENT:** To undertake works in a watercourse to develop a wetland.

**LOCATION DETAILS:**

Address of property: 41 Williams Road, and 1689 and 1713 Coastal Highway, Tasman.  
Legal description: Proposed Lot 11 of a subdivision of Lot 2 DP 349997, Lot 3 DP 304381 and Lot 1 DP 328328, Lot 1 DP 349997, Lot 1 DP 19518, and Lot 2 DP 15342.  
Certificates of title: 204612, 115584, 204611, NL13A/507, NL9C/1224.  
Valuation numbers: 1928079000, 1928079100, 1928079102.

Pursuant to Section 108 of the Act, this consent is issued subject to the following conditions:

**CONDITIONS**

**Wetland Development and Management Plan**

1. A suitably qualified person experienced in wetland design and management shall prepare a “Wetland Development and Management Plan” (WDMP) for the design, construction and management of the wetland. This plan shall be prepared in accordance with the conditions of this resource consent and shall contain, but not be limited to, the following:
  - (a) A complete design of the wetland including, but not limited to:
    - (i) specifications of the proposed new meandering stream channel;
    - (ii) four transverse cross-sections of the creek and banks showing the typical variety of bank shape through the length of the creek; and
    - (iii) a stylised longitudinal cross section showing the variety of depth zones in the creek.
  - (b) a schedule describing the methods and frequency of plant and animal pest control within the wetland;
  - (c) performance targets with timeframes for the implementation of the WDMP; and
  - (d) a written contract between the Consent Holder and a suitably qualified person or organisation who agrees to oversee the implementation of the WDMP and timeframes referred to in Condition 1(c).

**Advice notes:**

- (i) With reference to Condition 1(a) it is recommended that steep banks be retained where practicable, particularly on the outside of the bends in the creek.
  - (ii) With reference to Condition 1(c) it is recommended that particular attention be given to the control of cats, Grey Willow and Old Man's Beard.
  - (iii) It is suggested that the wetland be developed in the secondary channel (i.e. that which takes primary stormwater flows). However, it should be ensured that the base of the wetland is low enough so as not to dry out unduly. The primary channel is needed to support Giant and Banded Kokopu and it should not be widened beyond its natural width of 900-1200mm.
  - (iv) It is recommended to avoid planting flax too close to the primary channel as it typically blocks the channel and may cause problems for fish passage and exacerbate flooding potential.
  - (v) It is recommended that the WDMP be developed in consultation with the Department of Conservation.
2. A copy of the WDMP required by Condition 1 of this consent shall be submitted to the Council's Co-ordinator Compliance Monitoring and shall be to that officer's satisfaction prior to exercising this consent. Any changes to this plan shall be in accordance with the conditions of this consent and submitted to the Council's Co-ordinator Compliance Monitoring prior to them taking effect.

**Advice notes:**

- (i) With reference to Condition 1(a) it is recommended that steep banks be retained where practicable, particularly on the outside of the bends in the creek.
- (ii) With reference to Condition 1(c) it is recommended that particular attention be given to the control of cats, Grey Willow and Old Man's Beard.
- (iii) It is suggested that the wetland be developed in the secondary channel (i.e. that which takes primary stormwater flows). However, it should be ensured that the base of the wetland is low enough so as not to dry out unduly. The primary channel is needed to support Giant and Banded Kokopu and it should not be widened beyond its natural width of 900-1200mm.
- (iv) It is recommended to avoid planting flax too close to the primary channel as it typically blocks the channel and may cause problems for fish passage and exacerbate flooding potential.
- (v) It is recommended that the WDMP be developed in consultation with the Department of Conservation.



## Earthworks

3. The Consent Holder shall prepare a construction-phase sediment management plan (SMP) which identifies how sediment shall be controlled so that aquatic ecosystems are protected from the deposition of sediment. This plan should include, but not be limited to:
  - (a) structures and maintenance procedures for ensuring the ongoing effectiveness of sediment control measures;
  - (b) a spill management plan that addresses responses to incidences of spills or discharges of substances within 50 metres of the wetland, that may be hazardous to aquatic or wetland ecosystems;
  - (c) a maintenance plan that describes the maintenance regime of the sediment control system(s);

All practicable measures shall be taken to limit the discharge of sediment with stormwater run-off to water or land where it may enter water during and after the construction period. Earthworks should be carried out during fine weather periods when the likelihood of erosion and sedimentation will be least.

4. A copy of the SMP required by Condition 3 shall be submitted to the Council's Co-ordinator Compliance Monitoring and shall be to that officer's satisfaction, prior to exercising this consent. Any changes to this plan shall be in accordance with the conditions of this consent and submitted to the Council's Co-ordinator Compliance Monitoring prior to them taking effect.
5. The works shall not be undertaken during the inanga spawning season being February–April inclusive, annually.
6. The Consent Holder shall contact the Council's Co-ordinator Compliance Monitoring at least 1 working day prior to commencing works for monitoring purposes.
7. All bare areas shall be revegetated as soon as is practicable and no later than three months after the completion of the works to limit erosion and downhill movement of exposed material.
8. The Consent Holder shall ensure that the site is left in a neat and tidy condition following the completion of the works.
9. Pursuant to Section 128 of the Resource Management Act 1991, the Consent Authority may review the conditions of these consents by serving notice during the month of January each year each year, and for any of the following purposes:
  - (a) to deal with any adverse effect on the environment which may arise from the exercise of this consent, and which it is appropriate to deal with at a later stage;
  - (b) to require the Consent Holder to adopt the best practicable option to remove or reduce any adverse effect on the environment;

- (c) to change the compliance standards imposed by conditions of this consent to standards that are consistent with any relevant Regional Plan, District Plan, National Environmental Standard, or Act of Parliament.

### **Lapsing of Consent (Section 125 of the Act) and Duration of Consent (Section 123 of the Act)**

- 10. Pursuant to Section 125 of the Act this consent shall lapse five years after the date of this consent unless the consent is either:
  - a) given effect to; or
  - b) the Council has granted an extension pursuant to Section 125(1)(b) of the Act.

#### **Advice Note:**

The consent is given effect to once the on-site excavation first commences

- 11. Notwithstanding Condition 10 this consent expires on 1 January 2018.

### **GENERAL ADVICE NOTES**

- 1. Access by the Council or its officers or agents to the property is reserved pursuant to Section 332 of the Resource Management Act.
- 2. The Consent Holder's attention is drawn to permitted rule 36.2.4 which permits the discharge of sediment or debris to water. No consent to breach the conditions of this rule has been applied for and therefore the Consent Holder must meet the conditions of this consent during land disturbance activities or else a separate resource consent must be obtained.
- 3. The Council draws your attention to the provisions of the Historic Places Act 1993. In the event of discovering an archaeological find during the earthworks (e.g. shell, midden, hangi or ovens, garden soils, pit depressions, occupation evidence, burials, taonga, etc) you are required under the Historic Places Act, 1993 to cease the works immediately until, or unless, authority is obtained from the New Zealand Historic Places Trust under Section 14 of the Historic Places Act 1993.
- 4. This resource consent only authorises the activities described above. Any matters or activities not referred to in these consents 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.

- Monitoring of this resource consent may be required under Section 35 and 36 of the Resource Management Act 1991, and a deposit fee is payable at this time. Should monitoring costs exceed this initial fee, the Council will recover the additional amount from the Consent Holder. Monitoring costs are able to be minimised by consistently complying with the resource consent conditions.

Issued this 25<sup>th</sup> day of February 2008



Cr T King  
**Chair of Hearings Committee**

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**Date Confirmed:**

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**Chair:**