

# **SOUTH WAIRARAPA DISTRICT COUNCIL**

## **APPLICATIONS 338**

**IN THE MATTER** of the Resource  
Management Act 1991

**AND**

**IN THE MATTER** of an application to  
the South Wairarapa District Council  
under Section 88 by Wharekauhau  
Holdings Limited for subdivision  
consent.

### **APPLICATION**

Application by Boffa Miskell Limited, on behalf of Wharekauhau Holdings Limited for Subdivision Consent at Wharekauhau Station Part Lot 1 DP 12608 and Part Section 62 Western Lake Block - Certificates of Title 8/97, 472/158 and 480/79 Wellington Registry for 22 allotments of approximately 4000m<sup>2</sup> each with associated access and services and a balance area of approximately 420 hectares.

### **DECISION**

Acting under delegated authority from the South Wairarapa District Council the Applications Sub-committee at a meeting held on 21 December 1998 hereby grants resource consent pursuant to Sections 104 and 105 of the Resource Management Act 1991, as follows:

**1. That the application be granted subject to the following conditions:**

- (1) That, subject to any amendments that result from the further conditions of this consent, the subdivision, earthworks, and associated development be generally in accordance with the plans, the assessment of effects and the Conservation Plan which accompanied and formed part of the application.
- (2) Without denigrating from the generality of condition (1) above, the subdivision shall:
  - (a) Comply with the requirements of Section 6.2.2(J)(2) of the Proposed District Plan. In this respect a report from a registered surveyor is required to certify compliance;
  - (b) Provide internal access roading to a minimum of 4 metres width carriageway with shoulders for vehicles to pass and berm

drainage. Road grades and crossfall or camber are to be suitable for drainage purposes. Stormwater runoff from roads is to be collected and directed to field soakage drains or wetland areas;

- (c) Incorporate landscape and planting consistent with the principles of the Conservation Plan - March 1997.
  - (d) Provide for the storage, supply and reticulation to the proposed allotments of a potable water supply to meet (as a minimum) the New Zealand Drinking Water Standards and for water supply and fire fighting purposes to the satisfaction of the Manager of Works and Services.
  - (e) Provide a waste water treatment system and reticulation to the subdivision designed for a flow of 250 litres per person per day as described in the application. The disposal system is to be designed to meet (as a minimum) the requirements and outcomes of the On-site Wastewater Disposal Manual 2nd Edition and to the approval of the Manager Works and Services.
  - (f) Provide an effective collection, control and disposal system for stormwater from the proposed allotments and access roads.
  - (g) Provide for all utility services to be underground;
- (3) A statement of professional opinion from a Registered Engineer as to the suitability of the land for subdivision is to be provided in the form of Appendix A to NZS 4404:1981, or to the like effect.
  - (4) A statement of professional opinion from a Registered Engineer as to the suitability of the proposed allotments for building development is to be provided in the form of Appendix B to NZS 4404:1981, or to the like effect.
  - (5) The Applicant shall seek to take ownership of the length of legal road which extends from Western Lake Road into the Wharekauhau Country Estate and is used solely by the Estate (a distance of approximately 1500 metres), with the effect that this road will be the Applicant's responsibility for maintenance and any other management. This condition is subject to the requirements of any relevant legislation. In the event that the section of road is not stopped and transferred to the Applicant within 12 months of the date of this consent, the Council reserves the right to review this condition for the purpose of requiring the Applicant to contribute to the upgrading of the section of road concerned. The costs of stopping and transferring the subject section of road are to be the responsibility of the Applicant, and subject to the

requirements of any other relevant legislation, shall be the consideration for the transfer.

- (6) Engineering plans and specifications shall be submitted for approval of the Manager of Works and Services before works commence. A engineering perusal and inspection fee shall be paid in respect of the plans and any necessary inspection. All engineering works shall be designed and supervised by a professional engineer or suitably qualified and experienced person to the satisfaction of the Manager of Works and Services.
- (7) A detailed landscape design and implementation plan shall be submitted and approved by the Corporate Planning Manager. If a bond is required for completion of this work prior to the issue of a certificate under section 224 of the Resource Management Act the applicant shall supply an estimate of cost of implementing the approved plan.
- (8) All earthworks, including stripping and respreading of topsoil, are to be carried out in accordance with an Earthworks Management Plan approved by the Manager of Works and Services. The Management Plan should form part of the engineering plans and specifications required by condition (6) above and shall include as a minimum:
  - details of stages of earthworks (commencement and duration, surface area and volume)
  - proposals for stockpiling and mitigation of dust and siltation of water courses
  - proposals for re-establishment of pasture or alternative vegetation cover.
  - proposals for dealing with any archaeological material unearthed during excavation.

The Earthworks Management Plan approved for previous stages of the development may be extended and reapproved to meet this condition.

- (9) Compliance with all relevant Regional Plans or Proposed Plans and/or compliance with regional consents for land use, discharge permits and water permits in connection with the subdivision. The applicant is to satisfy the Manager Works and Services that prior to the issue of the certificate under section 224 of the resource Management Act the required consents to increase the capacity of the water take and wastewater treatment system have been granted.
- (10) Nothing in this consent shall be taken as a Council commitment to provide services to the Wharekauhau Country Estate or to agree to the

possible stopping or disposal of any part of the Wharekauhau Road or to approve, without appropriate consents being granted, the erection of any buildings on the subdivided allotments.

- (11) The Applicant shall maintain regular consultation with local iwi (through the South Wairarapa District Council Maori Standing Committee) and the Department of Conservation throughout the period of any earthworks carried out for the purposes of the subdivision. Iwi representatives shall be given the opportunity of being present when earthworks are carried out; and in respect of all earthworks the applicants shall comply with the requirements of the Historic Places Act by ceasing work and reporting any archaeological material unearthed during excavation. Records shall be kept of items found and their significance to Maori culture and heritage and the New Zealand Historic Places Trust are to be kept informed of heritage matters associated with the development.
- (12) The Conservation Plan shall be amended to reflect any consequential changes arising from this consent and the Regional Council consents referred to in Condition 9 above, or the consultations required by condition (11) above. The Conservation Plan (as amended from time to time) shall be regarded as the baseline document for implementation and monitoring of the consent. This condition is to be secured by way of an appropriate consent notice under section 221 of the Resource Management Act in respect of all 22 lots.
- (13) The Applicant shall furnish to the Council at three monthly intervals commencing at the date of the consent a report on the implementation of the consent and compliance with conditions. The reports should include as a minimum:
  - the nature and extent of the work carried out
  - compliance with the earthworks management plan
  - progress with planting and landscaping programme
  - any unanticipated aspects of the implementation that could result in an adverse effect on the environment not contemplated when the consent was granted
  - any remedial or mitigation measures proposed to deal with unanticipated events or circumstances
  - the consultation carried out
  - any amendments required or made to the Conservation Plan.

- (14) All necessary easements for rights of way and services shall be shown on the survey plan to the approval of the Manager Works and Services.
- (15) The South Wairarapa District Council may review any or all conditions of this resource consent by giving notice of its intention to do so pursuant to Section 128 of the Resource Management Act 1991 within five working days of the receipt of any one of the three monthly report required by condition 13 above. The review of conditions shall be for the purpose of:
  - dealing with the adverse effects on the environment which arise from the exercise of this resource consent, and which it is appropriate to deal with at a later stage;
  - additional monitoring to assess impacts, or specific action to be taken to mitigate demonstrated environmental impacts.
  - making amendments to the Conservation Plan.
- (16) The Applicant may apply to the South Wairarapa District Council for a change or cancellation of any condition of this consent pursuant to section 127 of the Resource Management Act 1991 at any time within 12 months of the date of the granting of the consent.
- (17) The Applicant shall pay appropriate administrative and/or additional charges pursuant to section 36 of the Resource Management Act 1991 for the processing of this consent.
- (18) The applicant shall meet all legal costs incurred by the Council in respect of the approval and/or certification of the survey plan for the subdivision and in the perusal, preparation, execution and registration of any related documents.

**2. That the reasons for granting the consent are as follows:**

- (1) The planning processes carried out for the Change to the Transitional Plan established that the creation of the Wharekauhau Tourist Settlement Policy Area, subject to the controls, standards and discretions that relate to any development, would not be inconsistent with the promotion of the sustainable management of natural and physical resources required by the Resource Management Act 1991 as assessed in terms of sections 6, 7 and 8 of the Act.
- (2) The same or similar provisions for the Wharekauhau area as those in the Transitional District Plan were included in the Proposed District Plan. No submissions in opposition to those provisions were received.

- (3) The Department of Conservation and local iwi have been consulted regarding the proposal and these parties are not opposed to consent being granted for the subdivision and for development to proceed as described and illustrated in the application documents.
- (4) The subdivision and land use, if carried out in accordance with the plans and descriptions contained in the application documents, and the conditions of this consent and the relevant regional council consents, will have no more than minor adverse effects on the environment.
- (5) The subdivision and land use are consistent with the objectives and policies of the Proposed District Plan, which is effectively operative in respect of the Wharekauhau Tourist Village, and complies with the assessment criteria and most relevant rules.
- (6) Any adverse effects of earthworks, vegetation removal, and network utility operations, road construction and road use can be satisfactorily avoided or mitigated by conditions of consent.
- (7) The Applicant's previous undertaking regarding a conservation covenant relating to the Wharepapa River satisfies the requirements of the Proposed District Plan in relation to the provision of access to the Rimutaka Forest Park and the protection of water quality of important rivers.
- (8) The development of the Wharekauhau Tourist Village has positive benefits for the social, cultural and economic conditions which affect the community of South Wairarapa.
- (9) The eventual transfer to the Applicant of the legal road from the Wharepapa Bridge and the contingent responsibilities of upgrading and maintaining the road avoids the need for the Council to expand public money for private benefit.

**DATED** at Martinborough this <sup>22</sup>.....day of December 1998

For and on behalf of the

**SOUTH WAIRARAPA DISTRICT COUNCIL**

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R. M. Smith

**CORPORATE PLANNING MANAGER**