

MINUTES

TITLE: Environment and Planning Subcommittee
DATE: Tuesday 8 March 2011 and
 Wednesday 9 March 2011
TIME: 10.00 am
VENUE: Conference Rooms, Motueka Top 10 Holiday Park, 10
 Fearon Street, Motueka

PRESENT: Crs T B King (Chair), E J Wilkins, B W Ensor

IN ATTENDANCE: Principal Resource Consents Advisor (J Butler), Consent
 Planner (P Gibson), (Consent Planner (M Mackiggan),
 Resource Scientist – Rivers and Coast (E Verstappen),
 Transportation Manager (G Clark), Executive Assistant
 (V M Gribble)

**1 APPLICATION NO RM090280, RM090273, RM090272, RM090271,
 RM090747, RM090748 – MARAHAU ESTATES LTD, HARVEY ROAD,
 MARAHAU**

<p>Land Use Consent RM090280</p>	<p>To authorise the existing activities of Old MacDonald's Farm and Holiday Park beyond the scope of the existing land use consent RM930359. To undertake a tourist accommodation activity (holiday park) accommodating up to 500 persons per night (reflective of the peak season of 22 December – 31 January, but to lower levels for the remainder of the year) in cabins, studio units, tent and powered sites, and one self-contained cottage. The tourist accommodation will also have ancillary facilities – an office, provisions retail shop with an off-licence, a secure car park, staff and management accommodation, and communal kitchen, common room, laundry, toilet and shower facilities, and signage.</p> <p>The site is zoned Rural 1 and Rural 2 according to the Tasman Resource Management Plan.</p>
<p>Land Use Consent RM090273</p>	<p>To construct a dwelling on proposed Lot 4 which will replace a temporary dwelling in a converted farm shed. The existing temporary dwelling will be rendered an accessory building.</p>
<p>Subdivision Consent RM090272</p>	<p>To subdivide a 32 hectare property into two allotments as follows: Lot 1 having an area of 13.53 hectares containing Old MacDonald's Farm and Holiday Park and contingency area for any future upgrades of an on-site wastewater area for that activity and Lots 2 – 4 having a total area of 18.36 hectares containing farmland and temporary accommodation. The 32</p>

	hectare land is zoned Rural 1 apart from the small area encompassed in Lot 4, which is zoned Rural 2.
Discharge Permit RM090271	To discharge domestic wastewater and greywater on proposed Lot 1, in conjunction with Old MacDonald's Farm and Holiday Park; 26,780 litres per day of wastewater and 21,270 litres per day of greywater in accordance with the system's design and upgrading recommended in the Cameron Gibson and Wells Report as updated 1 September 2009.
Land Disturbance Consent RM090748	To construct two stopbanks on the northern side of the Marahau River alongside those areas of the Holiday Park known as the Bull and Cowman's Paddocks, such stopbanks being general of 1 metre height and designed for a Q50 flood event.
Water Permit RM090747	To increase the rate of taking of water from Barons Creek, a tributary of Marahau River, from 100 cubic metres per day to 700 cubic metres per day (maximum 2 litres per second) and the use of this water for potable supply to the camping ground. The 1-in-5-year low flow is believed to be 19.7 litres per second. If granted, this consent will replace existing water permit NN000364. The application site is located at Old MacDonald's Farm and Holiday Park, 54 Harvey Road, Marahau, being legally described as Pt Section 115 Motueka Survey District, comprised in CT NL12A/618.

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
EP11-03-12**

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

Marahau Estates Ltd

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
Marahau Estates Ltd	Consideration of a planning application	A right of appeal lies to the Environment Court against the final decision of Council.

CARRIED

Moved Crs
EP11-03-13

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

CARRIED

- 2. APPLICATION NO RM090280, RM090273, RM090272, RM090271, RM090747, RM090748 – MARAHAU ESTATES LTD, HARVEY ROAD, MARAHAU**

Moved Crs
EP11-03-14

THAT pursuant to Section 104B of the Resource Management Act, the Committee GRANTS (IN PART) consent to Marahau Estates Ltd as detailed in the following report and decision.

CARRIED

TASMAN DISTRICT COUNCIL

Report and Decision of the Tasman District Council through its Hearings Committee

Meeting held in the Top 10 Motor Camp Conference Room, Motueka on 8 and 9 March 2011

Site visits undertaken on 4 and 24 March 2011

Hearing closed on 31 March 2011

A Hearings Committee (“the Committee”) of the Tasman District Council (“the Council”) was convened to hear the application for resource consents lodged by **Marahau Estates Ltd** (“the Applicant”). The application, made in accordance with the Resource Management Act 1991 (“the Act”), covers the following activities that require resource consent:

RM090280 Land Use consent to undertake a tourist accommodation activity (Old MacDonald’s Farm and Holiday Park) accommodating up to 500 persons per night (peak season) in cabins, studio units, tent and powered sites, and one self-contained cottage;

RM090271 Discharge Permit to discharge wastewater (26,780 litres per day) and greywater (21,270 litres per day) to land from Old MacDonald’s Farm and Holiday Park.

- RM090272** Subdivision Consent to subdivide a 32 hectare property into two allotments as follows: Lot 1 (13.53 hectares) principally containing Old MacDonald's Farm and Holiday Park and amalgamated Lots 2-4 (18.36 hectares total) containing farmland and temporary accommodation;
- RM090273** Land Use Consent to construct a dwelling on proposed Lot 4 which will replace a temporary dwelling in a converted farm shed;
- RM090747** Water Permit to increase the rate of taking of water from Barron's Creek, a tributary of Marahau River, from 100 cubic metres per day to 700 cubic metres per day (maximum 2 litres per second) and the use of this water for potable supply to the Old MacDonald's Farm and Holiday Park;
- RM090784** Land Use Consent to construct two stop banks on the northern side of the Marahau River alongside those areas of the Holiday Park known as the Bull and Cowmans Paddocks, such stop banks being generally of 1 metre height and designed for a Q50 flood event; and
- RM110292** Water Permit for the diversion of floodwaters by the stop bank authorised by resource consent RM090784. *Note, this is a resource consent that has been identified as being required in tandem with consent RM090784. The scope of the activity was covered by the application for RM090784.*

HEARING COMMITTEE: Cr Tim King, Chairperson
Cr Eileen Wilkins
Cr Brian Ensor

APPLICANT: Mr Gerard Praat (Counsel)
Mr Craig MacDonald (Applicant)
Mr Ray Edwards (Traffic Engineer)
Mr Richard Stocker (Rivers Engineer)
Mr Peter Born (Wastewater Engineer)
Ms Jane Hilson (Consultant Planner)

CONSENT AUTHORITY: **Tasman District Council**
Mr Gary Clark (Transportation Manager)
Mr Eric Verstappen (Resource Scientist, Rivers and Coast)
Ms Rosalind Squire (Reserves Forward Planner)
Mr Paul Gibson (Consent Planner, Land Use)
Mr Mike Mackiggan (Consent Planner, Natural Resources)

SUBMITTERS: Tiakina Te Taiao Ltd (Mr Hugh Briggs and Ms Kura Stafford)
Wakatu Incorporation (Mr Mike Ingram)
Mr Raymond Caird
Mr Matthew Clapshaw
Mr Andreas Welte (Mr Graham Thomas)
Mr Kelvin Goodman
Mr Tom Horn and Ms Ingrid Wagner
Ms Rhonwen Seager & Mr Anthony Opie (Mr N McFadden)

IN ATTENDANCE: Mr Jeremy Butler (Principal Resource Consents Adviser) -
Assisting the Committee
Mrs Valerie Gribble (Committee Secretary)

1. SUMMARY

The Committee has **GRANTED** resource consents sought by Marahau Estates Limited, subject to conditions. However, some resource consents have been granted **IN PART** only.

2. DESCRIPTION OF THE PROPOSED ACTIVITY

Background

Old MacDonald's Farm and Holiday Park (OMFHP) was established by Mr Doug MacDonald and his family, in the name of DW MacDonald Family Trust (The Trust), under land use consent RM930359 granted on 20 December 1993.

RM930359 authorises a camping ground on the site, accommodating a maximum of 140 campers per night in 20 powered and 20 tent sites in the area known as the Bull Paddock, one caravan site, six tent sites, two backpacker huts adjoining the office, and an existing farm dwelling. The Trust has an additional land use consent (RM970469) allowing the off-licence sale of beer and wine to customers staying at OMFHP.

Marahau Estates Ltd have applied for a suite of resource consent applications to increase the scale of the Old MacDonald's Farm and Holiday Park (the OMFHP) at Harvey Road in Marahau and to subdivide and construct a dwelling on proposed Lots 2-4 (amalgamated).

The Site and Surrounds

The site is 36 hectares in area and is located at the end of Harvey Road, Marahau. This is a no-exit sealed rural road, heading up the Marahau Valley from the Department of Conservation shelter at the beginning of the Abel Tasman Track. Harvey Road is classified as a Rural Access Place.

The property occupies the lower part of the Marahau River Valley and extends part way onto the northern side of the valley. It borders the Marahau River and Barron's Creek, a tributary of the Marahau River, flows through the site.

The application site contains three permanent dwellings for staff and a temporary dwelling occupied by Mr and Mrs MacDonald. Land use consent RM990154 was granted for construction of a two-bedroom dwelling in 1999, however the consent lapsed before it was given effect to and Mr and Mrs MacDonald currently reside in a temporary dwelling within a shed on an elevated area at the north west corner of the property.

There is an office located to the south of the right-of-way where customers can make bookings, purchase basic food provisions, beer or wine, and access internet or email.

A common room is used for groups of back packers through a business called Stray Tours. There are also kitchen, laundry, and shower and ablution facilities on the site.

The site contains 75 unpowered sites, 55 powered sites, 10 permanent cabins, one self-contained studio unit, and 11 relocatable hire cabins (not self contained). It also has a secure car park for 50 vehicles.

The application notes that OMFHP operates on a seasonal basis. Camping, which comprises most of the business' accommodation potential, occurs largely in summer, and predominantly over the Christmas holiday period.

Visitors arranged through Stray Tours are also accommodated on the site. Stray Tours is operated from Auckland, and takes backpacking customers on tour throughout New Zealand. 40-seat coaches transport customers around the country, and their itinerary includes a two-night stay at OMFHP. The application states that in the high season, there may be up to seven coach arrivals per week, or up to 80 clients per night. This reduces to four to five arrivals either side of the main holiday period. Stray Tours have entered into an agreement for lease of facilities over a six month period. The Applicant has set aside a dedicated area for this, for exclusive use of the tour company during its season. This area contains permanent and relocatable accommodation units, tent sites, a kitchen, laundry, common room, barbecues, showers and toilets.

The site also contains Independent Guides Kayaks, an activity not operated by the Applicant. This kayak tour base operates from a shed near the OMFHP office. According to the application it has 15 double kayaks, and uses the base as an assembly point for tour participants and storage facility for kayaks and equipment. The application states that customers travel by tractor and trailer to the main Marahau wharf and slipway for launching and the business serves primarily camp ground customers. There is no record of the operation having obtained resource consent despite it requiring one for a commercial activity in the Rural 1 Zone. The current application does not include the kayaking business. Therefore consent for the kayaking business remains outstanding.

Access through the site is via a long right-of-way (the ROW) over the subject site owned by Marahau Estates Ltd. It is sealed for a short stretch from Harvey Road and thereafter of basecourse formation. The ROW serves seven dominant tenements owned by Manuka Farm Ltd (2 titles), A Welte, J and A Hollingworth, B A Smith and K and J Goodman. Two smaller rights-of-way come off the ROW and half way along its length and run approximately north/south. They serve only Sec 117 SO7059 owned by Manuka Farm Limited.

The Marahau River bounds OMFHP to the south, although in physical terms it passes in and out of the Applicant's property. The main swimming holes are adjacent to the Bull Paddock camping area. The remaining stretches of river bank are generally vegetated and the bank south of Cowman's Cottage and on the western side of Cowmans (Area 5) has a low existing stop bank.

Site Names, Areas and Terminology

The site that is the subject of these applications is complex with a wide range of camping sites, commercial areas, facilities and residential activities.

For clarity and reference the following terminology is used as consistently as is practicable throughout this decision.

Area #	Description	Name used
Area 1	Picnic area and shelter (ex Gum Drop Café)	Picnic Area
Area 2(a)	Office and OMFHP related Retail	Office/Shop Area
Area 2(b)	Cabins, tent and powered sites at the rear of the Area 2(b) Office/Shop	Cabins Area
Area 3	Kayak Guides (occupied by a commercial kayak rental and guiding company which operates separately and is not part of this application)	Kayak Guides Area
Area 4	Manager's House and Studio Unit	Studio Unit
Area 5	tent and powered camping sites on riverside of Llama paddock.	Cowmans
	A one bedroom cottage in the Area 5 Cowmans close to the River	The small Area 5 cottage ¹
Area 6	Long term secure car park adjacent to the Area 4 studio unit	Long Term Parking Area
Area 7	The main camping area beyond Barron's Creek	The Bull Paddock
Area 8	The cabins and facilities where the Stray Tour Company has exclusive use.	The Stray Area
Area 9	Bare hillside	[not further mentioned]
Area 10(a)	Llama Paddock adjacent to Cowmans on the southern side of the ROW.	Southern Llama Paddock
Area 10(b)	Larger Llama Paddock on the northern side of the ROW between the Long Term Parking Area and the Stray Area.	Northern Llama Paddock
Area 11	Lynn and Doug MacDonald's house property	Proposed Lots 2-4

¹ Confusingly the small one bedroom cottage in the Cowmans area (Area 5) is different to "Cowmans Cottage" which is in Area 11 on the north side of the ROW.

	The staff accommodation cottage to the northwest of the Stray Area (Area 8) and on the north side of the ROW.	Cowmans Cottage ¹
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The Application

The application can be summarised as covering the following activities that require resource consent:

RM090280: To authorise the existing activities of Old MacDonald's Farm and Holiday Park beyond the scope of the existing land use consent RM930359. To undertake a tourist accommodation activity (holiday park) accommodating up to 500 persons per night (reflective of the peak season of 22 December - 31 January, but to lower levels for the remainder of the year) in cabins, studio units, tent and powered sites, and one self contained cottage. The tourist accommodation will also have ancillary facilities - an office, a provisions retail shop with an off-licence, a secure car park, staff and management accommodation, a communal kitchen, a common room, laundry, toilet and shower facilities and signage.

RM090272: To subdivide a 32 hectare property into two allotments as follows: Lot 1 having an area of 13.53 hectares containing Old MacDonald's Farm and Holiday Park and contingency area for any future upgrades of an on-site wastewater area for that activity and Lots 2-4 (amalgamated) having a total area of 18.36 hectares containing farmland and temporary accommodation. The 32 hectare land is zoned Rural 1 apart from the small area encompassed in Lot 4 which is zoned Rural 2.

RM090273: To construct a dwelling on proposed Lot 4 which will replace a temporary dwelling in a converted farm shed. The existing temporary dwelling will be rendered an accessory building.

RM090747: To increase the rate of taking of water from Barron's Creek, a tributary of Marahau River, from 100 cubic metres per day to 700 cubic metres per day (maximum 2 litres per second) and the use of this water for potable supply to the camping ground. The 1 in 5 year low flow is believed to be 19.7 litres per second. If granted, this consent will replace existing water permit NN000364.

RM090271: To discharge domestic wastewater and greywater on proposed Lot 1, in conjunction with Old MacDonald's Farm and Holiday Park: 26, 780 litres per day of wastewater, and 21, 270 litres per day of greywater in accordance with the systems design and upgrading recommended in the Cameron Gibson and Wells Report as updated 1 September 2009.

RM090748: To construct two stop-banks on the northern side of the Marahau River alongside those areas of OMFHP known as the Bull and Cowmans Paddocks, such stop-banks being generally 1 metre in height and designed for a Q50 flood event.

RM110292: After the application was publicly notified it was identified that, in the event that resource consent RM090748 to construct stop banks is granted, that activity also requires consent for the diversion of floodwaters which is covered by the application.

OMFHP Land Use Application

The applicant has applied for resource consent to authorise the additional campers and facilities that have been operating on the site over and above the scope of the current 1993 consent (RM930359). The application advises that current maximum nightly occupancy rates are as follows:

Occupancy	Peak and Shoulder Seasons	Low Season
Cabins and camping area near the office (Area 2(b))	80 persons 1 December to 31 March	40 persons 1 April to 30 November
Studio unit (Area 4)	4 persons	4 persons
Cowmans Camp (Area 5)	40 persons 22 December to 7 January dropping to 20-30 persons from 1 December to 31 March	5 persons 1 April to 30 November
Bull Paddock Camp (Area 7)	280 persons 1 December to 31 January	150 persons 15 February to 30 November
Stray Tour Company (Area 8)	100 persons 15 November to 30 April	50 persons 15 May to 31 October
Total Max. Nightly Occupancy	484-504 persons 22 December to 31 January 249 persons 1 May to 30 November 364 persons 1 December to 21 December 364 persons 1 February to 31 March	

The applicant seeks to increase the size of the holiday park from the 140 people approved by the existing consent to accommodate up to 500 persons per night (reflective of the peak season of 22 December - 31 January, but to lower levels for the remainder of the year) in cabins, studio units, tent and powered sites, and one self contained cottage. The tourist accommodation will also have ancillary facilities: an office, a retail shop with an off-license, selling limited food and items for campers, a secure car park, staff and management accommodation, communal kitchen, common room, laundry, toilet and shower facilities, and signage.

Accommodation at the camp ground will consist of:

- 75 unpowered sites
- 55 powered sites
- 6 five bed cabins
- 2 four bed cabins
- 12 three bed cabins
- 1 four bed self contained studio unit attached to the manager's dwelling

The applicant advises that there are up to nine staff on a roster, with six working per day. Five staff reside on the site.

The following table compares the authorised environment (what is currently allowed by land use consents RM930359 and RM970469) with what is now applied for:

Land use component	Authorised Environment	Proposed	Difference
Maximum total occupancy of camp ground	140 campers	500 campers	360 additional campers during peak season
Number of camp sites in the "Bull Paddock" (Area 7)	20 powered sites and 20 unpowered sites.	40 powered sites and 40 unpowered sites.	20 additional powered sites. 20 additional unpowered sites
Camp sites adjacent to the OMFHP office (Area 2b)	1 caravan site; 6 tent sites; 2 back packer huts (maximum of 4 people in each hut)	7 cabins, 10 tent sites, 5 powered sites (Annexure E of the application).	7 cabins instead of 2 huts. 4 additional powered sites in addition to the authorised caravan site. 4 additional tent sites.
Camp sites in the "Cowmans" area between the Office area and the Bull Paddock (Area 5)		Assorted new sites.	Assorted additional sites. (Currently camping is not authorised in this area by the 1993 consent).
Secure parking compound (Area 6)	Designed to accommodate up to 50 cars. Required large specimen trees suitable for the Marahau coastal environment which will provide shade and reduce the visual impact of the car park.	Designed to accommodate up to 50 cars	No change
To conduct off licence sales of beer and wine to customers staying at the camping ground complex.	Authorised by land use consent RM970469. Hours of sale restricted to between 11.00am to 9.00pm daily except Sundays.	Consent to remain.	No change
Potential site area taken up with holiday park, associated access, parking and	Areas 2 and 7 on the site plan. (there were no limits in relation to the size of the 9	Areas 1 to 8 on the site plan, but excluding Area 3	5 additional areas as shown on the site plan (Area 3 is the kayak base).

Land use component	Authorised Environment	Proposed	Difference
shop/office.	hole golf course in existing consent RM930359 but that component of the consent has lapsed as the golf course has not been given effect to)		

The existing authorised environment includes the effects of authorised resource consents, in this case RM930359 and RM970469. The applicant has the right to operate within the existing consents provided they comply with all the conditions of consent.

Wastewater Discharge Permit

The maximum wastewater volumes have been calculated as 26,780 litres per day of blackwater, and 21, 270 litres per day of greywater.

The applicant's agent Cameron Gibson and Wells Limited, Consulting Chartered Professional Engineers, have proposed upgrades and additions to the on-site treatment and discharge methods for the domestic wastewater to cater for the short-term peak-loading likely over the Christmas/New Year period.

The upgraded wastewater systems proposed are "primary treatment" systems which produce an acceptable quality of effluent with the majority of the treatment occurring within the free draining soils after the wastewater is discharged to land application areas comprising a network of lined evapo-transpiration beds or low-pressure compensating drip irrigation lines.

The underlying geology of the area is classified as a fine sand loam topsoil from 200 to 500mm (Category 2), over fine to coarse sand layers (Category 1), with some rocks encountered at depths of 800mm or more. Test logs undertaken by Cameron Gibson Wells Limited have identified as per AS/NZS 1547:2000 the overall soil category in the proposed effluent land application areas as Category 1 - Gravels and Sands - Rapidly Drained.

Stop Banks Land Use, and Flood Water Diversion Water Permit

There are two existing stop banks that partially protect the Bull Paddock and Cowmans Areas. The stop banks are low and may not be sufficient to protect the land in a 2% AEP event. The stopbanks also only extend around the upstream edge of each of these areas.

The Applicant has applied to extend these stop banks to completely encircle the Bull Paddock and Cowmans areas, and also to raise the stop banks to a 2% AEP event. This activity inherently involves diverting floodwaters.

3. TASMAN RESOURCE MANAGEMENT PLAN (“TRMP”) ZONING, AREAS AND RULE(S) AFFECTED

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

- Zoning: The majority of the site is zoned Rural 1. The Lot 4 area of the subdivision on which a new dwelling is proposed is zoned Rural 2.
- Area(s): Protected tree T241 Lombardy Poplar Category C; Predominantly Land Disturbance Area 1 with a small portion of Land Disturbance Area 2; a small portion of Coastal Environment Area, Cultural Heritage site N26-031.

In the Section 42A staff reports of Mr Gibson, Mr Mackiggan, and Mr Tyson the Council’s planners address the wide range of conditions of (variously) permitted, controlled and restricted discretionary rules in the TRMP that are not met by the application. We refer the reader to those reports for a more detailed discussion of the statuses of the applications.

We consider that, given the interdependent nature of the applications, that we should consider them as a bundle. It is common ground among all parties that the applications should jointly be considered as a Discretionary Activity.

4. NOTIFICATION AND SUBMISSIONS RECEIVED

The application(s) was notified on 27 November 2010 pursuant to Section 95 of the Act. A total of 22 submissions were received. The following is a summary of the written submissions received and the main issues raised:

Submissions in Support

Submitter	Reasons
Tiakina Te Taiao Ltd	<ul style="list-style-type: none"> Concern about the appropriateness of the proposed wastewater treatment and disposal system. Concern about the potential impact of water abstraction on water flow and quality of the Marahau River. The appropriateness of mitigation measures The length of the consent The lack of proposed conditions.
W A Mitchell C/- K James, 195 Sandy Bay Road, Marahau	<ul style="list-style-type: none"> OMFHP has had big numbers (of campers) for at least 10 - 12 years with no discernible adverse effects. Best camp ground in New Zealand
Raylene MacDonald	<ul style="list-style-type: none"> Supports application
Scott C Eastwood 577 Riwaka-Sandy Bay Road	<ul style="list-style-type: none"> OMFHP is an iconic kiwi style institution that needs to develop. Future development will have no environmental impact.
Cameron Arcus	<ul style="list-style-type: none"> Supports application Excess gravel and rock in the river should be removed after recent floods
Michael John Friis	<ul style="list-style-type: none"> Support for application
Marlene Aitken Marahau Valley	<ul style="list-style-type: none"> Fully in support

Road	
Tracy Hilda Brownlie Otuwhero Valley, Motueka	<ul style="list-style-type: none"> Fully in support
AA Boyd and DL Carter Otuwhero Valley, Motueka	<ul style="list-style-type: none"> Fully in support
William Andrew Mitchell 195 Sandy Bay Road	<ul style="list-style-type: none"> No adverse effects Supports application
Dorothy Jane Ritschny	<ul style="list-style-type: none"> Supports application but is concerned about building additional stop banks.

Submissions in Opposition

Submitter	Reasons
Matthew Albert John Clapshaw 64 Marahau Valley Road, Marahau	<ul style="list-style-type: none"> Wants to see groundwater monitoring. No stop banks as it is unwise to constrain the floodplain Provision of esplanade strip or reserve is essential.
A Welte 351 Harvey Road, Marahau	<ul style="list-style-type: none"> Concerned at the impact the increase in number of people using the camping ground will have on his ability to use the existing ROW. Campers tend to be in “relaxed holiday mode” and walk all over the ROW without any concerns as to safety. This creates delays for ROW users and dangerous situations. Due to the commercial nature of OMFHP, actual traffic generation is greater than would normally be the case on a ROW. There are currently 7 ROW users and the proposal will increase the users to 8. The Traffic Consultants comment as to the ROW being suitable only refers to the physical carriageway and does not take appropriate account of the conflicts between differing users. The ROW cannot be made appropriately “safe” for campers as the use of repeating judder bars (or similar) would infringe the contractual rights of the dominant owners as to unimpeded use of the ROW. There is an alternative legal access to my property (and the other properties upstream from the applicant’s site). However the absence of a bridge means that the legal access is ineffective to provide vehicle access to the property. If the applicant (and/or TDC and other potential users) would fund the construction of the necessary bridge and approaches that would provide effective alternative access thereby enabling the rights of way to be extinguished and removing general traffic

	from the applicant's camping ground.
T Horn & I Wagner 27 Harvey Road, Marahau	<ul style="list-style-type: none"> • Our property borders Area 2 of OMFHP on three sides. Currently Area 2 is used by 20 to 40 campers. The wind direction in the evenings is down the valley and we can hear conversations and activities clearly during this time. This is acceptable to us and we appreciate Craig MacDonald's efforts of curbing noise at night time. However, doubling the number of campers, some of which will be tour groups, and potentially doubling the noise level is of concern to us. We are objecting to the increase in numbers in Area 2. • Concerned that wastewater systems are insufficient. Wants better effluent monitoring • Object to new stop banks as any increase could have serious effect on their property.
R Seager and A Opie 74 Harvey Road, Marahau	<ul style="list-style-type: none"> • The proposed subdivision of the property would allow construction of an additional dwelling where there is already a number of permanently occupied dwellings on the existing Rural 1 title. • Concern that water take is too high and will lead to adverse effects on Barrens Creek. • Seeks effective monitoring of groundwater quality and effects of wastewater discharge.
John and Deborah Hughes 25 Leith Crescent, Greymouth	<ul style="list-style-type: none"> • River is flood prone and modification could magnify floods
Kelvin Spencer Goodman 74 Marahau Valley Road	<ul style="list-style-type: none"> • No stop banks should be constructed until river has been cleaned out of gravel and willows.

Neutral Submissions

Submitter	Reasons
NZ Fire Service Commission (the Commission)	<ul style="list-style-type: none"> • The proposed development should take into account the operational requirements of the Commission to adequately provide for firefighting activities in a safe, effective and efficient manner as required by the Fire Service Act 1975. • The activity should recognise the importance of emergency services to the health and safety, and the well-being of occupants of the park. This potential adverse effect can be adequately mitigated by ensuring that the proposed dwelling and the temporary accommodation activity contain provisions to reduce the fire risk. This means ensuring that adequate water supply is provided for firefighting purposes as outlined in the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008 in accordance with Fire Sprinkler Systems for Houses

	NZS 4517:2010. A condition requiring compliance is sought along with a fire management plan being developed for the camp ground.
Wakatu Incorporation 14; 165 - 215; 351 Marahau Valley Road	<ul style="list-style-type: none"> • Portaloos and relocatable showers would not meet the requirements of the Camping Ground Regulations and the Building Act. • If Portaloos and relocatable showers are accepted, how does Council propose to monitor that sufficient facilities are on site at any one time to meet the demand and that all wastewater from the facilities is being trucked off site. • Conditions should be applied to ensure the effects of the wider roading network are taken into consideration. • Due to Marahau having a significant Maori occupation in the past there is a possibility of discovery of taonga and other artefacts. Wakatu requests that an Iwi monitor be present during any earthworks. • Want to ensure that flows and quality of rivers and streams are not affected by water take.
B A Smith 217 Harvey Road, Marahau	<ul style="list-style-type: none"> • Ask for Council's due consideration of traffic concerns as a result of the proposed activity and their effects on other users. • Recommends a condition requiring a pedestrian/push bike "passageway" as far from the main vehicular accessway as possible.
Raymond James Caird	<ul style="list-style-type: none"> • Concerned about effluent seepage • Supports public access to river bank • Concerned about effect of new stop banks on flood levels
Denis George Bloomfield Marahau Valley Road	<ul style="list-style-type: none"> • Any restriction in natural and traditional overflow points will create more serious flooding. • Concern about access to properties during floods.

5. PROCEDURAL MATTERS

Towards the end of the public part of the hearing Mr Verstappen (the Council's Resource Scientist, Rivers and Coast) presented a written report wherein he withdrew from his previous position. Mr Verstappen had previously held the opinion that "overall ... flood hazard risk to land beside and beyond the proposed stop bank alignment will increase marginally, but with effects considered to be no more than minor"².

Mr Verstappen's new position was:

- (a) that "the campground cannot be located safely on the present site ... without significant (at least 2% AEP) flood hazard protection measures"; and
- (b) that he was "no longer certain that the assessment of the effects of 2% AEP flood flows on land adjacent to and downstream of the proposed stop bank, as

² Mr Verstappen's original position was represented in Mr Mackiggan's Section 42A report.

modelled by Mr Stocker, will have effects on that land that can be reasonably considered to be no more than minor”

Mr Verstappen stated that he based his change of opinion upon, firstly, the December 2010 flood event and, secondly, on what he considered to be a methodological error in Mr Stocker’s flood level model (which predicts the change in flood heights on surrounding properties as a result of the construction of the proposed stop banks). On this second point Mr Verstappen was of the opinion that the methodology used invalidated the findings of the model such that he could have no confidence that other parties would not be affected by higher floods as a result of the construction of the stop banks.

Mr Verstappen recommended that a revised computer floodplain modelling exercise (preferably using LIDAR data) be undertaken before a decision is made.

Mr Stocker was not present at the hearing at the time that this matter was raised.

As a result of this change of opinion the Chair sought comment from Mr Praat, counsel for the applicant. Mr Praat asked that the Chair direct that the hearing be continued and that we (the Committee) make a decision on the information available to us.

After the closure of the hearing we considered whether we required further information along the lines of what Mr Verstappen had recommended. Taking Mr Praat’s directions to continue into account, we decided that we had sufficient information to make a decision and therefore we closed the hearing.

A related, but certainly less problematic matter is the lack of a specific reference in the application for a water permit to divert flood waters as a result of the construction of stop banks. In the event that the stop bank consent is granted we have determined that this consequential consent can be issued as there are no matters or effects which are outside of the scope of what was notified or discussed at the hearing. In other words, virtually all of the effects of the stop banks actually result from the diversion of floodwaters, and it was these matters that were discussed at the hearing.

6. EVIDENCE HEARD

We 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.

6.1 Applicant’s Evidence

Mr Gerard Praat (Counsel)

Mr Praat introduced the proposal and stated that it is, in part, to legitimise existing activities. Therefore, the effects are known because they have been observed.

Even though the consents applied for have no effect on the legitimacy of the existing 1993 consent, Mr Praat considered that, for ongoing clarity, it be appropriate that the applicant apply for entirely new consents as a package rather than applying for

incremental increases in the scope of the activities. Therefore, any new consent granted for camping activities will entirely replace the 1993 consent.

Mr Praat accepted a 5 metre wide esplanade strip along the Marahau River but expressed concern over any requirements to remove or relocate buildings from the strip.

Mr Ray Edwards (Traffic Engineer)

Mr Edwards described the crash rate of the overall road network out to State Highway 60 as being low.

Mr Edwards expressed the extreme difficulty in developing an accurate traffic generation estimate for this type of activity. 160 trips is an indication of the typical daily generation in the shoulder periods immediately either side of the peak season.

Mr Edwards said that he was satisfied with the width and formation of the ROW. He said that the surface is good and there are many areas for vehicles to pass. Increasing the width could increase vehicle speeds which would be undesirable.

He was also satisfied that all aspects of the ROW and Harvey road (with some improvements) were suitable for the activity which has been operating for several years. He accepted that Harvey Road be widened to 5.5 metres with shoulders, and also that a footpath should be formed on the southern side of Harvey Road. Mr Edwards recommended an upgrade of the ROW to a width of 4.5 metres on straight sections and 5.0 metres on bends.

Mr Edwards commented on the walkway and bollard fence that was recommended by Council staff. He did not think this would work and would likely increase vehicle speeds.

Cr Ensor asked what can be done to slow traffic. Mr Edwards said the cheapest is judder bars, but he did not think they are a good option. He said that width is a good way of controlling speed. It is well documented that narrower lane widths is an effective way of controlling traffic speed. Design standards now allow councils to make their own decisions about roads and build to what is needed. Therefore he opposed over-widening the ROW.

Mr Richard Stocker (Rivers Engineer)

Mr Stocker presented his evidence before the procedural issue discussed above came to light.

Mr Stocker said that at the time the modelling had been done and a report had been written describing the impact of the proposed stop banks on flood levels on surrounding land the extent that the existing stop banks were legally authorised was not known. Therefore, at that time the report had assessed the total effect of the existing stop banks plus the proposed upgrades on increases in flood level.

The model showed an increase in flood level of between 0.2 metres and 0.8 metres from Cowmans up to the Bull Paddock.

Subsequent to this assessment and report it was determined that the Bull Paddock stop bank had been authorised and therefore a proportion of this flood increase is already authorised.

The proposed stop bank height is in the order of 1 metre but up to 2 metres total height for the extensions to the stop banks. A top up to the existing stop banks in the order of 300 millimetres would be required.

Mr Stocker said that removal of willows and gravel from the river would also significantly reduce flood levels. He said that Mr MacDonald had said that they would pursue maintenance of the channel.

Cr Ensor asked if the bank could be pulled back from the river to dissipate flow from Marahau. Mr Stocker said that that is not the intention, but removal of willows and gravel banks that have built up will be undertaken. Mr Stocker agreed that by building a stop bank close to the northern side of the river there will be more of an effect on the southern side.

Cr Ensor asked about a proposed telemetric floodwater device and how much warning it would give of a flood. Mr Stocker said that a 2 to 3 hour time period could be achievable. However it was imprecise as measuring rainfall will only give an indication in one part of the catchment and there is no guarantee that heavy rain will go on to cause a flood once a warning has been triggered.

Mr Peter Born (Wastewater Engineer)

Mr Born said that investigations had shown the sandy soil to be excellent for on-site wastewater management because they drain well but are fine enough to provide effective in-soil treatment.

Mr Born stressed that it is difficult to deal with highly fluctuating loading rates and “shock” loadings. He said that secondary treatment systems cope more poorly with these fluctuations than primary treatment systems.

Mr Born described the improvements to the systems. The improvements are generally around increasing the capacity of the septic tanks and constructing new septic tanks where necessary. Indexing valves are also utilised to better distribute the wastewater. The discharges to land are to be a mixture of mainly existing evapotranspiration (ETS) beds (eg Bull Paddock and Cowman’s Cottage) and new LPED beds.

Mr Born said that the existing ETS beds were an attempt to contain all wastewater. However with thin polythene it is very likely that there are numerous perforations. Therefore he recommends groundwater monitoring where discharges are close to the river.

Mr Born said that although septic tanks are not effective in removing faecal coliforms, this removal is performed by favourable soil conditions and coliforms will be removed within a few tens of centimetres. He considered there to be little risk of contamination of the groundwater.

He said that in the unlikely event that groundwater monitoring down-gradient of the existing ETS beds showed faecal coliforms contamination then he recommended replacement of the ETS beds with an LPED discharge system.

Ms Jane Hilson (Consultant Planner)

Ms Hilson said that for the vast majority of the time OMFHP would be operated within the limits of the existing 1993 consent.

Mr Hilson agreed that there is an authorised environment that should be kept in mind as a baseline. She said that her assessment of this authorised environment was generally the same as Mr Gibson's.

Ms Hilson considered that OMFHP contributes to the rural character and amenity values of the environment in this location. She said that the staff accommodation was of low impact and that the proposal consolidated the camping in the camp. She considered the effects to be largely internalised with a high degree of separation from neighbours.

On the basis of Mr Stocker's expert evidence she considered that OMFHP could be managed to avoid natural hazards, particularly flooding. This is on the basis that stop banks are constructed around the Bull Paddock and Cowmans.

Ms Hilson considered that an esplanade strip is appropriate but queried the need to move buildings that are within that area. She considered that 5 metres would be sufficient for public access. This would also satisfy the matter of national importance in Section 6(d) of the Act.

Cr Ensor, asked about the Cabins Area (Area 2b) and the activity there particularly in relation the Horn/Wagner property to the south east. Is there a need for more plantings for privacy and noise mitigation?

Ms Hilson said there is a storage area along that side of the property. Camping is occurring more to the north-west side of Area 2b. She considered that there maybe potential to establish a buffer to create separation.

Cr Ensor observed that there are tour buses in that area and that they may be noisier. Mr Macdonald said Flying Kiwi have been relocated to that area as they are closer to his residence and he can monitor noise and behaviour. He said that in general they are not a late-night noisy group.

Cr King asked if it was possible and/or reasonable to redraw that boundary so it is clear what area is intended to be used for camping. Mr Macdonald said cabins are in a semi half circle which provides a buffer. He said that it is easy enough to incorporate a ban on camping behind the cabins.

6.2 Submitters Evidence

Tiakina Te Taiao Ltd (Mr Hugh Briggs and Ms Kura Stafford)

Mr Briggs confirmed that Tiakina Te Taiao (Tiakina) is not opposed to the proposal but wants to see appropriate controls on activities.

Mr Briggs was concerned about a 35 year term for the wastewater discharge permit; 15 to 20 years was preferred.

Mr Briggs said that Tiakina accepts that water can be taken but it should not be done such that it affects water flows during dry periods.

Tiakina recommended conditions to be placed on consents should they be granted. These included a reduced term for the wastewater consent, annual monitoring of the water quality of the Marahau River, preparation of a flood risk management plan, monitoring of river flows, and an iwi monitor required for earthworks.

Wakatu Incorporation (Mr Mike Ingram)

Ms Stafford read a submission written by Mr Mike Ingram for Wakatu Incorporation (Wakatu).

Mr Ingram said that Wakatu does not oppose the application but seeks to ensure that the upgrade to the wastewater system is appropriate. A query was also raised as to how the Council will monitor that sufficient facilities are on site if Portaloos or similar are to be used.

To address traffic Wakatu considered that the road over the Marahau Hill (between Riwaka and Marahau) should be improved by the applicant.

Wakatu sought that any discharge or recreational use of the river should not affect the ecology of the river. Mr Ingram said that there was no information on the construction of the stop banks, nor to what standard.

Wakatu sought shorter consent periods with appropriate checks and monitoring put in place.

Finally, due to Marahau having a significant Maori occupation in the past, Wakatu sought that an iwi monitor be present for earthworks.

Mr Raymond Caird

Mr Caird said OMFHP is an asset to Marahau, but he was concerned about the way it has grown and it has a huge impact on the Marahau Valley.

Mr Caird had concerns are about effluent seepage and water quality, public access via the river bank and the affect that new stop banks would have upon flood levels. He said the valley is vulnerable to significant flooding. He considers the esplanade strip should be ten metres wide with a ten year sunset clause on buildings.

Mr Matthew Clapshaw

Mr Clapshaw was concerned about the discharge of domestic water, particularly the scale of the discharge. He described it as being similar to the entire Marahau village. He considered that the rules of the Special Domestic Wastewater Disposal Area should apply (viz. secondary treatment).

Mr Clapshaw supported the imposition of conditions requiring groundwater monitoring. He said that the Marahau River is important for native fish, customary food take and recreational swimming.

Mr Clapshaw considered it unwise to allow reduction in floodplain area. He also supported access along the banks of the Marahau River adjacent to Old MacDonald's Farm.

Mr Andreas Welte (Mr Graham Thomas)

Mr Thomas said that Mr Welte lives further up the valley and has three titles although only one has an access via the right of way. Mr Welte was not opposed to the resource consent but is opposed to the increasing use of the ROW.

Mr Thomas said that the issue is one of legality of the use of the access. He said that there are seven users on the ROW plus extra dwellings to be created. He said that the increasing use will have an adverse effect on the ROW users' legal right of free and uninterrupted passage. He considered that it would be illegal to grant consent.

Mr Thomas said that it has been estimated as costing \$646,000 to construct a road connection over the Marahau River and connecting to the Marahau Valley Road.

Mr Welte would want to see sealing of the ROW be required as a condition of consent.

Mr Thomas said that the access either needs to be moved, alternative access needs to be provided or the access needs to be vested as legal road.

Mr Kelvin Goodman

Mr Goodman said that there have been many floods and that these are increased by build-ups of gravel and willows. He said that he would like to see the bed maintained before the stop banks are built.

Constricting the banks will increase the energy. Maximising the capacity of the river will be a win:win outcome.

If stop banks fail there will be water coming into the camp quickly.

Mr Tom Horn and Ms Ingrid Wagner

Mr Horn stated that overall he supports the application.

However, his concerns are wastewater, flooding and noise.

He said he has seen lots of floods and does not believe that the stop banks will have no effect on his land. He said that his property is very flat and flood-prone. Stop banks would make the problem worse. He also reminded the panel that floods could get worse with climate change.

Mr Horn considered that it would only take a very small increase in water level to go through his sheds and create significant adverse effects.

Mr Horn said that the problem of flooding would just be pushed downstream rather than being borne by all landowners. He pointed out that the stop banks will be protecting something that is very temporary and most of the year they will be protecting something which does not need the protection.

Regarding noise, Mr Horn said that they are 80 metres away and are affected by a regular katabatic wind that brings noise down the valley. He said that he appreciates Craig's efforts and that management had mostly been effective. He was worried that a change in clientele and/or a change in ownership may make things worse.

He said that, under this application, the Cabins Area (Area 2b) is changing from the currently consented 16 people³ to 80 people. He said that he would be happy with 30-40 but would certainly object to 80. He also wanted to see a better definition of Area 2b.

Mr Horn also wanted to see evidence of monitoring, particularly of the numbers of people. He recognised that it is difficult for the Council to proactively monitor and he asked as an alternative that they be given a phone number or the camp phone system is automatically directed to the person in charge of noise control. He said that he does not want to have to "dob-in" his neighbours.

Mr Horn then discussed the effluent discharge. He said that primary treatment of effluent is not enough. The standards should be the same as elsewhere where secondary treatment is necessary. He said that the soils are deficient in Calcium and have low biological activity.

He emphasised that there is to be a lot of effluent and that the aquifer feeds the river.

He asked about the monitoring including how often and to what standard. He also said that there will be flooding across the discharge area.

Ms Rhonwen Seager and Mr Anthony Opie (Mr Nigel McFadden)

Mr McFadden pointed out that the 1993 consent does not authorise all of the activities that were then applied for. He said that the golf course has lapsed, the proposed "caravan site" (as it was referred to in the 1993 application; it is here called the Cabins Area or Area 2b) adjacent to the camp office (ie Area 2b) did not obtain consent. From this Mr McFadden considered that the scale of the increase is very large.

In justifying his opinion that the Cabins Area did not obtain consent Mr McFadden referred to the reasons for the 1993 decision where it states:

2. *... concerns about flooding have been addressed by reducing the area available for camping and declining that part of the proposal adjoining the farm park office.*

³ There is considerable doubt as to whether any camping or accommodation activities have previously been consented in this area. This doubt was subsequently raised by Mr Nigel McFadden and we discuss our findings on the matter later in this decision.

Mr McFadden said that his clients and many residents are concerned that the applicant has breached its conditions and developed its business and is now looking for a “rubber stamp” retrospective approval.

Mr McFadden then referred to the kayak business. He said that all resource consents should be applied for together.

In addressing the TRMP, Mr McFadden said that the land is Rural 1 and productive purposes should be preserved. He referred to a previous consent (Gardens of the World) where consent had been declined for a much smaller area of productive land than is currently in question. The assessment should be made as if the buildings are not there.

Overall, Mr McFadden said that case law and previous decisions support the retention of Rural 1 land for productive purposes, the maintenance and enhancement of rural character, and allowance for the development of tourist services by not at the expense of character or amenity.

Mr McFadden referred to Objective 7.1.2 of the TRMP and indicated the strong direction of the Objective and the supporting policies.

Mr McFadden further emphasised the risks of retrospectively authorising an activity that has grown beyond its consent. He said that others may be encouraged to do so and a precedent would be created whereby others would do exactly what the applicant here has done.

Cr King commented that most submitters, despite their concerns about stop banks and waste, have said that the character of the area is inclusive of Macdonald's Farm. Given that consented or otherwise the activity has been taking place at or around the level applied for, how do you find that legitimising it will significantly alter the character? Mr McFadden said that he has difficulty with the concept of saying well it is there already. Each and every case stands or falls on its own merits.

Ms Seager then presented her evidence.

She said that the difference in the authorised environment and what is being applied for is substantial and larger than what Mr Gibson had assessed.

Ms Seager said that it is well known that the number of people staying at the camp vastly exceeds the 140 it is authorised for. She said that she has been told that 1,200 were once in the camp.

Ms Seager said that noise spills out of the camp sometimes but is kept to a reasonable level by Mr MacDonald. She was not sure that this would continue if the property changes hands.

Regarding the wastewater, Ms Seager pointed out that groundwater flows into the Marahau River and therefore it is prone to pollution from wastewater discharges. She thought that secondary treatment would be more appropriate.

She said she was particularly concerned that there are two water takes from Barron's Creek upstream of the water meter.

Regarding the ROW Ms Seager said that residents are held up by buses, campervans, cars towing boats, pedestrians, cyclists and children. She said that their right to use the ROW was established long before the camp and should not be penalised as a result of its establishment.

Cr Wilkins asked about the times that Ms Seager and Mr Opie conflict with camping ground users. Is it at peak times or at other times as well? Ms Seager said it is worse at peak times, but the season is increasing and it seems to be at most times. You do not know with trees near the office whether there is a child there who could run out.

Cr Wilkins asked if bollards or a walking path would help. Ms Seager said the only way is a definite and substantial separation for pedestrians and vehicles.

Cr King said that the water take proposal is for 700 cubic metres per week. He asked if Ms Seager considers this volume to be unnecessary and excessive. Ms Seager said it is a great deal to take out of the stream when it gets down to low levels.

6.3 Council's Reporting Officer's Report and Evidence

Mr Gary Clark (Transportation Manager)

Mr Clark recommended that Harvey Road be widened to a 5.5 metre width with 600mm shoulders. Mr Clark also supported the formation of a footpath on the southern side of Harvey Road.

Mr Clark sought widening on high use bends between the end of Harvey Road and the Camp Office. He said that passing is common and that buses use this area. A lack of width is evident from muddy parts off the seal and edge break.

Mr Clark accepted that no base course was needed on the long term parking area.

Mr Clark said that cyclists, traffic and pedestrians need to coexist safely. He said that he did not support the construction of a fence along the right of way as it would create an expectation that there would be no pedestrians or cyclists on the road and that vehicles would go faster as a result.

Mr Clark said that Mr Welte has a right to pass and re-pass but that there was no emphasis on practicality of that passage. He said that at times Mr Welte would have to be careful but that he should be careful anyway. He did not consider Mr Welte's rights to be adversely affected by the application.

Mr Paul Gibson (Consent Planner, Land Use)

Mr Gibson considered the main issues of contention with regard to the land use consent for OMFHP to be traffic, flood risk and the effect on productive land.

Regarding fragmentation and availability of productive land, it is class A and predominantly Rural 1 land there is a live consent which allows development on the site for the OMFHP. Increased camping numbers are generally around the bull

paddock and along the right of way. While there is some spread, it is mainly infilling between the authorised aspects of the camp.

He considered that the subdivision has positive aspects as it ring-fences OMFHP.

Regarding the rural character and amenity, the existence of the 1993 consent means that development has been allowed for on the site.

Mr Gibson said that a lot of effort has gone into planting on the site. The applicant has asked that the planting plan be deleted from the consent if granted. Mr Gibson preferred that the plan stay as a condition to allow for a change of ownership.

With a lot of people and tour groups, Mr Gibson considered there to be a potential noise problem. He felt that there is a lack of clarity as to what is going to happen in the Cabins Area (Area 2b) next to Mr Horn's property.

Mr Gibson said if the flood hazard was found to be unacceptable then that would be a fatal flaw for the proposal for the extension of OMFHP.

Overall, Mr Gibson said that the effects can be reduced down to minor, and it does not offend the relative objectives and policies. A key reason for his recommendation to grant consents is the set of conditions recommended. He noted some conditions that could be removed.

Mr Mike Mackiggan (Consents Planner, Natural Resources)

Cr Ensor noted the reliance on the ground there to do the job of the secondary chamber, and asked if staff had any concerns about the porous nature of the ground. Mr Mackiggan said that he agreed with Mr Born's opinion that primary treatment is preferable when there are large loading fluctuations.

Mr Mackiggan said he was satisfied that the proposed methodology for disposal of wastewater is suitable as long as it is well maintained, monitored and used by the numbers of people it is designed for.

Eric Verstappen (Resource Scientist, Rivers and Coast)

Mr Verstappen tabled and read his report wherein he concluded that he could not support Mr Stocker's evidence after re-reading it and therefore did not support approval of the application for stop banks.

Mr Verstappen said the flaw that he picked up was not seen by him until he re-read his report that morning. He said that in his model Mr Stocker's had to assume zero change in flood levels at a point downstream from the subject property. The model then calculated flood levels back upstream. He said that the point where zero change was assumed was at Chainage 0 on the plan in his report. This point is upstream of Mr Horn and Ms Wagner's property and therefore the model cannot predict what effects there will be on those people. He said that this flawed assumption undermines the Section 92 request that Council made of Mr Stocker to calculate what effects there would be.

Mr Verstappen considered there was too much at stake for both the applicant and submitters to assume that the effects would be acceptable.

Mr Verstappen also said that he had heard and understood the submitters' concerns about the "flashy" nature of the river. This behaviour was also his understanding of the catchment.

Mr Verstappen said that Mr Macdonald, because of his local knowledge of river system, is aware that once rain gets to a certain intensity or duration he needs to check for flooding risk. Prospective new owners will not have this knowledge and therefore the risks may well be higher. He considered there needs to be a robust mitigation of flooding risk for campers camping on the flood plain when floods might occur rapidly or at night.

Mr Verstappen said that the two hours that submitters had mentioned is the time of concentration. But he said that there is not necessarily a two hour period within which any warning signs are signalled. He said that the Manager has **at the most 2** hours, but most probably would not be thinking about doing something until sometime **into** that 2 hour period. He said that Mr Macdonald knows this, as do other locals.

Cr Wilkins asked if clearing the channel would be of benefit. Mr Verstappen said it would be of benefit to flood carrying capacity to undertake some river and vegetation management works. Although he did say that willows do slow down flood flows and provide erosion control.

In summary, Mr Gibson said that the applications are being considered together. Given the uncertainty about the effects of the stop bank and the risk of flooding on the site without the stop banks he said that he would change his recommendation from grant to decline.

6.4 Applicant's Right of Reply

Mr Praat addressed the concerns and conditions called for by submitters.

Mr Praat opposed the collection of ecological data from Barron's Creek as it is unnecessary and not an effect of the subdivision.

Mr Praat also considered that a 5 metre wide esplanade strip would be sufficient as it accomplished the same as a 10 metre strip; provision of public access up the side of the river.

Mr Praat addressed Mr Clapshaw's concerns about flooding effects from the stop bank. He considered that Mr Stocker's evidence had shown that at chainage zero, where Mr Clapshaw's house is, the stop banks will not have any appreciable effect.

Mr Praat confirmed that Mr Welte has always been able to make his way along the ROW, that he used to have five sets of gates to open and that any delay in busy times is only temporary.

Mr Praat said that Mr Horn's concerns about noise were addressed by having the area closer to the Office. Mr MacDonald had confirmed that it was a quieter area and one which was more closely monitored.

In addressing flood hazard Mr Praat said that the error that he considers Mr Verstappen (and presumably Mr Gibson through his final assessment) to have made is an assumption that there is an absolute requirement for the camp to not be exposed to significant flood hazard. He said that there is no need for absolute avoidance of risk. He said that ultimately this will be a subjective assessment for the Committee.

7. RELEVANT STATUTORY PROVISIONS

7.1 Policy Statements and Plan Provisions

In considering this application, we have had regard to the matters outlined in Section 104 of the Act, including the relevant provisions of the following planning documents:

- a) Tasman Regional Policy Statement (TRPS); and
- b) the Tasman Resource Management Plan (TRMP).

With respect to the TRMP we have had particular regard to the objectives, policies and other provisions of the relevant chapters:

Chapter 5 - Site Amenity Effects;
Chapter 7 - Rural Environment Effects;
Chapter 8 - Margins of Rivers, Lakes, Wetlands and the Coast;
Chapter 10 - Significant Natural Values and Cultural Heritage;
Chapter 11 - Land Transport Effects;
Chapter 13 - Natural Hazards;
Chapter 27 - Activities in the Beds and on the Surface of Rivers and Lakes;
Chapter 30 - Taking, Using, Damming and Diverting Water; and
Chapter 33 - Discharges to Land and Fresh Water.

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

7.2 Part 2 Matters

In considering this application, we have 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.

The provisions of particular relevance are:

Section 5

The purpose of this Act is to promote the sustainable management of natural and physical resources by:

“managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while;

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

Section 6

The following matters of national importance are relevant:

- Section 6(a) the preservation of the natural character of ... rivers and their margins, and the protection of them from inappropriate use and development;
- Section 6(d) the maintenance and enhancement of public access to and along ... rivers;
- Section 6(e) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga.

Section 7

The following matters, to which we must have particular regard, are relevant:

- Section 7(b) the efficient use and development of natural and physical resources;
- Section 7(c) the maintenance and enhancement of amenity values;
- Section 7(f) maintenance and enhancement of the quality of the environment; and
- Section 7(g) any finite characteristics of natural and physical resources.

Section 8

The principles of the Treaty are not relevant in this case.

8. PRINCIPAL ISSUES AND OUR MAIN FINDINGS

The principal issues that were in contention and our main findings on these issues are:

Flooding Hazard and Mitigation

- a) **To what extent will there be risks to personal camper safety as a result of flooding vulnerability in the absence of stop banks.**

Without the benefit of accurate LIDAR data we have relied on the evidence of experts at the hearing, anecdotal information from submitters and our observations of flood flotsam, no doubt originating from the December flood event described by Mr Verstappen, to determine vulnerability to flooding.

The main areas of OMFHP that are or are likely to be vulnerable to flooding are the Bull Paddock (particularly in the lower south eastern side), Cowmans and the Cabins Area behind the office.

In making our findings we are conscious that the stop bank in the Bull Paddock is authorised and therefore we have taken its existence into account as part of the authorised environment. The stop bank on the northwestern side of Cowmans is not authorised and appears to be lower and no doubt of lower efficacy in deflecting flood flows.

The higher, more developed area of the Bull Paddock is reasonably well protected from flooding. The lower area certainly appears to be very flood prone and we consider that camping in that area would only be appropriate if a flood protection structure (a stop bank) is put in place.

Similarly for Cowmans, the area between the Southern Llama paddock and the river is very low lying and we do not consider that camping in this area without flood protection would be appropriate. We note that the small cottage in Area 5 is built up on high piles presumably to avoid floodwaters.

Further downstream in the Cabins Area we believe that the ground level is somewhat higher. A flood channel to the rear of this area (between the Cabins Area and the Horn/Wagner property) is clearly the main route of floodwaters. We do not consider that there is a risk to campers in this area from floodwaters. While some risk certainly exists that the area may be inundated in a particularly large flood, the severity of the flooding will be less and the chance of it coinciding with the peak season or night time is consequently reduced.

b) To what extent would there be adverse effects on surrounding properties if stop banks (suitable to protect the Bull Paddock and Cowmans from a 2% AEP flood event) are constructed?

This is a pivotal question and one to which we do not have a firm answer given the issues raised by Mr Verstappen at the hearing. As a result we have been forced to take a precautionary view.

The Bull Paddock stop bank is partly constructed, and the part that has been built, despite not being quite high enough, effectively already diverts much of the floodwaters that would otherwise have flowed through the lower Bull Paddock area. It seems to us that the rationale for extending the stop bank is to more encircle the Bull Paddock and stop water rounding the lower end of the existing stop bank and then flowing into the lower camping area. Essentially the extension of the stop bank will cause the “already diverted” floodwaters to “stay diverted” and thereby continue to flow around the camping area of the Bull Paddock.

As a result we do not see significantly greater adverse effects as a result of authorising this stop bank. Mr Goodman did not raise erosion of his land as a significant issue and there appear to be no houses in the area of the Bull Paddock which could be affected by a small increase in flood levels.

The proposed stop bank at Cowmans is far less certain and we have real concerns about the effects that may result from constructing a stop bank around this area. On our second site visit we walked down the track that leads from Cowmans around close to the Marahau River and comes out at the Cabins Area. As we walked in this southeasterly direct we clearly observed a lower area on our left (the landward side) and a higher area on our right (the river side). This lower area (undoubtedly a flood secondary flow path) runs down directly towards the Horn Wagner property. This estimated flood area is shown in Figure 1 below.



Figure 1: Estimated flood area based on walkover and observation of flotsam

From this site visit and the comments of Mr Verstappen we do not have confidence in the results of Mr Stocker's model. To assume that there is no change in flood levels upstream of the Horn/Wagner property seems to be an indefensible assumption.

We consider that constructing a stop bank to protect the Cowmans area may well push more water into this secondary flow channel which leads directly towards the Horn/Wagner property. The evidence we heard from Mr Horn was that their higher land and property (sheds and vehicles) have previously been threatened by floodwaters. Consequently, we do not have sufficient confidence that the effects on the Horn/Wagner property will be minor; they may in fact be significant.

Permitted environment under 1993 consent

c) What level of activity, if any, was authorised in the Cabins Area (Area 2b) by the 1993 consent that is currently operative?

There was some debate at the hearing about whether the 1993 consent did, in fact, authorise the development of the Cabins Area (Area 2b) as it has been referred to in this decision.

On one hand the decision makes no mention of the decline of part of the application until the reasons in the very last part of the decision, except possibly for the implication that it is not included by the omission of the matter from the "Decision:" section. On the other had the reference at the end is reasonably clear and certainly suggests that a deliberate decline of part of the consent was intended.

On balance we accept Mr McFadden's assessment. It seems as though the consent holder never had consent to develop the Cabins Area. Whether the consent holder was aware of that or not, we are not sure.

However, we do not consider that this is a matter of pivotal importance because, in the event that the Cabins area was not an authorised part of the OMFHP the applicant is undoubtedly entitled to apply again. It has already been established that large parts of OMFHP have been established illegally beyond what was authorised. We have been clear from the outset that we are assessing this application as though none of the illegal works have been done. We have given no credence to the fact that many of the structures are existing.

Rural Character and Amenity

d) To what extent will the proposal to intensify OMFHP have adverse effects on the rural character of the area? To what extent are there adverse noise effects on the Horn/Wagner property?

While the current extent and usage of the camp is not legal it certainly does allow us to get a good feel for the nature of the impacts caused on the rural character and amenity. With the exception of Mr Opie and Ms Seager we heard little real opposition to the extension of the camp from an amenity point of view. Mr Horn had concerns too and we understand his and Ms Wagner's position close to the Cabins Area and down breeze on a still evening.

We consider that overall the effects on the amenity and rural character of the area are not significant and that there are some conditions that we can place on the consent to ensure that they are reduced to a minor and acceptable level.

The area has a mixed use feel rather than extensive and dedicated horticulture or agriculture like one might find on the Waimea Plains or in the dairy farming country of Golden Bay. There are lifestyle blocks and various tourism enterprises scattered throughout the wider Marahau area.

The plantings that have been implemented provide the OMFHP with a high level of amenity and we see it as appropriate that they be required to stay and be enhanced to preserve the amenity and screening.

Land Productivity

e) To what extent will the proposal compromise the productivity of the land?

We do not see that the productivity of the land will be compromised by approving these applications.

The subdivision is anticipated by the TRMP as a controlled activity.

We accept Mr Gibson's assessment that the proposed increase in the scale of OMFHP is mainly infilling in areas that are already consented. We also find that in general what is being proposed will not necessarily cause permanent alienation of productive land in the way Mr McFadden described. The most permanent of the structures will be the cabins and the ablution blocks. These are relatively movable structures and not as permanent or enduring as dwellings or a rural residential subdivision. The wastewater systems are to be substantial but there is no reason why the discharge fields at least could not be simply abandoned.

Therefore we see little problem with the land being used as a camp in the short to medium term as it seems retrievable as productive land should a future owner have the inclination.

ROW Access and Safety

f) To what extent are other users of the ROW adversely affected by the proposal to intensify OMFHP?

We accept Mr Clark's and Mr Edward's evidence that there is no legal requirement as to the practicality of access along a ROW; only that it be possible for users to pass and repass.

We do not doubt that at the peak of the season there is considerable busyness and congestion of vehicles and people. However this is the case in many places in the District including the central tourist area of Marahau. We find that this is a reality of living in a tourist "hot-spot" such as Marahau and that its peak is for a limited time during the year.

g) Is there a case for requiring alternative access arrangements to be required (e.g. vesting of the ROW or alternative access)?

There is no case for radical physical or legal rearrangement of the access as a result of this proposal. Given the seasonality of the activity we are not convinced that the effects are more than somewhat inconvenient for a relatively short period in the context of a whole year.

Water Take from Barron's Creek

h) Is the volume of take from Barron's Creek appropriate?

Ms Seager in particular raised the issue of the appropriateness of the volume of water being taken from Barron's Creek. Having looked at the flow numbers involved we find that we too have some concerns. It is worth noting here that the need for the water is a matter that we can have regard to in assessing this consent pursuant to matter (14) of the relevant rule (Rule 31.1.2.5)⁴:

"Council has restricted its discretion [to inter alia:]

(14)The extent to which the need for water has been demonstrated, including an assessment of the alternative water supply or augmentation options for that property"

Mr Tyson's report set out the parameters of the water take from the bore near the OMFHP Office Area. Consent for this take was authorised by Council staff under delegated authority, as is appropriate for such groundwater abstractions. The maximum rates of take for that consent are:

Maximum rate of take:	1.26 litres per second
Average Daily Rate:	19 cubic metres per day
Maximum Weekly Rate:	133 cubic metres per week

The amount of water sought from Barron's Creek is:

Maximum rate of take:	2 litres per second
Average Daily Rate:	100 cubic metres per day
Maximum Weekly Rate:	700 cubic metres per week

A summary of the water resources thereby available to the consent holder, should this consent be granted, is:

Maximum rate of take:	3.26 litres per second
Average Daily Rate:	119 cubic metres per day
Maximum Weekly Rate:	833 cubic metres per week

This equates to 238 litres per camper per day when the camp is full (500 people).

This volume can be put into context by comparing it to the wastewater discharge proposed: 96 litres per person per day. The volume can also be compared to the national standard for wastewater design which assumes 130 litres per person per day for a fully serviced campground. While there will be more water needed for supply than what is discharged through the wastewater system (e.g. for drinking, sloshing out water onto the ground and possibly boat washing etc) it is unlikely to be a substantial difference.

⁴ Matter 10A of Rule 31.1.6 in the Proposed TRMP

Therefore, there seems to be a substantial discrepancy between the volume taken and the volume needed. We have no evidence before us of the reasons for this and, further, we have limited criteria by which we may seek to reduce this. We are aware that a number of staff, as well as the MacDonalds themselves all live onsite and will be consuming water in a more traditional residential style.

In summary, we find that the volumes of water sought are inflated and we have sought to reduce these volumes but in a conservative fashion given the limited evidence that we have before us. Further discussion is given below in the reasons for our decision.

The other factor that we have considered is that the consent will have a duration of only approximately 4 years as all water take consents have common expiry dates and the date for this zone is only 3 years away.

Wastewater Discharge

i) Is primary treatment an appropriate standard of treatment for these discharges?

While a number of submitters raised concerns about the efficacy of the wastewater treatment method, Mr Born's evidence was unchallenged by another wastewater expert. We accept that the soils are very good for completing the aerobic component of wastewater treatment that is normally undertaken mechanically by a secondary wastewater system.

We understand from Mr Born that wastewater needs aerating to complete its treatment once it has undergone primary treatment. Aeration by way of a mechanical secondary treatment system is vulnerable to load shocks and fluctuations. We take it from this that the sand which Mr Born considers to be ideal performs this function better.

We are also aware that the depth to groundwater allows and facilitates the die-off of faecal coliforms which are the main risk in this location.

We understand that submitters have seen the requirement for secondary treatment in other locations in Marahau, and it is a logical conclusion to make that it must be a better quality of treatment and therefore should be implemented here. However, we are aware that the size of the system and the nature of the wastewater loading is fundamentally different for this application compared to that of a domestic household. On this basis we are satisfied that primary treatment is appropriate.

j) To what extent will the discharges of wastewater cause adverse effects on the Marahau River?

We have been made aware of the value that is placed on recreation in the Marahau River and also on the pure aesthetic and cultural value that is placed on high water quality in the river.

Again we must rely on Mr Born's expert opinion and analysis that the wastewater discharge will not have adverse effects.

With appropriate monitoring of groundwater concentrations of contaminants we are confident that any problems can be detected and rectified.

9. DECISION

Pursuant to Section 104B of the Act, we:

GRANT IN PART land use consent RM090280 for Old MacDonald's Farm and Holiday Park;

GRANT discharge permit RM090271 to discharge wastewater;

GRANT subdivision consent RM090272 to undertake a subdivision;

GRANT land use consent RM090273 to construct a dwelling on Lot 4;

GRANT IN PART water permit RM090747 to take water from Barron's Creek;

GRANT IN PART land use consent RM090784 to construct a stop bank; and

GRANT a consequential water permit RM110292 to divert floodwaters.

All consents are granted subject to conditions.

10. REASONS FOR THE DECISION

Effects on the Environment

Flood Hazard and Stop Banks

We have found that the risks of flood inundation on the Bull Paddock are acceptable because they can be effectively mitigated by construction of a stop bank. We are satisfied that the stop bank, and the consequential diversion of floodwaters, will not cause more than minor adverse effects on other parties.

The Cowmans area is different however. From the evidence in front of us we could not be satisfied that the effects on others, particularly Mr Horn and Ms Wagner would be minor. Essentially, the two experts disagreed that the assumption of no appreciable effect at chainage 0 in Mr Stocker's report. Mr Stocker could see no reason why the flood patterns would not be back to normal at that location whether or not the stop banks existed. Mr Verstappen, conversely, had no confidence that the stop banks would create no effect at chainage 0. We found that we could simply not grant consent to a stop bank with that level of uncertainty and with the consequences so high.

We then had to make an assessment of the risk of camping in the Cowmans Area without stop bank protection. After conducting a second site visit we were clear that the area is very low lying and flood prone. We have no confidence that people could safely camp in that area and, therefore, we have declined that part of the consent.

An important aspect of our decision is that we do not find that 500 is an unreasonable number of people, but that the location where the applicant has sought to put them is inappropriate. We observe that the consent holder has plenty of area to establish a backup or overflow camping area to accommodate those that currently use Cowmans. We would have no particular opposition to another application being lodged for a different area.

Noise

We have decided to reduce the numbers and type of people in the Cabins Area. We did not see this as an appropriate place to have tents which are more flood prone and can cause more noise for the Horn/Wagner property. By limiting the area to cabins and powered sites we are confident that the level of noise interference will be reduced and the most flood prone area will be avoided.

We have not allowed tour buses in this area for the same reason. Mr MacDonald told us that the tour bus clients are fairly well behaved and quiet. We have some difficulty believing that this will always be the case. Therefore we have ruled that tour buses are to be directed away from this area.

Esplanade Strip

We have agreed with Council staff that a 10 metre wide esplanade strip is preferable. Mr Praat told us that 5 metres achieves the same as 10 metres but we do not agree. When we walked down the existing path down the river it meandered its way close and far from the river. A 5 metre strip would mean that there was little flexibility in aligning a walkway. Any obstacles would have to be gone through rather than skirted around.

However, the staff also asked that we require a sunset clause on buildings within the esplanade strip. We do not see the point of this, particularly since there are no buildings in areas where people are likely to stop and swim or otherwise enjoy the river. We understand that the only building within the esplanade reserve will be over four metres from the bank and the bank is steep and inaccessible. As long as practicable access exists - people are able to pass and repass with ease - we see no problem with the buildings staying put. We have written the condition requiring the esplanade instrument accordingly.

We see both elements of the esplanade strip (the 10 metre width and the retention of a building) as relating strongly to the circumstances of this application and the nature of the site and river. Access up a river for swimming and recreation purposes is quite different to access along, for example, the coast. We see no precedent being created for narrower esplanade strips, nor the widespread retention of buildings within them. We repeat that this decision is based on the very circumstantial nature of this application.

Traffic and the ROW

It is the seasonality of the activity that principally gives us confidence that the effects on other ROW users are acceptable. While the effects may be adverse at times over the course of a year we feel, from the evidence we have received, that they are not.

A number of minor upgrades are proposed to better handle traffic on Harvey Road and we support these.

The idea of a walking track and fence was discussed. Neither of the traffic experts clearly supported the idea so we have not required it.

Wastewater

The proposed system will be a significant improvement on what currently exists. We are satisfied that the effects on groundwater and the Marahau River are likely to be minor.

We still retain some reservations about what the exact effects are likely to be but under the circumstances of highly fluctuating loadings and multiple systems spread over a relatively wide area we are confident that they will not be significantly adverse. Further, monitoring has been put in place to determine what is happening below ground. There will be ample opportunity for a review of consent conditions and compliance levels if problems are found.

Water supply

Given a reduction in customer numbers, a corresponding reduction in water volume is also appropriate. Therefore, we have reduced the water allocation from Barron's Creek on a pro rata basis.

Beyond the adjustment for the reduced numbers that have been authorised, we also consider that a reduction in the amount of water per person is appropriate. As we have stated above we have little evidence of water use to go on so we have taken a conservative approach to the reduction.

We have taken two major factors into account. On one hand, the design wastewater flow for fully serviced campgrounds is 130 litres per person per day⁵. On the other hand there are other unknown and potentially greater uses such as the water needed for the staff and managers who live on site, and the water needed for the shop.

We have settled on an overall allocation of 180 litres per person per day which is the allowance for a standard household. As stated above we consider that this is a reasonable balance between the lower use expected by campers and the other uses to which water will be put in OMFHP.

Therefore, the final daily allocation can be expressed as:

434 persons × 180 litres per person per day = 78,120 litres per day.

We see no reason to change the instantaneous or hourly rate of take, but the weekly volume is adjusted to match the daily limit.

We consider this to be a fair compromise. But we note that little information was provided about the demand for water and the justification for the volumes sought. We would anticipate and flag our expectation that, when the consents expire at the

⁵ NZS 1547:2000

common expiry date in around four years time, the quantity of the take be reviewed and more detailed information be supplied to ensure that the volumes granted can be justified.

Positive effects

We see that there are some positive effects resulting. We are aware that tourism is one of the principal income earners for the Marahau area. OMFHP provides employment for a number of people and intensification and consolidation of an activity such as this will promote that.

The purpose of the Act includes enabling people to provide for their social and economic wellbeing and we see that this camp can contribute to both. Firstly, it provides for the economic wellbeing of the owners, their employees, Marahau and the Tasman District generally. Put bluntly, any business that can extract money from tourists and inject it into the local economy is a good thing for Tasman, provided that any adverse effects can be avoided, remedied or mitigated appropriately.

Secondly, OMFHP provides, what appears to be, an excellent place to visit for a summer holiday; and we feel that this is not something that should be undervalued when considering this consent.

Objectives and Policies of the TRMP

The TRMP has strong objectives and policies to avoid the loss of productive land. We do not feel that this policy direction is offended in this case because the existing consent largely covers (*albeit* in a piecemeal way) the same area that is being granted by this consent.

Secondly, the land is not being lost or fragmented. As stated above cabins and ablution blocks are much more easily removed than dwellings or new cadastral boundaries formed by subdivision.

Chapter 5 of the plan contains objectives and policies that seek to maintain the amenity value of locations. With the conditions imposed we do not consider that the amenity values of neighbours will be offended by cross-boundary effects. Similarly the open space value of the rural area will not be compromised by this development.

This development will provide an opportunity to enhance public access to the Marahau River which is sought by Objective 8.1.2. The proposal will maintain the natural character of the river and give people the opportunity to access that natural environment.

Chapter 13 is to: *[Manage] areas subject to natural hazard, particularly flooding ..., to ensure that development is avoided or mitigated, depending on the degree of risk.*

We heard evidence from submitters and Mr Verstappen that the river is “flashy” and prone to flooding. We consider that the risk in the Cowmans area is high and therefore “development” in that location should be avoided. We did not consider mitigation (stop banks) to be an option as we were unsure of the severity of the effects that might result.

Objective 30.1.2 is to maintain, restore and enhance water flows and levels in water bodies that are sufficient to preserve their life supporting capacity and protect their values, natural character and fishery values. This objective is supported by a wide range of policies to encourage and require efficient use of water. Further, Policy 30.2.3.19 specifically seeks to require (where appropriate) water conservation practices and efficiency. We consider that there is justification for reducing the volume of water authorised to be taken.

Objective 33.1.2 seeks to allow the discharge of contaminants in such a way that avoids, remedies or mitigates adverse effects while maintaining existing water quality and enhancing water quality where it is degraded. We are satisfied that the discharge of wastewater will not be inconsistent with this Objective. Water quality will be maintained and, given the improvements to be made to the system, water quality may even be increased.

Purpose and Principles of the Act

In the case of Section 6(e) this decision will actively provide for the outcome sought. With regard to Sections 6(a) and 6(e) it will not offend these matters.

Adopting a broad overall judgement approach to the purpose of the Act, we are satisfied that the proposal is consistent with Part 2 and achieves sustainable management of natural and physical resources as set out in Section 5 of the Act.

11. COMMENTARY ON CONDITIONS OF CONSENT

Condition 2 of the land use consent to expand OMFHP has been extended to restrict the exercise of the consent until after the wastewater upgrade has been completed. This has the effect of restricting the consent holder to the conditions of the 1993 consent for the 2011/2012 summer season unless prior to the end of 2011 the wastewater upgrade is completed.

The maximum peak season numbers and campsites authorised in Conditions 3 and 4 have been reduced to reflect the restrictions in the Cabins area and the exclusion of the Cowmans area.

Condition 5 also restricts camping in the Bull Paddock to the 1993 consent levels until the stop bank is constructed. This is necessary as it is considered inappropriate that camping should occur in the flood prone area until the area is appropriately protected.

Condition 22 puts the requirement to maintain and extend the planting that has been done. Ms Hilson did not consider it appropriate to include these matters in the consent document. However, we have found that there is a risk that planting could be removed by future owners. We see the substantially vegetated look of the property to be important to maintain rural amenity.

Condition 29 was requested by Mr Horn and we consider it to be a very reasonable measure to allow residents to contact the Camp Manager so as to facilitate resolution of noise issues. The request came from a reluctance to lodge a complaint with the Council and a preference to deal with the Manager directly. We can understand this preference but we would advise that formal action can usually only be taken if complaints are made to the Council.

The esplanade strip instrument that is to be created as a condition of the subdivision consent (RM090272) is not required to have a "sunset clause" for the buildings within the 10 metre strip. Instead there is a requirement that practicable access is always available. We did not consider that removing a building unnecessarily (i.e. at a time when access past the building was still perfectly serviceable) was sensible.

The conditions of the discharge permit for wastewater contain stronger monitoring requirements. These have been included as a result of the strong and concerned opinions of many of the submitters about the wastewater. We agree that careful monitoring is required.

Finally, the volume of water that can be taken from Barron's Creek has been reduced based on both the lower number of campers authorised and also on a reduced per person allocation. This matter has been previously discussed in this decision.

12. 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.

Section 125(2) of the Act makes particular provision for the lapsing of subdivision consents. In the case of the subdivision consent (RM090272), 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.

Land Use Consent (RM090273) to construct a dwelling on Lot 4 will lapse five years after the issue of each of the certificates of title for the respective allotments 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.

13. 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.

The Discharge permit (RM090271) expires in 15 years. This is an appropriate time period when the effects are not exactly known and technology and standards may change.

Water permit (RM090747) expires in approximately four years along with other resource consents to take water in the same water management zone.

Water permit (RM110292) expires in 35 years.

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

Issued this 15th day of April 2011

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

Tim King
Chair of Hearings Committee

CONFIRMED MINUTES



RESOURCE CONSENT

RESOURCE CONSENT NUMBER: RM090280

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

Marahau Estates Limited
(hereinafter referred to as “the Consent Holder”)

ACTIVITY AUTHORISED BY THIS CONSENT:

To undertake a commercial activity, tourist accommodation activity, the sale of liquor (off-licence) and three dwellings to accommodate staff working on the site, all in association with the tourist accommodation activity on the site (Old MacDonald’s Farm and Holiday Park, “OMFHP”).

LOCATION DETAILS:

Address of property: 54 Harvey Road, Marahau
Legal description: Pt Sec 115 Motueka DIST
Certificate of title: CT 12A/618
Valuation number: 1931007601
Easting and Northing: 2509825E 6023800N

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

CONDITIONS

General

1. The activities shall be undertaken in accordance with the documentation submitted with the application and the evidence provided at the hearing. The activities shall also be undertaken in accordance with the conditions of this consent and the attached plans labelled referred to in other conditions. Where there is any apparent conflict between the information provided with the application and any condition of this consent or attached plan, the conditions and attached plans shall prevail.

Previous Consent and Exercise of Consent

- This consent replaces previous land use consent RM930359 to operate a 140 person camp ground. However, this new consent may not be given effect to until the upgrades required by discharge permit RM090271 have been implemented and the system has been commissioned.

Advice Note:

While some of the current activities on the site are already authorised under the 1993 consent it is preferable to incorporate all the Park activities under a single land use application for simplicity and ease of administration. This approach has been accepted by the applicant. Existing land use consent RM970469 authorising the licensed sale of beer and wine to customers staying at the camping ground complex still needs to be complied with on an ongoing basis.

Scale

- The maximum number of people accommodated on the site at any one time shall be:

364 persons from 1 December to 21 December
434 persons from 22 December to 31 January
364 persons from 1 February to 31 March
249 persons from 1 April to 30 November
5 staff

- Accommodation at the campground shall be comprised of not more than:

55 unpowered sites
45 powered sites
6 five bed cabins
2 four bed cabins
12 three bed cabins
1 four bed self contained studio unit attached to the manager's dwelling

- The maximum number of sites and people in each Area shall be as follows:

Cabins Area (Area 2b)	7 cabins 5 powered sites [no camp sites]	50 people
Studio unit (Area 4)		4 people
Cowmans (Area 5)	[no sites]	[no people]
Bull Paddock (Area 7)	40 powered sites 40 unpowered sites	280 people
Stray Area (Area 8)	14 accommodation units 15 (unpowered) tent sites or as needed to accommodate a maximum of 50 people in tents.	100 people

Except that the maximum number of sites and people accommodated in the Bull Paddock shall be limited to 20 powered and 20 unpowered sites, and 140 people respectively, and no people shall camp in the low lying areas to the south and southeast of the Bull Paddock, until resource consents RM090748 and RM110292 have been given effect to (i.e. the stop bank has been constructed to a 2% AEP protection standard).

6. The accommodation areas and camp facilities of OMFHP shall not expand beyond Areas 1, 2a, 2b, 4, 5, 6, 7, 8 and 10 as shown on attached Plan B dated October 2007 (attached).

Advice Note:

Although the Cowmans Area (Area 5) is included in this condition, other conditions in this consent prohibit the use of this area for camping. It is included in this condition as it is a site within the overall OMFHP that could be used for other purposes such as recreation, or alternatively may be used if subsequent resource consents allow for protection from flood hazards and camping.

7. No tour buses or tour bus customers shall be accommodated in the Cabins Area (Area 2b) and no camping, sites or accommodation shall occur beyond (south of) the line shown in Plan C dated 15 April 2011 (attached).

Camp Shop

8. The camp shop shall not advertise for customers who are not patrons of the Park.

Dwellings on the Park Site - Covenant

9. A covenant under Section 108 of the Act shall be entered into and registered against the certificate of title before building consent is issued for the land on which the new dwelling is to be located. The covenant shall state that:
 - (a) the three dwellings for managers and staff of the camp ground that is the subject of resource consent RM090280 shall not provide a future basis for subdivision of the title unless TRMP rules are changed so the subdivision becomes a controlled activity; and
 - (b) the dwelling on Cowmans (Area 5) and Cowman's Cottage on Area 11 on Plan A dated November 2008 and Plan B dated October 2007 (attached) shall not be extended or altered to contain more than one self-contained housekeeping unit.
 - (c) The manager's dwelling within Area 4, dwelling within Area 5 and Cowman's Cottage within Area 11 on attached Plan A dated November 2008 and Plan B dated October 2007 (attached) shall only remain as "dwellings" as long as the camping ground is in operation and the dwellings are required to accommodate managers or staff of the camp ground. If one or more of the dwellings are not required for the above purpose they shall be removed or rendered an "accessory building" in accordance with the following Tasman Resource Management Plan definition

“accessory building means any separate building the use of which is incidental to, and coexistent with, the use of a principal building, or activity on a site, and includes a sleep-out, studio, garage or carport, garden shed, glasshouse, swimming pool, shed used solely as a storage area, or other similar structure.”

In the event that the operation of OMFHP is ceased then two of the three dwellings shall be removed.

The covenant shall be entered into pursuant to Section 108 of the Act and shall be registered against the title pursuant to Section 109 of the Act. All cost incurred in preparing and registering the covenant shall be paid for by the property owners.

Advice Note:

The applicant has volunteered the dwellings be removed if not required for camp staff.

Cultural Heritage

10. The Consent Holder shall engage the services of a representative of Tiakina te Taiao Limited to be present during any earthworks. The Consent Holder shall contact Tiakina te Taiao Limited, PO Box 1666, Nelson (phone (03) 546 7842) at least five working days prior to commencing any earthworks and advise it of the commencement date of the earthworks. In the event of Maori archaeological sites (e.g. shell midden, hangi or ovens, garden soils, pit depressions, occupation evidence, burials, taonga) or koiwi (human remains) being uncovered, activities in the vicinity of the discovery shall cease. The Consent Holder shall then consult with the New Zealand Historic Places Trust's Central Regional Office (PO Box 19173 Wellington, phone (04) 801 5088, fax (04) 802 5180), and shall not recommence works in the area of the discovery until the relevant Historic Places Trust approvals to damage, destroy or modify such sites have been obtained.

Advice Note:

The discovery of any pre-1900 archaeological site (Maori or non-Maori) which is subject to the provisions of the Historic Places Act needs an application to the Historic Places Trust for an authority to damage, destroy or modify the site.

11. In the event of Maori archaeological sites (e.g. shell midden, hangi or ovens, garden soils, pit depressions, occupation evidence, burials, taonga) or koiwi (human remains) being uncovered, activities in the vicinity of the discovery shall cease. The Consent Holder shall then consult with the New Zealand Historic Places Trust's Central Regional Office (PO Box 19173 Wellington, phone (04) 801 5088, fax (04) 802 5180), and shall not recommence works in the area of the discovery until the relevant Historic Places Trust approvals to damage, destroy or modify such sites have been obtained.

Numbering of sites

12. All camp sites and cabins shall be numbered.

Advice Note:

An Environmental Health Officer from Council inspected the site in October 2010 and advised that some camp sites were not numbered. Numbering of all sites (unpowered and powered) will assist Council staff to ensure that conditions of consent are met. In addition, numbering is required under the Camp Ground Regulations.

Parking

13. The following minimum number of car parks shall be provided:
 - a) one space per camp site and one space per cabin surfaces, as a minimum, with grass.
 - b) three staff spaces. This is based on a maximum of five staff will be working at one time, to a minimum surface of compacted basecourse.
 - c) two parking spaces for each of the three dwellings on the site.
14. Two of the total car parks should be accessible car parks for people with disabilities and shall be located adjacent to appropriately accessible cabins or powered sites.

Harvey Road

15. Harvey Road shall to be widened to a minimum of 5.5 metre wide carriageway with a 0.6 metre unsealed shoulder on either side.
16. The Consent Holder shall construct a footpath down the southern side of Harvey Road. The footpath shall be separated from the formed part of Harvey Road by at least 1.5 metres. An application shall be made to the Council's Engineering Department for access to the legal road prior to any work beginning. The footpath shall be in accordance with Council's Engineering Standards and Policies 2008 (minimum: timber edged and two coat chip seal), or else as approved by the Council's Engineering Manager.

Access and Right-of-way

17. A minimum of four signs stating "speed limit 10 km/h" and an additional four signs stating "watch for children" or words to that effect shall be maintained along the central access of OMFHP.
 18. The cost of the required upgrades to the right-of-way and ongoing maintenance within the camp ground property shall be borne by the consent holder.
 19. The corners of the main right-of-way between the end of the sealed access onto Harvey Road to the Office/Shop Area shall be widened to a minimum carriageway width of 6.0 metres 15 metres either side of the centre of the curve.
 20. Engineering works relating to the upgrade to the right-of-way and Harvey Road shall be shown on Engineering Plans and to the requirements set out in the Tasman District Council Engineering Standards and Policies 2008. The consent holder shall provide the Engineering Plans to Council's Engineering Manager to be affirmed that they are in accordance with the Tasman District Council Engineering Standards and
-

Policies 2008 or otherwise acceptable. All upgrade works to Harvey Road and the right-of-way shall be completed by 1 December 2011.

21. As-built Engineering Plans detailing the right-of-way and Harvey Road upgrading shall be provided at the completion of works to be affirmed by Council's Engineering Manager that they are in accordance with the Tasman District Council Engineering Standards and Policies 2008 or otherwise acceptable.

Planting

22. Amenity planting shall be maintained on the areas labelled "areas already planted or existing bush", and new planting shall be established in the locations labelled "proposed possible future planting" shown on Plan D dated 15 April 2011 (attached). The plants used shall be selected from the Council's native plant restoration list for the "Abel Tasman Granite Ecosystem" compiled by Shannel Courtney in June 2007 available on the Council's website and shall be appropriate for the conditions of the location.

All planting shall be implemented by 30 November 2013 and be maintained on an ongoing basis. If plants die they shall be replaced by the following November.

Colour

23. The exterior of all buildings shall be painted/finished in colours that are recessive and which blend in with the immediate environment.

Signage

24. The single sign at the Harvey Road property entrance shall be maintained in good repair at all times.

Flood and Fire Hazard

25. The Consent Holder shall provide an advance warning and emergency response system which shall be put in place to the satisfaction of Council's Co-ordinator Compliance Monitoring. This system shall monitor weather patterns for forecast heavy rain-falls and provide appropriate advance warning and emergency response procedures for the occupants of the campground and adjoining and downstream landowners/occupiers.

Advice Note

This system is to ensure that campers' safety from flood events is not reliant upon the ongoing presence of staff familiar with the flood potential of the catchment and should allow a degree of automated flood warning for campers/occupants.

26. The consent holder shall prepare, in consultation with the NZ Fire Service, a Fire Risk Management Plan for the site. This Plan shall be prepared in consultation with the NZ Fire Service.

Monitoring Log and Camp Rules

27. Upon request by Council staff, the consent holder shall provide to Council a log of customer numbers.

Advice Note:

The applicant volunteered the above condition.

28. A copy of the Holiday Park Rules shall be furnished to the Coordinator Compliance Monitoring and shall be provided to all patrons.
29. The consent holder shall set up a telephone system whereby at any time of the day or night a neighbour whose dwelling is entirely within the area shown in Plan E dated 15 April 2011 (attached) is able to call a number and be automatically diverted to the Camp Manager's cellphone (or home landline if cellphone coverage is not available). The details of the number to call shall be provided to the owners and occupiers of the dwellings within the buffer area shown.

The consent holder shall ensure that this system is operational at all times during the period of 1 December to 31 March for the purpose of fielding complaints about camp noise.

If there is any dispute about the availability or efficacy of the system, or alternatively about any abuse of this system by neighbours then they should be referred to the Council's Coordinator Compliance Monitoring.

30. The consent holder shall construct and maintain a camp plan that shows all of the camping and accommodation units, parking areas and other facilities. A copy of this camp plan and any updates shall be provided to the Council's Coordinator Compliance Monitoring as soon as practicable.

Review

31. Pursuant to Section 128 of the Act, the Council may, during the months of February or September each year review any conditions of the consent for any of the following purposes:
- a) to deal with any adverse effect on the environment which may arise from the exercise of the consent and which it is appropriate to deal with at a later stage; or
 - b) to deal with inaccuracies contained in the consent application that materially influenced the decision made on the application and are such that it is necessary to apply more appropriate conditions; or
 - c) to assess the appropriateness of imposed compliance standards, monitoring regimes and monitoring frequencies and to alter these accordingly.

ADVICE NOTES

Independent Kayak Guides in Area 3

1. This consent does not authorise the operation of the Independent Guide Kayaks who operate from the site (Area 3). The application states that Independent Guide Kayaks are not included within the scope of this consent. They need resource consent to operate on this Rural 1 zoned site. They should leave the site or obtain their own consent.

Relocation of pole on Harvey Road

2. The pole adjacent to the Harvey Road carriageway shall be moved away from the edge of the widened sealed carriageway. The clear separation distance shall be a minimum of three metres from the edge of the widened carriageway. The Council's Engineering Department and the network provider have agreed to do this work. The consent holder should lodge a service request with the Council to ensure that this work is initiated.

Council Regulations

3. This is not a building consent and the Consent Holder shall meet the requirements of Council with regard to all Building and Health Bylaws, Camp Ground Regulations, other Regulations and Acts.

Other Tasman Resource Management Plan Provisions

4. 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 Tasman Resource Management Plan (TRMP); 2) be allowed by the Resource Management Act; or 3) be authorised by a separate resource consent.

Consent Holder

5. 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 familiarize themselves with the conditions of this consent as there may be conditions which are required to be complied with on an ongoing basis.

Development Contributions

6. The Consent Holder is liable to pay a development contribution for the activities authorised over and above what was authorised and given effect to under the original consent RM930359 in accordance with the Development Contributions Policy found in the Long Term Council Community Plan (LTCCP). The amount to be paid will be in accordance with the requirements that are current at the time the relevant development contribution is paid.

An invoice for the Development Contributions will be included upon issue of this resource consent. The activity will not be deemed legally established until all development contributions have been paid in accordance with Council's Development Contributions Policy under the Local Government Act 2002.

Building Requirements

7. It appears that not all buildings on the site have the required building approval. Some buildings will require the appropriate formalisation and compliance checks under the Building Act 2004. Please contact the Council's Building Section to discuss this.

Monitoring

8. 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.

Archaeological

9. 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.

Interests registered on Property Title

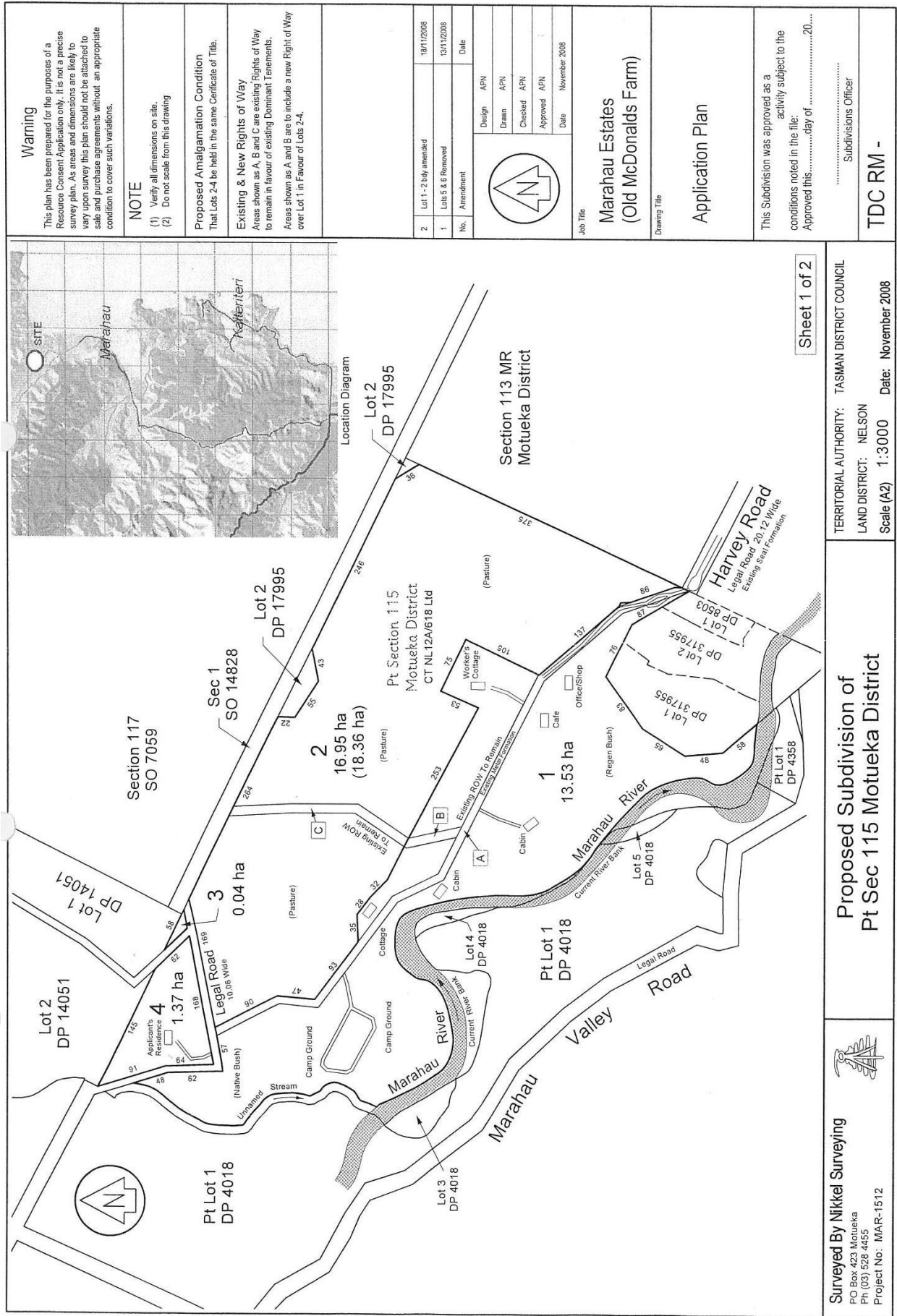
10. The Consent Holder should note that this resource consent does not override any registered interest on the property title.

Issued this 15th day of April 2011



Tim King
Chair of Hearings Committee

**Plan A - General OMFHP plan
RM090280, Marahau Estates Ltd**

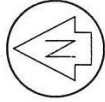


Warning
This plan has been prepared for the purposes of a Resource Consent Application only. It is not a precise survey plan. As areas and dimensions are likely to vary upon survey this plan should not be attached to sale and purchase agreements without an appropriate condition to cover such variations.

NOTE
(1) Verify all dimensions on site.
(2) Do not scale from this drawing

Proposed Amalgamation Condition
That Lots 2-4 be held in the same Certificate of Title.
Existing & New Rights of Way
Areas shown as A, B and C are existing Rights of Way to remain in favour of existing Dominant Tenements.
Areas shown as A and B are to include a new Right of Way over Lot 1 in Favour of Lots 2-4.

No.	Amendment	Design APN	Date
2	Lot 1-2 only amended	APN	18/11/2008
1	Lots 5 & 6 Removed	APN	13/11/2008



Job Title
**Marahau Estates
(Old McDonalds Farm)**

Drawing Title
Application Plan

This Subdivision was approved as a activity subject to the conditions noted in the file:
Approved this.....day of20.....

Subdivisions Officer
TDC RM -

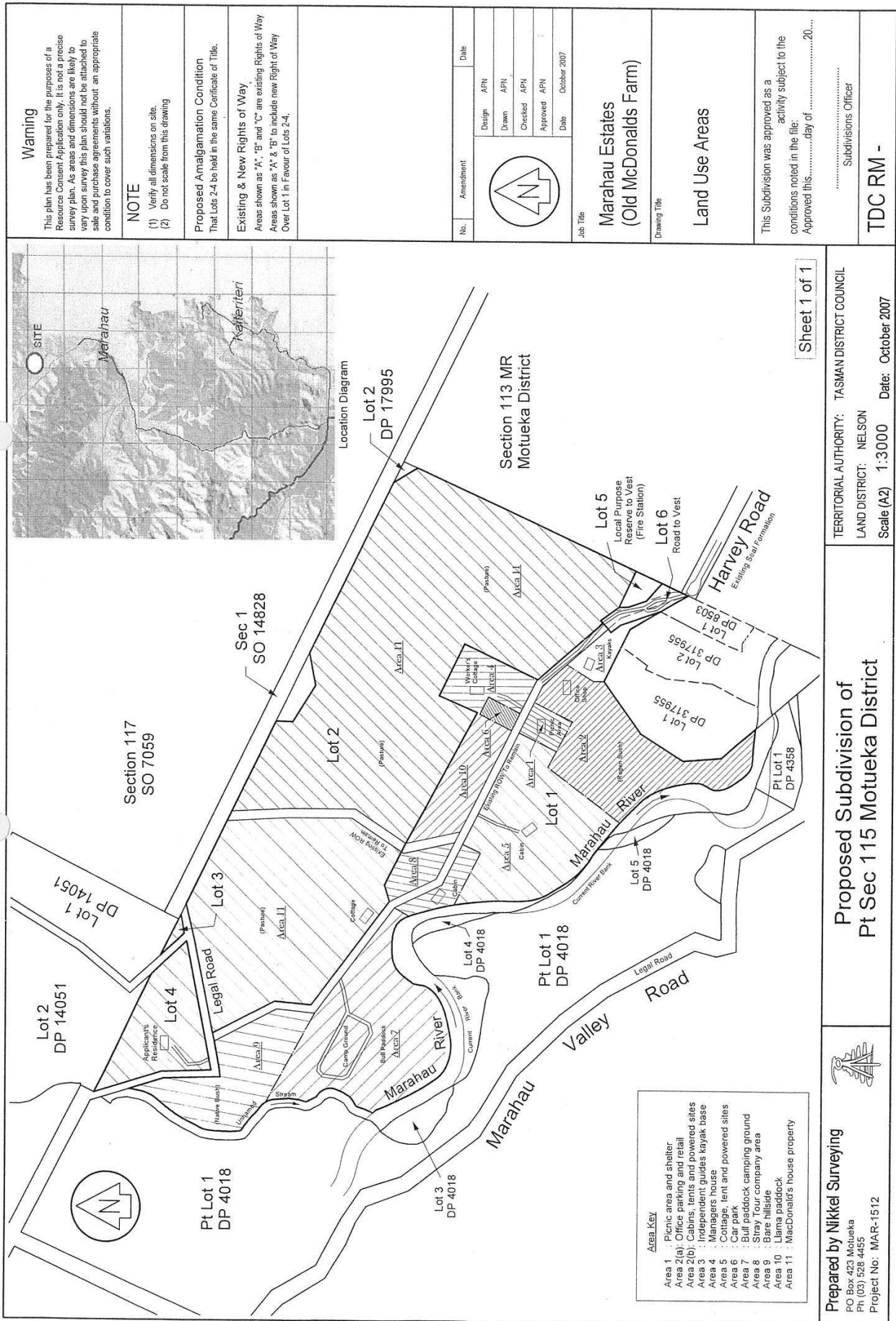
TERRITORIAL AUTHORITY: **TASMAN DISTRICT COUNCIL**
LAND DISTRICT: **NELSON**
Scale (A2) **1:3000** Date: **November 2008**

**Proposed Subdivision of
Pt Sec 115 Motueka District**

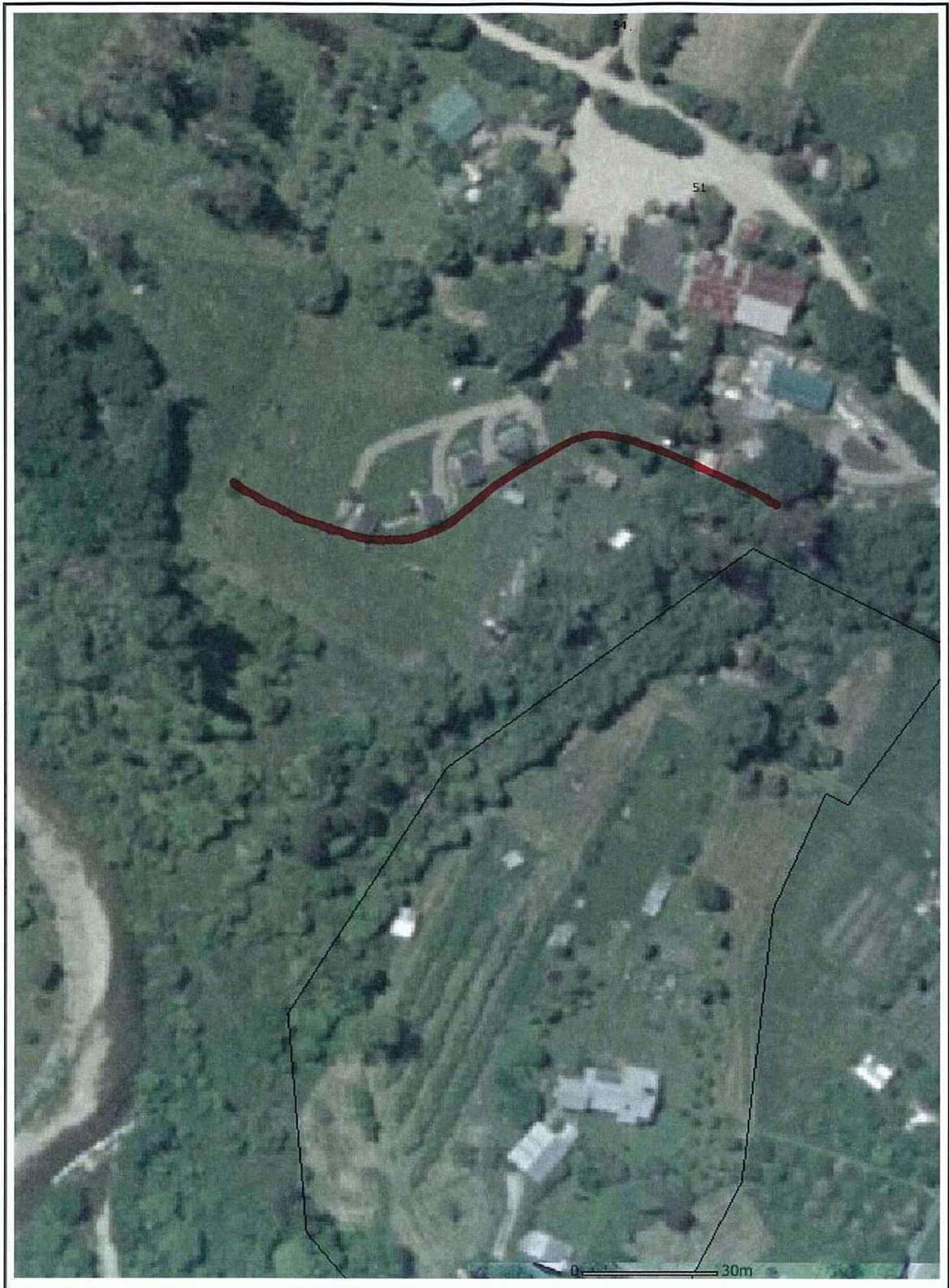
Surveyed By Nikkel Surveying
PO Box 423 Motueka
PH (03) 528 4455
Project No: MAR-1512

Sheet 1 of 2

**Plan B - OMFHP plan and development areas
RM090280, Marahau Estates Ltd**



**Plan C - Accommodation restriction line
RM090280, Marahau Estates Ltd**



ExploreTasmanMap

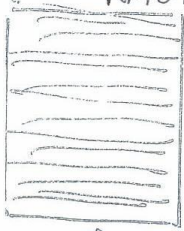
15/4/2011 DISCLAIMER:

This map is derived from ExploreTasman and has generally been compiled from data generated by and supplied to the Tasman DC. It has no legal status and is known to be incomplete. To ascertain the exact location of any item, Tasman DC advises that the customer arrange onsite verification. Tasman DC will not be liable for any damages or loss whatsoever suffered from the use of this information.

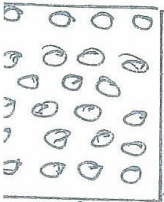
Cadastre sourced from Land Information New Zealand (LINZ) data. Crown Copyright reserved.

Plan D - Planting plan
RM090280, Marahau Estates Ltd

RM090280 Plan C Planting Plan.



← TREES ALREADY PLANTED
OR EXISTING BUSH

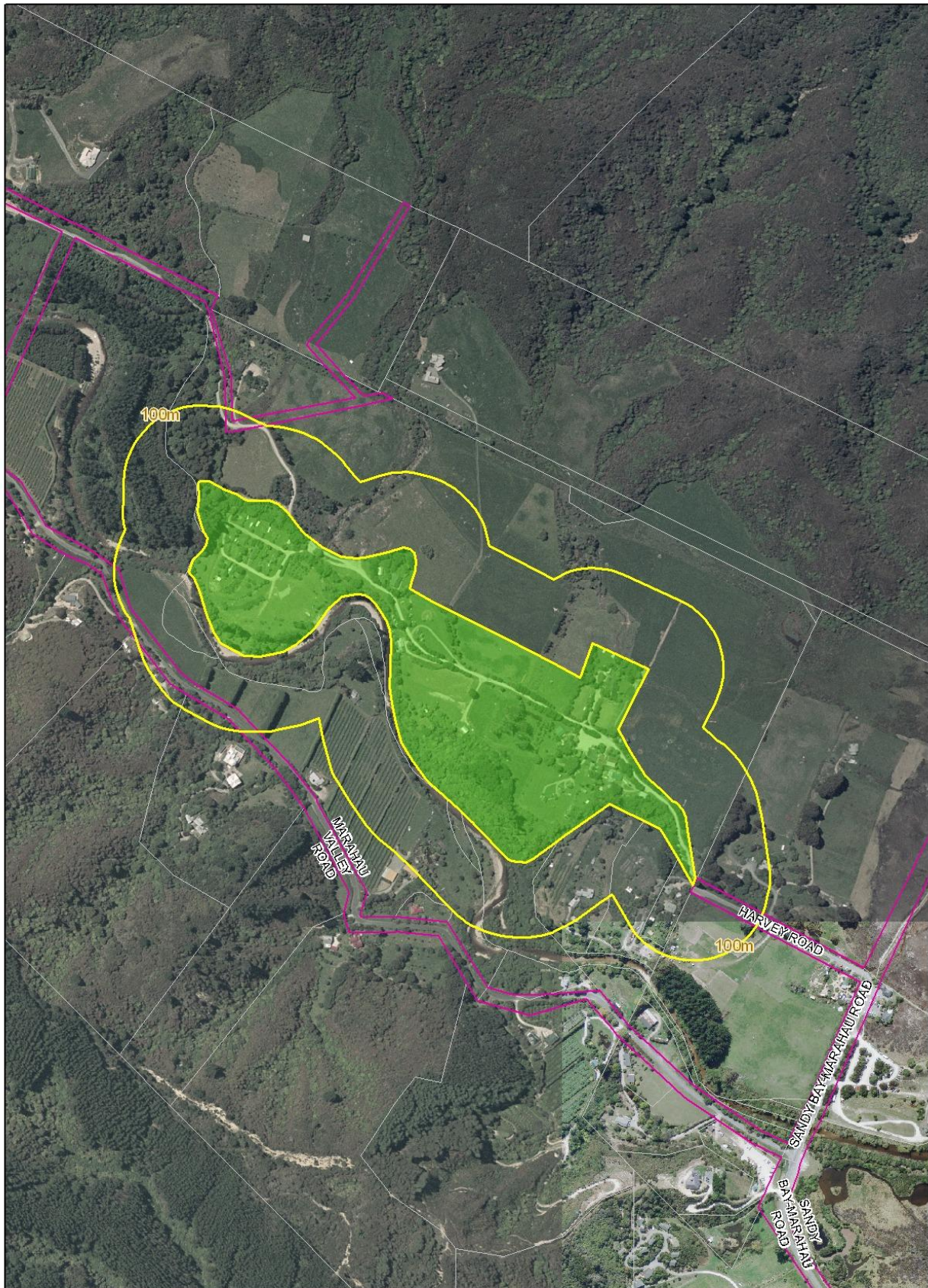


← PROPOSED POSSIBLE
FUTURE PLANTING



15 April 2011

Plan E - Direct phone contact plan
RM090280, Marahau Estates Ltd



15 April 2011



RESOURCE CONSENT

RESOURCE CONSENT NUMBER: RM090273

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

Marahau Estates Limited
(hereinafter referred to as "the Consent Holder")

ACTIVITY AUTHORISED BY THIS CONSENT:

To construct a dwelling on Lot 4 (subdivision authorised by RM090272) which will replace a temporary dwelling in a converted farm shed.

LOCATION DETAILS:

Address of property: 54 Harvey Road, Marahau
Legal description: Pt Sec 115 Motueka DIST
Certificate of title: CT 12A/618
Valuation number: 1931007601
Easting and Northing: 2509593E 6024234N

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

CONDITIONS

General

1. The replacement dwelling shall be undertaken in accordance with the documentation submitted with the application and Plan F dated 2 June 2011 (attached), as amended by the conditions of consent. Where there is any apparent conflict between the information provided with the application and any condition of this consent, the conditions shall prevail.

Covenant

2. Prior to any building consent being issued for the replacement dwelling, a covenant pursuant to Section 108 of the Act shall be entered into and registered against the certificate of title for the land on which this dwelling is to be located. The covenant shall state that:

The existing temporary dwelling on proposed Lot 4 of subdivision RM090272 authorised under land use consent RM090273 shall be either removed, or converted to an accessory building in accordance with the definition of “accessory building” as defined in Chapter 2 of the Tasman Resource Management Plan and quoted below:

“accessory building means any separate building the use of which is incidental to, and coexistent with, the use of a principal building, or activity on a site, and includes a sleep-out, studio, garage or carport, garden shed, glasshouse, swimming pool, shed used solely as a storage area, or other similar structure.”

The abovementioned conversion shall be undertaken within three months of the replacement dwelling authorised on the site by land use consent RM090273, becoming habitable.

The covenant shall be entered into pursuant to Section 108(2)(d) of the Act and shall be registered against the title pursuant to Section 109 of the Act. All costs incurred in preparing and registering the covenant shall be paid for by the consent holder.

Recessive Colours

3. The exterior of the building shall be finished in colours that are recessive and which blend in with the immediate environment. The consent holder shall submit to the Council’s Consent Planner, Motueka for approval prior to applying for building consent the following details of the colours proposed to be used on the walls and roof of the building:
 - (a) the material to be used (e.g. paint, colour steel);
 - (b) the name and manufacturer of the product or paint;
 - (c) the reflectance value of the colour;
 - (d) the proposed finish (e.g. matt, low-gloss, gloss); and
 - (e) Either the BS5252:1976 (British Standard Framework for Colour Co ordination for Building Purposes) descriptor code, or if this is not available, a sample colour chip.

The building shall be finished in colours that have been approved by the Council.

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 location and construction standards

4. The dwelling shall be sited, designed and serviced complying with rules for the Rural 2 Zone of the Tasman Resource Management Plan, unless a subsequent resource consent is obtained.

5. The new dwelling shall be sited in the location shown on attached Plan F dated 2 June 2011 (attached) or, following subdivision authorised under RM090272, within the building location area shown on the title plan.

Water Supply

6. Sufficient water supply for firefighting purposes shall be provided to the new dwelling on Lot 4 in accordance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008.

Advice Note:

The New Zealand Fire Service Commission considers the optimal means of compliance with the Code is the installation of a domestic sprinkler system in new dwellings in accordance with Fire Sprinkler Systems for Houses NZS 4517:2010.

GENERAL ADVICE NOTES

Council Regulations

1. The Consent Holder shall meet the requirements of Council with regard to all Building and Health Bylaws, Regulations and Acts.

Tasman Resource Management Plan

2. Any activity not referred to in this resource consent must comply with either: 1) a relevant permitted activity rule in the Tasman Resource Management Plan (TRMP); 2) the Resource Management Act 1991; or 3) the conditions of a separate resource consent which authorises that activity.

Consent Holder

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 which are required to be complied with on an ongoing basis.

Development Contributions

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

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

Monitoring

- 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.

Road Numbering

- A new street number will be allocated when the deposited plan is lodged.

Interests registered on Property Title

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

Colour

- As a guide, the Council will generally approve colours that meet the following criteria:

Colour Group*	Walls	Roofs
Group A	A05 to A14 and reflectance value $\leq 50\%$	A09 to A14 and reflectance value $\leq 25\%$
Group B	B19 to B29 and reflectance value $\leq 50\%$	B23 to B29 and reflectance value $\leq 25\%$
Group C	C35 to C40, reflectance value $\leq 50\%$, and hue range 06-16	C39 to C40, reflectance value $\leq 25\%$, and hue range 06-16
Group D	D43 to D45, reflectance value $\leq 50\%$, and hue range 06-12.	Excluded
Group E	Excluded	Excluded
Finish	Matt or Low-gloss	Matt or Low-gloss

Based on BS5252:1976 (British Standard Framework for Colour Co-ordination for Building Purposes). Where a BS5252 descriptor code is not available, the Council will compare the sample colour chip provided with known BS5252 colours to assess appropriateness.

Cultural Heritage

9. In the event of Maori archaeological sites (e.g. shell midden, hangi or ovens, garden soils, pit depressions, occupation evidence, burials, taonga) or koiwi (human remains) being uncovered, activities in the vicinity of the discovery shall cease. The Consent Holder shall then consult with the New Zealand Historic Places Trust's Central Regional Office (PO Box 19173 Wellington, phone (04) 801 5088, fax (04) 802 5180), and shall not recommence works in the area of the discovery until the relevant Historic Places Trust approvals to damage, destroy or modify such sites have been obtained.

Issued this 15th day of April 2011



Tim King
Chair of Hearings Committee

CONFIRMED MINUTES

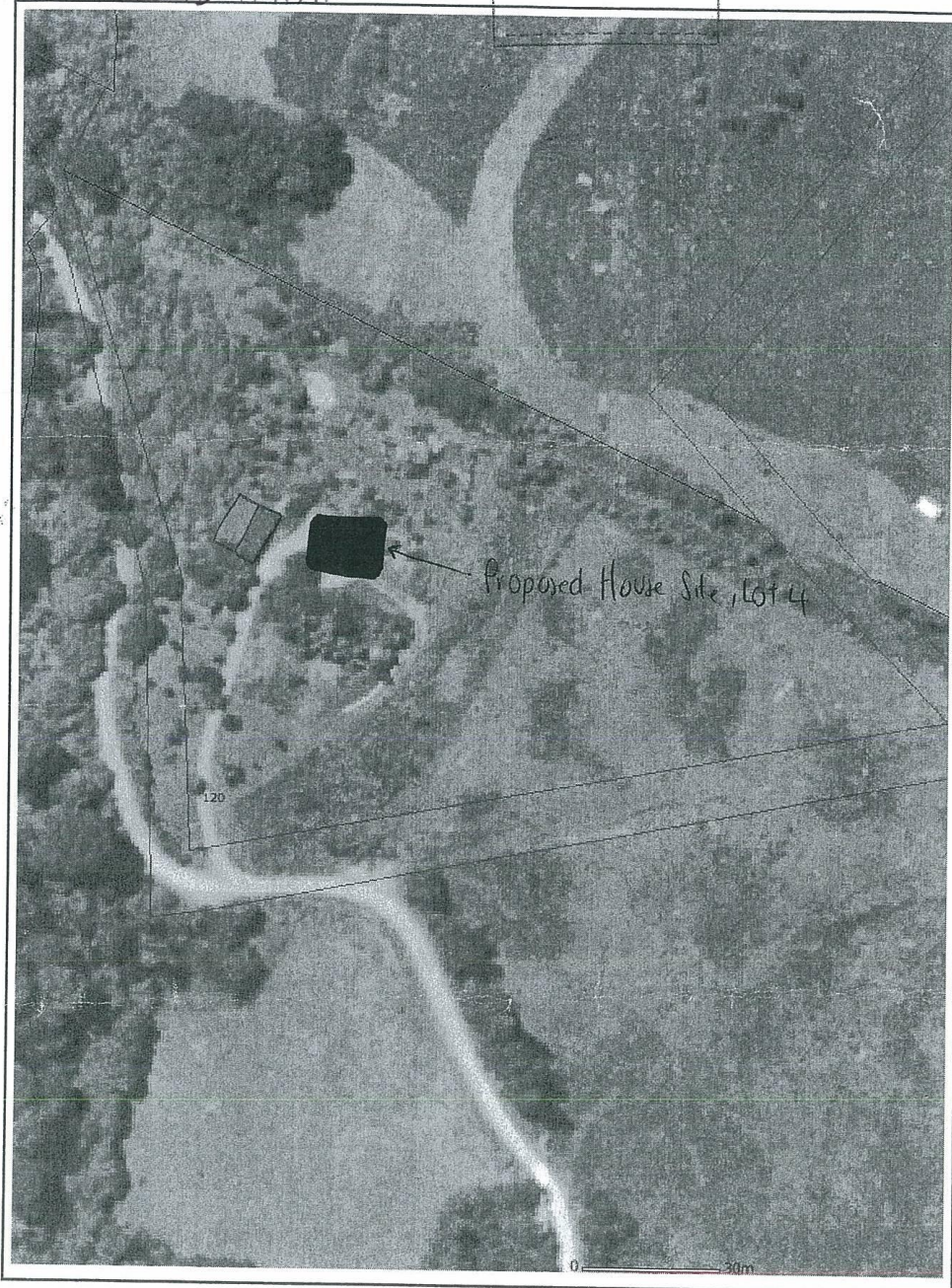
**Plan F - Dwelling location
RM090273, Marahau Estates Ltd**

Map Output

RECEIVED
15 JUN 2009

Page 1 of 2

RM090273 Plan A.



ExploreTasmanMap

2/6/2009 DISCLAIMER:

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*Approximately 30mtrs.
From Sleepout*

<http://gis.tdc.govt.nz/servlet/com.esri.esrimap.Esrimap?ServiceName=ExploreTasman...> 2/06/2009



RESOURCE CONSENT

RESOURCE CONSENT NUMBER: RM090272

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

Marahau Estates Limited
(hereinafter referred to as "the Consent Holder")

ACTIVITY AUTHORISED BY THIS CONSENT:

To subdivide Part Section 115 comprised in CT 12A/618 into two allotments with Lot 1 having an area of 13.53 hectares and Lots 2, 3 and 4 (held together by amalgamation condition) having an area of 18.36 hectares.

LOCATION DETAILS:

Address of property: 54 Harvey Road, Marahau
Legal description: Pt Sec 115 Motueka DIST
Certificate of title: CT 12A/618
Valuation number: 1931007601
Easting and Northing: 2509901E 6023889N

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

CONDITIONS

General

1. The subdivision shall be undertaken in accordance with the information submitted with the application and in particular with the plan prepared by Nikkel Surveying Ltd titled, "Proposed Subdivision of Pt Sec 115 Motueka District" and amended as dated 30/10/09, and attached to this consent as Plan G. If there is conflict between the information submitted with the consent application and any conditions of this consent, then the conditions of this consent shall prevail.

Easements

2. Easements shall be created over any services located outside the boundaries of the allotments that they serve as easements in gross to the appropriate authority or appurtenant to the appropriate allotment. The survey plan which is submitted for the purposes of Section 223 of the Act shall include reference to easements.
3. Easements shall be created over any right-of-way and shall be shown in a memorandum of Easements on the survey plan submitted for the purposes of Section 223 of the Act. Easements shall be shown on the land transfer title plan and any documents shall be prepared by a solicitor at the Consent Holder's expense.
4. The survey plan that is submitted for the purposes of Section 223 of the Act shall include reference to easements.

Financial Contributions

5. The Consent Holder shall pay a financial contribution for reserves and community services in accordance with following:
 - (a) the amount of the contribution shall be 5.62 per cent of the total market value of 2,500 square metres (rural)(at the time subdivision consent is granted) of Lot 2;
 - (b) the Consent Holder shall request in writing to the Council's Consent Administration Officer (Subdivision) that the valuation be undertaken. Upon receipt of the written request the valuation shall be undertaken by the Council's valuation provider at the Council's cost;
 - (c) if payment of the financial contribution is not made within two years of the granting of the resource consent, a new valuation shall be obtained in accordance with (b) above, with the exception that the cost of the new valuation shall be paid by the Consent Holder, and the 5.62 per cent contribution shall be recalculated on the current market valuation. Payment shall be made within two years of any new valuation.

Advice Note:

A copy of the valuation together with an assessment of the financial contribution will be provided by the Council to the Consent Holder.

Amalgamation

6. That Lots 2, 3 and 4 hereon be held in the same Computer Freehold Register Land Information New Zealand reference: 977908.

Esplanade Strip and Access

7. That an esplanade strip 10 metres wide be created over the land in Lot 1 adjoining the Marahau River and that an easement allowing public access to the Marahau River to be shown as Area A be granted. The purpose of this strip is to enable public access to and along the Marahau River and to enable public recreational use of the strip and the Marahau River. All the prohibitions of Clause 2 of the Tenth Schedule apply, except for Clause 2(e) to allow dog walking and Clause 2(f) to allow for

bicycles, to the strips and easement area A. There is no provision for fencing (Clause 3) or closure (Clause 7).

The esplanade strip instrument shall also specify that at all times practicable walking and cycling access past any buildings that are within the 10 metre esplanade strip shall be available. If erosion of the banks of the river or any other factor or event causes practicable access past a building to be lost then that building shall be demolished or relocated. As a minimum practicable access requires a usable and accessible corridor that is 2 metres wide.

The survey plan submitted to Council under Section 223 shall show a 10 metre wide esplanade strip on Lot 1 adjoining the Marahau River.

Advice Note:

In accordance with Sections 128 and 129 of the Act you are advised of Council's intention to review the above condition following receipt of the valuation of Council's interest in the land by virtue of the esplanade strips.

Explanation

Section 237F of the Act provides for Council to pay compensation for any interest in land taken for an esplanade strip, unless the registered proprietor agrees otherwise.

The review of the condition provides Council an opportunity to amend or delete the condition following receipt of the valuation and/or agreement with the registered proprietor.

Consent Notices

8. The following consent notices shall be registered on the certificate of title for Lots 2-4 pursuant to Section 221 of the Act.

Building Location (Lot 2-4)

- (a) That the construction of a dwelling on Lots 2-4 (amalgamated) shall be restricted to the general dwelling site area within Lot 4 identified as the "applicant's residence" on attached Plan G, dated 30 October 2009 and this area shall be shown on the Section 223 plan. The site shall be dimensioned and identified.

Water/firefighting storage (Lot 2-4)

- (b) Sufficient water supply for firefighting purposes shall be provided to the new dwelling on Lot 4 in accordance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008.

Advice Note:

The New Zealand Fire Service Commission considers the optimal means of compliance with the Code is the installation of a domestic sprinkler system in new dwellings in accordance with Fire Sprinkler Systems for Houses NZS 4517:2010.

- (c) The existing temporary dwelling on proposed Lots 2-4 (amalgamation) shall be either removed, or converted to an accessory building in accordance with the definition of “accessory building” as defined in Chapter 2 of the Tasman Resource Management Plan and quoted below:

“accessory building means any separate building the use of which is incidental to, and coexistent with, the use of a principal building, or activity on a site, and includes a sleep-out, studio, garage or carport, garden shed, glasshouse, swimming pool, shed used solely as a storage area, or other similar structure.”

The above mentioned conversion shall be undertaken within three months of a replacement dwelling being authorised by building consent on the site becoming habitable.

Building Colour (Lot 2-4)

- (d) The exterior of any building on Lots 2-4 (amalgamated) shall be finished in colours that are recessive and blend in with the immediate environment and have been approved by the Council. The Consent Holder shall submit to the Council’s Consent Planner for approval prior to applying for building consent the following details of the colours proposed to be used on the walls and roof of the building:

- (a) the material to be used (e.g., paint, Colorsteel);
- (b) the name and manufacturer of the product or paint;
- (c) the reflectance value of the colour;
- (d) the proposed finish (eg, matt, low-gloss, gloss); and
- (e) either the BS5252:1976 (British Standard Framework for Colour Co-ordination for Building Purposes) descriptor code, or if this is not available, a sample colour chip.

As a guide, the Council will generally approve colours that meet the following criteria:

Colour Group*	Walls	Roofs
Group A	A05 to A14 and reflectance value ≤50%	A09 to A14 and reflectance value ≤25%
Group B	B19 to B29 and reflectance value ≤50%	B23 to B29 and reflectance value ≤25%
Group C	C35 to C40, reflectance value ≤50%, and hue range 06-16	C39 to C40, reflectance value ≤25%, and hue range 06-16
Group D	D43 to D45, reflectance value ≤50%, and hue range 06-12.	Excluded
Group E	Excluded	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, the

Council will compare the sample colour chip provided with known BS5252 colours to assess appropriateness.

Advice Note:

These consent notices shall be prepared by the Consent Holder's solicitor at the Consent Holder's expense and shall be complied with by the Consent Holder and subsequent owners on an ongoing basis. All costs associated with approval and registration of the consent notice shall be paid by the Consent Holder.

GENERAL ADVICE NOTES

Development Contributions

1. Council will not issue a 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 Council's Development Contributions Policy under the Local Government Act 2002.

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

This consent may attract a development contribution on one allotment (Lot 2) in respect of roading.

Council Regulations

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

Other Tasman Resource Management Plan Provisions

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

Consent Holder

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

Temporary dwelling on Lots 2-4 (amalgamated)

5. The applicants are advised that the residential dwelling use has not been legitimately established on the site and steps should be taken to rectify this situation via appropriate mechanisms available under the Building Act or decommission it.

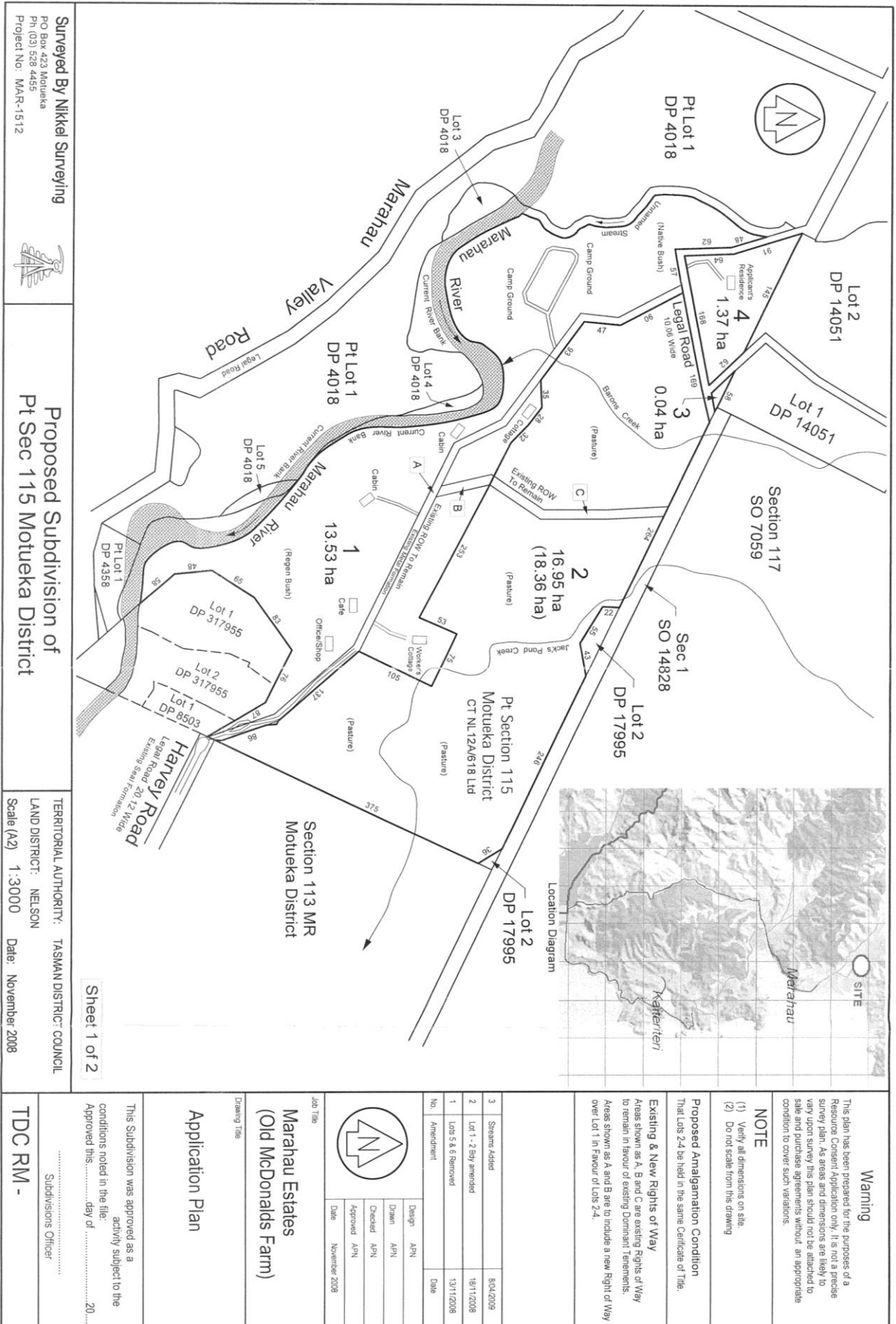
Issued this 15th day of April 2011



Tim King
Chair of Hearings Committee

CONFIRMED MINUTES

**Plan G - Subdivision Plan
RM090272, Marahau Estates Ltd**



Surveyed By Nikkel Surveying
PO Box 423 Motueka
Ph (03) 528 4455
Project No: MAR-1512



Proposed Subdivision of
Pt Sec 115 Motueka District

TERRITORIAL AUTHORITY: TASMAN DISTRICT COUNCIL
LAND DISTRICT: NELSON
Scale (A2) 1:3000 Date: November 2008

Sheet 1 of 2

Warning

This plan has been prepared for the purpose of a Resource Consent Application only. It is not a precise survey plan. As areas and dimensions are likely to vary upon survey this plan should not be attached to sale and purchase agreements without an appropriate condition to cover such variations.

NOTE

- (1) Verify all dimensions on site
- (2) Do not scale from this drawing

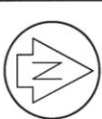
Proposed Amalgamation Condition

That Lots 2-4 be held in the same Certificate of Title.

Existing & New Rights of Way

Areas shown as A, B and C are existing Rights of Way to remain in favour of existing Dominant Tenements. Areas shown as A and B are to include a new Right of Way over Lot 1 in favour of Lots 2-4.

Marahau Estates
(Old McDonalds Farm)



Design APN	Date
Drawn APN	
Checked APN	
Approved APN	
Date	November 2008

Application Plan

This Subdivision was approved as a conditions noted in the file: activity subject to the Approved this..... day of 20....

Subdivisions Officer

TDC RM -



RESOURCE CONSENT

RESOURCE CONSENT NUMBER: RM090271

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

Marahau Estates Limited
(hereinafter referred to as “the Consent Holder”)

ACTIVITY AUTHORISED BY THIS CONSENT:

To discharge wastewater from Old MacDonald’s Farm and Holiday Park to land.

LOCATION DETAILS:

Address of property: 54 Harvey Road, Marahau
Legal description: Pt Sec 115 Motueka DIST
Certificate of title: CT 12A/618
Valuation number: 1931007601
Easting and Northing: 2509825E 6023800N

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

CONDITIONS

1. The design and the construction and operation of the approved wastewater treatment and disposal system shall be in general accordance with the design report prepared by Cameron Gibson Wells Ltd, (reference 12231-15a and dated 1 September 2009) with the application for resource consent, Appendix A (attached) and Plan H dated 15 April 2011 (attached). If any of these documents are inconsistent with the conditions of this consent, then the conditions shall prevail.

Advice Note:

The wastewater system designer should be involved from an early stage with other parties responsible for the design. Design flow volumes, design and sizing of the land application area and reserve land application area needs to be undertaken concurrently with, for example, landscaping designs and planning.

2. The maximum rate of discharge shall not exceed 48,050 litres per day and shall occur in the locations shown on Plan H dated 15 April 2011 (attached) with a minimum setback from the boundaries of at least 20 metres. Should the applicant wish to move the fields further from the boundary or alter the field shapes, the applicant must first obtain the written approval of the Council's Co-ordinator Compliance Monitoring.
3. The maximum loading rate at which the wastewater is applied to land shall not exceed 35 millimetres per day (35 litres per square metre per day). The land application areas shall be as described in the Cameron Gibson and Wells 1 September 2009 Report 12231-15a Appendix One - System Design Summary - Table 1.
4. There shall be no ponding of wastewater on the ground surface, or any direct discharge or run-off of wastewater to surface water.
5. The construction and installation of the wastewater treatment plant and land application systems shall be carried out under the supervision of a person who is suitably qualified and experienced.

That person 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 producer statement shall include sufficient information to enable the Council to determine compliance with Conditions 1, 3, and 9 and shall also confirm the following:

- a) that all components of the wastewater system (including the treatment plant and the land application area) have been inspected and installed in accordance with standard engineering practice and the manufacturer's specifications;
 - b) that all components of the wastewater system are in sound condition for continued use for the term of this resource consent.
6. The Consent Holder shall submit a set of final "as-built" plans to the approval of the Council's Co-ordinator Compliance Monitoring, showing the location of all components of the wastewater treatment and land application systems. 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 monitoring officer to locate all structures identified on the plans, including the sampling point required to be installed in accordance with Condition 9.
 7. No grazing stock shall be allowed access to the land application area at any time. In the event that such stock are held elsewhere on the property, suitable fences shall be installed around the land application area to prevent access by such animals.
 8. Suitable reserve land application areas equivalent to not less than 100% of the land application areas (see Condition 3) shall be kept available for future use of wastewater disposal. These reserve areas shall remain undeveloped. For the purpose of this condition, "undeveloped" means that no 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 or other vegetation.

9. Sampling points to allow collection of a sample of the treated wastewater shall be provided at points located after the final pump-out chambers and before the points where the wastewater discharges to the land application areas.

Compliance Limits and Monitoring

10. The treated wastewater entering the land application area, as measured at the sampling points required to be installed in accordance with Condition 9, shall comply at all times with the following limits:
 - a) the five day biochemical oxygen demand (BOD₅) in any single sample shall not exceed 150 grams per cubic metre; and
 - b) the concentration of total suspended solids (TSS) in any single sample shall not exceed 150 grams per cubic metre.
11. Samples of the treated wastewater shall be collected on two occasions each year, once in the first two weeks of January and once during the month of February. Samples shall be taken from the sampling points referred to in Condition 9. The samples shall be tested for BOD₅ and TSS by an accredited environmental testing laboratory. Results of these tests shall be forwarded to Council's Co-ordinator Compliance Monitoring within 10 working days of the results of each test being received by the Consent Holder.

The samples required by this condition shall be taken at times when the campground is being used in a typical fashion. "Typical fashion" means that the occupancy, at the time of sampling and during the preceding 48 hours, matches the number of people who normally reside in the campground. The samples shall be taken using laboratory supplied containers and according to the procedures directed by the accredited environmental testing laboratory and shall be transported to the laboratory under chain of custody.

12. The consent holder shall install monitoring bores labelled MW1 to MW4 in the locations shown on Plan H dated 15 April 2010 (attached) for monitoring groundwater quality.

Advice Note:

A resource consent is required for the installation of these bores. As the application will be a controlled activity under the TRMP it is not considered that this condition is ultra vires.

13. The discharge from each wastewater discharge field shall not cause the groundwater quality in the monitoring bores MW2 and MW4 to increase in concentration by more than one order of magnitude compared to MW1 and MW3, respectively.
14. Notwithstanding Condition 13, the discharge from each wastewater discharge field shall not cause the rolling median of faecal coliform concentrations in each of MW2 and MW4 to exceed 240 cfu/100mls and no individual sample shall exceed a concentration of 550 cfu/100mls.

Monitoring

15. On two occasions each year, once in the first two weeks of January and once during the month of February, the Consent Holder shall sample the groundwater in monitoring wells MW1 to MW4 shown on Plan H dated 15 April 2011 (attached). The samples from each well shall be tested for BOD₅, faecal coliforms and *Escherichia coli*.
16. In the event that one or more results from the analyses required to be done by Condition 15 exceed the limits specified in Condition 13 or 14, the tests shall immediately be repeated.
17. The sampling and analyses required to be done by Condition 11 and 15 shall be undertaken by an appropriately qualified person and in accordance with standard sampling procedures and using laboratory provided containers. Immediately prior to collection of samples from MW1 to MW4, at least three well volumes (calculated including the gravel pack) of groundwater shall be purged from the piezometer.

Analyses shall be done at an appropriately accredited laboratory facility and samples shall be transported to the laboratory under chain of custody. The Consent Holder shall ensure that the laboratory is aware of the relevant compliance limits that are specified in Conditions 10, 13 and 14, and that tests using detection limits below the compliance criteria are used by the laboratory.

Reporting

18. The Consent Holder shall provide to the Council's Co-ordinator Compliance Monitoring the results of the sample analyses required by Condition 15 within 20 working days of the results being made available to the Consent Holder. Where a compliance limit specified in Conditions 13 or 14 has been exceeded and Condition 16 applies the results will be provided to the Co-ordinator within 24 hours.

Where a non-compliance with the compliance limits set has occurred in both the initial sample and the follow up sample, the Consent Holder shall, along with the results, provide to the Co-ordinator Compliance Monitoring a report detailing:

- (a) the nature of the non-compliance;
- (b) possible reasons for the non-compliance; and
- (c) corrective actions taken.

Maintenance

19. The Consent Holder shall enter into, and maintain in force at all times, a written maintenance and monitoring contract with an experienced wastewater treatment plant operator, or a person trained in the wastewater treatment operation by the system designer, for the ongoing maintenance of the treatment and land application systems.

The contract shall specify the frequency of treatment plant inspections and maintenance during the term of this resource consent and shall include an inspection and maintenance schedule that is in accordance with the conditions of this consent.

A signed copy of this contract shall be forwarded to the Council's Co-ordinator Compliance Monitoring prior to the exercise of this consent.

20. The wastewater treatment and land application system shall be inspected and serviced at least every six months and a copy of the service provider's maintenance report shall be forwarded to the Council's Co-ordinator Compliance Monitoring within two weeks of each inspection. The inspection report shall include, but not be limited to, the following information:
- a) the date the inspection was undertaken and the name of the service provider;
 - b) a list of all components of the treatment and land application systems that were inspected and the state of those components;
 - c) any maintenance undertaken during the visit or still required, and a timetable for the expected completion of this work;
 - d) a description of the appearance of the filter/s and tanks;
 - e) the location and source of any odour detected from the system; and
 - f) a description of the appearance of the land application area (ponding, vegetation growth, etc).

Review of Consent Conditions

21. Pursuant to Section 128 of the Act, the Council may, during the months of December, January or February or September each year review any conditions of the consent for 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) to review 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) to review the frequency of sampling and/or number of determinants analysed if the results indicate that this is required and/or appropriate;
 - e) to review the reporting requirements if it is found that they are not appropriate.

Lapse Date

22. Pursuant to Section 125 of the Act this consent shall lapse 5 years after the date of this consent unless either the consent is given effect to, or the Council has granted an extension pursuant to Section 125(1)(b) of the Act.
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Expiry

23. This resource consent expires on 1 May 2026.

ADVICE NOTES

1. Officers of the Council may also carry out site visits to monitor compliance with resource consent conditions.
2. 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.
3. Access by the Council or its officers or agents to the property is reserved pursuant to Section 332 of the Resource Management Act.
4. All reporting required by this consent should be made in the first instance to the Council's Co-ordinator Compliance Monitoring.
5. 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 Tasman District Council and the New Zealand Historic Places Trust should 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.
6. 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 Tasman Resource Management Plan (TRMP);
 - b) be allowed by the Resource Management Act; or
 - c) be authorised by a separate resource consent.
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 at the Richmond office of the Council. Copies of the Council Standards and documents referred to in this consent are available for viewing at the Richmond office of the Council.

Issued this 15th day of April 2011



Tim King
Chair of Hearings Committee

**Annexure 1 -Wastewater Systems' Upgrade
RM090271, Marahau Estates Ltd**

CAMERON GIBSON & WELLS LTD

Table 1: Wastewater Management Systems (existing to remain and proposed in bold)

Description	Peak Flow (L/d)		Soil Cat. & Application Rate	Comments
	Blackwater & Combined	Greywater		
Area 2: Office, retail, camping, cabins				
<u>Existing:</u> 25,000 L septic tank with Innoflow screened pump vault 2 x 50mm Arkal disc filters (120mesh) Approx 1200m drip irrigation	9034			To be modified as noted below under 'Proposed'
Greywater disposal from two showers through gravel filters to surface		840		To be connected to other system
<u>Proposed:</u> 23,000L septic tank (new) 25,000 L septic tank with Innoflow screened pump vault (existing) 2 x 50mm Arkal disc filters (120 mesh - existing) 480m of LPED in shallow conventional trench (600mm wide)	9874		Category 1 35mm/day	Refer sketch SK01 (Appendix 2)
Area 4: Manager's residence & studio unit				
<u>Existing to Remain:</u> Septic tank and soakage trench for managers residence (size unknown)	900			Remains
Septic tank and soakage trench for studio unit (size unknown)	416			Remains

CAMERON GIBSON & WELLS LTD

Description	Peak Flow (L/d)		Soil Cat. & Application Rate	Comments
	Blackwater & Combined	Greywater		
Area 5: Staff cottage, overflow camping				
Existing to Remain:				
Staff cottage discharges to septic tank in Area 2	Included in Area 2			Remains
Portaloos and portashowers hired when area in use	N/A			Remains
Area 7: Bull Paddock camping				
Existing:				
7600L two chamber blackwater septic tank with two Zabel outlet filters Two approx 59m x 5m x 2m deep lined evapo-transpiration beds	8100			To be modified as noted below
7600L two chamber greywater septic tank Approx 50m x 5m x 2m deep lined evapotranspiration bed		17640		To be modified as noted below
Portaloos hired when occupancy exceeds 150	N/A			Remains
Proposed:				
23000L blackwater septic tank with two outlet filters (new) Two existing approx 59m x 5m x 2m deep lined evapo-transpiration beds	8100		Category 1 14mm/day	Refer sketch SK02 Groundwater monitoring proposed to confirm effectiveness
Combine two (existing) two chamber 7600L greywater septic tanks with two Zabel outlet filters Existing approx 50m x 5m x 2m deep lined evapotranspiration bed		17640	Category 1 35mm/day	Refer sketch SK02

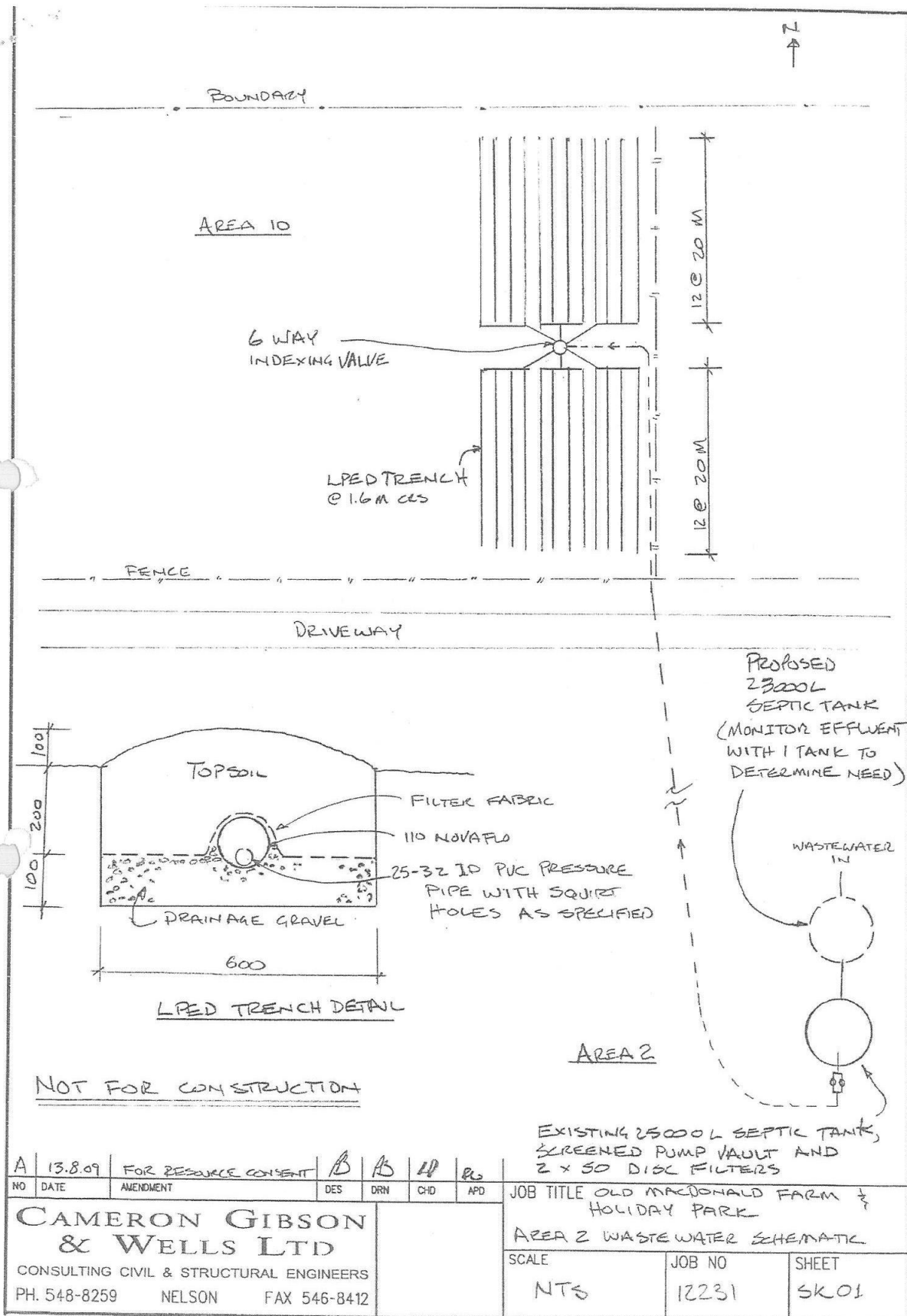
CAMERON GIBSON & WELLS LTD

Description	Peak Flow (L/d)		Soil Cat. & Application Rate	Comments
	Blackwater & Combined	Greywater		
Area 8: Camping, cabins, staff dwelling				
<u>Existing:</u> 25000L blackwater septic tank Approx 3000L septic tank Approx 50m x 5 m x 2m deep lined evapo-transpiration bed	1300			To be modified as noted below. This system was previously blackwater & greywater, but greywater (incl. kitchen) temporarily diverted to gravel filter noted below
Greywater disposal from showers, laundry & kitchen through gravel filters to dripline (unknown length)		6750		Very overloaded. To be replaced as noted below.
Greywater disposal from two showers through gravel filters to dripline (unknown length)		1050		To be replaced as noted below.
<u>Existing to Remain</u> Staff dwelling blackwater and greywater septic tanks and soakage trenches	240	480		Remains
<u>Proposed:</u> Existing 25000L blackwater septic tank with new outlet filter Existing approx 3000L septic tank Existing approx 50m x 5 m x 2m deep lined evapo-transpiration bed	4900		Category 1 20mm/day	Refer sketch SK03 Groundwater monitoring proposed to confirm effectiveness

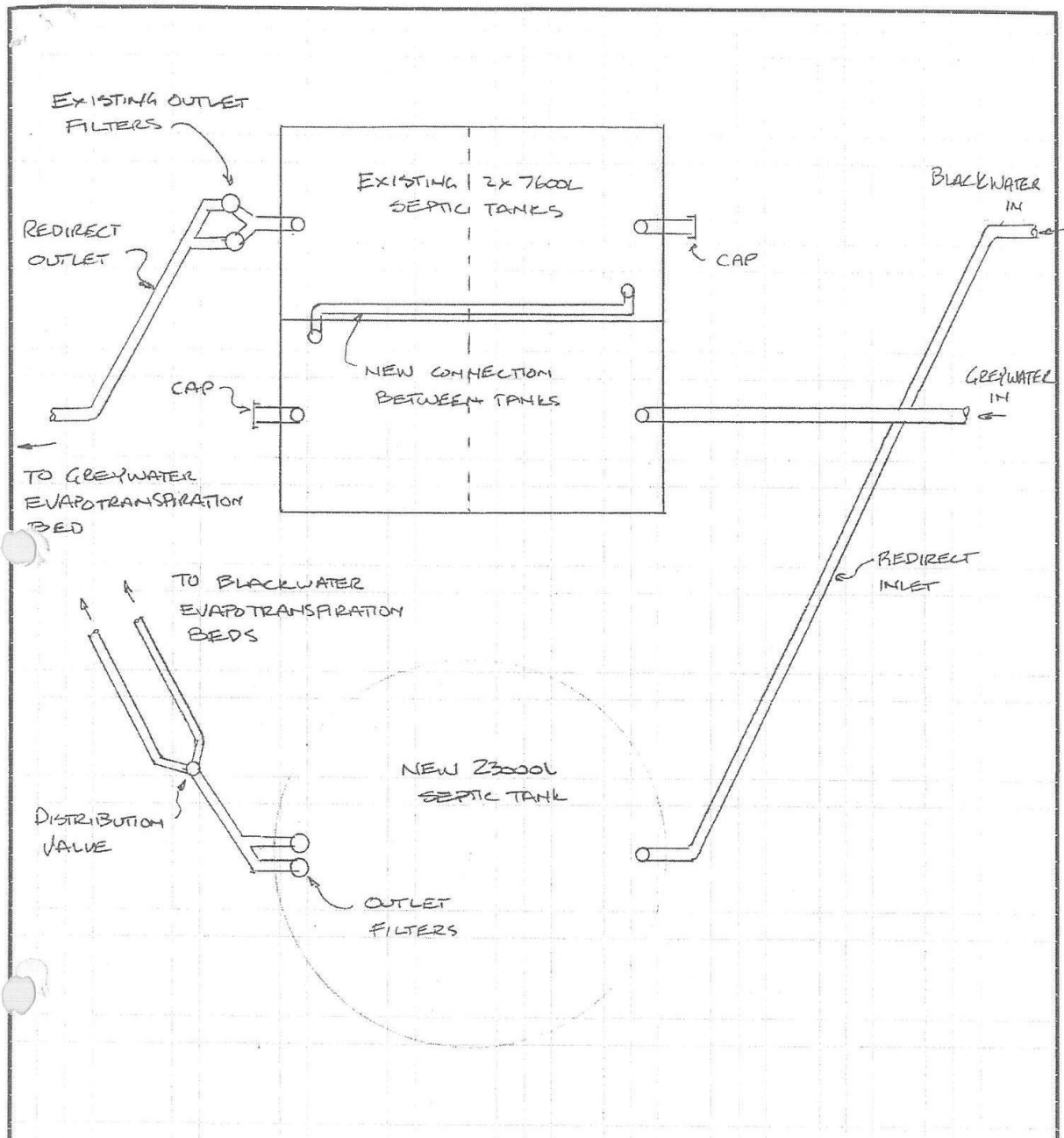
CAMERON GIBSON & WELLS LTD

Description	Peak Flow (L/d)		Soil Cat. & Application Rate	Comments
	Blackwater & Combined	Greywater		
5000L greywater two chamber septic tank (showers & laundry) with outlet filter. Second chamber (approx 1250L) used as pump chamber with high level alarm 150m of LPED in shallow conventional trench (600mm wide)		3150	Category 1 35mm/day	Refer sketch SK03
5000L septic tank (presently in the ground but unused) 5000L two chamber septic with outlet filter. Second chamber (approx 1250L) used as pump chamber with high level alarm 120m of LPED in shallow conventional trench (600mm wide)	2350		Category 1 35mm/day	Refer sketch SK03
Total Proposed (bold items)	26780	21270		Total 48050 L/d

Note: Existing tanks in area 2 and area 8 have been identified as 25,000 litre based on information obtained from installer & client. It is possible that they are actually 23,000 litre tanks, since this is the standard size from the main local supplier in the area. This would not effect our recommendations.

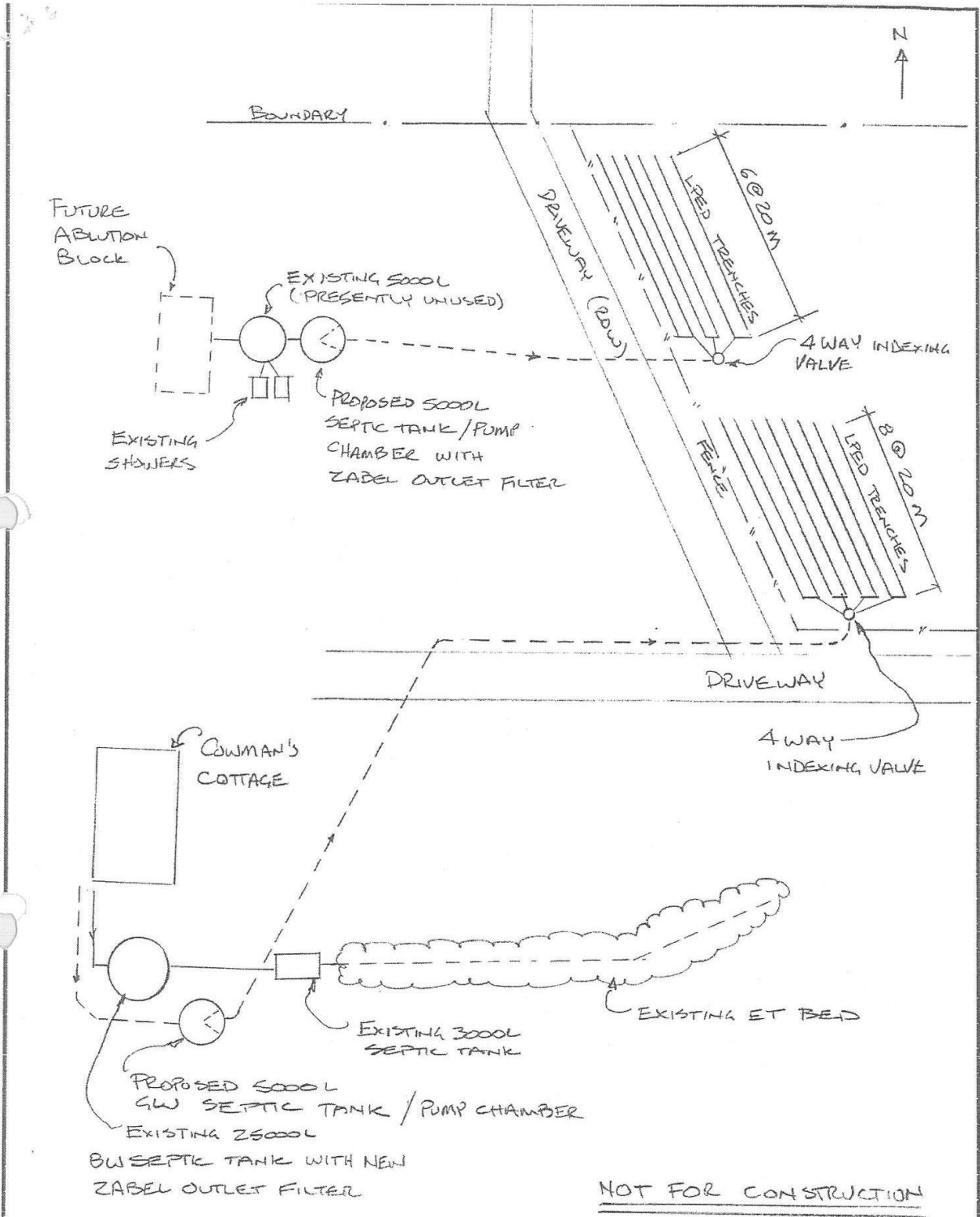


A	13.8.09	FOR RESOURCE CONSENT	B	AS	AP	RS	
NO	DATE	AMENDMENT	DES	DRN	CHD	APD	
CAMERON GIBSON & WELLS LTD CONSULTING CIVIL & STRUCTURAL ENGINEERS PH. 548-8259 NELSON FAX 546-8412							JOB TITLE OLD MACDONALD FARM & HOLIDAY PARK AREA 2 WASTE WATER SCHEMATIC SCALE NTS JOB NO 12231 SHEET SK01



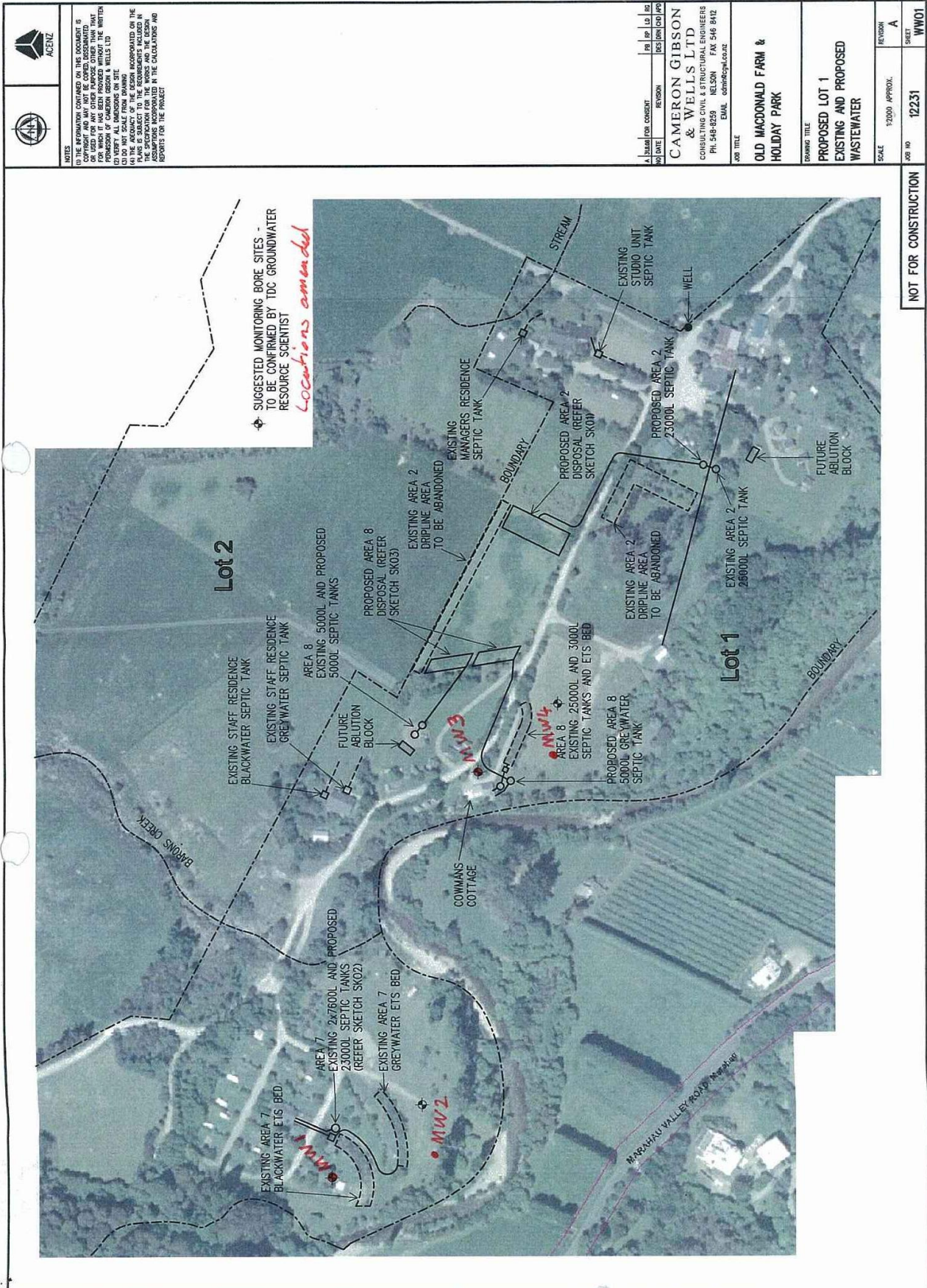
NOT FOR CONSTRUCTION

A	13.8.09	FOR RESOURCE CONSENT	B	B	AD	EW	
NO	DATE	AMENDMENT	DES	DRN	CHD	APD	JOB TITLE OLD MACDONALD FARM & HOLIDAY PARK
CAMERON GIBSON & WELLS LTD CONSULTING CIVIL & STRUCTURAL ENGINEERS PH. 548-8259 NELSON FAX 546-8412							AREA 7 BULL PADDOCK WASTEWATER UPGRADE
SCALE				JOB NO		SHEET	
NTS				12231		SK02	



A	13.8.09	FOR RESOURCE CONSENT	B	B	10	PL		JOB TITLE	OLD MACDONALD FARM & HOLIDAY PARK		
NO	DATE	AMENDMENT	DES	DRN	CHD	APD		AREA B	WASTEWATER SCHEMATIC		
CAMERON GIBSON & WELLS LTD CONSULTING CIVIL & STRUCTURAL ENGINEERS PH. 548-8259 NELSON FAX 546-8412								SCALE	JOB NO	SHEET	
								NTS	12231	SK.03	

Plan H -Wastewater and Monitoring Plan RM090271, Marahau Estates Ltd



15 April 2011

RESOURCE CONSENT

RESOURCE CONSENT NUMBER: RM090748

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

Marahau Estates Limited
(hereinafter referred to as “the Consent Holder”)

ACTIVITY AUTHORISED BY THIS CONSENT:

To construct one stop bank on the northern side of the Marahau River alongside the area of the Old MacDonald’s Farm and Holiday Park area known as the Bull Paddock.

LOCATION DETAILS:

Address of property: 54 Harvey Road, Marahau
Legal description: Pt Sec 115 Motueka DIST
Certificate of title: CT 12A/618
Valuation number: 1931007601
Easting and Northing: 2509557E 6023903N

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

CONDITIONS

1. The Consent Holder shall ensure that all works are carried out in general accordance with the information received on 19 November 2010 in support of the application for resource consent RM090748, and also with Plan I dated 15 April 2011 (attached). If there are any inconsistencies between this information and the conditions of consent, the conditions of consent shall prevail.
2. Notwithstanding Condition 1, prior to construction the stop bank shall be specifically designed by a Chartered Professional Engineer who is experienced in stop bank design. The Engineer shall design the stop bank in accordance with appropriate stop bank design protocols and methodology. The stop bank shall be designed to a 2% AEP standard with 0.5 metres of freeboard.
3. The Consent Holder shall inform Council’s Co-ordinator Compliance Monitoring at least five working days prior to commencing the works and five working days following their completion so monitoring of conditions can be programmed.

4. The Consent Holder shall be responsible for all contracted operations relating to the exercise of this resource consent, and shall ensure that all personnel working on the site are made aware of the conditions of this resource consent, and shall ensure compliance with consent conditions.
5. A copy of this resource consent shall be available to the contractors undertaking the works, and shall be produced without unreasonable delay upon request from a servant or agent of the Council.

Flood Early Warning System

6. The Consent Holder shall provide an advance warning and emergency response system which requires to be put in place to the satisfaction of Council's Co-ordinator Compliance Monitoring. This system shall include monitoring of weather patterns for forecast heavy rain-falls and provide appropriate advance warning and emergency response procedures for the occupants of the campground and adjoining and downstream landowners/occupiers.

Advice Note:

This system is to ensure that campers' safety from flood events is not reliant upon the ongoing presence of staff familiar with the flood potential of the catchment and should allow a degree of automated flood warning for campers/occupants, in conjunction with warning signage.

Earthworks

7. The work shall be carried out during normal work hours (i.e., 07.30 to 17.30) to limit the nuisance of noise and access of vehicles.
 8. The Consent Holder shall undertake all practicable steps to minimise the effect of any contaminant discharges to the receiving environment.
 9. The Consent Holder shall ensure that any discharge of contaminants onto or into land or water from any activity is avoided, remedied or mitigated to ensure no contaminants are present at a concentration that is, or is likely to have, a more than minor effect on the environment.
 10. No petrochemical or synthetic contaminants (including but not limited to oil, petrol, diesel, hydraulic fluid) shall be released into water from equipment being used for the activity and no machinery shall be cleaned, stored, or refuelled within 5 metres of any watercourse.
 11. Fuels, oils and hydraulic fluids associated with the operation shall be stored in a secure and contained manner in order to prevent the contamination of adjacent land and/or water bodies.
 12. The Consent Holder shall notify the Council's Co-ordinator Compliance Monitoring as soon as is practicable, and as a minimum requirement within 12 hours, of the Consent Holder becoming aware of a spill of hazardous materials, fuel, oil, hydraulic fluid or other similar contaminants. The Consent Holder shall, within 7 days of the incident occurring, provide a written report to the Council, identifying the causes,
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steps undertaken to remedy the effects of the incident and any additional measures that will be undertaken to avoid future spills.

13. All practical measures shall be taken to ensure that any dust created by operations at the site and vehicle manoeuvring (in accessing the site and driving within it) shall not, in the opinion of Council's Co-ordinator Compliance Monitoring, become a nuisance to the public or adjacent property owners or occupiers. The measures employed shall include, but are not limited to, the watering of unsealed traffic movement areas, roadways and stockpiles as may be required.
14. All disturbed vegetation, excess soil or debris shall be disposed of off-site or stabilised to minimise the risk of erosion.

Stormwater

15. All stockpiled material shall be protected from stormwater by appropriate measures, e.g., bunding.
16. The Consent Holder shall take all practical measures to limit the discharge of sediment with stormwater run-off to water or land where it may enter water during and after the earthworks.
17. The discharge of stormwater shall not 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.
18. The Consent Holder shall monitor weather patterns during the construction phase and works shall be discontinued and appropriate protection and mitigation measures put in place prior to forecast heavy rainfalls and where resulting floods reaching the site works.
19. The Consent Holder shall stop construction in heavy rain when the activity shows sedimentation in run-off that may enter water that is more than minor in the opinion of the Council's Compliance Officer.

Revegetation

20. All exposed ground shall be revegetated with grass as soon as practical and shall be within six months of completion of the works so that erosion both from wind and rain is minimised.

Review

21. Pursuant to Section 128 of the Act, the Council may, at any time during the construction of the stopbank and thereafter during the months of February or September each year review any conditions of the consent for any of the following purposes:
 - (a) deal with any adverse effect on the environment that may arise from the exercise of the consent and which it is appropriate to deal with at a later stage; and/or
 - (b) to require compliance with operative rules in the Tasman Resource Management Plan or its successor; and/or
 - (c) when relevant national environmental standards have been made under Section 43 of the Act; and/or
 - (d) to require further flood hazard mitigation measures to be implemented.
22. This resource consent expires one year from the time that this consent is given effect to.

Advice Note:

The consent is given effect to once any earthworks commence

ADVICE NOTES

1. Officers of the Council may also carry out site visits to monitor compliance with resource consent conditions.
2. 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.
3. Access by the Council or its officers or agents to the property is reserved pursuant to Section 332 of the Resource Management Act.
4. All reporting required by this consent should be made in the first instance to the Council's Co-ordinator Compliance Monitoring.
5. 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 Tasman District Council and the New Zealand Historic Places Trust should 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.
6. 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 Tasman Resource Management Plan (TRMP);
- b) be allowed by the Resource Management Act; or
- c) be authorised by a separate resource consent.

Issued this 15th day of April 2011



Tim King
Chair of Hearings Committee

CONFIRMED MINUTES

Old MacDonald's Farm: Marahau River Flooding Updated 2009

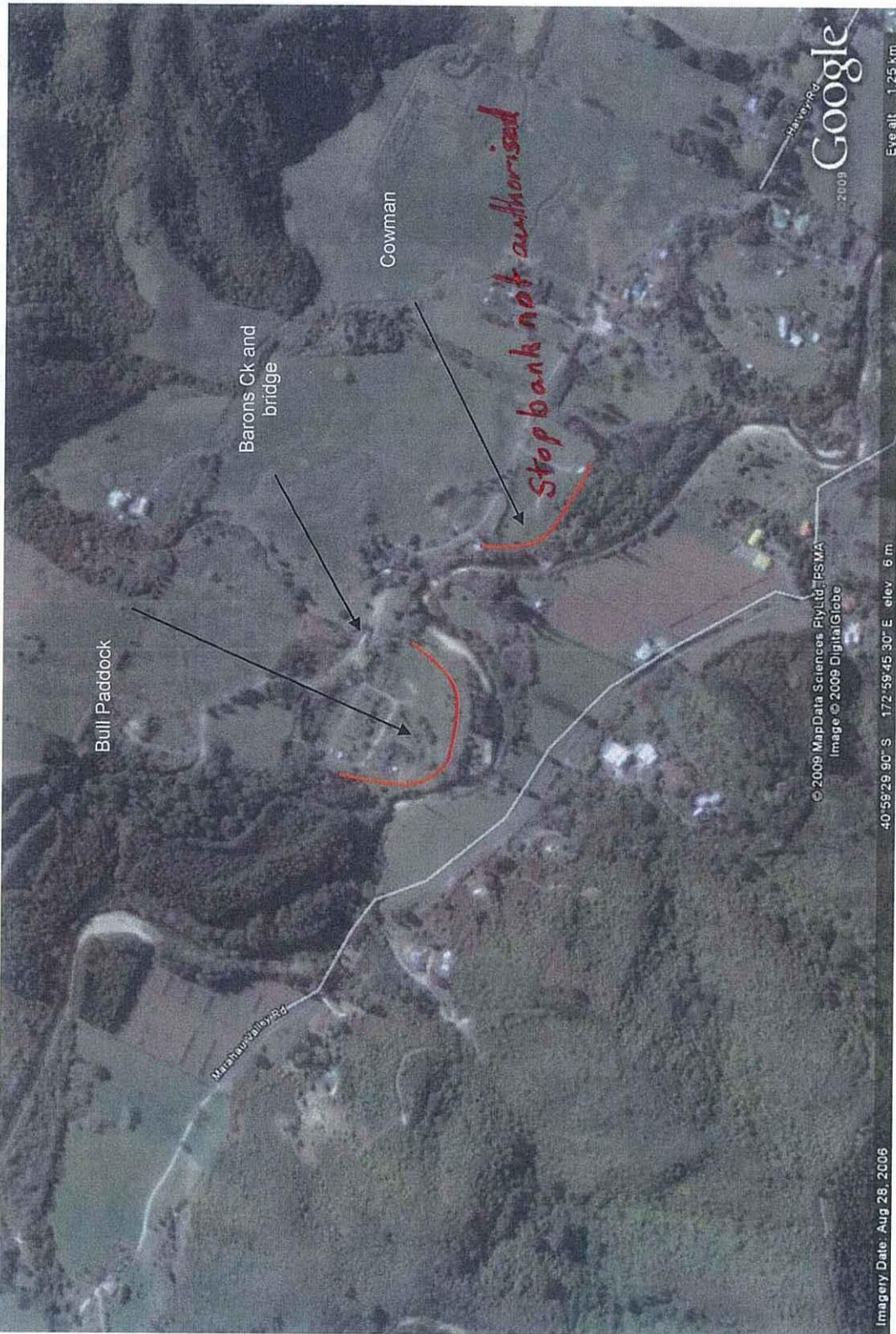


Figure 5: Location Map showing proposed stop banking around both campground sites

15 April 2011



RESOURCE CONSENT

RESOURCE CONSENT NUMBER: RM110292

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

Marahau Estates Limited
(hereinafter referred to as "the Consent Holder")

ACTIVITY AUTHORISED BY THIS CONSENT:

The diversion of floodwaters adjacent to the camping area known as the Bull Paddock by the stop bank structure authorised by RM090748.

LOCATION DETAILS:

Address of property: 54 Harvey Road, Marahau
Legal description: Pt Sec 115 Motueka DIST
Certificate of title: CT 12A/618
Valuation number: 1931007601
Easting and Northing: 2509557E 6023903N

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

CONDITIONS

1. Council may, pursuant to Section 128 of the Act, give notice during the months of February or September each year of its intention to review the conditions of this consent to:
 - (a) deal with any adverse effect on the environment that may arise from the exercise of the consent and which it is appropriate to deal with at a later stage; and/or
 - (b) to require compliance with operative rules in the Tasman Resource Management Plan or its successor; and/or
 - (c) when relevant national environmental standards have been made under Section 43 of the Act; and/or
 - (d) to require further flood hazard mitigation measures to be implemented.

2. This consent shall expire on 1 May 2046.

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. 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 Tasman Resource Management Plan (TRMP);
 - b) be allowed by the Resource Management Act; or
 - c) be authorised by a separate resource consent.

Issued this 15th day of April 2011



Tim King
Chair of Hearings Committee



RESOURCE CONSENT

RESOURCE CONSENT NUMBER: RM090747

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

Marahau Estates Limited
(hereinafter referred to as "the Consent Holder")

ACTIVITY AUTHORISED BY THIS CONSENT:

To take surface water for potable supply at a camping ground, for associated dwellings and for campground related uses.

LOCATION DETAILS:

Address of property: 54 Harvey Road, Marahau
Legal description: Pt Sec 115 Motueka DIST
Certificate of title: CT 12A/618
Valuation number: 1931007601

Pursuant to Section 108 of the Act, this consent is granted subject to the following conditions and an expiry date of **31 May 2015**:

CONDITIONS

Location, Take and Use Details:

- Category of Water Source: Surface water
Name of Source: Barron's Creek
Catchment: Marahau
Zone: Marahau Plains - Abel Tasman
River Number: R.610
Map references at take point: Easting: 2509808 Northing: 6024169 NZ
Map Grid Datum
Maximum rates of take: 2 litres per second
7.2 cubic metres per hour
78.1 cubic metres per day
546.7 cubic metres per week

2. At no time shall the rates of taking and use from Barron's Creek exceed those stated in Condition 1.

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 31 May 2014. 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 up-gradient 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 $\pm 5\%$ 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 shall supply these readings weekly during these periods including 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 (scheme) 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 in compliance with the aforementioned standards at all times when this resource consent is being exercised.

Maintenance Flow

7. At no time shall the exercising of this consent result in the taking of more than 33% of the instantaneous stream flow.
8. The Consent Holder shall, by 1 November 2011, cease to take water from, or discharge water to, groundwater by way of the well that is part of the existing Barron's Creek reticulation system.

Advice Note:

It is understood that the consent holder currently discharges water taken from Barron's Creek into a unsealed well before pumping it out again for further usage. This is not an acceptable practice as no consent has been obtained for taking groundwater water from this location, nor for discharging to groundwater. The consent holder's options include:

- a) using a storage tank instead of the well;
 - b) sealing the well with liners, a buried tank or concrete; or
 - c) eliminating the well from the reticulation system.
9. The Council may, during the months of December, January and February each year, review the conditions of the consent pursuant to Section 128 of the Act for the purposes of:
- (a) dealing with any unexpected adverse effect on the environment that may arise from the exercise of the consent 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 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 programmes, repairs and maintenance and measures to achieve full compliance with these consent conditions.
11. The Consent Holder shall ensure that the entire scheme is inspected regularly and at least every six months and shall maintain a record of each inspection. The records shall list:
- a) the date of each inspection
 - b) the state of the scheme with regard to leaks, restrictions, overflows and hydrant pressures
 - c) any component replacement and all scheme modifications undertaken since the last inspection.

A copy of this record shall be made available, upon request, to the Council's Co-ordinator Compliance Monitoring.

12. The granting of this consent cancels and replaces NN000364.

ADVICE NOTES

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:
 - (a) comply with all the criteria of a relevant permitted activity rule in the Tasman Resource Management Plan (TRMP);
 - (b) be allowed by the Resource Management Act; or
 - (c) 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.

Issued this 15th day of April 2011



Tim King
Chair of Hearings Committee

Date Confirmed:

Chair: