

HASTINGS DISTRICT COUNCIL**A DECISION PURSUANT TO SECTION 113 OF THE RESOURCE MANAGEMENT ACT 1991 (RMA) RELATING TO:**

A LIMITED NOTIFIED APPLICATION FOR A RESTRICTED DISCRETIONARY ACTIVITY RESOURCE CONSENT TO STABLISH AND OPERATE A WINERY EXCEEDING THE 2500m² THRESHOLD STANDARD FOR WINERIES IN THE PLAINS ZONE, BEING 1068 LINKS ROAD, HASTINGS (RMA20100306)

RESOLVED BY THE HEARINGS COMMITTEE AT A MEETING HELD IN THE COUNCIL CHAMBER, GROUND FLOOR, CENTRAL OFFICES, LYNDON ROAD EAST, HASTINGS COMMENCING ON TUESDAY 25TH JANUARY 2011 AND RECONVENED ON MONDAY, 28TH FEBRUARY 2011 (BOTH PARTLY IN PUBLIC EXCLUDED SESSION)

STATUTORY PROVISIONS THAT WERE CONSIDERED BY THE COMMITTEE (Section 113(1)(aa):

Sections 5, 6, 7, 8, 104, 104D and 104B of the Resource Management Act 1991.

THE FOLLOWING PROVISIONS OF THE HASTINGS DISTRICT PLAN WERE CONSIDERED BY THE COMMITTEE (Section 113(1)(ab):

1. The relevant Restricted Discretionary Activity Outcomes and Assessment Criteria for oversize wineries in Section 6.0 - Plains Zone.
2. The Objectives, Policies and Other Provisions of Section 6.0 – Plains Zone.
3. The standards and terms in relation to Traffic Sightlines, Parking and Loading of Section 14.1.
4. The standards and terms in relation to the Noise provisions of Section 14.2.

EVIDENCE AND SUBMISSIONS WERE PROVIDED BY THE FOLLOWING WITNESSES DURING THE HEARING:

NAME	Role	POSITION
Mr B Brough	Planning Consultant	For Applicant
Mr S Gilbertson CEO Links Winery Limited	Applicant	
Mr Wiffin	Senior Environmental Planner (Consents)	Reporting Officer

THE PRINCIPAL ISSUES THAT WERE IN CONTENTION AND A SUMMARY OF THE EVIDENCE HEARD, AND THE MAIN FINDINGS OF FACT BY THE COMMITTEE ARE AS FOLLOWS (Section 113(1)(ac), (ad) and (ae)):

1. Applicant's Submissions

It was confirmed by the Chairman at the outset of the hearing that the opposing submission, from Mr H Findlay, had been withdrawn prior to commencement of the hearing. The notice of withdrawal is found at Council records at TRIM 53555#0101.

The applicant and the applicant's agent presented written submissions, these can found in Councils records at TRIM 53555#0107 and 53555#0105.

As part of the submissions the applicant presented a revised development proposal at a reduced scale from that applied for and seeking to establish an extension of 2350m².¹ Revised application plans were submitted.

¹ The original application sought a building extension of 4350m² with an additional 2532m² of hardstand.

53555#0100

The revised plans were supported by a report prepared by Terra Forme Landscape Architects (D Stewart) assessing the protection and enhancement of existing rural amenity, and enhancement of surrounding amenity values, along with recommendations for Planting, Entry and Driveway Treatments and commenting on Site Legibility. This report is found in Council records at TRIM 53555#0103. '

Mr Gilbertson's submission (TRIM 53555#0105), provided detail comments regarding: the area (m²) requirements for red wine making; winery branding and marketing; wine based tourism; (vertical) integration of the winery with other local tourist destinations; automation of the onsite wine tour and café experience, and the commercial need for a winery to be established in the Plains zone. Mr Gilbertson also advised that the reduced scale extension would only accommodate current demand.

The applicant advised that should the Committee be of a mind to support the application in principle they would offer a set of draft conditions to give effect to the modified proposal.

A summary of the questions and answers from the Commissioners will be included in the minutes of the meeting.

2. Reporting Officer

Mr Wiffin considered the reduced scale of the proposal, the additional information regarding marketing and vertical integration (evidence of Mr Gilbertson), and the proposed mitigation measures suggested by Terra Forme.

Mr Wiffin concluded that the reduced scale of the proposal went some way to addressing the effects of the proposed extension.

In particular given the permitted baseline, the effects of the bulk and scale of the development on plains character and amenity values could be mitigated through provision of a specific landscape design.

Mr Wiffin re-affirmed that the development would continue to remove soils from productivity (actual & potential) albeit a lesser area of soils would be affected, and that this effect could not be avoided, remedied or mitigated. The extent of effects on the site's soils would be less than minor in context of the district soils resource, but may be more than minor on context of the site itself. It was recommended that the applicant consider reducing the area of hardstand (vehicle access) in this regard.

Mr Wiffin accepted Mr Gilbertson's comments (regarding branding and vertical integration), and agreed (on balance) that although small the café and cellar door would through innovation promote the concept of vertical integration for the wine industry in the manner anticipated by the Plan, on the proviso that the activity was able to operate in the manner described by Mr Gilbertson.

Mr Wiffin also accepted that the concept of vertical integration permitted wineries to establish within the Plains zone up to a certain scale, and while the proposal pushed the upper limits of acceptability, the reduced scale would be, on balance, appropriate in this instance.

Due to the reduced scale Mr Wiffin advised that Traffic effects would be reduced and would remain within acceptable levels of effects.

On the basis of the evidence tabled, the statements made by the applicant and the applicants agent, and response to questions of the Committee Mr Wiffin advised that while he had some reservation regarding the ability of the proposal to promote the concept of vertical integration, upon balance, recommended the application be granted subject to the applicant submitting conditions to address in particular matters relating to landscape, character and amenity and the mitigation of visual effects.

3. The applicant's right of reply

A summary of the applicant's verbal right of reply will be included in the minutes of the meeting.

Mr Brough advised on behalf of the applicant that:

The applicant would submit a revised site plan showing reduced hardstand (vehicle turning) off the northern end of the building extension;

A set of draft conditions would be submitted, along with a site specific landscape plan, to demonstrate (amongst other matters), how the stated amenity enhancement outcomes would be achieved;

Mr Brough also stated that in terms of precedent under the RM Act each application is to be decided on its own merit. However notwithstanding this he considered that given the particular circumstances surrounding this reduced scale proposal he could not see any party gaining massive leverage (to support a similar application) from granting of this consent.

Mr Brough also submitted that at the reduced scale the proposal represents an appropriate resource balance reconciling the benefits of having wineries establish in the Plains the zone (in terms of vertical integration) balanced against their adverse effects on the soils resource and amenity values.

COMMITTEE DECISION

4. Effects on the Environment:

The committee debated whether the effects on the environment arising from the reduced scale proposal would be minor, or more than minor. The committee concluded that in principle and 'subject to appropriate conditions' and in relation to the matter over which Council discretion is restricted, the effects of the proposal would be no more than minor.

The applicant was directed to submit a set of draft conditions for consideration when the hearing was to be reconvened in public excluded.

5. Objective and Policies

The Committee did not see the proposal as being fully consistent with the objectives and policies of the District Plan, particularly with regard to effects of the activity on the soils resource. However, given the reduced scale and the conclusion regarding 'effects', the proposal was overall not inconsistent to those relevant objectives and policies of the District Plan (identified in 7.4 and 7.5 of the Officer's report: TRIM 5535#001#0020).

The committee did however, note that the proposal was not consistent with the below relevant outcome:

Industrial Activities which have a relationship to crops produced in the zone will have the opportunity to establish.

6. Other Matters: precedent effects: Section 104(1)(c)

The Committee determined that there was no precedent that was relevant to this proposal, as each case is to be determined on 'case by case basis'.

7. Part 2 of the Resource Management Act 1991

Given the above conclusions, the Committee considered that the proposal would be consistent with Part 2 of the RMA (see reporting Planner's assessment in Section 11.0 of the report: TRIM 53555#0096).

8. Summary

The Committee considered that the potential adverse effects on the environment of allowing this activity would be no more than minor (subject to conditions) and that the proposal would not be contrary to the objectives and policies of the District Plan. Furthermore, the proposal would be consistent with Part 2 of the RMA.



DECISION

Pursuant to Rule 6.7.3 of the Hastings District Plan (Operative June 2003) and Section 104C of the Resource Management Act 1991, consent is Granted to Links Road Winery limited, to extend an existing winery by 2,350m² to accommodate a red wine processing operation, and to add a cellar door and cafe to an existing winery, at 1068 Links Road, Pakowhai, being Lot 2 DP 387649 and Lot 3 DP 11273 (CFR 350659).

SUBJECT TO THE FOLLOWING CONDITIONS:

1. That the applicant shall proceed substantially in accordance with the plans and information submitted in the revised application, (Ref: Resource Consent RMA20100306, Site plans 1 – 6 tabled 25th January 2011 (Approved Plans TRIM 53555#0112).
2. That upon commencement of building extension works the applicant shall undertake landscape planting and entranceway enhancement works substantially in accordance with the landscape plans (as shown on the Terra Forme Landscape Concept February 2011 and Landscape Concepts – Rain Gardens February 2011) and information submitted as part of the revised application (Ref: Resource Consent RMA 20100306 revised application tabled 25th January 2011 TRIM 53555#0112), and letter received from Terra Forme dated 25 March 2011 – Trim 53555#0111, and approved Landscape Plan TRIM53555#0113.
3. All required landscaping/screening (Condition 2) shall be maintained to the satisfaction of the Group Manager, Planning and Regulatory Services (or nominee), Hastings District Council.
4. The maintenance of the landscaping shall include the replacement of any dangerous, dead or dying matter, and the general preservation of the landscaping to a healthy standard to the satisfaction of the Group Manager, Planning and Regulatory Services (or nominee), Hastings District Council.
5. That a minimum of 19 parking spaces shall be provided and marked out on site (as shown on the approved plan TRIM53555#0112) prior to the commencement of this activity in accordance with the requirements of Section 14.1.8.4(4) and Appendix 14.1.2 of the Hastings District Plan to the satisfaction of the Manager, Resource Management, Hastings District Council.
6. That paved surfaces and hardstand (access) shall be established in accordance with and shall not exceed the extent and area of hardstand (access) illustrated on the approved site plans Sheet 2 TRIM 53555#0112.
7. Delineation of the seal widening opposite the entrance to the site shall be enhanced by marking with yellow 'no stopping' lines and the placement of edge marker posts.
8. The telecom pole adjacent to the seal widening shall be painted with white reflective paint to a height of 3 metres measured from the ground.

Advisory Note:

In relation to Conditions 7 and 8 the applicant shall confirm all works within the road corridor and the vehicle crossing directly with the NZTA and such works shall be undertaken in accord with the directives of the NZTA.

9. All external lighting shall be directed internally within the site such that no building façade is illuminated, and shall be either shaded or directed away from any residential buildings or



roads, and shall be less than 8 lux spill measured at a height of 1.5 metres above the ground at the boundary of the site.

10. The activity shall be conducted so as to ensure that noise from the site shall not exceed the following noise limits:
 - a) 65 dBA L10 at the site boundary at all times.
 - b) 50 dBA L10 within any 'Notional Boundary' from 7am-7pm Monday-Friday and 7am – 12noon Saturday.
 - c) 40 dBA L10 within any 'Notional Boundary' at all other times and public holidays.
 - d) 65 dBA Lax within any 'Notional Boundary' 10pm to 7am on the following day.

Noise levels will be measured in accordance with the New Zealand Standards NZS 6801:1991 "Measurement of Sound" and NZS 6802:1991 "Assessment of Environmental Sound" or any subsequent amendment to these standards.

11. Earthworks and construction operations shall be conducted to comply with the provisions of New Zealand Standard NZS 6803P "Measurement and Assessment of Noise from Construction, Maintenance and Demolition Work." Noise levels will be measured in accordance with the New Zealand Standards NZS 6803P: 1984 Measurement and Assessment of noise from Construction, Maintenance and Demolition Work.
12. While the earthworks are being undertaken and prior to revegetation, areas of exposed earth shall be regularly dampened with water to ensure that no wind borne dust is able to be deposited outside the property boundaries.
13. That a monitoring deposit of \$135 (including GST) shall be payable to cover the reasonable costs of monitoring compliance with the above conditions in accordance with Council's schedule of charges.

In the event of non-compliance being detected by this consent or by way of a justified complaint and/or the costs of monitoring consent exceeding the deposit, the costs to Council of any additional monitoring shall be paid by the consent holder in accordance with the Council's advertised schedule of fees.

WITH THE REASONS FOR THIS RECOMMENDATION BEING:

1. **Conditions 1 & 2, and 5 & 6 ensure the application proceeds in accordance with the application and additional information submitted.**
2. **Conditions 3 & 4 ensure that all landscaping is maintained to ensure any visual effects of the building are reduced.**
3. **Conditions 7 & 8 ensure safe and efficient access onto the roading network.**
4. **Condition 9 ensures compliance with the lighting provisions of the Plan and also ensures that night lighting does not emphasise the scale of the building.**
5. **Condition 10 ensures compliance with the noise provision of the Plan.**
6. **Conditions 11 & 12 ensure that effects associated with earthworks and construction are mitigated.**
7. **Condition 13 ensures that the reasonable costs of compliance monitoring can be recovered.**

8. The proposal (subject to conditions) is not likely to have any adverse effects on the environment and is not contrary to the Objectives and Policies of the Plan in that:

- The traffic report from Traffic Design Group confirms traffic safety.
- The winery will have a relationship with grapes grown in the Plains zone of the District.
- The reduced scale of the winery (and associated hardstand) will ensure that the life supporting capacity of the versatile soils resource will be safeguarded.
- The scale of the buildings will (subject to landscaping) have only minor effects on and will be compatible with, the character of the locality.
- The winery achieves the balance intended by the Plan between the adverse effects of the scale and intensity of the activity on character and amenity and the soils resource, against the broader benefits derived from vertical integration.

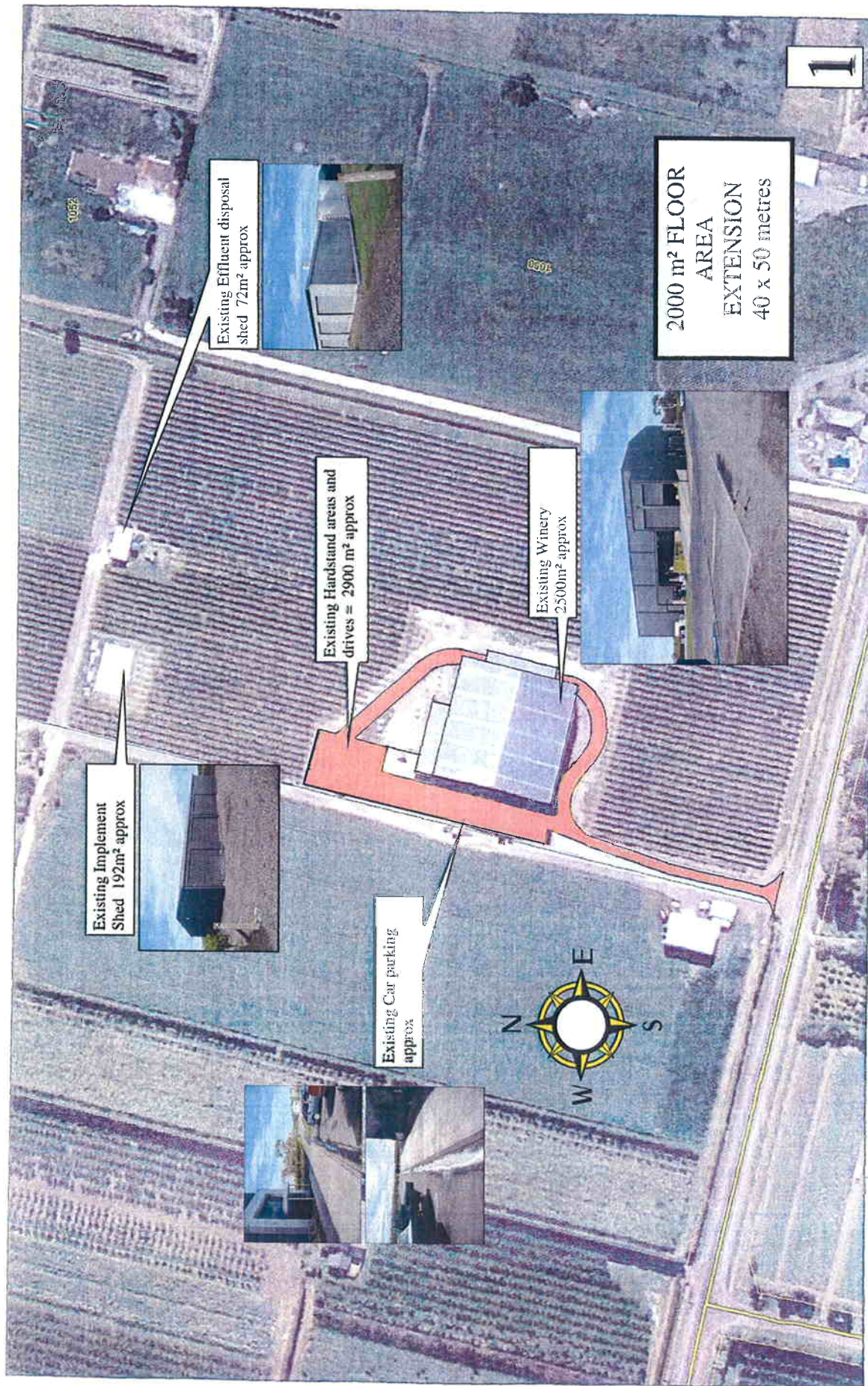
9. The application is considered to be consistent with the principle of sustainable Management as promoted by Part II of the Resource Management Act 1991.



Mick Lester
Chairman, Hearings Committee
Dated: 4 March 2011



W.L.





HASTINGS DISTRICT COUNCIL

EXISTING SITE PLAN

Scale 1:1500 (see A3)

0 5 10 15

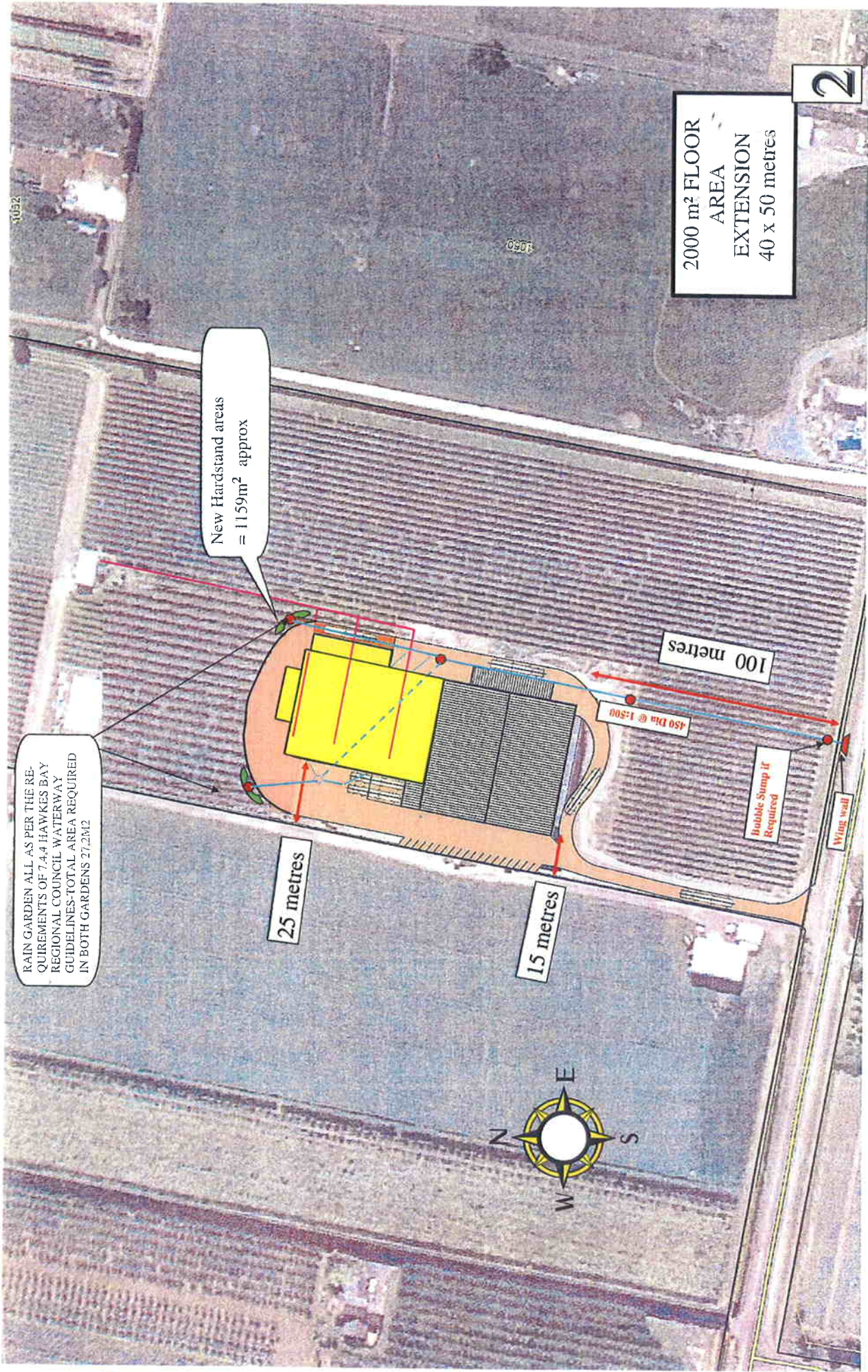
PRO-STRUCTURE

DESIGN & BUILD & CONSTRUCTION

204 HASTINGS STREET (north)
PO BOX 11065, HASTINGS 4158
Ph: 06 879 8109 Fax 870108
Email: richard@pro-structure.co.nz

DESIGN PROPOSAL FOR AUSTRALASIAN VINTNERS LIMITED WINERY EXTENSION NAPIER
Concept by: Richard Fyle Presentation By: Ken McIntosh for Pro-Structure Ltd

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CONCEPT LAYOUT PLAN

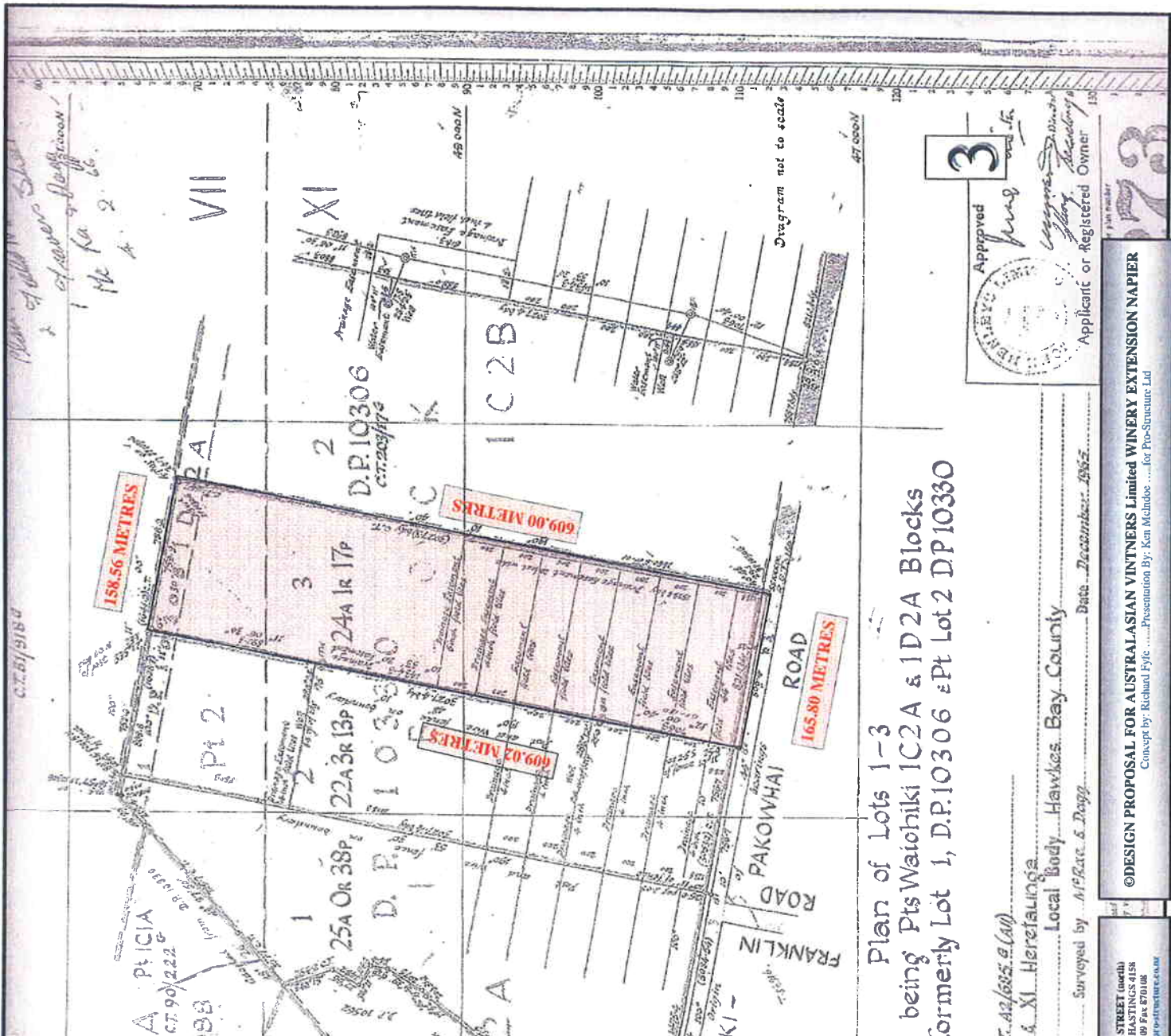
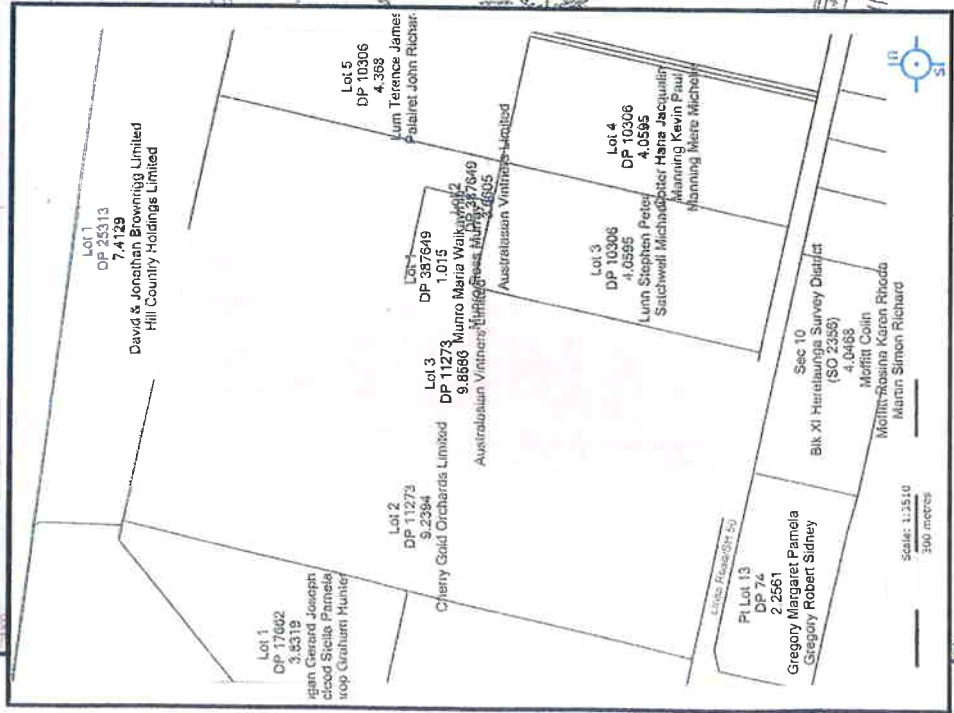
©DESIGN PROPOSAL FOR AUSTRALASIAN VINTNERS Limited WINERY EXTENSION NAPIER
 Concept by Richard Pyde Presentation by: Ken McIntosh for Pro-Structure Ltd

264 HASTINGS STREET (north)
 PO BOX 11062, HASTINGS 4155
 PH: 06 370 3109 FAX 07105
 Email: pro@prostructure.com.au

PRO-STRUCTURE
 DESIGN & BUILD • CONSTRUCTION

h.l.

h.R.



Plan of Lots 1-3
being Pts Waiohiki 1C2A & 1D2A Blocks
formerly Lot 1, D.P.10306 & Pt Lot 2 D.P.10330

Approved as to Survey
Chief Surveyor
14.2.66

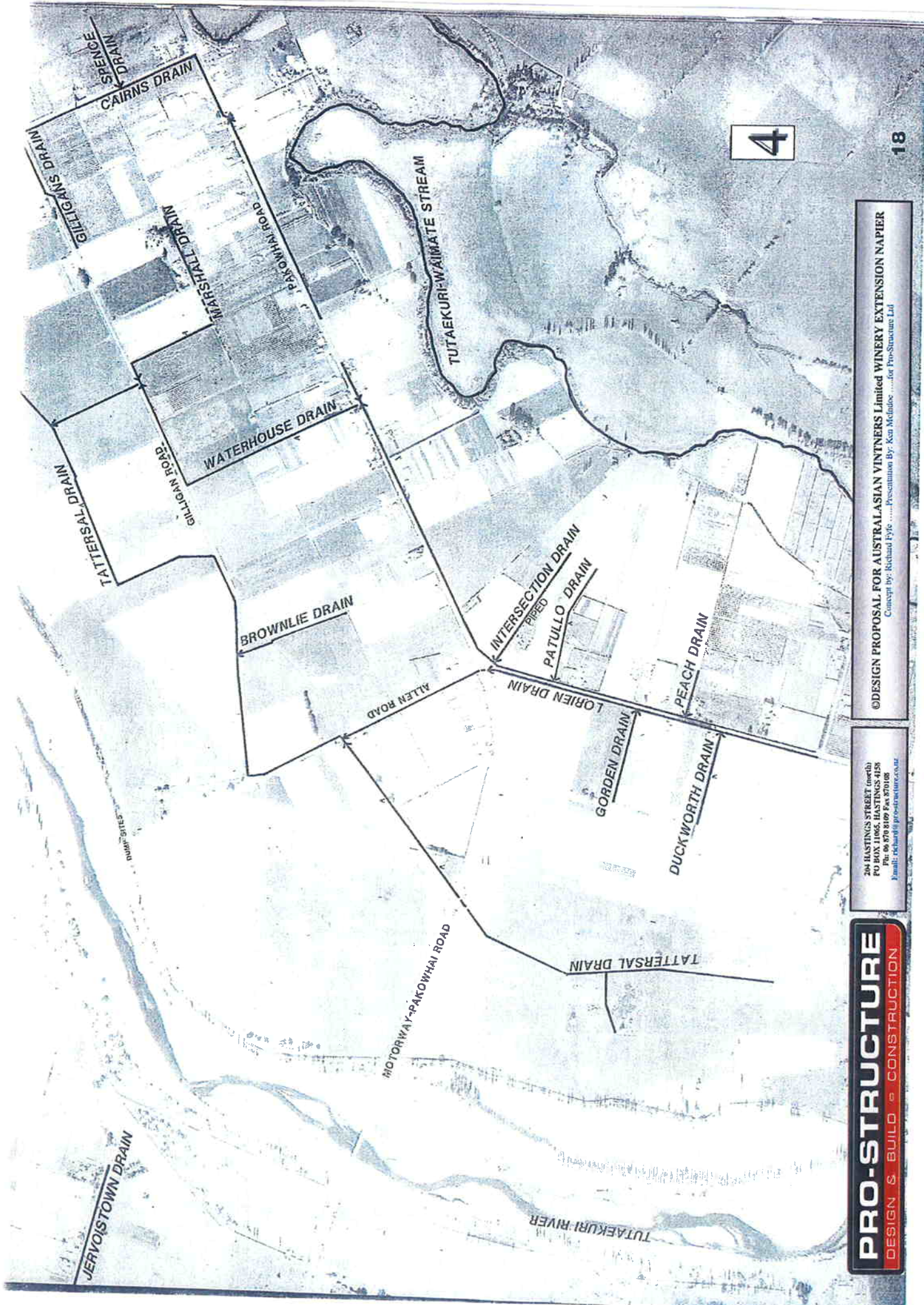
Comprised in C.T. 42/585.9 (all)
Survey Block & District VII & XI Herefaluanga
Land District Hawkes Bay
Scale 4 chains to an inch
Surveyed by H. R. 5. Dagg
Date December 1965

Approved
3
Applicant or Registered Owner

PRO-STRUCTURE
DESIGN & BUILD CONSTRUCTION

204 HASTINGS STREET (north)
PO BOX 1106 HASTINGS 4150
Ph: 06 870 8100 Fax 07008
Email: richard@pro-structure.co.nz

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Concept by: Richard Fyfe Presentation By: Kim McIntosh for Pro-Structure Ltd



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DESIGN PROPOSAL FOR AUSTRALASIAN VINTNERS Limited WINERY EXTENSION NAPIER
Concept by Richard Pyle Presentation By: Ken McIndoe for Pro-Structure Ltd

204 HASTINGS STREET (north)
PO BOX 11065, HASTINGS 4158
Ph: 06 870 8107 Fax 870108
Email: richard@pro-structure.co.nz

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W.P.

STORMWATER PROPOSAL—CROSS SECTION THROUGH DRAIN TO ROAD

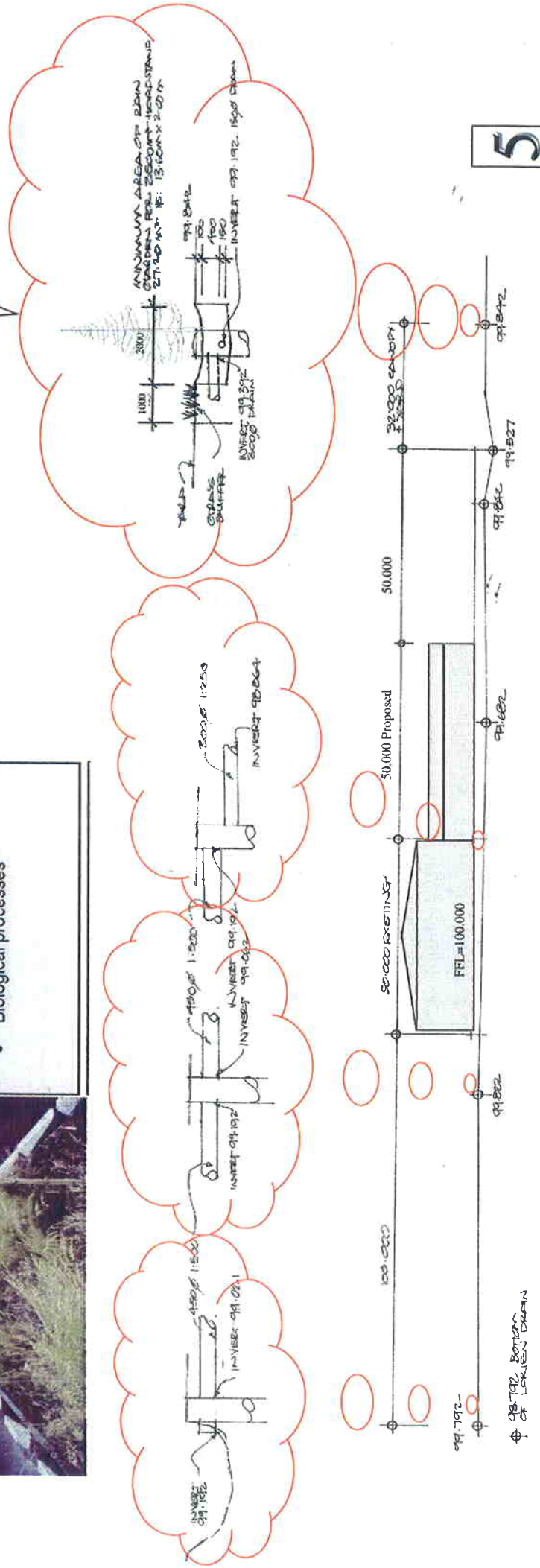
7.4.4 Rain gardens



Description: Rain gardens are designed and constructed to capture and treat stormwater runoff through:

- Sedimentation
- Filtration
- Infiltration (depending on soils)
- Adsorption, and
- Biological processes

RAIN GARDEN ALL AS PER THE REQUIREMENTS OF 7.4.4 HAWKES BAY REGIONAL COUNCIL WATERWAY GUIDELINES



At A1 the horizontal scale is 1:500 and the vertical is 1:50

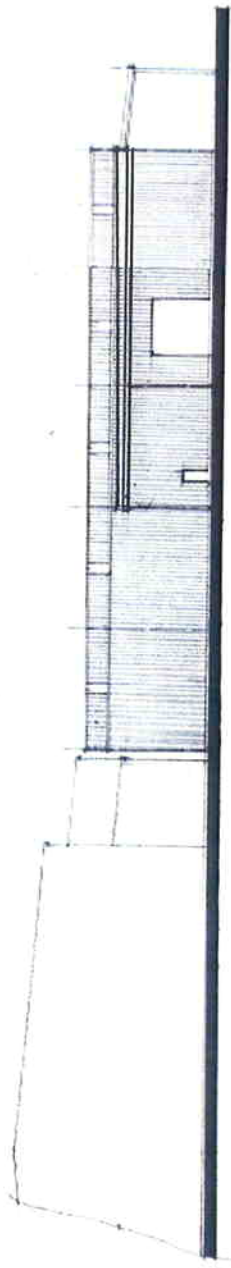
2000 m² FLOOR AREA
EXTENSION
40 x 50 metres

PRO-STRUCTURE
DESIGN & BUILD & CONSTRUCTION

204 HASTINGS STREET (north)
PO BOX 11065, HASTINGS 4155
Ph: 06 570 8109 Fax 570 100
Email: richard@pro-structure.co.nz

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Am.L.



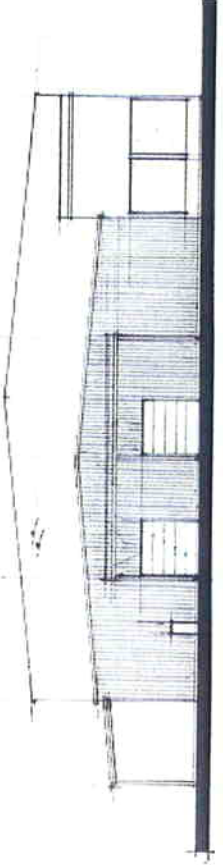
East Elevation



West Elevation



South Elevation



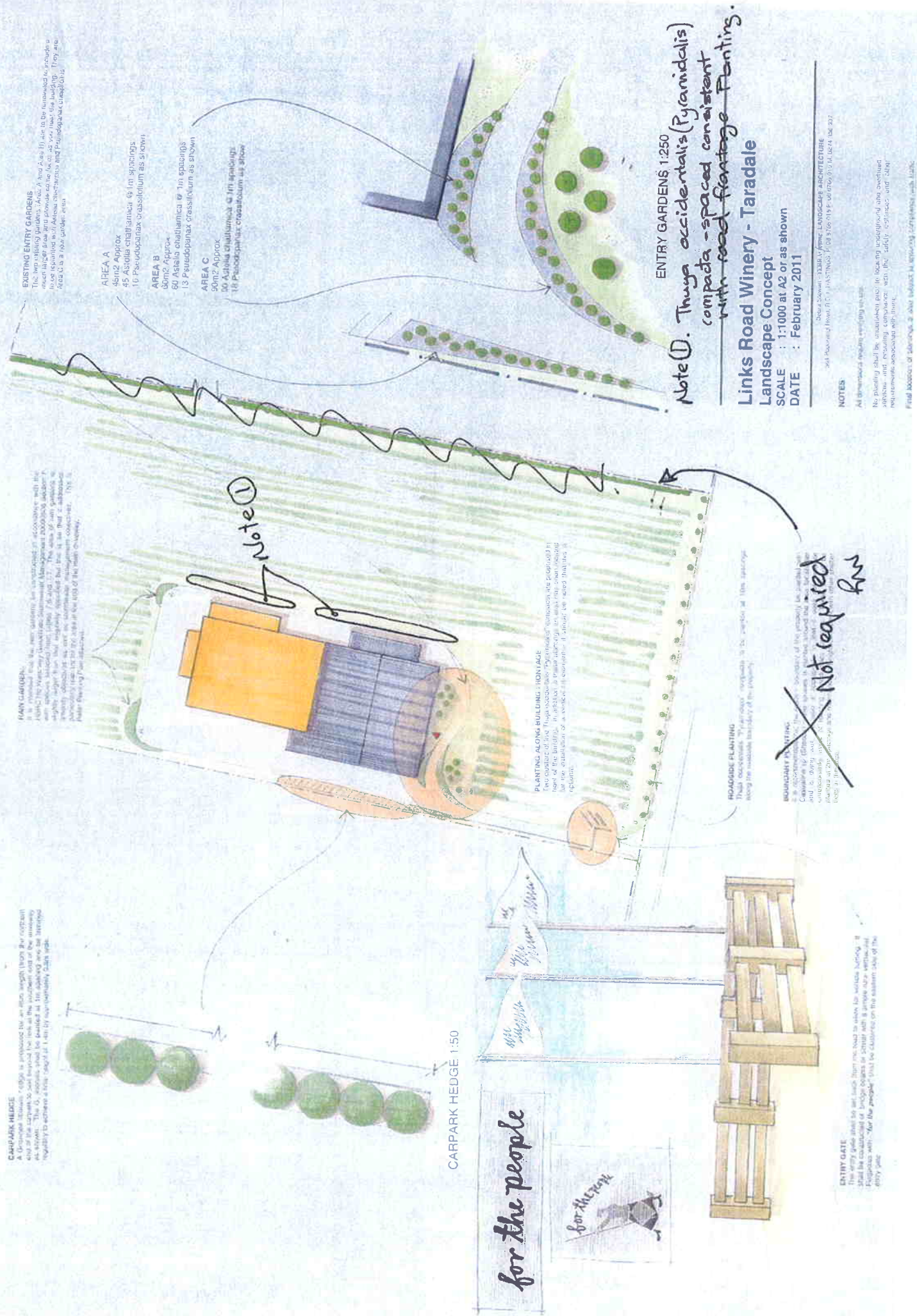
North Elevation

2000 m² FLOOR
AREA
EXTENSION
40 x 50 metres

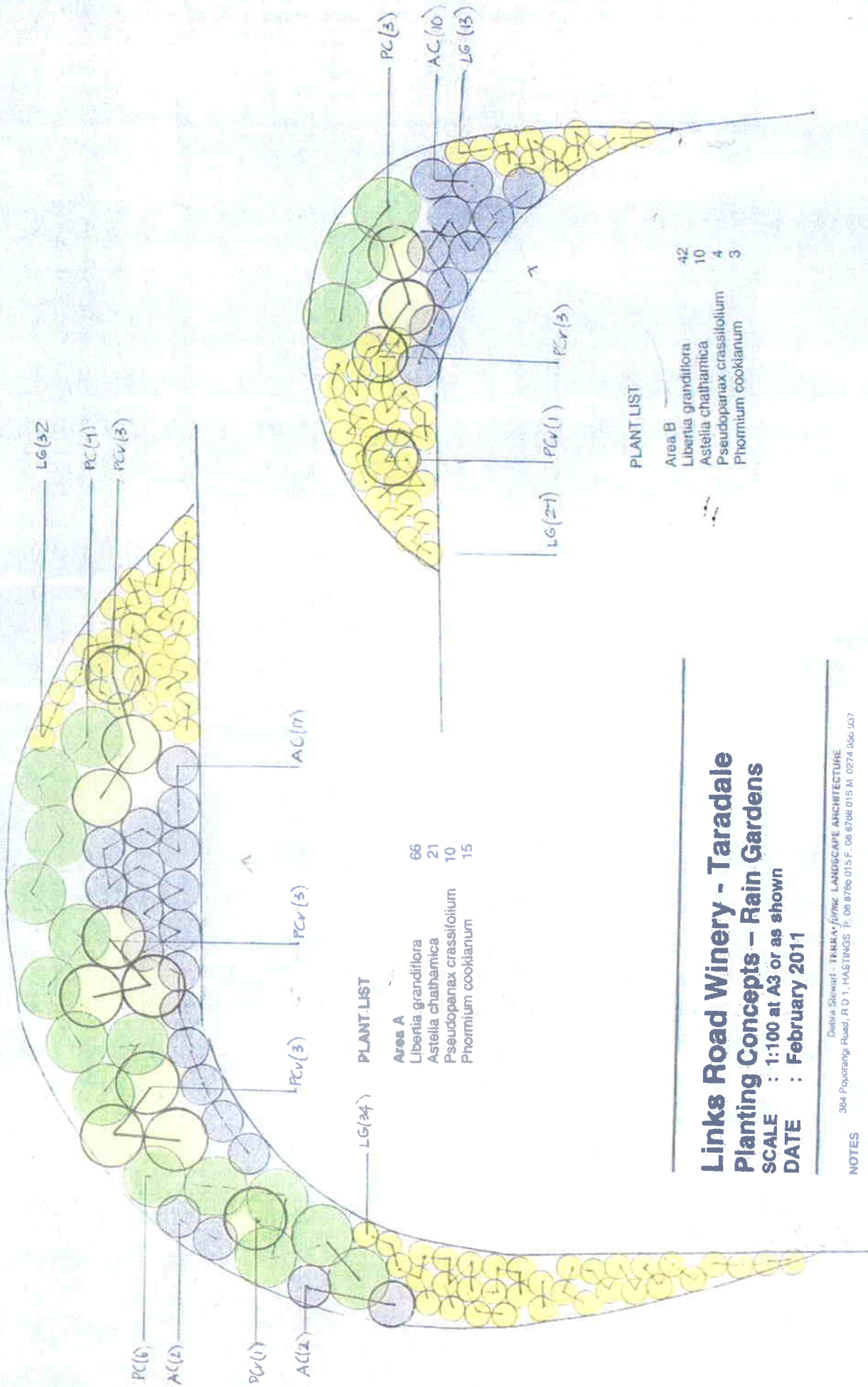
PRO-STRUCTURE
DESIGN & BUILD & CONSTRUCTION

200 HASTINGS STREET (North)
PO BOX 11065, HASTINGS 4150
Ph: 06 879 3109 Fax: 879 1065

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Concept by: Richard Fyfe Presentation By: Ken McIndoe for Pro-Structure Ltd



W.L.



Links Road Winery - Taradale **Planting Concepts - Rain Gardens** **SCALE : 1:100 at A3 or as shown** **DATE : February 2011**

Debra Stewart - TERRA-FORM LANDSCAPE ARCHITECTURE
 364 Poporangi Road, R.D.1, HASTINGS P. 06 8786 015 F. 06 8788 015 M. 0274 556 937

NOTES

All dimensions require verifying on site.

No planting shall be undertaken prior to locating underground and overhead services and ensuring compliance with the safety distances and other requirements associated with these.

Final location of plantings is also subject to ensuring compliance with traffic sightline and safety requirements.