

MINUTES

TITLE: Environment & Planning Subcommittee
DATE: Monday, 13 October 2008
TIME: 10.00 am
VENUE: Council Chamber, 189 Queen Street, Richmond

PRESENT: Cr N Riley (Chair), Crs E G Wilkins and B F Dowler

IN ATTENDANCE: Principal Consents Planner (J Butler), Consent Planner (L Davidson), Co-ordinator Natural Resources (M Durand), Consent Planner (N Tyson), Administration Officer (B D Moore)

1. J D ADVENTURES, McCALLUM ROAD, KOTINGA, GOLDEN BAY - APPLICATION No. RM010180V1, RM070939, RM080185, RM080186, RM080187

1.1 Proposal

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

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 Riley / Dowler
EP08/10/23**

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

J D Adventures

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:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under Section 48(1) for the passing of this resolution
J D Adventures	Consideration of a planning application	A right of appeal lies to the Environment Court against the final decision of Council.

CARRIED

Moved Crs Dowler / Wilkins
EP08/10/24

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

CARRIED

2. J D ADVENTURES, McCALLUM ROAD, KOTINGA, GOLDEN BAY - APPLICATION No. RM010180V1, RM070939, RM080185, RM080186, RM080187

Moved Crs Riley / Wilkins
EP08/10/25

THAT pursuant to Section 104B of the Resource Management Act, the Committee GRANTS consent to J D Adventures 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 Monday, 13 October 2008, commencing at 10.00 am

A Hearings Committee (“the Committee”) of the Tasman District Council (“the Council”) was convened to hear the application lodged by **JD Adventures Limited** (“the Applicant”), to establish a licensed café, to take up to 15 cubic metres of water per day from an unnamed stream, to establish and maintain an intake structure in the bed of an unnamed stream, and to discharge wastewater to land. The applications, made in accordance with the Resource Management Act 1991 (“the Act”), were lodged with the Council and referenced as RM070939 (café), RM080186 (water take), RM080185 (structure in bed), RM080187 (wastewater discharge), and RM010180V1 (consequential variation to allow wastewater discharge).

PRESENT:

Hearings Committee

Cr N Riley, Chairperson

Cr E Wilkins

Cr B Dowler

APPLICANT:

Mr N McFadden (counsel for applicant)

Mr J Dissel (applicant)

Mrs G Dissel (applicant)

Mr P Kortegast (traffic and transportation engineer)

Mr J McCartin (wastewater engineer)

Mr T Hewitt (hydrologist)

Ms J Hilson (resource management consultant)

CONSENT AUTHORITY:

Tasman District Council

Mr L Davidson (Consent Planner, Land)

Mr N Tyson (Consent Planner, Water)

Dr M Durand (Coordinator Natural Resources Consents)

SUBMITTERS: Ms C Owen (counsel for the submitter)
Mrs L Dixon (submitter)
Mr M Dixon (submitter)

IN ATTENDANCE: Mr J Butler (Principal Resource Consents Adviser) –
Assisting the Committee
Mr B Moore (Committee Secretary)

1. DESCRIPTION OF THE PROPOSED ACTIVITY

The applicant owns and operates a salmon farm, known as Anatoki Salmon, on a 2.47 hectare title that is zoned Rural 1 and located on the northern side of McCallum Road, two kilometres from the junction with Kotinga Road, which comes off State Highway 60 approximately 0.7 kilometres south of Takaka.

The application seeks resource consent to expand the operation of the salmon farm to enable a wider range of food and beverages to be sold from a 20 seat licensed café. The application is accompanied by an application for a water permit and a discharge permit to enable the café to operate with all the necessary consents in place. The applicant, as well as seeking consent for the planned café, is also applying for several other consents as part of its resource consent “sort-out”.

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

Directly adjoining Anatoki Salmon on its eastern side is Bencarri Nature Park and Café (“Bencarri Nature Park”), a popular tourist destination in Golden Bay. This operation is based on a small scale farm with a range of animals and offers arranged visits to feed eels in the Anatoki River. Bencarri Nature Park has a licensed café and has operated on that site for some time. Parking for this facility is located on the southern side of McCallum Road.

The current salmon farm operates under four resource consents granted by the Council; three of which relate to the salmon farming operation and the other to the processing and selling of salmon, and to have signage for the facility.

The applicant is also applying to take water from an unnamed tributary of the Anatoki River (locally known, and hereafter referred to, as Benge Stream). A water take and supply scheme for a number of water users is currently in place. The applicant is essentially applying for a comprehensive resource consent to cover the entire take from the stream for the scheme.

The applicant currently discharges wastewater to land onsite via soak-holes. However, as part of this suite of applications it is proposed that the wastewater be treated to a secondary standard and discharged by drip irrigation to terrace land adjacent to Anatoki Salmon.

The land use consent RM010180 currently held by Anatoki Salmon has a condition that restricts the quantity of wastewater produced to 2,000 litres per day and an application has been made to have this condition removed and replaced by the discharge permit that has been applied for. This application is referenced RM010180V1.

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 1
Area(s): nil

The proposed café does not comply with Permitted Activity Rule 17.4.2 of the PTRMP and is deemed to be a discretionary activity in accordance with Rule 17.4.3.

The proposed change of Condition 4 of RM010180 is deemed to be a discretionary activity in accordance with Section 127 of the Act.

The proposed water take does not comply with Permitted Activity Rule 31.1.2 of the PTRMP and is deemed to be a restricted discretionary activity in accordance with Rule 31.1.6.

The proposed water intake structure in the bed of Benge Stream is not permitted by any rule in the PTRMP and is not permitted under Section 13 of the Act and is deemed to be a discretionary activity under Section 13 of the Act.

The proposed wastewater discharge does not comply with Permitted Activity Rule 36.1.4 of the PTRMP and is deemed to be a discretionary activity in accordance with Rule 36.1.16.

3. NOTIFICATION AND SUBMISSIONS RECEIVED

The applications were limited notified on 5 July 2008 pursuant to Section 94(2) of the Act. One submission was received. The following is a summary of the written submission received and the main issues raised:

M J and L H Dixon

- the application underestimates the level of adverse effects from the activity and particularly the number of people utilising the facility;
- the adverse traffic effects from increased patronage on traffic safety;
- inadequate parking for visitors to the site;
- an increased traffic safety risk associated with the provision of alcohol;

- granting consent would not result in the sustainable management of natural and physical resources;
- the amenity value of the area would not be maintained and enhanced;
- the quality of the environment will not be maintained and enhanced;
- granting consent will adversely affect the rural amenity of the area through noise, cooking odours, visual effects, public safety, reduced rural character and amenity;
- further commercial expansion is inappropriate for the Rural 1 area and will lead to adverse cumulative effects; and
- the proposal is contrary to the relevant objectives and policies of the Proposed Resource Management Plan.

The applicant provided the written approvals of the following:

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

4. PROCEDURAL MATTERS

There were no procedural matters that required a decision by the Committee.

5. EVIDENCE HEARD

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

5.1 Applicant's Evidence

Mr N McFadden (counsel for the applicant)

Mr McFadden described the Anatoki Salmon operation, facilities and proposed improvements as sought by these consent applications.

Mr McFadden confirmed that written approvals have been obtained from all neighbours except the submitter and reminded the Committee that Section 104(3)(b) precludes it from considering any effects on them.

A petition of 4,500 signatures supporting the option of establishing a café was presented. While Mr McFadden acknowledged that the petition does not hold any weight as a submission he stated that it clearly suggested that such a development would be an appropriate part of this venture.

Mr McFadden stated his concern with the general and “scatter-gun” nature of the Dixons’ submission. He considered that it disguised a commercial competition issue rather than genuine concerns and that it was designed to slow the process down as much as possible.

Mr McFadden then turned to Mr Davidson’s (Consent Planner, Land) staff report. He stated that he generally agreed with the report but requested amendments to some conditions. Condition 7 was raised as a particular issue as Mr Davidson recommended that parking spaces should be marked. Mr McFadden said that this is a relitigation of the applicant’s already existing 2003 resource consent.

Mr McFadden agreed with Mr Tyson (Consent Planner, Water) regarding the legal positions of parties with regard to access to the water supply scheme from Benge Stream. With his evidence he provided a copy of an easement giving the applicant the right to convey water to their property. He also presented an email from Mr Matthew Benge who is the landowner from which the water is taken. In his email he stated that he has agreed for Anatoki Salmon to draw water.

With regard to Dr Durand’s (Coordinator Natural Resources Consents) report he questioned the volume of wastewater to be consented and the 20 metre setback required by a condition.

Mr McFadden considered that the requirements of Part 2 of the Act are satisfied by this proposal.

Mr J Dissel (applicant)

Mr Dissel stated that Anatoki Salmon has been in operation since 2000 and numbers of salmon reared are projected to increase over the coming years. He stated that they have had more and more requests from fishers for refreshments on the site.

Mr Dissel confirmed that no new buildings will be required and that the intention is to provide salmon based dishes with complementary side dishes (salads, garlic bread and the like). They also intend to sell tea, coffee, icecreams, and alcoholic drinks.

It is proposed that the café will operate from 9am to 7pm daily except on Christmas Day. They are not proposing functions or evening events.

He confirmed that the process has become a bit of a “sort out” of their consents.

Mr Dissel confirmed that he has obtained an easement over the Benge property (Lot 1 DP 20353) to convey water and to establish a 30,000 litre header tank on his property. He pointed out that neither the Dixons nor Bencarri Nature Park have any such easements or other legal instruments in place.

Mr Dissel then discussed the submission. He did not consider any of the matters raised to be well founded or based on actual adverse effects. With regard to the numbers of visitors he said that they are limited to 60 and that this will not change.

Mr P Kortegast (traffic and transportation engineer)

Mr Kortegast introduced himself and his experience.

Mr Kortegast stated that an October 2006 Annual Average Daily Traffic count on McCallum Road recorded 206 vehicles per day (v/d) with peak traffic on McCallum Road estimated to be 210 v/d. He considers the maximum traffic numbers generated to be 60 v/d and that this will not be increased by the proposed café.

Mr Kortegast said that there are 24 onsite carparks including four disabled parks, four staff parks, one bus park and a loading zone. He considered, with the upgrades sought by Mr Davidson's recommended conditions, that the parking is more than adequate to meet expected demand.

Mr Kortegast considered the sight distances available to be acceptable and that access and relevant portion of McCallum road to be safe. No reported crashes have occurred over the last five years.

Overall, he considered the situation to be acceptable and safe with the installation of a fence to limit access into the carpark and the sealing of the entrance and exit ways.

Mr J McCartin (wastewater engineer)

Mr McCartin introduced himself and his experience.

Mr McCartin proposed that the wastewater treatment system be upgraded such that the existing two-stage septic tank is retained but that the wastewater be subsequently treated to a secondary standard and pumped to drip-irrigation pipes positioned on terrace land between Anatoki Salmon and McCallum Road.

The terrace gently slopes towards Anatoki Salmon, has good drainage, vegetation cover (regenerating scrub) and northerly aspect. He estimated the Design Irrigation Rate (DIR) to be 28 millimetres per week (4 millimetres per day). He considered the maximum discharge volume from the various sources to be 12 cubic metres per week requiring an irrigation area of 428 square metres.

Mr McCartin recommended that the existing irrigation line on the terrace be augmented with three extra lines giving an effective area in excess of 700 square metres. He also recommended that the irrigation area be left to regenerate or actively replanted.

Overall, Mr McCartin considered the proposed wastewater solution to be conservative and not dependent on evapotranspiration for effective functioning.

As there has been some debate about the volumes of wastewater produced, Mr McCartin recalculated the volumes afresh and found that the café will produce up to 1,063 litres per day and that the dwelling will produce up to 1,531 litres per day, making a total of approximately 2.5 cubic metres per day.

Mr McCartin then addressed the recommended setbacks. He recognised that the permitted activity standard in the plan puts the setback from water at 20 metres but the applicant seeks, given the high quality of the effluent and the excellent conditions on the disposal field, that a 10 metre setback be consented.

Mr T Hewitt (hydrologist)

Mr Hewitt introduced himself and his experience.

Mr Hewitt explained the layout of the existing water supply scheme from Benge Stream. The supply intake serves the Benge property, Anatoki Salmon and the Dixons' house. A 30,000 litre header tank is proposed which will provide buffering for Anatoki Salmon and the Dixons' house. Water is continually taken but two overflow pipes deliver water back to the stream.

Mr Hewitt believed that a water meter in the system should be below the existing header tank where it will measure only the water used by the applicant.

Mr Hewitt considered that the 5 year low flow of the stream is about 1.5 litres per second and that the daily flow is therefore 129.6 cubic metres per day. Including stock water, Mr Hewitt calculated that the total water need from the scheme was 13 cubic metres per day. (This volume was revised to 15 cubic metres during Mr Tyson's evidence later in the hearing.)

Mr Hewitt considered the provision of the 30,000 header tank to be a major improvement to the scheme as it will provide buffering and a small reserve. A sterilisation device will also be installed for the Anatoki Salmon supply.

There are a number of fish barriers along the length of the stream caused by overhanging culverts. Mr Hewitt did not consider that the water take would have any adverse effect on stream life that would be more than minor.

Mr Hewitt also agreed with Council staff's recommendations on upgrading the water system to eliminate overflow.

With regard to adverse effects on the Dixons' supply, Mr Hewitt stated that the Dixons could upgrade their system by implementing a buffering tank and that this would solve their problems.

Ms J Hilson (consultant planner)

Ms Hilson introduced herself and her experience.

Ms Hilson briefed the Committee on the existing consents and, therefore, what Anatoki Salmon was already authorised to do. She made clear the scope of this application. She stated that this application will intensify the commercial aspect of the application but that this must be viewed in light of the earlier consents and existing operation of Anatoki Salmon.

Ms Hilson described the statuses of the various activities and concluded that the application be considered as discretionary.

Ms Hilson reminded the Committee that it must not have regard to any effects on those parties who have signed written approval forms, nor must have any regard to matters of trade competition.

Ms Hilson addressed the submitter's concern that the sale of alcohol will increase safety risks and hazards. She considered this to largely be a consideration under the liquor licence application, but believed that, as the applicant is not proposing a bar, that there is no reason to presume that safety risks or antisocial behaviour will result.

Ms Hilson considered that the proposal does promote sustainable management of resources and that it is an appropriate activity in this location regardless of its Rural 1 zoning. She did not believe that there would be any increase in numbers of customers to Anatoki Salmon as a result of the proposed café and no new buildings are proposed.

As the proposal will not reduce the area of land available for soil based production Objective 7.1.0 of the PTRMP would be met. She also considered that the objectives of Chapter 5 and Objective 7.3.0 of the PTRMP, which relate to rural character and amenity, would also be satisfied. The proposal will also not impact upon Chapter 8 (Margins of Rivers, Lakes, Wetlands and the Coast)

Objective 11.1.0 of the PTRMP will be satisfied by the recommendations of Mr Kortegast.

Ms Hilson considered that no precedent will result from the granting of consent for the café and other activities, and that the precedent already exists by the formation of Bencarri Nature Park.

Ms Hilson commented on Mr Davidson's recommended conditions and proposed some amendments as she considered them to be too restrictive. In particular, she considered that both the paved area and the deck should be able to be used for the café. She also saw the recommended conditions on carparking to be a relitigation of the 2003 consent to form up its carpark.

Finally, Ms Hilson questioned the recommended terms of the water permit and discharge permit given by the reporting officers. She suggested that longer terms should be considered.

Cr Riley asked about the mode of transport by which people arrive at Anatoki Salmon. Mr Dissel stated that most drive, but some bike and some come by helicopter for which they have a landing pad.

5.2 Submitters Evidence

Ms C Owen

Ms Owen referred to Mr McFadden's statement about the submission as being a "scatter-gun approach" and she stated that the submitter's concerns are long running. She also said that the door has always been open for the applicant to discuss the matters with the submitter in order to achieve resolution to some issues.

Ms Owen stated that now that she and the submitter has seen Mr McCartin's wastewater report they are happy not to take wastewater any further.

Ms Owen considered that the application should be declined. However, if it is granted then conditions should be imposed, particularly in regard to traffic safety and parking issues.

Ms Owen stated that there has been no mention of traffic at times of peak demand such as Christmas and Easter. She considered that if the café will not result in any greater numbers it will, at least, result in longer stays. This will result in more cars in

the carpark. This is a significant issue for the submitter as it will put pressure on its parking also. The unsatisfactory state of the parking should not be made worse.

Ms Owen referred to the existing condition of consent which states that there shall be one position for both entry and egress to McCallum Road and that it shall be sealed. She stated that Anatoki Salmon is currently in breach of this condition. She submitted that it is appropriate that marking of carparks as recommended by the staff report be required.

The submitter would also like yellow lines painted on the road from the northern boundary of the Bencarri Nature Park frontage until it reaches the end of the tarseal to the west. She stated that this is not something that the applicant can do and that it must be Council driven. No parking along this stretch would improve traffic safety.

Ms Owen then turned to the water supply. She considered that, according to Mr Hewitt's evidence, the resource is available but the water pressure is not as the submitter experiences flow and pressure issues.

She stated that the submitter does not have easements to convey the water but that through the grace and favour of the Benges the water supply continues. She sought that either enough water be provided in the scheme for the submitter, or else water be left in the stream so that it can be abstracted at Bencarri Nature Park.

Ms Owen stated that odour is also an issue with the cooking of chips. The submitter did not think that a domestic deep fryer would not be sufficient and that it would need to be commercial. She sought that a filtration or scrubbing system be required for any deep fat frying to eliminate odour.

Ms Owen considered that adverse cumulative effects are an issue. Traffic safety and rural amenity are notable here for the submitter. On the basis of the cumulative effects (i.e. the overall impact of all activities) she considered that the café consent should be declined.

Ms Owen accepted Mr McFadden's proposed wording for conditions regarding the restriction of the café to complementary side dishes and the use of the paved areas. However, Ms Owen did not agree with Mr McFadden's Condition 7. She did not consider it to be a relitigation of the previous consent and that Mr Davidson's recommended Condition 7 should be upheld.

Ms Owen concluded by saying that the application should be declined, but that conditions have been set out in the event that it is granted.

Mrs L Dixon

Traffic and parking is the most significant issue for the submitter. She considered it to be dreadful as it is. She produced photos showing "complete chaos in the parking area" over the peak season period. She said that vehicles often spill out onto the road and that children often wander across the road. She also tabled a letter from the local postman which described the serious road congestion. Mrs Dixon reiterated Ms Owen's position that the consent should be declined.

Mrs Dixon added that the Bencarri Nature Park side of the road is very dangerous and steep and that a campervan has fallen down the bank already.

Mrs Dixon stated that the submitter's water needs are 1 cubic metre per day for their house supply, 1 cubic metre per day for stock water and 2 cubic metres per day for the Bencarri Nature Park café. She stated that they have pressure issues.

She said that they already get fish smoking smells directly onto their property and that the addition of odour from a deep fryer would be "unbearable".

Finally, Mrs Dixon stated that the application will adversely affect the rural amenity and that the consent should be declined.

Cr Riley asked about the prevailing wind direction during the day. Mr Dixon replied that it is generally from the north to north east, being a sea breeze.

5.3 Council's Reporting Officers' Report and Evidence

Mr L Davidson (Consent Planner, Land)

Mr Davidson stated that this area of Golden Bay has moved outside the traditional productive pasture usage. It has been replaced by a highly productive use related to the tourism industry. He did not consider that this application is moving the activities markedly outside what is currently happening and therefore adverse cumulative effects are not a large concern.

He agreed that parking is the major concern. He did not consider his assessment or conditions to be a relitigation of previously consented parking. He stood by his comments and conditions on parking.

He agreed that yellow lines on McCallum Road cannot be dealt with through a condition as they are not within the control of the applicant.

Mr Davidson was not concerned about the odour issue because as it is a registered food premises filtration will be required with any commercial deep fryer.

Dr M Durand (Coordinator Natural Resources Consents).

Dr Durand said that the proposed secondary treatment system has a maximum volume treatment capacity and that this should not be exceeded. The high level of pre-treatment gave him reassurance.

Dr Durand was generally happy with the system proposed but stated that he considered that the existing drip irrigation pipelines should be replaced to avoid any problems with compatibility with the new drip lines.

Finally, he considered that the proposed 10 metre setback is appropriate. He also considered that the term of the consent should be the same as that for the water permit RM080186 so that replacement consents can be considered together.

Mr N Tyson (Consent Planner, Water)

Mr Tyson considered that there is one water intake to the scheme and, therefore, there should be one water take consent for the scheme.

He understood the total take volume to be 13 cubic metres per day. Mr Tyson said that he has no issue with the quantity, it is just the management of the water which is at issue.

After some discussion with the submitter the total take volume for the scheme was revised to 15 cubic metres per day to incorporate the water requirements of Bencarri Nature Park as well as the submitter's house and stock.

Mr Tyson addressed his recommended conditions. Mr Tyson did not consider that any scheme should be able to dewater any stretch of stream just because of a lack of storage in the system. He recommended that his Condition 6 be retained. He also considered that the scheme should be good and efficient and that ball-cock valves and storage should be used. The table in recommended Condition 13 was revised to reflect the actual sources of water usage and the volumes.

Mr Tyson said that there is a recommended condition to upgrade fish passage. There are waterfalls and plunge pools which should be eliminated as conditions of consent. The stream has good habitat and fish passage should be enabled.

5.4 Applicant's Right of Reply

Mr McFadden expressed concern about the fluidity of the water take volume (from 9 to 13 to 15 cubic metres per day). He saw this as an inappropriate process without the necessary evidential backing.

Mr McFadden addressed the photographs of parking on McCallum Road that were presented as evidence by Ms Owen. He said that there is an assumption that they can all be attributed to Anatoki Salmon Farm. He also said that the road reserve can be parked on until the Council indicates otherwise.

Mr McFadden suggested that much of the traffic congestion may also be associated with Bencarri Nature Park. He referred to photo A3 of the submitter's evidence which showed people crossing the road who may be going to Bencarri Nature Park entrance. Further, he considered the road safety arrangements at Anatoki Salmon to be better than those of Bencarri Nature Park which has its carpark on the other side of McCallum Road. He confirmed that he does not agree with the recommended Condition 7 of application RM070939.

Putting storage into the water supply lines is beneficial for supply and pressure. Mr McFadden stated that the applicant is doing this and the submitter should do the same to ensure a good water supply.

Mr McFadden considered that odour will not be an issue. He said that Section 128 is sufficient to address any move to a commercial deep-frying system. Also, the wind is generally away from Bencarri Nature Park.

Overall, Mr McFadden did not consider this to be an increase in the hours or number of customers; simply the provision of better service.

6. PRINCIPAL ISSUES

The principal issues that were in contention were:

- a) Is the proposed café appropriate for the Rural 1 zone, for this particular location and for the Anatoki Salmon tourist operation?
- b) Will the café and associated effects adversely affect the amenity or the rural character of the immediate area to a degree that is more than minor?
- c) Will the proposed café create further parking and traffic pressure, particularly during peak periods? Will the café create a safety hazard on the road, particularly during peak periods? Can measures be put in place to regulate and improve parking and traffic management?
- d) Will the taking of water from Benge Stream have any adverse effects on the stream to a more than minor degree?

7. MAIN FINDINGS OF FACT

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

- a) The scope of this application is limited to the consents that have actually been applied for (i.e. the café and its effects, the water take and the wastewater discharge). The Committee is clear that no other issues can be relitigated. On that basis the Committee considers that the café is an appropriate addition to the Anatoki Salmon operation. It will add valuable facilities and a better level of service to tourists.
- b) The immediate area in which Bencarri Nature Park and Café and Anatoki Salmon exist is, and has been for many years, a rural tourism focussed area. This proposal is in keeping with that. While some adverse effects will result (see point c) below) an adverse effect on rural character and amenity is not one of them, given the scope of the operations that are already consented and implemented.

The matter of odour from cooking smells was raised. The Committee does not consider that this will have an adverse effect as it is proposed due to the direction of the prevailing wind and the existing occurrence of cooking smells from spit roasts, fish smoking and the like. If a commercial deep fryer is installed then standard filtration requirements will be triggered. Also the Committee is satisfied that Section 128 of the Act can be used should odour complaints be received and the adverse effect is found to be greater than anticipated.

- c) As the submitter suggested, traffic, parking and road safety is the area of most significant adverse effect resulting from this application. The proposed café will, in the opinion of the Committee, increase car numbers on-site as a result of longer stays. The proposed café will also contribute to a general increase in the standard of the tourist experience. Therefore the Committee does not entirely accept the applicant's evidence that there will be no increase in numbers. Once it becomes known that one can, say, have a cold beer with a meal of freshly caught salmon, salad and chips on a summer's afternoon the popularity may increase. This outcome is supported however it does have implications for traffic, parking and road safety.

There are a range of measures that were presented to the Committee as improvements and refinements to the parking, traffic and safety situation. Based on the paragraph above the Committee considers it to be wholly appropriate that these matters be dealt with by this Committee and that improvements be required where appropriate.

- d) A take of 15 cubic metres of water per day from Bengie Creek is appropriate. However as stated by Mr Tyson the water scheme should be well constructed and efficient without waste or unnecessary adverse effects. Also, the Committee considers it appropriate that in return for a substantial take for a number of uses – some of which are commercial profit making businesses – there should be an investment in the stream in the form of eliminating fish passage barriers as far as possible and undertaking an ecological assessment to increase the level of information available.

To address Mr McFadden's statements and accusations about the fluidity of the volume of the water take to be approved, the Committee is aware that, unlike in other sections of the Act, Section 14 and the PTRMP gives Mr Tyson a mandate to ensure that water abstractions be restricted to that which is required for a stated purpose. Mr Tyson's report did not say that 9 cubic metres per day was as much as could be spared from the stream, it simply said that, according to the information given to Mr Tyson 9 cubic metres per day were needed. Entirely appropriately, Mr Tyson sought to restrict the consented take to this volume. Upon discussion at the hearing it became clear that there were other users taking from the scheme such as stock water and water for the Bencarri Nature Park café. Inclusion of these put the volume of water needed up to 13 and then 15 cubic metres per day; both of which are still within the volume applied for and notified. The Committee is satisfied that, had Mr Tyson seen any particular figure of less than 15 cubic metres per day as an absolute upper limit that should not be exceeded in order to maintain stream health, he would have stated this in the hearing.

Having said that, the Committee notes that the increase to 15 cubic metres per day means that the reduction in flow caused by the take exceeds the 10% sought by Policy 30.1.10 of the PTRMP. However, the Committee is satisfied that this occasional exceedence is justified, particularly in light of the recommended conditions which require an upgrade of the scheme and improve the stream habitat through the removal of fish passage barriers.

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); and
- b) the Proposed Tasman Resource Management Plan (PTRMP).

The proposed activity contravenes Section 15 of the Act, and therefore the Council has also had regard to the matters outlined in Sections 105 and 107 of the Act.

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** consents subject to conditions, and a change of conditions on resource consent RM010180.

10. REASONS FOR THE DECISION

Effects on the Environment

The café is an appropriate addition to the already heavily tourism-focussed area. The adverse parking, traffic and safety effects are the most significant but the Committee is satisfied that with appropriate upgrades the effects will be offset. Specifically, the upgrades require better ingress and egress to the carpark, a more efficient parking layout, the provision of more parks through the better layout and the improvement of visibility along the road reserve.

There are not expected to be any adverse effects on amenity or rural character that are more than very minor. The cumulative effects in this regard are not considered sufficient to warrant a decline of consent.

The water take from Benge Stream is appropriate and, with some minor upgrades as required by the conditions will be efficient and provide a good quality water supply to the various parties. The take will have an only very minor adverse effect on the life-supporting capacity of the stream.

The wastewater system appears to be well designed and will have no adverse effects on the environment.

Objectives and Policies of the PTRMP

The Committee agrees with Mr Davidson's assessment of the relevant PTRMP objectives and policies as set out in Appendix B of his report. The proposed café is generally in accordance with those objectives and policies.

The Committee also agrees with Mr Tyson's assessment of the policies relevant to the water take. The matters set out in Policy 30.1.9 have been taken into account. While the take is not consistent with Policy 30.1.10 (by a small margin) there are sufficient mitigating circumstances (as set out above) to make this acceptable.

Finally, the Committee also agrees with Dr Durand's objectives and policies assessment and is satisfied that the discharge is in accordance with them.

Purpose and Principles of the Act

The Committee is satisfied in granting the water take and the discharge permit consents that Section 6(a) will be upheld. The other matters specified in Section 7

are also satisfied. Overall, the Committee considers that this proposal does promote the sustainable management of natural and physical resources.

11. LAPSING OF CONSENT(S)

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.

12. EXPIRY OF CONSENT(S)

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.

Water permit (RM080186) has an expiry date which is approximately 11 years. This is a standard expiry date for all Takaka Zone water take consents. The discharge permit, (RM080187) shares this expiry date.

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

Issued this 31st day of October 2008



Councillor Noel Riley
Chair of Hearings Committee

RESOURCE CONSENT NUMBER: RM070939

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

JD Adventures Limited
(hereinafter referred to as “the Consent Holder”)

ACTIVITY AUTHORISED BY THIS CONSENT:

To establish and operate a licensed café as part of a currently consented commercial activity (trading as “Anatoki Salmon”).

LOCATION DETAILS:

Address of property:	242 McCallum Road
Legal description:	Lot 1 DP 356640
Certificate of title:	237895
Valuation number:	1870014902
Easting and Northing:	2490395E 6035850N

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

CONDITIONS

1. The activity shall be undertaken generally in accordance with the application submitted, dated 14 January 2008. Where there is any apparent conflict between the information provided with the application and any condition of consent, the conditions shall apply.
2. The hours of operation for the café and on site dining areas shall be limited to the hours of 0900 to 1900 hours on any day. No operation shall take place on Christmas Day.
3. The operation of the café shall be limited to the existing wooden terrace and the paved area between that deck and the office, both shown on Plan A dated 17 October 2008 (attached). The operation of the café shall be restricted to a maximum of 20 people.
4. The operation of the café shall be restricted to the sale of salmon products and beverages, together with complementary side dishes.
5. The sale of liquor on the site shall be restricted to an On Licence only, within the hours specified in Condition 2.
6. The access to the carpark shall be upgraded to provide a single entry and exit at the eastern end of the carpark, with the balance of the carpark fenced at the property boundary as shown on Plan B dated 17 October 2008 (attached). The entry and exit areas shall be sealed with a two-coat chip seal for a distance of not less than five metres from the existing McCallum Road carriageway. The sealing shall meet the requirements of the Council’s Engineering Standards and Policies 2008.

7. On site carparking shall be provided for at least twenty vehicles, including one bus park, finished to an all-weather metalled surface. The individual carparks shall be defined or otherwise marked out to identify the required parking.

Advice Note:

Bricks, blocks or timber, painted white and inset in the metalled surface may be one appropriate way of marking out the carparking spaces.

8. A fence shall be erected between the carpark and the right-of-way that provides access to the site as shown on Plan B dated 17 October 2008 (attached).
9. At least three "No parking" notices or signs shall be attached to the road reserve side of the fence required by Condition 6.
10. At least two appropriately sized and signposted or labelled rubbish bins shall be provided at appropriate locations in the carpark.

Advice Note:

It is recommended that official Tasman District Council recycling bins be provided with the rubbish bins to collect recyclables.

11. The low scrub (mainly hydrangea) and the two ake akes on the western end of the carpark in the area indicated on Plan B dated 17 October 2008 (attached) shall be removed to achieve better visibility to the west. This area shall be maintained to be clear of vegetation that may impede visibility to the west.

Advice Note:

The tree fern between the two ake akes can and should be retained as it is not considered that it contributes in a substantial way to the blocking of road visibility.

12. The conditions may be reviewed by the Council in accordance with Section 128 of the Resource Management Act 1991 during the month of October each year, for the purpose of;
 - a) Dealing with any adverse effect on the environment arising from the exercise of the application; and/or
 - b) Requiring the applicant to adopt the best practicable option to remove or reduce any adverse effect on the environment.

ADVICE NOTE(S)

1. The Consent Holder is advised that a barrier of some sort should be erected around the hot fish smokers. While there is signage indicating that they are hot these will be ineffective for small children and the design and location of the smokers, or else a barrier, should be considered.
2. Attention is drawn to the noise levels that are controlled for Rural 1 Zones by rule 17.4.2(d) of the PTRMP.

2. Consent to sell alcohol under an On Licence from the complex is subject to the provisions of the Sale of Liquor Act and requires an application to be lodged under the provisions of that legislation.
3. The Consent Holder shall meet the requirements of the Council with regard to all Building and Health Bylaws, Regulations and Acts.
4. Monitoring of this resource consent will be undertaken by the Council as provided for by section 35 of the Act and a one-off fee has already been charged for this monitoring. Should the monitoring costs exceed this fee, the Council reserves the right to recover these additional costs from the Consent Holder. Costs can be minimised by consistently complying with conditions, thereby reducing the necessity and/or frequency of Council staff visits.
5. This resource consent only authorises the activity described above. Any matters or activities not referred to in this consent or covered by the conditions must either: 1) comply with all the criteria of a relevant permitted activity rule in the Proposed Tasman Resource Management Plan (PTRMP); 2) be allowed by the Resource Management Act; or 3) be authorised by a separate resource consent.
6. 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.
7. The Consent Holder should note that this resource consent does not override any registered interest on the property title.

Issued this 31st day of October 2008



Councillor Noel Riley
Chair of Hearings Committee

RESOURCE CONSENT NUMBER: RM010180V1

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

JD Adventures Limited
(hereinafter referred to as “the Consent Holder”)

ACTIVITY AUTHORISED BY THIS CONSENT:

To process and sell salmon produced on the property at McCallum Road, Anatoki Valley, on land described as Lot 1, DP 19950, Block IX, Waitapu Survey District and to erect a remote advertising sign near the start of Long Plain Road, and the intersection of Long Plain and McCallum Road, to inform the public where the salmon farm is located.

LOCATION DETAILS:

Address of property:	242 McCallum Road
Legal description:	Lot 1 DP 356640
Certificate of title:	237895
Valuation number:	1870014902
Easting and Northing:	2490395E 6035850N

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

CONDITIONS

1. The processing of salmon shall be undertaken from the building approved within consent RM 990016, located on the lower terrace, adjoining the rearing ponds.
2. The retail sales shall consist of whole fish that have been gilled and gutted and fish that have been processed further by means of filleting and/or smoking.
3. The processing building shall be constructed to meet the health and sanitation standards prescribed for the processing of fish, or fish products.
4. [deleted]
5. The wastewater disposal system shall be designed to meet the Council’s requirements for wastewater disposal to the satisfaction of the Consents Manager, Environment and Planning.
6. Waste material from processing salmon shall be minced and frozen, to be sold as berley (principally gills and the gut of salmon). No material shall be disposed of on-site and any other means of disposal shall comply with the requirements of the Proposed Tasman Resource Management Plan unless it is sanctioned by way of the required consent.
7. On site carparking shall be provided for not less than 4 vehicles, with the area formed and finished to an all-weather surface.

8. The retailing of salmon on the site shall be limited to the hours of 0900 until 1900 hours on any day.
9. Consent is granted for two remote directional advertising signs, located on the private land described as Part Section 5 Section 22, Takaka District, Survey Office Plan 959 and Lot 1 DP 17044, as indicated in the application.
10. The sign shall not exceed 1m² in area and shall be located no closer than 1 metre to the property boundary.
11. Lettering on the signs shall be contrasting in relation to the background and no smaller than 150 mm in height.

ADVICE NOTE(S)

1. This consent is issued pursuant to the Resource Management Act 1991, the Transitional District Plan (Golden Bay Section) and the Proposed Tasman Resource Management Plan. It does not constitute building consent and if the project involves any form of building, consent should be sought pursuant to the Building Act 1991.
2. Monitoring of the consent is required under Section 35 of the Resource Management Act 1991 and a deposit fee is payable at this time. Should the monitoring costs exceed the initial fee, the Council will recover this additional amount from the resource Consent Holder. Costs can be minimised by consistently complying with conditions and thereby reducing the frequency of Council visits.

Issued this 31st day of October 2008



Councillor Noel Riley
Chair of Hearings Committee

RESOURCE CONSENT NUMBER: RM080186

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

J D Adventures Limited
(hereinafter referred to as “the Consent Holder”)

ACTIVITY AUTHORISED BY THIS CONSENT:

To take water from an unnamed tributary of the Anatoki River (Benge Creek) for domestic, stock water and commercial supply.

LOCATION DETAILS:

Address of property: 213 McCallum Road, Takaka
Valuation number: 18700014900

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

CONDITIONS

1. This consent expires on 31 May 2019.
2. Legal Description at Intake site: Lot 1 DP 347033
Category of Water Source: Surface
Name of Source: Unnamed tributary of Anatoki River (Benge Creek)
Zone/Catchment: Takaka
Maximum rates of take: 1.6 litres per second
5.76 cubic metres per hour
15 cubic metres per day
105 cubic metres per week
River number: R.593
Easting and Northing: 2490417E 6035440N (New Zealand Map Grid)

Water Meter Specifications, Maintenance and Readings

3. The Consent Holder or their agent shall, at their own expense, install, operate and maintain a water meter to record all water taken under this consent and the meter shall be installed no later than 1 December 2008. The meter shall comply with the Council’s *Water Meter Specifications* as stated in the Tasman Resource Management Plan and, furthermore, the meter shall be installed in accordance with the water meter manufacturer’s specifications.

Advice Note:

In order to record all water taken under this consent the meter should be positioned at or about the easting and northing 2490409E and 6035452N or else at a point upgradient of any water outlet or point of use.

4. The Consent Holder shall record and supply to the Council a complete record of their taking of water required under Condition 3 accurate to plus or minus five 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 during every November to April inclusive and supply these readings weekly during this period by the dates advised by the Council to the Consent Holder each year.

5. The Consent Holder shall pay the reasonable costs associated with the monitoring of this consent including, if and when requested by the Council, the full costs associated with water meter calibration to confirm meter accuracy provided that calibration is not more frequent than five yearly.

Intake Screening

6. The (stream) intake shall be screened so as to avoid the entrainment of fish and the screen shall have a mesh size not greater than 5 millimetres and shall be constructed such that the intake velocity at the outer surface of the screen is less than 0.3 metres per second. Furthermore, the screen shall be maintained in good working order and shall, as a minimum, comply with these standards at all times when the resource consent is being exercised.

Maintenance Flow

7. At no time shall the exercising of this consent result in the taking of more than 50% of the instantaneous stream flow and all the remaining stream flow shall pass over the intake weir.

Advice Note:

It is relevant that Condition 3 of RM080185 requires the Consent Holder to upgrade and modify the intake weir to provide for fish passage, and to ensure a permanent stream flow over the intake weir that is independent of any water abstraction.

8. The Consent Holder shall, by 1 February 2009, upgrade the water scheme so that, as a minimum, all tanks are fitted with ball-cock valves (or similar) and there are no leaks from pipes, pipe fittings, tanks or other such components. The Consent Holder shall inform the Council's Coordinator Compliance Monitoring in writing when this upgrade has been completed.
9. The Council may, for the duration of this consent and during the months of December, January and February each year, review the conditions of the consent pursuant to Section 128 of the Resource Management Act 1991 for the purposes of:
 - a) dealing with any unexpected adverse effect on the environment that may arise from the exercise of the consent including requiring a greater maintenance flow and which is appropriate to deal with at a later stage; and
 - b) to reduce the quantities and rates of water authorised to be taken if the consent is not fully exercised; and
 - c) when relevant national environmental standards have been made under Section 43 of the Resource Management Act 1991; and
 - d) to comply with the requirements of a relevant operative rule in the Proposed Tasman Resource Management Plan or its successor, including maximum or minimum levels or flows or rates of use of water including water rationing, or water metering requirements.

Additional Monitoring

10. The Council reserves the right to require from the Consent Holder a Scheme Management Plan identifying the location of all Scheme pipelines, turnouts, discharge points, reservoirs and other infrastructure (including their location relative to the Council's Road Reserve or other Council assets) and documenting current users, their rates of taking and measures adopted to achieve efficient water use including leak detection programs, repairs and maintenance and measures to achieve full compliance with these consent conditions.
11. Within two years of the granting of consent (ie no later than 1 October 2010) the Consent Holder shall provide to the Council's Co-ordinator Compliance Monitoring or his agent, an ecological assessment of the stream with particular focus on native fish ecology, populations and fish passage.
12. Within one month of the installation of the water meter required under Condition 3, the Consent Holder shall supply to the Council's Co-ordinator Compliance Monitoring or his agent (water meter) data confirming the actual instantaneous rate of taking under this consent. The Consent Holder shall apply for a change of conditions of this consent if the actual rate of taking is different from the authorised rate by more than 5%.
13. The use of water under this consent shall be restricted to the following properties and uses:

Table of Benge Stream Use and Users:

User/Owner Name and Use	Property Valuation	Allocation (m ³ /day)
Benge – house	1870014900	1
Benge – stockwater	1870014900	2
Anatoki Salmon – house	1870014902	1
Anatoki Salmon – factory	1870014902	2
Anatoki Salmon – cafe	1870014902	2
Dixon – house	1870014904	1
Bencarri – stockwater	1870014904	2
Bencarri – café	1870014904	2
Benge Lot 5	Not yet available	1
Benge Lot 6	Not yet available	1
TOTAL		15

ADVICE NOTE

1. This consent is a water permit and is, therefore, not subject to Section 134 of the Act and does not “attach to the land”. Therefore, when the ownership of the lot that this consent pertains to changes, this water permit should also be transferred to the new owners as there are ongoing consent requirements that must be met.
2. This resource consent only authorises the activity described above. Any matters or activities not referred to in this consent or covered by the conditions must either:

1. comply with all the criteria of a relevant permitted activity rule in the Proposed Tasman Resource Management Plan (PTRMP);
 2. be allowed by the Resource Management Act; or
 3. be authorised by a separate resource consent.
3. This resource consent only authorises the taking and use of water and no discharge from any pipe, reservoir etc was applied for and none is granted. The discharge from the sedimentation tank described in the application (and any other discharge) shall therefore be upgraded and the discharge shall cease. In other words, only water used for the purposes specified in this consent shall be taken.
4. The Consent Holder is responsible for the accuracy of the data listed in the table under Condition 13 and will need to apply for a change of conditions if and when there are changes for any reason.

Issued this 31st day of October 2008

A handwritten signature in black ink, appearing to read 'Noel Riley', written over a light grey rectangular background.

Councillor Noel Riley
Chair of Hearings Committee

RESOURCE CONSENT NUMBER: RM080185

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

JD Adventures Limited
(hereinafter referred to as “the Consent Holder”)

ACTIVITY AUTHORISED BY THIS CONSENT:

To establish and maintain an intake structure within the bed of an unnamed tributary of the Anatoki River (Benge Creek) on Lot 1 DP 20353

LOCATION DETAILS:

Address of property: 213 McCallum Road, Takaka
Valuation number: 18700014900

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

CONDITIONS

1. This consent expires on 31 May 2043.

Site and Intake Details

2. Legal Description at Intake site: Lot 1 DP 347033
Name of River: Unnamed tributary of Anatoki River
Zone/Catchment: Takaka
Maximum dimensions of intake:
Height (m): 2
Crest Width (m): 1
River number: 593
Location Co-ordinates: 2490397E 6035426N (New Zealand Map Grid)

Upgrading Required

3. This consent may not be exercised to the extent that there is any significant adverse effect on fish passage. The Consent Holder shall, no later than 1 January 2009 and to the satisfaction of the Council’s Resource Scientist, Environmental, upgrade and modify the intake weir and any stream culverts that are the responsibility of the Consent Holder to provide for:
 - a) appropriate and adequate fish passage; and
 - b) permanent stream flow over the intake weir that is independent of any water abstraction.

The Consent Holder shall advise the Resource Scientist, Environmental in writing when these improvements have been completed.

4. The Council may, within the months of December, January and February each year, review any or all of the conditions of the consent pursuant to Section 128 of the Resource Management Act 1991 for all or any of the following purposes:
 - a) to deal with any unexpected adverse effect on the environment that arises from the exercise of the consent, including adverse effects on fish passage, on adjacent or downstream landowners or instream values; or
 - b) to require compliance with operative rules in the Proposed Tasman Resource Management Plan (PTRMP), including requirements and rules relating to the operation and maintenance of weirs, culverts and dams; or
 - c) to require changes to the intake weir to minimise any bank erosion or flooding that is the result of the weir and to ensure that the weir is adequately protected during storm events.
5. The Consent Holder shall regularly inspect the intake weir and any stream culverts it is responsible for and maintain each in good condition.

ADVICE NOTES

1. The Consent Holder shall meet the reasonable costs associated with the monitoring of this consent.
2. This resource consent only authorises the activity described above. Any matters or activities not referred to in this consent or covered by the conditions must either:
 1. comply with all the criteria of a relevant permitted activity rule in the Proposed Tasman Resource Management Plan (PTRMP);
 2. be allowed by the Resource Management Act; or
 3. be authorised by a separate resource consent.
3. This consent is a land use consent for an activity that contravenes Section 13 of the Act and is, therefore, not subject to Section 134 of the Act and does not “attach to the land”. Therefore, when the ownership of the lot that this consent pertains to changes, this land use consent should also be transferred to the new owners as there are ongoing consent requirements that must be met.

Issued this 31st day of October 2008



Councillor Noel Riley
Chair of Hearings Committee

RESOURCE CONSENT NUMBER: RM080187

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

JD Adventures Limited
(hereinafter referred to as “the Consent Holder”)

ACTIVITY AUTHORISED BY THIS CONSENT:

To discharge secondary treated wastewater to land via pressure compensating dripper lines.

LOCATION DETAILS:

Address of property: 242 McCallum Road
Legal description: Lot 1 DP 356640
Certificate of title: 237895
Valuation number: 1870014902
Easting and Northing: 2490395E 6035850N

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

CONDITIONS

Discharge Restrictions

1. The maximum rate of discharge shall not exceed 2,500 litres per day (2.5 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, kitchen facilities, washbasins, fish processing and a dwelling. No industrial or trade waste shall be included.
3. The treated wastewater entering the land application area, 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:

Determinand	Maximum allowable concentration
5 day carbonaceous biochemical oxygen demand (cBOD ₅)	20 grams per cubic metre
Total suspended solids	30 grams per cubic metre

Land Application System

4. The maximum loading rate at which the wastewater is applied to land shall not exceed 4 millimetres per day (4 litres per square metre per day), and shall be in the area indicated on Plan C dated 17 October 2008 (attached).

5. All wastewater shall be discharged to land by way of pressure compensating dripper line(s) laid generally parallel to the contours of the land. 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 millimetre cover of soil, bark, or an appropriate alternative.
6. The pressure compensating drippers used to discharge the treated wastewater to land 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 primary land application area shall total at least 1,250 square metres and shall be located within the area marked "Subsurface dripper land application area" or similar on the site plan attached to this consent.
8. A suitable reserve land application area equivalent to not less than 100% of the land application area and shall be kept available for future use for wastewater disposal. This reserve area shall remain undeveloped and shall be located within the areas marked "land application reserve area" on the plan referred to in Condition 7 of this consent. For the purposes of this condition "undeveloped" means that no permanent buildings or structures shall be constructed on the areas set aside as reserve land application areas, however the reserve areas may be planted with trees and other vegetation.
9. Notwithstanding Conditions 7 and 8, in the event that the total area required to adequately dispose of the wastewater is shown to be greater than 1,250 square metres, the Consent Holder shall make additional land available for such disposal.
10. The land application area (including reserve area) shall not be located on slopes averaging greater than 15 degrees over a 10 metre length and shall not be located within:
 - (a) 10 metres of any surface water body;
 - (b) 20 metres of any bore for domestic water supply;
 - (c) 5 metres of any adjoining property or road; or
 - (d) 600 millimetres, measured vertically, separation from dripper line to average winter groundwater table.
11. The land application area shall not be used for:
 - a) roading, whether sealed or unsealed;
 - b) hardstand areas;
 - c) erection of buildings or any non-wastewater systems structures; or
 - d) stock grazing.
12. Any trees planted within the land application area shall remain in place for the duration of this consent except for the purposes of removal and replacement of trees that 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.

13. The Consent Holder shall mark each land application area by any means that ensures the extent of them is identifiable on the ground surface.
14. There shall be no surface ponding or surface run-off of any contaminants from any of the land application area as a result of the exercise of this consent.

Collection, Treatment and Disposal Systems

15. Except where inconsistent with the conditions of this consent, 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 RM080187 and under the supervision of a person who is suitably qualified and experienced in wastewater treatment and disposal systems.
16. 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 Co-ordinator 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 4–8 (inclusive), 10, 13, and 25. In addition, the certificate or statement shall also confirm the following:
 - a) that the wastewater system, including the collection system, treatment plant and the land application area, is capable of treating the design flows and that it has been designed generally in accordance with standard engineering practice;
 - b) that all components of the wastewater system, including the collection system, treatment plant and the land application area, have been inspected and installed in accordance with the manufacturer's specifications and standard engineering practice;
 - c) that the components used in the wastewater system, including the collection system, treatment plant and the land application area, 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 18) for periodic replacement;
17. Prior to the exercise of this consent, the Consent Holder shall submit a set of final "as-built" plans to the Council's Co-ordinator Compliance Monitoring that shows the location 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

18. A chartered professional engineer or suitably qualified person experienced in wastewater engineering shall prepare an "Operations and Management Plan" for the wastewater treatment and disposal 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 disposal 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, tanks, recirculation tanks, treated wastewater holding tank, flow meters and drains;
 - d) a schedule of maintenance requirements for the management of vegetation on the land application area(s);
 - 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 disposal system will be managed;
 - g) emergency contact details (24 hour availability) for the Service Provider and Consent Holder; and
 - h) monitoring of the land application area shall include visual ground inspections to identify above ground and surface flows of wastewater and methods to remedy such flows should any be identified.
19. A copy of the "Operations and Management plan" required by Condition 18 shall be submitted to the Council's Co-ordinator Compliance Monitoring for approval 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.
20. 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, and approved by the Council's Co-ordinator Compliance Monitoring for the ongoing maintenance of the pumps and tanks, and the treatment and land application systems. 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 18. A signed copy of this contract, including full contact details for the Service Provider, shall be forwarded to the Council's Co-ordinator 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 Co-ordinator 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 Co-ordinator Compliance Monitoring with a copy of a written report that details the maintenance that has been undertaken on the wastewater treatment and disposal 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 disposal system, or someone who can provide evidence of satisfactory qualifications and experience in maintaining such wastewater treatment and disposal systems.

Contingency Measures

21. An audible and visual alarm system shall be installed and operated that is capable of warning of any failure within the treatment or disposal systems (ie, pump failure, mechanical blockage, and/or high wastewater levels).

This warning system shall be configured to activate an audible and visual alarm system located adjacent to the treatment plant or other prominent place on the site for the treatment plant. The details of the alarm shall be included in the "Operations and Management Plan" required by Condition 18 and shall achieve as a minimum the following:

- (a) effective notification of the operators of any alarm;
- (b) in the event of any alarm activating, the alarm shall continue to operate and until the condition has been remedied and cleared by the operator. The audible and visual alarm system shall be installed and operated on all grinder pumps and tanks and, as a minimum, this alarm shall be activated by a high level switch.

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. All pumps in the treatment and land application system that are essential for the continuous processing, treatment, and disposal of the wastewater shall include duty and standby units.
23. Should power disruption result in the emergency storage capacity required to be provided at the treatment plant by Condition 22 being utilised to 80% capacity, 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 18.

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 area. Details of the location of this sampling point shall be forwarded to the Council's Co-ordinator 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, pH, and temperature. The frequency of sampling shall be as follows:
- a) for the first 12 months following treatment plant start up, two samples shall be collected at approximately six monthly intervals when the plant is discharging to the land application area;
 - b) samples shall be collected at least weekly over the period 20 December to 10 January during the period described in (a) above;
 - c) following the first 12 months, samples shall be collected at least annually, with the 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, including the frequency specified in (b) above, until full compliance with the contaminant limits of Condition 3 has been achieved over a four month period.
26. All sampling referred to in this consent shall be carried out by a suitably qualified person approved by the Council's Co-ordinator Compliance Monitoring, using standard sampling methodologies and equipment and shall be transported to the laboratory under chain of custody. Where temperature and pH are required, these shall be measured in the field using standard methods and calibrated meters. The detection limits specified in Appendix 2 (Applicable Detection Limits, attached) shall apply to analyses that are undertaken by the laboratory. The samples shall be analysed using standard methodology by an IANZ accredited laboratory. The analytical results shall be forwarded to the Council's Co-ordinator Compliance Monitoring within 10 working days of the results being received from the laboratory.
27. 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 land application area.
28. The flow meter required to be installed in accordance with Condition 27 shall be read manually or electronically at the same time daily. Copies of these records shall be forwarded to the Council's Co-ordinator Compliance Monitoring quarterly and also upon written request.
29. Any exceedence of the authorised discharge volume (refer Condition 1) shall be reported to the Council's Co-ordinator 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.
30. The Consent Holder or its authorised agent shall notify the Council's Co-ordinator Compliance Monitoring of any wastewater discharge to land or water from the treatment plant that is not authorised by this consent in writing as soon as practicable (but no more than 24 hours) after the discharge commenced.

General Conditions

31. The wastewater treatment system shall be located, and the surrounding area maintained, so that vehicular access for maintenance is readily available at all times.
32. The Council may, in the period 1 November 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:
 - a) 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
 - b) 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
 - c) 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
 - d) reviewing the frequency of sampling, flow monitoring and/or number of determinands analysed if the results indicate that this is required and/or appropriate.

Duration of Consent (RMA Section 123)

33. This consent expires on 31 May 2019.

ADVICE NOTES

1. This consent is a discharge permit and is, therefore, not subject to Section 134 of the Act and does not "attach to the land". Therefore, when the ownership of the lot that this consent pertains to changes, this discharge permit should also be transferred to the new owners as there are ongoing consent requirements that must be met.
2. This resource consent only authorises the activity described above. Any matters or activities not referred to in this consent or covered by the conditions must either:
 1. comply with all the criteria of a relevant permitted activity rule in the Proposed Tasman Resource Management Plan (PTRMP);
 2. be allowed by the Resource Management Act; or
 3. be authorised by a separate resource consent.
3. The Consent Holder shall meet the requirements of the Council with regard to all Building and Health Bylaws, Regulations and Acts.
4. All reporting required by the Council shall be made in the first instance to the Council's Co-ordinator Compliance Monitoring.

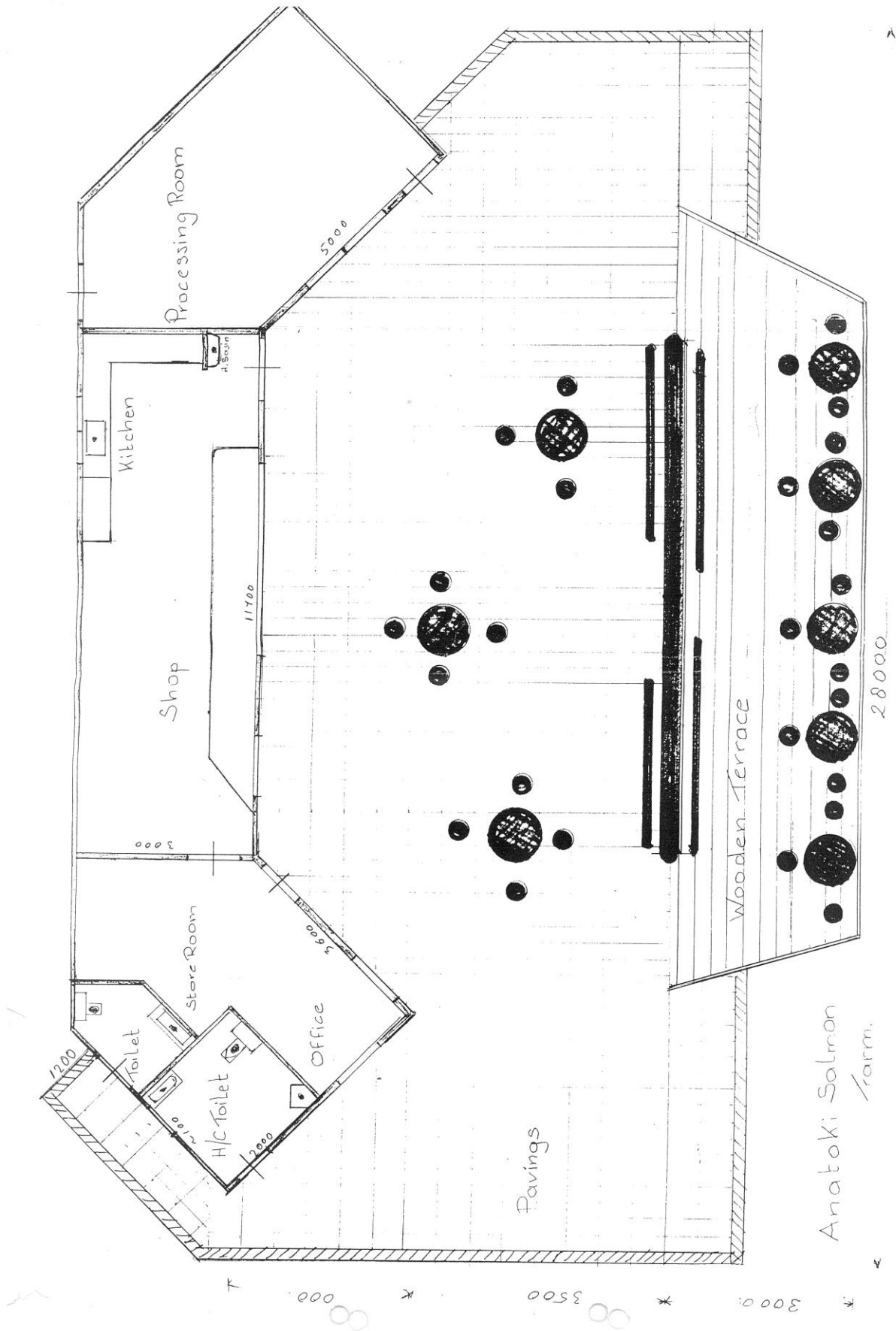
5. The Consent Holder is advised that compliance with operating guidelines provided by the wastewater system manufacturer and system designer is recommended to reduce the likelihood of malfunction of the treatment or disposal system and a possible breach of consent conditions.
6. If the site becomes part of an urban drainage area identified by the Council when future reticulation is available, the Consent Holder will be required to provide connection from the treatment system to the sewer line.
7. The Council draws your attention to the provisions of the Historic Places Act 1993 that require you in the event of discovering an archaeological find (eg, shell, midden, hangi or ovens, garden soils, pit, depressions, occupation evidence, burials, taonga) to cease works immediately, and tangata whenua, the Council and the New Zealand Historic Places Trust shall be notified within 24 hours. Works may recommence with the written approval of the Council's Environment & Planning Manager, and the New Zealand Historic Places Trust.
8. It is strongly recommended that water reduction fixtures be included in the design of the buildings of the development 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.

Issued this 31st day of October 2008

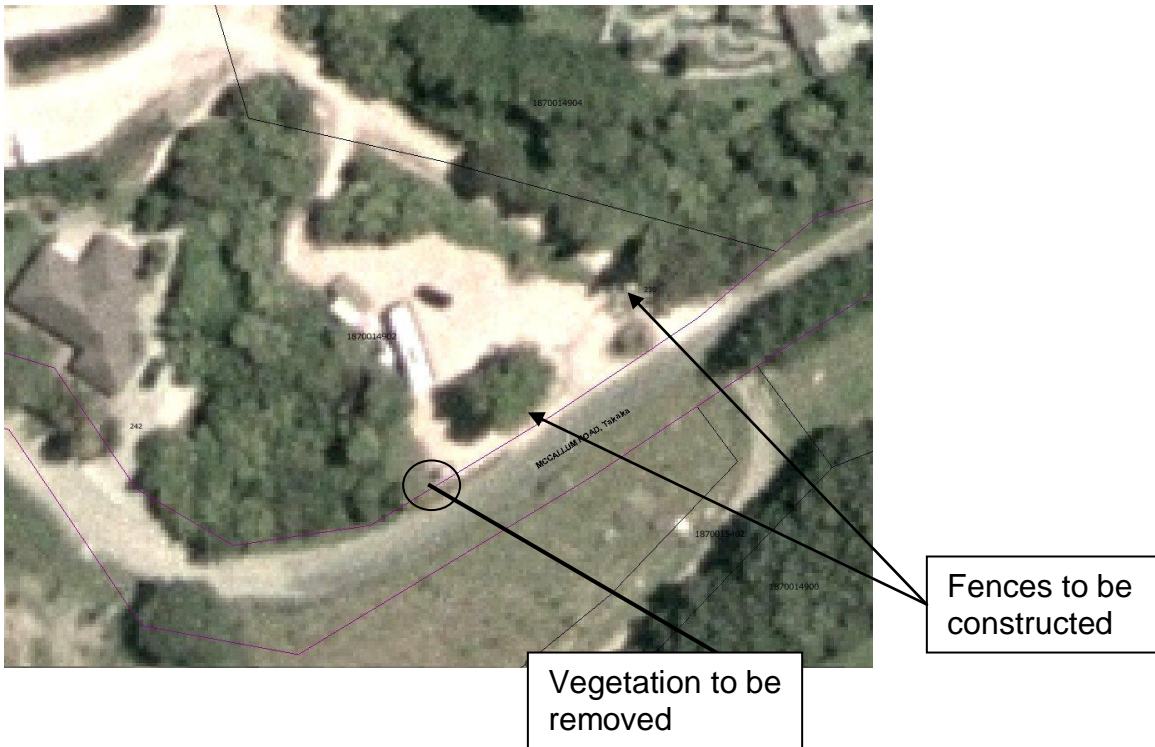
A handwritten signature in black ink, appearing to read 'Noel Riley', written in a cursive style.

Councillor Noel Riley
Chair of Hearings Committee

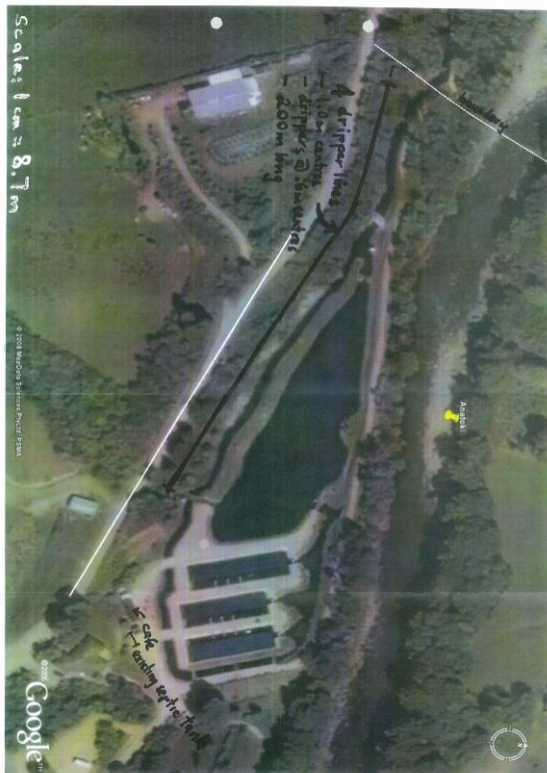
Plan A – Café area
17 October 2008



Plan B – Carpark improvements - 17 October 2008



Plan C – Wastewater discharge area - 17 October 2008



Date Confirmed:

Chair: