

HASTINGS DISTRICT COUNCIL

DECISION RELATING TO:-

A NOTIFIED RESOURCE CONSENT TO ESTABLISH A WINERY/RESTAURANT/RETAIL SALES/OFFICES AND APARTMENTS – (RMA20040442 NRC 156) TE AWANGA ESTATE & WINERY

RESOLVED BY THE HEARINGS COMMITTEE - AT A MEETING HELD ON WEDNESDAY, 8 DECEMBER, RECONVENED ON FRIDAY, 10 DECEMBER AND FURTHER RECONVENED ON WEDNESDAY, 15 DECEMBER 2004

AND AMENDED BY CONSENT ORDER 27 JUNE 2005

- A. That pursuant to Rule 6.7.3 of the Hastings District Plan (Operative June 2003) and Section 104C of the Resource Management Act 1991, consent be Granted to Te Awanga Estate and Winery Limited to establish a winery and restaurant which both exceed the gross floor area allowed by the District Plan on Lot 1 DP 18559 Certificate of Title (HBL1/472).**

SUBJECT TO THE FOLLOWING CONDITIONS:

General

- 1. That the development shall proceed substantially in accord with:**
 - a. the plans and information submitted in the consent memorandum to appeal WOO21/05, namely CPO.3r2 and CPO.4r2 and,**
 - b. Information submitted in the application (Ref: Resource Consent RMA 20040442 / NRC 156, Application Received 7th September 2004),**
and in particular:
 - That no more than 100 patrons be accommodated at the restaurant.**
 - That only wine to be sold under the label of the consent holder shall be processed and bottled on the site**
 - That a maximum of 800 tonnes of grapes or their equivalent juice be processed on the site each financial year.**

Parking / Access

- 2. That a minimum of 36 parking spaces shall be provided on site (as shown on Sheet RC 0.3 r1 of the application) 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 (see attached) to the satisfaction of the Manager, Resource Management, Hastings District Council.**
- 3. The developer shall construct any vehicle crossings on road reserve to serve the proposed development in accordance with the Hastings District Council Engineering Code of Practice (November 1997).**
- 4. Prior to the commencement of construction works the consent holder shall submit engineering plans for approval of the Environmental**

Manager, Resource Management, Hastings District Council detailing the ways in which the proposed construction works will comply with Condition 3. The consent holder shall pay all requisite plan inspection fees at the time of lodgement of such engineering plans. Work shall not commence until engineering plan approval has been given.

Landscaping

5. That the applicant shall submit an amended landscaping plan in accordance with Council's Landscape Architect's suggestions for approval by the Manager, Resource Management, Hastings District Council within one month of the approval date of this consent. This Plan will need to show the increased planting of Hornbeam and Cypress along around the western end of the main building and along the south side of the main building to the satisfaction of the Manager, Resource Management, Hastings District Council.
6. That the applicant shall plant the site in accordance with the approved landscaping plan submitted with the application (RC0.3 r1 'Landscaping Plan' dated 30th June 2004 and the subsequent amendments required by Condition 5 above) to the satisfaction of the Manager, Resource Management, Hastings District Council, prior to operations commencing onsite.
7. That in regard to Condition 6 above, the landscaping shall be maintained to the satisfaction of the Manager, Resource Management, Hastings District Council.

Noise

8. That the activity shall be conducted so as to ensure that noise from the site shall not exceed the following noise limits
 - 65 dBA L10 at the site boundary at all times.
 - 50 dBA L10 within any 'Notional Boundary' from 7am-7pm Monday- Friday and 7am –12noon Saturday.
 - 40 dBA L10 within any 'Notional Boundary' at all other times and public holidays.
 - 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.

Monitoring

9. That a monitoring deposit of \$105.00 (including G.S.T) shall be payable to cover the reasonable costs of monitoring compliance with the conditions imposed in accordance with Council's schedule of charges.

In the event of non-compliance being detected by monitoring or 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.

Construction/ Earthworks

10. That earthworks and construction operations shall be so conducted as 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.

11. That while the earthworks are being undertaken and prior to re-vegetation, 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.

WITH THE REASONS FOR THIS DECISION BEING:

1. The adverse effects of this proposal are considered to be no more than minor in that:
 - (a) The amenity of the area will be maintained.
 - (b) Safe and efficient access onto Clifton Road can be achieved.
 - (c) The soil resource has a limited capacity for land based primary production.
 - (d) Noise generated as a result of the proposal will be no more than minor.
2. The proposal is consistent with the relevant outcome in that:
 - (a) The development will have a direct relationship to grapes grown on the site and in the zone.
 - (b) The life-supporting capacity of the versatile soil resource will be safeguarded.
3. The increased size and scale of the building will have the potential for only minor adverse effects and will be compatible with the zone.
4. The proposal is consistent with the relevant assessment criteria in that:
 - (a) The proposal will maintain or enhance the amenity values of the surrounding area.
 - (b) The scale, character and / or effects of the winery will be no more than minor and will be compatible with surrounding activities.
 - (c) The winery is unlikely to generate significant adverse effects on the environment in terms of noise, dust, glare, vibration and road safety.
 - (d) The proposal is in accordance with the concept of vertical integration in that it will link aspects of grape growing, wine making, retailing and entertainment activities on the same site.

5. The proposal is generally consistent with the relevant Objectives and Policies of the Hastings District Plan that relate to the above mentioned outcome in that:
 - (a) Potential adverse effects can be avoided, remedied or mitigated.
 - (b) The life-supporting capacity of the unique resource balance of the Heretaunga Plains.
6. That the application meets the requirements of Part II of the Resource Management Act 1991, in that:
 - (a) The adverse effects of the proposal will be no more than minor.
 - (b) The application is generally consistent with the principle of the sustainable management of resources as promoted by the Act.
7. Condition 1 ensures that the development proceeds in accordance with the plans and information submitted and assessed as part of the resource consent application.
8. Condition 2 ensures that on-site parking is provided for without adversely affecting on-site traffic movements or the efficiency of the public roading network.
9. Conditions 3 and 4 ensure that the development will have safe and efficient access on to the Council's Roading Network.
10. Conditions 5, 6 and 7 help to ensure that the amenity of the surrounding area is maintained and that the development proceeds in accordance with the information provided with the application.
11. Condition 8 ensures that noise from the proposal will not adversely affect the amenity of the area.
12. Condition 9 ensures that the applicant pay the reasonable costs of monitoring compliance with the conditions imposed.
13. Condition 10 ensures that noise associated with construction and earthworks will not adversely affect the amenity of the area.
14. Condition 11 ensures that no wind borne dust is able to be deposited outside the property boundaries during construction and earthworks.

ADVISORY NOTES FOR INFORMATION PURPOSES:

1. The Hawke's Bay Regional Council should be contacted in regard to the requirements for on-site wastewater and stormwater disposal in regard to this application. This on-site disposal is subject to the approval of the Hawke's Bay Regional Council.
2. Please note that the subject site contains three active faultlines. The proposed building platform for the dwelling identified on the site plan provided lies near these. Specific Structural Design will be required for any buildings located within these faultlines, which will need to be addressed at the building consent stage. Should you require further information, please contact Council's Structural Engineer Bill Rawstron Ph: 8780500.