

8 October 2001

Tucker Homestead Ltd
C/- Staig and Smith Ltd
PO Box 913
NELSON

Dear Madam/Sir

RESOURCE CONSENT APPLICATION NO. RM010260: TUCKER HOMESTEAD LTD

In accordance with Section 114 of the Resource Management Act 1991, I enclose a copy of the Council's decision on the above application.

The applicant or any person who has made a submission has the right to appeal to the Environment Court against the Council's decision as provided for in Section 120 of the Resource Management Act 1991. Any such appeal must be made to the Environment Court within fifteen working days from the date of receipt of this notice.

If you receive an appeal you should consider informing the Registrar of the Environment Court within 15 working days if you wish to be involved in any future discussions.

In terms of Section 125 of the Resource Management Act 1991, this consent shall expire two years after the date of consent (by this Council or, if relevant, the Environment Court) unless:

- (a) The person to whom it was granted has within that period given effect to the consent; or
- (b) The Council has, on an application made within three months after the expiry of that period, satisfied itself that the circumstances in Section 125(b) apply.

If you have any enquiries, or wish to discuss any aspect of this decision, please contact this office.

Yours faithfully

J S Hodson
Manager Consents

IN THE MATTER

of the Resource Management Act
1991

AND

IN THE MATTER

of the application lodged by
TUCKER HOMESTEAD LTD

for a Resource Consent under the
provisions of Section 105 of the
aforesaid Act

PROPOSAL:

SUBDIVISION

To subdivide Proposed Lot 2 of a recent subdivision which is contained within Lot 52 DP 351 and Part Lot 3 DP 2172 (CT 12A/171) to create 11 rural residential allotments of between 4200 square metres and 1.22 hectares. These lots will have an equal share in Proposed Lot 13 (13.3 hectares) which is intended to be planted in olives. Proposed Lot 12 is to be created around the existing packing shed.

The land is located at the top end of Horton Road Tasman.

LANDUSE

To erect dwellings on each of Proposed Lots 1-9 and 11.

To use the existing packing shed for the production of olive oil and dried apple processing.

To carry out land disturbance associated with the subdivision and land use for cuts up to 5 metres and fill material to the volume of 9500 cubic metres for the purposes of creating accesses, building sites and re-contouring land for olive planting.

DECISION:

SUBDIVISION

That pursuant to Sections 104, 105, 220 and 221 of the Resource Management Act 1991, Council grants consent to Tucker Homestead Ltd to subdivide Proposed Lot 2 of a recent subdivision which is contained within Lot 52 DP 351 and Part Lot 3 DP 2172 (CT 12A/171) to create:

- Lots 1-11 ranging from 4200 square metres to 1.22 hectares for rural residential purposes and
- Lot 13 to be owned in equal shares by Lots 1-11 and
- Lot 12 of 4500 square metres around the existing pack house.

The consent is subject to the following conditions and granted for the following reasons.

CONDITIONS:

1. Amalgamation

That Lot 13 hereon (legal access) be held as eleven undivided one-eleventh shares by the owners of Lot 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11 hereon as tenants in common in the said shares and individual certificates of title issued in accordance therewith.

ID Reference: 17920.

2. Horton Road

That the length of Horton Road from chainage 600 metres to chainage 1,150 metres be upgraded to 5.5 metre sealed width plus construction of sight benches and control of vegetation to maintain a sight distance of 85 metres.

Prior to undertaking the works engineering plans are to be prepared in accordance with Council's Engineering Standards 1996 and submitted to Council for approval. All construction is to be in accordance with the approved plans."

3. Internal Access Roads and Driveways and Parking

That the internal access roads and driveways to be designed and constructed to the following specifications:

- (a) Horton Road to road junction (approximately 150 metres) - 6.5 metres sealed.
- (b) Road junction to end of road adjacent Lot 4 and to end of road adjacent Lots 5 and 6 (approximately 1,000 metres) – 5.0 metres sealed.
- (c) Individual driveways to building platforms – 3.5 metres metalled.

Provision is to be made for access and parking for twelve (12) vehicles on Lot 12.

Sealed turn-outs to Lots 1-11, vehicle turning at end of the two internal roads, control and disposal of stormwater.

Prior to undertaking any works, engineering plans are to be prepared in accordance with Council's Engineering Standards 1996 and submitted to Council for approval. All construction is to be in accordance with the approved plans.

4. Building Platforms

Level building platforms with contoured batters to be designed and constructed on Lots 1-9 and 11.

5. Certification

That the building platforms required to be constructed by Condition 4 be subject to investigation, evaluation and report by a registered engineer to ensure the sites are suitable for residential development and on-site effluent disposal. Any conditions in the report to be complied with on a continuing basis by subsequent owners to be subject of consent notices issued under Section 221 of the Act.

6. Power and Telephone

That Lots 1-12 be serviced with underground power and telephone connections to the boundary of the lots. With the exception of the existing 11 kilovolt powerlines, all existing lines to be removed or installed underground.

7. Water Supply

That Lots 1-12 be provided with a potable reticulated water supply.

If the on-site bore is the source of the water supply it will be necessary to supply a report from a suitably qualified person that the water supply is safe and adequate.

8. Easements

Any services located outside the boundaries of the lots that they serve to be protected by an appropriate easement referenced in Council's Section 223 recital.

Any rights-of-way appurtenant to Lots 1-9 and 11 over the existing access to Mamaku Road to be extinguished.

9. Development Impact Levies

Payment of development impact levies in accordance with DP1 and DP2 assessed as follows:

Reserves and Community Services Levy

5.5% of the assessed market value of Lots 1-11 inclusive.

10. Road to be Stopped

That prior to approval of the subdivision plan under Section 223, a survey office plan be lodged with the Council showing road to be stopped over that part of Horton Road occupied by the existing packhouse and associated parking if needed.

11. Engineering Works, Services, Supervision and Plans

All works undertaken and services and plans provided shall be in accordance with the Tasman District Council Engineering Standards 1996 or to the Engineering Manager's satisfaction. Tasman District Council shall be contacted at least 48 hours prior to the commencement of any works on this subdivision.

The applicant shall engage a suitably qualified consultant to observe and test the construction of the works. The certificate pursuant to Section 224(c) of the Act will not be released by the Council until a "Certificate of Supervision" signed by the consultant is provided and all necessary fees and levies have been paid.

12. Consent Notices pursuant to Section 221

Prior to approval under Section 223 a Design Guide shall be submitted for approval by the Environment and Planning Manager. The terms of the Design Guide shall be brought forward to be a consent notice on Lots 1-9 and 11.

The consent notices shall be prepared by the applicant's solicitor and sent to Council for approval. All costs associated with the preparation and registration of the consent notices shall be borne by the applicant.

Advice Note:

The applicant should be aware that the Historic Places Act 1993 (HPA) provides for the identification, protection, preservation and conservation of the historic and cultural heritage of New Zealand. Under Section 2 of the HPA, an archaeological site is defined as a place associated with pre-1900 human activity, where there may be evidence relating to the history of New Zealand. Section 10 of the HPA directs that an authority is required from the New Zealand Historic Places Trust if there is "reasonable cause" to suspect an archaeological site (recorded or unrecorded), may be modified, damaged or destroyed in the course of any activity. An authority is required for such work whether or not the land on which an archaeological site may be present is designated, or a resource or building consent has been granted.

If any activity associated with the subdivision proposal (such as earthworks, fencing or landscaping), is likely to modify, damage or destroy an archaeological site, an authority from the Trust must be obtained for the work to proceed lawfully. In the event that an archaeological site is encountered during work you should contact the Trust as soon as possible.

DECISION: LANDUSE NEW DWELLINGS

That pursuant to Section 104 and 105 of the Resource Management Act 1991 Council grants consent to construct new dwellings on proposed Lots 1-9 and 11 subject to the following conditions:

CONDITIONS:

1. Consent to the proposed dwellings shall be subject to approval of the subdivision creating proposed Lots 1 – 9 and 11.
2. All existing and proposed new dwellings of Lots 1 – 11 shall be sited in accordance with the site plan submitted with application for this resource consent.
3. The external colours of the new dwellings, including rooves, shall be recessive and any exterior surfaces shall be non-reflective.

4. A Design Guide shall be submitted by the consent holder outlining details of the design, landscaping and finish detail of the proposed new dwellings of Lots 1 – 9 and 11 in accordance with landscape effects assessment report submitted with the application. In the Guide, specific design matters for each dwelling to adhere to shall be clearly listed.

Prior to this landuse consent being given effect to, the design guide shall be submitted to the Council Environment and Planning Manager for approval, and the listed design matters registered on each land title as a land covenant, in accordance with Section 108 2 9 (d) of the Resource Management Act.

5. An effluent disposal and treatment system for the discharge of domestic waste water shall be installed for each dwelling and shall meet the permitted activity performance conditions set out in Rule 36.1.4 of the Proposed Tasman Resource Management Plan.
6. The building sites for the dwellings shall not be formed in such a way so as to be generally above natural ground level.

DECISION: LANDUSE CONSENT – OLIVE PRESS AND DRIED APPLE PROCESSING OPERATION

That pursuant to Section 104 and 105 of the Resource Management Act 1991 Council grants consent to operate an olive press and dried apple processing operations subject to the following conditions:

1. The proposed olive press and dried apple processing operation shall be undertaken in accordance with the documentation submitted with the application and as modified for the purposes of the hearing.
2. Twelve car parks shall be provided associated with the activity. The parking and access shall be provided in accordance with Rule 16.2.2 of the Tasman Resource Management Plan. A plan shall be prepared indicating the number and location of vehicle parking spaces and area set-aside for access and manoeuvring. This plan shall be submitted to the Council Environment and Planning Manager for approval prior to this land use consent being given effect to.
3. Noise emitted from the operation shall comply with maximum standards for permitted activities in the Rural 1 Zone, as set out in Rule 17.4.2 (d) of the Tasman Resource Management Plan.
4. A waste water disposal and treatment system for the discharge of waste water associated with the press and processing plant shall be installed and shall meet permitted activity performance conditions set out in Rule 36.1 of the Proposed Tasman Resource Management Plan.
5. The conditions of consent may be reviewed by Council in accordance with Section 128 of the Resource Management Act 1991 within a period of one month after six months of the consent becoming operational and thereafter at intervals of six months until a period of three years has elapsed, for the purpose of;
 - Dealing with any adverse effect on the environment arising from the exercise of the consent;

- Requiring the consent holder to adopt the best practicable option to remove or reduce any adverse effect on the environment.

Further review after three years may be undertaken within three months of the anniversary of the granting of consent

6. The resource consent holder shall advise Council when the olive processing activity commences so that monitoring of conditions can be programmed.

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

DECISION: LAND USE CONSENT – RE-CONTOURING AND LAND DISTURBANCE

That pursuant to Section 104 and 105 of the Resource Management Act 1991 Council grants consent to earthworks and re-contouring associated with the formation of the accesses and creation of the building sites and re-contouring land for the planting of olive trees subject to the following conditions:

CONDITIONS

1. No soil, vegetation or debris associated with the proposed earthworks; being the formation of building sites, roads and the re-contouring of gullies, shall be deposited or positioned where it may move onto adjacent land or into water bodies.
2. Stormwater and sediment control measures shall be implemented to service areas affected by earthworks. These control measures shall be maintained for as long as is necessary and shall ensure that sediment and stormwater are controlled to a degree that receiving water bodies and /or land are not adversely affected. That is, that erosion and/or deposition do not result from the discharge of stormwater.
3. The maximum height or depth of cuts or fill shall be no more than 5 metres from natural ground level.
4. The resource consent holder shall advise Council when the earthworks commence so that monitoring of conditions can be programmed.

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

Advice Note: Archaeological Sites

The applicant should be aware that the Historic Places Act 1993 (HPA) provides for the identification, protection, preservation and conservation of the historic and cultural heritage of New Zealand. Under Section 2 of the HPA, an archaeological site is defined as a place associated with pre-1900 human activity, where there may be evidence relating to the history of New Zealand. Section 10 of the HPA directs that an authority is required from the New Zealand Historic Places Trust if there is "reasonable cause" to suspect an archaeological site (recorded or unrecorded), may be modified, damaged or destroyed in the course of any activity. An authority is required for such work whether or not the land on which an archaeological site may be present is designated, or a resource or building consent has been granted.

REASONS FOR THE DECISION: SUBDIVISION AND LANDUSE

(The reasons for the subdivision and the land use consents are given together as they are closely related.)

1. The land is zoned Rural B in the Waimea Section of the Transitional District Plan. The minimum lot size for a controlled activity in the Rural B zone is 15 hectares and thus the application is deemed to be a non-complying activity.

Under the Proposed Tasman Resource Management Plan the land is zoned Rural 1 and the minimum lot size for a controlled activity is 12 hectares thus the application would be deemed to be a discretionary activity. The application has been considered pursuant to Part 2 and Section 104 and 105 of the Resource Management Act 1991.

2. The Committee notes that there was no submission to the Proposed Tasman Resource Management Plan on the zoning of the land. Submissions were made on the Subdivision provisions of the Proposed Tasman Resource Management Plan and the Council has released its decisions on these (however, there are outstanding matters related to the Subdivision Policies and Objectives). Greater weight has been accorded to the subdivision provisions of the Proposed Plan as it has progressed a significant way through the public process under the Resource Management Act 1991.
3. The Committee considered that although the concept of introducing multiple new residential uses into the Rural 1 zone was generally discouraged by the policies of the Plan, this proposal had aspects which made it acceptable and effectively mitigated any potential adverse effects. In particular the joint ownership of the productive land was seen as ensuring that the maximum land available would be put to the best productive use. In addition the concept of the "design guide" for the future dwellings was seen as a means of ensuring a high level of compatibility and amenity which would enhance the character of the surrounding area. The Committee noted that this would include landscaping aspects which would assist in softening the visual effects of the development. In addition earthworks would be undertaken to create flat building sites and the result would be that the building sites would be lower and hence less potentially obtrusive than otherwise might be the case.

4. The Committee considered the issue of traffic safety and the need for an upgrading of Horton Road. It was considered that the amount of additional permanent residential traffic associated with the development of the new allotments would require the upgrading of Horton Road to the minimum width of 5.5 metres. This is the minimum width that is suitable for a rural road of this nature. However, the Committee agreed that there would be an element of public good in the upgrade and therefore the Roding DIL would be waived in this case.
5. The Committee considered the question of whether or not the consent should be renotified as a result of the changes made. The changes consisted of moving an internal access road, replacing a proposed café with a proposed new dwelling on Lot 11, removing the retailing and tourist activity and increasing separation and buffer distances between proposed dwelling sites and adjoining boundaries. None of these changes were considered to create any greater effects than the original application as notified and therefore the determining of the consent would not be unreasonable. The Committee considered that it was sensible for the consent to have been so modified in an attempt to satisfy concerns raised by submitters.
6. The Committee noted that Kiwi Internet who is the owner of the adjacent land (Lot 5 DP 2172) had concerns about potential cross-boundary effects particularly associated with a future dwelling on Lot 11. However the Committee noted that a dwelling already existed on this proposed lot and that the future building site of any replacement dwelling was further away from the common boundary and thus the cross-boundary effects would potentially be reduced.
7. The Committee was satisfied that the noise associated with the olive oil processing would be satisfactorily dealt with through the construction of a "building within a building" and the imposition of conditions of the consent. No retailing or tasting tours would take place without a further resource consent. In general the effects of the level of activity associated with the olive oil processing and the dried apple snack processing would be less than that associated with the use of the existing pack house associated with the orchard.
8. Overall, the subdivision is not contrary to the assessment criteria for subdivisions, or the policies and objectives of the Plan. The introduction of additional residential activities is not contrary to the policies and objectives as the potential adverse effects are mitigated by conditions and the ownership concept that is central to the application. The adverse effects on the environment are no more than minor. The subdivision and development promotes sustainable management and the efficient use and development of natural and physical resources.
9. The Committee wish to reinforce that the Council has a policy of encouraging on-site water storage as Tasman District does experience water shortages and the extra water able to be stored on-site is highly desirable for firefighting and landscaping in particular.

Late Submission

The Committee noted the late submission from N Dunlop which was received by Council on 6 July 2001 which was two days outside the statutory timeframe. The Committee determined to not extend the timeframe in this case and thus the submission is not deemed to be accepted.

Dated at Richmond this 8th day of October 2001

J S Hodson
Manager Consents

RM010155
Ross Shirley
Writer's Direct Dial No. (03) 544-3411
E-mail: ross@tdc.govt.nz

16 May 2001

Staig & Smith
P O Box 913
NELSON

Attention: Jane Hilson

Dear Sir/Madam

**RE: SUBDIVISION CONSENT APPLICATION NO. RM010155 - TUCKER
HOMESTEAD LTD, MAMUKU AND HORTON ROAD**

Your Ref: 7032

In accordance with Section 114 of the Resource Management Act 1991, I enclose a copy of the Council's decision made under delegated authority on the above application.

Yours faithfully

R D Shirley
Subdivision Officer

Enc

In the matter of the Resource Management Act
1991

and

In the matter of the application lodged by
TUCKER HOMESTEAD LTD

For a subdivision consent under the provisions of
Section 105 of the aforesaid Act

PROPOSAL

To subdivide Pt Lot 1 and 2 DP 813, Lots 3 and 5 DP 2172 and Lot 52 DP 351 and Right-of-Way over Lots 1 and 4 DP 2172 as shown on Resource Consent Application Plan RM010155.

DECISION

Acting under authority delegated from the Council, I grant consent to the proposal under Section 105 of the Resource Management Act 1991, subject to the following conditions:

1. Easements

That any services, including but not limited to the rights-of-way, located outside the boundaries of the lots they serve be protected by an appropriate easement reference in Council's 223 recital.

2. Development Impact Levies

Payment of Development Impact Levies in accordance with DP1 and DP2 assessed as follows:

Roading Network Levy: \$1,000.

Reserves and Community Services Levy: 5.5% of a notional 2500 square metre building site contained within Lot 3.

There are no other conditions attached to this consent.

REASONS FOR THE DECISION

1. The legal description of the land is:
 - (a) CT 12A/171 being Lot 3 DP 2172 and Lot 52 DP 351 containing 23.47 hectares in the name of Tucker Homestead Ltd
 - (b) CT 11B/1020, being Lot 5 DP 2172 and Lots 1 and 2 DP 813 containing 22.05 hectares in the name of Kiwi Internet Marketing Ltd.
- 2 All the land is contained within the Rural 1 zone of the Tasman Resource Management Plan.
- 3 The land is located at Tasman with frontage to both Mamaku and Horton Roads. It is typical Moutere Hill country in its elevation, rolling topography, soil characteristics and is generally suitable for intensive horticultural production. The application site is planted in a combination of apple and olive trees and contains a number of dwellings, workers cottages and farm buildings. Until recently the land was run as part of a large orcharding business by the Tucker family. CT 11B/1020 was recently transferred to Kiwi Internet Marketing Ltd.
- 4 The proposal is firstly a boundary adjustment of some 1.3 hectares to allow the Tucker family continued ownership of a family dwelling and secondly a subdivision to recognise the various land uses. The resulting titles are:

Lot 1 of 4.5 hectares containing an existing dwelling and steep south facing land of little productive value.

Lot 2 of 20.5 hectares containing an existing dwelling, packhouse, several workers cottages and mainly planted in olives.

Lot 3 of 21.0 hectares containing workers cottages and mainly planted in apples.

Lots 1 and 2 are to remain in the ownership of the Tucker family with Lot 3 being owned by Kiwi Internet Marketing Ltd.
- 5 The subdivision is a discretionary activity as Lot 1 does not meet the minimum area needed to be a controlled activity for the zone. In all other matters the subdivision is a controlled activity.
- 6 Lot 1 is essentially a large lifestyle block containing an established dwelling and steep south facing land of little productive value. It adjoins an enclave of existing residential properties.
- 7 Overall the proposal is a practical and sensible subdivision of the land that has been designed to promote the sustainable management of the land and the wellbeing of a long-standing farming family. The adverse effects of the subdivision are no more than minor and it is not contrary to the assessment criteria for subdivisions, the policies and objectives of the District Plan or Part II of the Act. No person could be

identified as being adversely affected and therefore the subdivision has been granted under delegated authority without public notification.

Dated at Richmond this 9th day of May 2001

R D Shirley
Subdivision Officer

Reference:

RM970541
1928078300

5 January, 1998

R Armstrong
C/- Best & West
PO Box 3329
RICHMOND

Dear Mr Armstrong

RE: RESOURCE CONSENT APPLICATION NO. RM970541

In accordance with Section 114 of the Resource Management Act 1991, I enclose a copy of the Council's decision made under delegated authority on the above application.

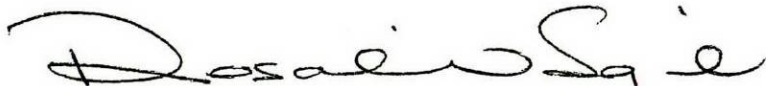
The applicant or any person who has made a submission has the right of review to the Council against the decision as provided for in Section 357 of the Resource Management Act 1991.

Any such appeal must be made to the Council within fifteen working days from the date of receipt of this notice.

In terms of Section 125 of the Resource Management Act 1991, this consent shall expire two years after the date of consent (by this Council or, if relevant, the Environment Court) unless:

- (a) The person to whom it was granted has within that period given effect to the consent; or
- (b) The Council has, on an application made within three months after the expiry of that period, satisfied itself that the circumstances in Section 125(b) apply.

Yours faithfully



R D SQUIRE
RESOURCE PLANNER

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☐ **Golden Bay
Service Centre**

78 Commercial Street
P.O. Box 74, Takaka
Tel (03) 525-9516
Fax (03) 525-9972

In the matter of the Resource Management Act 1991

and

In the matter of the application lodged by R Armstrong

for a Resource Consent for a discretionary activity under the provisions of Sections 104 and 105 of the aforesaid Act.

PROPOSAL

To erect a 12 x 8.4 metre coolstore in the Rural 2 zone at William Road, being Lot 52 DP351, Blk XII, Motueka SD.

DECISION

Acting under authority delegated by the Council, the District Planner considered the Resource Consent application under the provisions of Sections 104 and 105 of the Resource Management Act 1991 and resolved that the application be consented to, subject to the following conditions:

1. The development shall be undertaken generally in accordance with the documentation and plans submitted with the application.
2. The coolstore and equipment shall be designed and operated to ensure sound levels measured at any point along the boundary of the site on which the coolstore is located or at the notional boundary of any dwelling, do not exceed the following:

	DAY	NIGHT
L10	55dBA	40dBA
Lmax	70dBA	60dBA

Where

Day = 7.00am to 9.00pm Monday to Friday inclusive
= 7.00am to 12.00 noon Saturday

Night = All other times plus public holidays

Notional boundary = 20 metres from any dwelling or closer if practical but not closer than three metres.

Notation

The application should note that Section 16 of the Resource Management Act 1991 places a duty on persons to adopt the best practical options to ensure noise does not

exceed a reasonable level. The duty remains whether or not any sound level rules or conditions in a consent are complied with.

REASONS FOR THE DECISION

1. The proposal involves the erection of a small coolstore which will be ancillary to the existing packing shed. ENZA requirements have meant that there is an increasing need for coolstores on site. The development of the site in response to these new requirements is consistent with the sustainable management of the high quality land resource. The coolstore will enable the orchard to maximise the productive potential of the land. It will also result in a reduction in the number of vehicle movements as produce will not need to be taken to off site coolstores for storage.
2. The conditions of consent will minimise any adverse effects on the environment. Existing buildings and plantings provide an effective aural and visual buffer and the nearest dwelling is over 500 metres away.

Dated in Richmond this *7th* day of *January* 1998



J R ANDREW
DISTRICT PLANNER

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