

FAR NORTH DISTRICT COUNCIL

FAR NORTH OPERATIVE DISTRICT PLAN [MANGONUI SECTION]

IN THE MATTER OF the Resource
Management Act 1991

AND

IN THE MATTER OF an application for
Resource Consent under the
aforesaid Act by

Carrington Farms Ltd (Carrington Estate Winery)

FILE NUMBER RC 1990480

APPLICATION

Application for **LAND USE CONSENT** to establish, operate and maintain a vineyard / winery complex, consisting of viticulture, a commercial winery with cellar sales, storage, a licensed restaurant, travellers accommodation, a manager's accommodation unit, accessory buildings, parking, associated site and roading works (including earthworks) and landscaping.

The property in respect of which the application is made is situated at Matai Bay Road, Whatuwhiwhi, and has been legally described as Pt Lot 1 DP 80560, Blks IV and V Karikari SD.

DECISION

That pursuant to Section 105 (1)(b) of the Resource Management Act 1991, Council grants its consent to the application [being RC 1990480] by Carrington Farms Ltd to establish, operate and maintain a vineyard / winery complex, consisting of viticulture, a commercial winery with cellar sales, storage, a licensed restaurant, travellers accommodation, a manager's accommodation unit, accessory buildings, parking, associated site and roading works (including earthworks) and landscaping.

The development to which consent has been granted is generally as indicated on the plans [Sheets RC1, RC2W and RC3W drawn by Hume Architects, RC1 and RC3W submitted 4 March 1999 and RC2W as amended and dated 5 May 1999] and information provided with the application. Council has also determined, pursuant to Section 37 of the Act, that the consent period for this approval be set at four years, for the purposes of Section 125.

This consent is subject to the following conditions imposed pursuant to Section 108 of the Act:

- (1) That the proposal comply in all respects with the Building Act 1991 and its appurtenant Regulations, and with the General Bylaws of the Council; and that whatever consents are required be granted prior to commencement of construction or earthworks.
- (2) Comply in all respects with the Performance Standards [Rule 6.1.4] of the Rural A Zone.
- (3) No more than 20 guest beds are to comprise the travellers' accommodation, without the further consent of Council.
- (4) Prior to the issue of a Code Compliance Certificate for the buildings or any approved stage thereof, or within one month of the occupation of the first building on the site (whichever comes first), provide to Council's satisfaction a professional landscaping plan which indicates the means to lessen the visual impact of the subject building(s), their access and any related earthworks. On approval of this plan, the landscaping specified is to be provided within nine months and adequately maintained thereafter.
- (5) That no building, or part thereof, excavation or other work shall be left unfinished, or shall be allowed to fall into such a condition; and no land shall be allowed to deteriorate or to remain in such a condition that it would, in the opinion of the Council, visually detract from the amenities of the property, or adjoining properties, or the neighbourhood.
- (6) That all earthworks for the building sites and access thereto be trimmed and finished to blend into the existing contours.

- (7) Appoint an Owner's Representative with appropriate expertise in civil construction, acceptable to the Council, who shall have the responsibilities (*ie* design, supervision and certification) as set out in Clause 104 of the Council's Code of Urban Subdivision [NZS 4404 : 1981] -- adaptable to a landuse consent through Section 409 of the Act; and also including the payment of Council's plan checking fees and any works inspection fees required and the submission of as-built plans to Council's satisfaction on works' completion.

Undertake and complete the following works to the satisfaction of the Council, in accordance with the specified Urban Code and the approved site development plans:

- (a) An effluent disposal system, as approved by the Northland Regional Council, constructed in compliance with the relevant conditions of that discharge permission;
- (b) Effluent disposal reticulation, as required to connect the buildings to the approved disposal system;
- (c) A stormwater disposal system, as approved by the Northland Regional Council, constructed in compliance with the relevant conditions of the discharge and/or water permission;
- (d) Stormwater disposal reticulation, as required to connect the buildings, siteworks, access and any other impermeable surfaces and sub-soil drainage to the approved disposal system;
- (e) A potable water supply system, in accordance with any Regional Council consent for the supply;
- (f) The main entrance roadway sited, formed, permanently surfaced and drained in accordance with the "Long Cul-de-Sac" standard;
- (g) The vineyard service entrance roadway and the industrial service lane, from the end of the main entrance (to the north), around as far as the loading area, sited, formed (to a 5.5 metre width), surfaced (permanent surfacing is optional) and drained to the "Local Industrial" standard;
- (h) The service yards and the loading area formed (to the extents indicated on the plans), surfaced (permanent surfacing is optional) and drained to the "Local Industrial" standard;

- (j) A minimum of 70 carparking spaces, formed, permanently surfaced, drained and marked in accordance with Rule 16 of the District Plan.
 - (k) The earthworks required to carry out the site work construction and the storage / cellaring buildings, undertaken and completed in accordance with sound engineering practice, and in accordance with any relevant Regional Council conditions.
- (8) Provide and complete in accordance with the Type B Rural Road Standard of the Council's Engineering Standards and Guidelines [April 1998], pursuant to Section 409 of the Resource Management Act 1991 and, as it applies, Section 321A (1)(a) of the Local Government Act 1974, shape correction earthworks and lime stabilisation for that portion of Matai Bay Road from the existing end of the sealed road to a point (approximately at the main Country Club entrance) 500 metres north; which Council considers is a fair and reasonable amount for the purpose of road upgrading to the extent that Matai Bay Road serves the proposed commercial and industrial development.

Advice Notes:

- *Council is aware, and accepts that 500 metres of road upgrading which would extend as far as the Country Club entrance will involve work off the legal road land [ie a re-alignment of approximately 175 metres length, on the Carrington Farms site, to the south of the vineyard service entrance]. Since it is apparent that this road re-alignment is a feasible solution which is supported by both the applicant and the Council's engineers, and since the road legalisation procedures for this type of Public Works Act proposal are expected to be quite straightforward; Council would be supportive (if that was how the timing worked out) of construction work commencing before all road vesting and stopping procedures were completed.*
 - *Council understands that this development is likely to occur in conjunction with and be contemporaneous with the Country Club development [RC 1990481]. Accordingly, the Council feels that a fair division of the contribution into construction work should be earthworks (20% - winery) / surfacing (80% - Country Club). Should the two developments not occur during the same time frame, Council will consider different means of meeting the condition (eg proportional lengths -- 100m for the winery to 400m for the Country Club, in respect of full formation).*
- (9) Prior to the occupation of the buildings(s) or the commencement of one of the commercial or industrial activities (whichever may come first), submit to Council's satisfaction a costs schedule from a registered quantity surveyor which summaries the costs for the buildings, site works, fixed plant and fixed machinery comprising the commercial / industrial development so occupied and/or utilised.

Pay to the Council a reserves contribution, in satisfaction of the requirements of Section 294 of the Local Government Act 1974, as adopted by Section 409 of the Resource Management Act 1991, of 0.5% of the total surveyed value as is specified in the preceding paragraph of this condition.

Reasons for the Decision

In consideration of the application under Section 104 of the Act, the Council has made its decision for the following reasons:

- (A) Full consultation, with the results submitted, was undertaken by the applicant with the Whatuwhiwhi and Tokerau Ratepayers Association (who support the plans) and with local elders of the Ngatikahu iwi (fourteen of whom confirm in writing that they have been consulted). Internal Council consultation indicated that the Community Board was fully supportive of the proposal and that Pacific Solutions (Works) and Community Services were both agreeable to the proposal in terms of their areas of interest.
- (B) Written approval of the proposed activities from adjoining owners and interested parties has not been sought, as the Council is of the opinion that no parties, other than those already consulted (*who have indicated that they are satisfied that adverse effects will be negligible*), will be adversely affected by the grant of consent to the proposal.
- (C) Except for a minimal (approximately 200m²) surpassing of the industrial permitted activity maximum area by the winery and the licensing of the cellar sales, the winery would be a Controlled Activity. Except for licensing of the restaurant, the accommodation activity would also be Controlled.
- (D) There are no apparent conflicts with the purpose of the Act, nor with the matters or principles noted in Sections 6, 7 and 8 of the Act, nor with the objectives and policies of the District Plan. Most effects (except traffic, population increase effects and visual impacts) will be fully confined within the total site (*including the country club land*) which is owned by the applicant.
- (E) The imposed conditions will ensure compliance with the relevant District Plan rules, and will adequately avoid, or mitigate to a minor impact level, the expected effects on the environment.

- (F) A four year consent period has been provided for herein. In terms of Section 37 of the Act, Council is of the view that the scale of the development dictates that a period greater than two years is needed, to allow sufficient time for giving effect to the consent. Accordingly there are no anticipated community or personal expectations which are seen to be potentially compromised by a longer consent period.
- (G) Section 409 (which adopts, in transition, Section 294B of the Local Government Act) applies subdivisional development impact contributions to defined (Section 271A) developments. Accordingly, Council is of the opinion that it is also appropriate to adopt subdivisional-type standards [the NZS4404 Urban Code] to the commercial / industrial development.
- (H) Council holds the view that the only environmental effects which will go beyond the site boundaries are visual, traffic and the effects of increased population in the locality (*eg* staff, service providers, *etc*). Landscaping, road upgrading and reserves contribution conditions adequately mitigate these effects, in Council's opinion.

STATUTORY INFORMATION

The following matters are noted as being relevant to the land, and possibly requiring additional action for statutory or code compliance. The applicant and any prospective purchasers should be aware of these matters, and hence the information will be placed on the property file and will be cited in any related Project or Land Information Memorandum that may be issued.

- (1) Pay, as may be required, the Council's actual and reasonable monitoring and administration fees for assessing compliance with these conditions, and for any additional site visits that may be necessary.
- (2) The consent holder is to pay the Council, pursuant to Section 36 (3) of the Resource Management Act 1991, the sum of \$ 1583.00, being the additional processing costs associated with the application, within 30 days of the receipt of this decision.
- (3) If during the course of undertaking the site works there is a discovery made of any archaeological find, or suspected find, the work on that portion of the site should cease immediately and the NZ Historic Places Trust and a representative of the relevant local iwi contacted. Comply with the requirements and provisions of the Historic Places Act 1993.

- (4) Council advises that the granting of this consent will allow the signing of a Sale of Liquor Certificate of Compliance in terms of:
- Section 7(a) -- On-licence for guests / lodgers;
 - Section 7(b) -- On-licence for restaurant / café patrons;
 - Section 36(1)(c) -- On- and off-licence for a wine producer.
- (5) Council is aware that the development herein may possibly be completed in stages; and has no concerns about logical staging. Upon receipt of staging details which do not indicate that, in respect of the consent in total, the character, scale and intensity of what has been granted herein will be altered, Council will proceed forthwith to vary the consent conditions (and contributions) in a *pro rata* manner as may suit the various specified stages.

CONSENT GRANTED UNDER DELEGATED AUTHORITY:

_____ MANAGER ENVIRONMENTAL SERVICES

_____ RESOURCE PLANNER

_____ DATE
RC 1990480

RECORD OF DECISION ON RESOURCE CONSENT APPLICATIONS

Participants:

Decision Date: 19 May 1999

BIB
AJH PJK

RC Number : 1990481

Val Number : 81- 50 - 00 - B

Lodged : 4 - 3 - 99

Received : 4 - 3 - 99

Applicant : Carrington Farms Limited , 50, Tuitonga Road, Whatuwhiwhi

Location : Matai Bay Road, Whatuwhiwhi *RD3. Kaitia*

Zoning -- Transitional Plan : Rural A

Proposal and : To establish, operate and maintain a country club, golf course, hotel, ancillary buildings and activities

Type -- Transitional Plan : Discretionary

Issues : Classification of 'country club'
Access / parking / road upgrading
NRC consents for sewerage, earthworks, water
Consultation required - DoC and NRC involvement
Character and amenity effects

Approvals : Nil (consultation undertaken with several parties)

Notified : No

Hearing : No

Decision : Consent, with conditions

Findings : Working days @ 19 - 5 - 99 = 23

Discussion : Major development (approx. \$40m) - Discretionary only due to licensed premises. Units to be subdivided under RC 1990481/A

Copy to:

Building	Monitoring	Works PSL	Projects	Property Legal	TNZ	Health	Liquor Lic	Comm Fac	Finance
*	*	*	*	*		*	*	*	*

FAR NORTH DISTRICT COUNCIL

FAR NORTH OPERATIVE DISTRICT PLAN [MANGONUI SECTION]

IN THE MATTER OF the Resource
Management Act 1991

AND

IN THE MATTER OF an application for
Resource Consent under the
aforesaid Act by

Carrington Farms Limited (Carrington Country Club)

FILE NUMBER RC 1990481

APPLICATION

Application for **LAND USE CONSENT** to establish, operate, and maintain a country club, consisting of the following aspects:

- Golf course and practice range;
- Lodge complex consisting of a club house, reception, licensed restaurant, café bar, 150 accommodation rooms (hotel), function and conference facilities and service facilities;
- 384 accommodation units;
- Ancillary buildings, being gymnasium, swimming pool, multi-activity room, storage buildings, and squash courts;
- Helicopter pad;
- Excavation, land clearance, and roading works associated with the development of the site;

The property in respect of which the application is made is situated at Matai Bay Road, Whatuwhiwhi, and is legally described as Part Lot 1 DP 52319 and Part Parakareke Block, Blocks IV and V Karikari SD.

DECISION

That pursuant to Section 105 (1)(b) of the Resource Management Act 1991, Council grants its consent to the application [being RC 1990481] by Carrington Farms Limited to establish, operate and maintain a country club as defined above on Part Lot 1 DP 52319 and Part Parakareke Block, Blocks IV and V Karikari SD, generally as indicated on the plans and information provided with the application.

The development to which consent has been granted is generally as indicated on the plans [Sheets RC1 - RC8 drawn by Hume Architects] and information provided with the application. Council has also determined, pursuant to Section 37 of the Act, that the consent period for this approval be set at four years, for the purposes of Section 125.

This consent is subject to the following conditions imposed pursuant to Section 108 of the Act:

- (1) That the proposal comply in all respects with the Building Act 1991 and its appurtenant Regulations, and with the General Bylaws of the Council; and that whatever consents are required be granted prior to commencement of construction or earthworks.
- (2) Comply in all respects with the Performance Standards [Rule 6.1.4] of the Rural A Zone.
- (3) All buildings shall be completed in the materials and colour schemes identified under the 'Materials and Finishes' section of the Design Report prepared by Hume Architects dated February 1999.
- (4) Comply with all rules relating to the location and size of signs as specified under Section 14 of the District Plan.
- (5) Prior to the issue of a Code Compliance Certificate for the buildings, or within one month of the occupation or use of the first building on the site (whichever comes first), provide to Council's satisfaction a professional landscaping plan which indicates the means to lessen the visual impact of the buildings, their access and any earthworks. On approval of the plan, the landscaping specified is to be provided prior to the lapsing of the consent (4 years from the date of approval) and adequately maintained thereafter.

Advice Notes:

- *Please note that this plan is to include provisional landscaping specifications for the golf course. Council accepts that there may be variations in the type and density of landscaping as a result of the on-going development of the course, and will therefore accept an indicative plan showing proposed areas of landscaping in order to mitigate the effects of any earthworks undertaken during course development.*
- *Conditions 2(b) and (c) contained in RC 1990481/A require specification of the means of monitoring and maintaining the landscaping provided for on the site.*

- (6) Appoint an Owner's Representative with appropriate expertise in civil construction, acceptable to the Council, who shall have the responsibilities (ie design, supervision and certification) as set out in Clause 104 of the Council's Code of Urban Subdivision [NZS 4404 : 1981] -- adaptable to a landuse consent through Section 409 of the Act; and also including the payment of Council's plan checking fees and any works inspection fees required and the submission of as-built plans to Council's satisfaction on works' completion.

Undertake and complete the following works to the satisfaction of the Council, in accordance with the specified Urban Code and the approved site development plans:

- (a) An effluent disposal system, as approved by the Northland Regional Council, constructed in compliance with the relevant conditions of that discharge permission;
- (b) Effluent disposal reticulation, as required to connect the buildings to the approved disposal system;
- (c) A stormwater disposal system, as approved by the Northland Regional Council, constructed in compliance with the relevant conditions of the discharge and/or water permission;
- (d) Stormwater disposal reticulation, as required to connect the buildings, siteworks, access and any other impermeable surfaces and sub-soil drainage to the approved disposal system;
- (e) A potable water supply system, in accordance with any Regional Council consent for the supply;
- (f) The internal roading systems serving the development, as defined on the approved plans, to be formed and sealed to at least the Residential Minor Access Standard;
- (g) The formation of entranceways from the internal roading systems onto Matai Bay Road;
- (h) A minimum of two loading zones located adjoining the club house and lodge complex, formed, permanently surfaced, drained and marked in accordance with Rule 16.2 of the District Plan;
- (i) A minimum of 687 car parking spaces and associated manoeuvring areas, formed, permanently surfaced, drained and marked in accordance with Rule 16 of the District Plan;

- (j) The earthworks required to carry out the site work construction, undertaken and completed in accordance with sound engineering practice, and in accordance with any relevant Regional Council conditions;
 - (k) The formation of all pedestrian access ways, formed and permanently surfaced to a minimum 1.3 metre width.
 - (l) Provision of a suitable water supply for fire fighting purposes.
- (7) Provide and complete in accordance with the Type B Rural Road Standard of the Council's Engineering Standards and Guidelines [April 1998], pursuant to Section 409 of the Resource Management Act 1991 and, as it applies, Section 321A (1)(a) of the Local Government Act 1974, the sealing of that portion of Matai Bay Road from the existing end of the sealed road to a point (approximately at the main Country Club entrance) 500 metres north; which Council considers is a fair and reasonable amount for the purpose of road upgrading to the extent that Matai Bay Road serves the proposed commercial and industrial development.
- (8) Prior to the occupation of the building(s) or the commencement of one of the commercial or industrial activities (whichever may come first), submit to Council's satisfaction a costs schedule from a registered quantity surveyor which summaries the costs for the buildings, site works, fixed plant and fixed machinery comprising the commercial / industrial development so occupied and/or utilised.
- Pay to the Council a reserves contribution, in satisfaction of the requirements of Section 294 of the Local Government Act 1974, as adopted by Section 409 of the Resource Management Act 1991, of 0.5% of the total surveyed value as is specified in the preceding paragraph of this condition.
- (9) Provide an accurate diagram to illustrate the location of the proposed helicopter pad, and provide evidence to show that the pad will meet all relevant Civil Aviation regulations, particularly with regard to separation distances from buildings and public exclusion zones.
- (10) The helicopter pad shall not be used for the operation of helicopters between the hours of 10pm and 7am seven days a week, except in cases of emergency (i.e. serious threats to life or property).

Reasons for the Decision

In consideration of the application under Section 104 of the Act, the Council has made its decision for the following reasons:

- (A) Full consultation, with the results submitted, was undertaken by the applicant with the Whatuwhiwhi and Tokerau Ratepayers Association (who support the plans) and with local elders of the Ngatikahu iwi (fourteen of whom confirm in writing that they have been consulted). Internal Council consultation indicated that the Community Board was fully supportive of the proposal and that Pacific Solutions (Works) and Community Services were both well-disposed to the proposal in terms of their areas of interest.
- (B) Written approval of the proposed activities from adjoining owners and interested parties has not been sought, as the Council is of the opinion that no parties, other than those already consulted (*who have indicated that they are satisfied that adverse effects will be negligible*), will be adversely affected by the grant of consent to the proposal.
- (C) Except for the discretionary status of the licensed premises proposed to be on-site, all other aspects of the proposal are deemed to be controlled or permitted activities under the District Plan.
- (D) There are no apparent conflicts with the purpose of the Act, nor with the matters or principles noted in Sections 6, 7 and 8 of the Act, nor with the objectives and policies of the District Plan. Most effects (except traffic, population increase effects and visual impacts) will be fully confined within the total site which is owned by the applicant.
- (E) The imposed conditions will ensure compliance with the relevant District Plan rules, and will adequately avoid, or mitigate to a minor impact level, the expected effects on the environment.
- (F) A four year consent period has been provided for herein. In terms of Section 37 of the Act, Council is of the view that the scale of the development dictates that a period greater than two years is needed, to allow sufficient time for giving effect to the consent. Accordingly there are no anticipated community or personal expectations which are seen to be potentially compromised by a longer consent period.
- (G) Section 409 (which adopts, in transition, Section 294B of the Local Government Act) applies subdivisional development impact contributions to defined (Section 271A) developments. Accordingly, Council is of the opinion that it is also appropriate to adopt subdivisional-type standards [the NZS4404 Urban Code] to the commercial / industrial development.
- (H) Council holds the view that the only environmental effects which will go beyond the site boundaries are visual, traffic and the effects of increased population in the locality (*eg staff, service providers, etc*). Landscaping, road upgrading and reserves contribution conditions adequately mitigate these effects, in Council's opinion.

- (I) The Northland Regional Council will provide for the consideration of sewerage and storm water disposal, earthworks and taking of water issues through a separate resource consent process.

STATUTORY INFORMATION

The following matters are noted as being relevant to the land, and possibly requiring additional action for statutory or code compliance. The applicant and any prospective purchasers should be aware of these matters, and hence the information will be placed on the property file and will be cited in any related Project or Land Information Memorandum that may be issued.

- (1) Pay, as may be required, the Council's actual and reasonable monitoring and administration fees for assessing compliance with these conditions, and for any additional site visits that may be necessary.
- (2) The consent holder is to pay the Council, pursuant to Section 36 (3) of the Resource Management Act 1991, the sum of \$ 528.66, being the additional processing costs associated with the application, within 30 days of the receipt of this decision.
- (3) If during the course of undertaking the site works there is a discovery made of any archaeological find, or suspected find, the work on that portion of the site should cease immediately and the NZ Historic Places Trust and a representative of the relevant local iwi contacted. Comply with the requirements and provisions of the Historic Places Act 1993.
- (4) Council advises that the granting of this consent will allow the signing of a Sale of Liquor Certificate of Compliance in terms of:
 - Section 7(a) -- On-licence for guests / lodgers;
 - Section 7(b) -- On-licence for restaurant patrons;
 - Section 53 -- Club license for golf club patrons
- (5) Council is aware that the development herein may possibly be completed in stages; and has no concerns about logical staging. Upon receipt of staging details which do not indicate that, in respect of the consent in total, the character, scale and intensity of what has been granted herein will be altered, Council will proceed forthwith to vary the consent conditions (and contributions) in a *pro rata* manner as may suit the various specified stages.

SENT GRANTED UNDER DELEGATED AUTHORITY:



MANAGER ENVIRONMENTAL SERVICES



RESOURCE PLANNER

26th MAY 1999 DATE

RC1990481