

MINUTES

TITLE: Environment & Planning Subcommittee
DATE: Friday, 13 October 2006
TIME: 9.30 am
VENUE: Council Chamber, 189 Queen Street, Richmond

PRESENT: Councillors E M O'Regan (Chair), R G Kempthorne and R G Currie

IN ATTENDANCE: Consultant Planner (G Rae), Environment and Planning Manager (D C Bush-King), Natural Resource Planner (J Butler), Engineering Consultant (R Firth), Administration Officer (B D Moore)

1. CRT SOCIETY LIMITED, 349-355 QUEEN STREET, RICHMOND – APPLICATIONS RM060524, RM060553

1.1 Proposal

CRT Society Ltd proposes to relocate to a 3,848 m² site zoned "Residential" and to undertake the following activities:

To operate a commercial activity, being a rural services retail business including a retail store, chemical store, bulk store, office and real estate office.

To construct a new building and use an existing building which will have a combined area of approximately 1,517.2 square metres for the above commercial activity in breach of the Residential Zone building bulk and location requirements for building setbacks, coverage, height, wall length, daylight angle and to erect a 2 metre high security fence. To provide 30 on-site car parks. To erect a 5.2 square metre freestanding sign facing Queen Street and six wall signs having a combined area of approximately 35 square metres.

To construct and operate a hazardous facility, being a site which stores hazardous substances. The proposed facility would store and use up to 2,700 litres and up to 6,500 kilograms of sprays and agrichemicals.

The application site is located at 349 to 355 Queen Street, Richmond, being legally described as Part Section 100 District of Waimea East (NL56/111) and Lot 2 LT 370048.

The Committee reserved its decision at 6.20 pm.

RESOLUTION TO EXCLUDE THE PUBLIC

Moved Crs Kempthorne / King
EP06/10/14

THAT the public be excluded from the following parts of the proceedings of this meeting, namely:

CRT Society Limited

The general subject of the matter to be considered while the public is excluded, the reason for passing this resolution in relation to the matter, and the specific grounds under Section 48(1) of the Local Government Official Information and Meetings Act 1987 for passing this resolution are as follows:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under Section 48(1) for the passing of this resolution
CRT Society Limited	Consideration of a planning application	A right of appeal lies to the Environment Court against the final decision of Council.

Moved Crs Kempthorne / Currie
EP06/10/15

THAT the open meeting be resumed and the business transacted during the time the public was excluded be adopted.

CARRIED

2. CRT SOCIETY LIMITED, 349-355 QUEEN STREET, RICHMOND – APPLICATIONS RM060524, RM060553

Moved Crs O'Regan / Currie
EP06/10/16

THAT pursuant to Section 104D of the Resource Management Act, the Committee grants consent to CRT Limited as detailed in the following report and decision.

Report and Decision of the Tasman District Council through its Hearings Committee

Meeting held in the Council Chambers, 189 Queen Street, Richmond

on Friday, 13 October 2006, commencing at 9.30 am.

A Hearings Committee ("the Committee") of the Tasman District Council was convened to hear the resource consent application(s) lodged by CRT SOCIETY LIMITED relating to the construction and operation of a Rural Retail Outlet in an existing Residential Zone on a 3848 m² site". The application, made in accordance with the Resource Management Act 1991

("the Act"), were lodged with the Tasman District Council and referenced as RM060524 and RM060553

- PRESENT:** **Hearings Committee**
Cr E M O'Regan, Chairperson
Cr R G Kempthorne
Cr R G Currie
- APPLICANT:** **CRT Society Limited**
Mr G Thomas, Resource Management Consultant
CRT Society Limited Chief Executive, Mr B Esler
Mr H Briggs, Planning Consultant
Mr B Evans, Test Certifier of Evatech
- CONSENT AUTHORITY:** **Tasman District Council**
Consultant Planner (Gary Rae)
Senior Resource Planner (J Butler)
Engineering Consultant (R Firth)
- SUBMITTERS:**
- Metlifecare Limited (Mr J M Savage, (Counse
Mr R de Haast, (Chief Executive), Mr C I McGarr (Planr
and Resource Management Consultant,)) , Mr A Gord
(CRT Regional Manager for Tasman,))
 - Mr A J Rowe
- IN ATTENDANCE:** Environment and Planning Manager (D C Bush-Kin
Administration Officer (B D Moore)

1. DESCRIPTION OF THE PROPOSED ACTIVITY

CRT Society Ltd proposes to relocate to a 3,848 square metre site situated at 349 to 355 Queen Street, Richmond, legally described as Part Section 100, District of Waimea (NL56/111) and Lot 2, LT 370048. The applicant proposes to undertake the following activities:

To operate a commercial activity, being a rural services retail business including a retail store, chemical store, bulk store, office and real estate office.

To construct a new building and use an existing building which will have a combined area of approximately 1,517.2 square metres for the above commercial activity in breach of the Residential Zone building bulk and location requirements for building setbacks, coverage, height, wall length, daylight angle and to erect a 2 metre high security fence. To provide 30 on-site car parks. To erect a 5.2 square metre freestanding sign facing Queen Street and six wall signs having a combined area of approximately 35 square metres.

2. PLAN RULES AFFECTED

The proposed activity does not comply with Permitted Activity Rule 17.1.2 of the Tasman Resource Management Plan (TRMP) and is deemed to be a non-complying activity in accordance with Rule 17.1.5AA of the TRMP.

3. NOTIFICATION AND SUBMISSIONS RECEIVED

The application(s) was notified on 15 July 2006 pursuant to Section 93 of the Act. A total of five submissions were received. The following is a summary of the written submissions received and the main issues raised:

Metlifecare Oakwoods Limited opposes the application, and wished to be heard.

Tony Rowe supports the application, and wished to be heard.

Waimea Town and Country Club Inc supports the application, but did not wish to be heard.

Stephanie Anne Peterson supports the application, but did not wish to be heard.

Nelson Marlborough District Health Board lodged a neutral submission, but did not wish to be heard.

4. PROCEDURAL MATTERS

Cr Kempthorne noted that by virtue of purchases made at CRT in the past he held a minimal number of shares in the company but that he had not attended shareholder meetings and had no involvement in the management or governance of the company including the decision to relocate. There was no conflict of interest that prevented him, in his view, from sitting on the hearing panel.

The hearing was advised of a letter received from the Chairman of the Oakwoods Residents Association dated 13 October 2006 withdrawing the Association's affected parties' consent.

In the course of the hearing Mr Savage, Counsel for Metlifecare, produced a letter from Oakwoods' Statutory Supervisor. This is a position mandated under the Retirement Villages Act 2003, the relevant provisions of which come into force in 2007. The Committee did not give any weight to this letter in terms of the Resource Management Act.

5. EVIDENCE HEARD

The Committee heard evidence from the applicant, expert witnesses, submitters, and the Council's reporting officer. The following is a summary of the evidence heard at the hearing.

5.1 Applicant's Evidence

Mr G Thomas, Resource Management Consultant, introduced the application and described the proposal which is to construct and operate a rural retail outlet in an existing residential zone on a 3848 m² site.

He said the new buildings and development will consist of one large building comprising two distinct areas of activity separated by a drive through all under one roof. The one way entry off Queen Street provides access to the 30 car parks, drive through and separate loading area. All traffic will exit via the Club Waimea drive which will be

widened to three lanes with two lanes being for exiting traffic. An outdoor display area will be provided and a hazardous goods storage facility established.

The existing motel unit will be used for staff and offices. A sign will be erected on the road frontage and signs established on the sides of the building. The side boundaries will be fenced and landscaped. Apart from the withdrawn affected parties' approval by Oakwoods Residents Association, and the opposition expressed by Metlifecare Oakwoods Limited, all other affected parties in this locality had provided written approvals.

Mr Thomas said that proposed future traffic patterns regarding Queen Street and the State Highway, have now reached some certainty. The applicant proposed that the hours of operation would be week days 7.30 am until 6.00 pm and Saturdays 8.00 am until 1.00 pm.

The applicant questioned the requirement for the floor level of the proposed building to be higher than 150 mm above the centreline level of Queen Street adjacent to the site. A plan was tabled showing the proposed landscaping concept. Mr Thomas said that a block wall had been proposed on the Oakwoods boundary but that this would have to be reconsidered following the withdrawal of the Oakwoods Residents Association affected parties' consent.

CRT Society Limited Chief Executive, Mr B Esler, provided a visual presentation about CRT Society Limited saying that this is 100% Farmer shareholder owned and has 27 retail stores in New Zealand. He included some information about the company's history in this region and its future plans. He added that the company had never had a chemical spill problem. CRT Regional Manager for Tasman, Mr A Gordon, spoke about the existing site limitations at McGlashen Avenue, Richmond and said that there had been no complaints received regarding the company's present operations.

Mr H Briggs, Planning Consultant, tabled and read a submission on planning matters. He said the proposed operation on the site at Queen Street is not a true commercial retail operation that would be compatible with normal retail outlets.

Representatives of the applicants responded to questions from Councillors. Mr Thomas noted that Queen Street is an exceptionally noisy area for background noise and is used by heavy commercial vehicles such as log trucks and that these will create a great deal more noise than vehicles using the subject site.

Mr Thomas said that CRT Society opposed the engineer's proposal that the land for road widening should vest to Council at no cost to Council but that the proposed location of the new building would not prohibit road widening. The exit road to Queen Street would be a total of 10 metres with the addition of an extra footpath on the eastern side.

Mr B Evans, Test Certifier of Evatech, spoke to the issues surrounding the storage of hazardous chemicals and in particular some of the recommended conditions of consent.

5.2 Submitters' Evidence

Mr J M Savage, Counsel for Metlifecare Limited, tabled and read a submission in opposition to the proposed application. He said that the commercial nature of the structures and type of activity that will occur on the site, is out of keeping with the residential zone. He said that if this commercial activity is allowed to relocate next to

Oakwoods Retirement Village, it will effectively separate the village from the balance of the residential zone and in so doing, detract from the desirability of the village as a place to live. He explained that Metlifecare Limited is a long term owner and investor in Oakwoods Retirement Village.

Mr Savage said that the applicant assumes that the so-called mixed nature of the uses in the general area, warrants the intrusion of a commercial activity into the residential zone but this is not correct. He said that the applicant assumes incorrectly that planning studies undertaken by Council in recent times will lead to a change in the residential zoning. Mr Savage criticised the applicant's planning approach that the residential zone is of low quality and therefore the introduction of the subject proposal really does not matter.

Mr Savage said that the proposal fails both of the jurisdictional tests pursuant to Section 104D of the Resource Management Act, for a non-complying activity and that consequently consent cannot be granted. He provided copies of a letter dated 10 October 2006 from Mr G Miller, Statutory Supervisor, under the Securities Act, for Metlifecare Limited expressing concern about the approval provided by Oakwoods Residents Association.

Mr R de Haast, Chief Executive of Metlifecare Limited, made a verbal statement saying there was nothing to support commercial use in this location next to Queen Street. He said that vehicle noise will be brought onto the site and this will include forklifts operating. He said that Metlifecare Limited does not accept that the general area is compromised by the existing uses.

Mr de Haast said that residents are attracted to purchase in the village for security, environmental and the community setting. There are villas and apartments on site and that residents tend to stay close to home and that noise levels in the daylight hours are quite crucial. He said it was incongruous to invest in a new development without expected growth in business and increased activity and longer operating hours. He said that the proposal is not an appropriate use of the site and will have a detrimental effect and asked that the application be declined.

Mr Savage said that the motel consent for the subject site is for a residential use and that this would have a different traffic scope and scale from the proposal and not include large trucks.

Planner and Resource Management Consultant, Mr C I McGarr, tabled and read a statement of planning evidence. In summary he said that in his opinion, the location and nature of the proposed activity, together with the form, bulk and scale of associated buildings and signage and site layout is not suitable or sustainable, having regard to the prevailing environmental characteristics. Mr McGarr said that the activity and built form will not be suitable within the environmental context, resulting in a more than minor effect to the amenity of the environment. He said that this will result in significant adverse effects on the appreciated residential character and amenity of the local environment and that of the neighbouring property being Oakwoods Village. He said the proposal is contrary to the relevant objectives and policies of the district plan and is not consistent with the purposes and principles of the Resource Management Act. He said that the conditions proposed in the planning report do not satisfactorily address the adverse effects of the proposed development and in particular the physical inconsistency of the activity and built form proposed.

Mr A J Rowe, owner of 343 Queen Street, said that he supports the application as applied for. Mr Rowe said that this is the most appropriate use of the site. It was acknowledged he is contemplating commercial opportunities on his property as well.

5.3 Council's Reporting Officer's Report and Evidence

Mr G Rae spoke to his report of 4 October 2006 contained within the agenda. He referred to the withdrawal of the approval from the residents of Oakwoods which he said had reduced his confidence in this application but that on balance he still supported his recommendation to grant consent. Mr Rae referred to the distinguishing features of this application which are:

1. The site is located in a relatively isolated pocket of residential zoning;
2. There is a wide mix of residential and non residential land in this locality;
3. The site adjoins a large scale commercial/community activity on two sides and shares access with it;
4. A resource consent has been granted for motel/cabin development on the site and this has been partially implemented;
5. There is widespread support for the proposal from adjoining owners and from occupants of adjacent properties.

Mr Rae then referred to proposed conditions of consent particularly the hours of operation which he said should on Saturday be from 8.00 am to 1.00 pm. He said a more complete landscape concept plan should be required. He suggested that the proposed block wall adjacent to Oakwoods Village should proceed or be replaced by continuous planting. He also said that planting next to 343 Queen Street should be stipulated.

Mr R Firth, of Montgomery Watson Harza, spoke to the report contained within the agenda from the Development Engineer Mr D Ley. Mr Firth said that the site plan should be modified so that the entry and exit points for vehicle crossings should look like industrial vehicle access, not like large access streets. He said those accessways should appear to pedestrians as a site access. He noted the requirement for land to be available for the future widening of Queen Street. He said the building should be set back 3.8 metres from the Queen Street frontage. Mr Firth said that signage should not be illuminated at all. He suggested the retention of the site height of 300 mm above the centreline of the road as the whole area is in a flood plain.

Senior Natural Resources Planner, Mr J Butler, said that with a new facility to store hazardous substances, there is the advantage that risks can be adequately mitigated through design and operation. He said that the hazardous substances and new organisms' regulations are strong. Mr Butler said that a suitable drainage plan could be provided for the containment of spillage and secondary containment is required to 50% level as the location is in a low lying residential area. He was confident that the containers used for storage of the proposed chemicals, are solid and sealed.

5.4 Right of Reply

Mr Thomas, Mr Esler, and Mr Briggs exercised a joint right of reply for the applicant saying that provision could be made for more appropriate fencing and landscaping which could assist in the mitigation of potential noise effects. The right of reply said that the concerns of submitters can be met and that the applicant had maintained a good relationship with Oakwoods residents. The applicant was concerned that at no time did Metlifecare refer to the covenant trustee company as the statutory authority representing Metlifecare and the Oakwoods residents. Mr Thomas said that the applicant would leave it up to the hearing panel to address the compensation issue regarding land required for the widening of Queen Street.

Mr Thomas said that this commercial activity in the residential zone should be assessed against the objectives and policies of the district plan as a discretionary activity. He said it is not against the objectives and policies of the plan and that the subject site is not a pristine environment.

6. PRINCIPAL ISSUES

The principal issues that were in contention were:

- a) The use of residentially zoned land for a commercial activity
- b) The proposed hours of operation
- c) The building floor levels
- d) The visual impact and nature and scale of the proposed landscaping
- e) The likely traffic effects, including noise
- f) The secondary containment thresholds for Class 6-9 substances
- g) The significance of the existing motel consent for the site
- h) The effects of illumination of the proposed sign

7. MAIN FINDINGS OF FACT

The Committee considers that the following are the main facts relating to this application:

- a) While the site is located on residentially zoned land, it is a relatively small, "narrow", and isolated area of such zoned land. It has low residential amenity aspects with a somewhat abandoned appearance.
- b). There is a wide mix of residential and non residential land in this locality, the main residential activity on the southern side of Queen St being the Metlifecare retirement village. The southern side of Queen St in this locality has the appearance of a zone in transition.
- c). The subject site adjoins the Waimea Club, a large scale commercial/community activity on two sides and shares access with it;
- d). A resource consent has been granted for motel/cabin development on the site and this has been partially implemented;
- e) This area of Lower Queen Street is heavily trafficked in relative terms and already is a high noise environment.

8. RELEVANT STATUTORY PROVISIONS

8.1 Policy Statements and Plan Provisions

In considering this application, the Committee has had regard to the matters outlined in Section 104D of the Act. In particular, the Committee has had regard to the relevant provisions of the following planning documents:

- a) the Tasman Regional Policy Statement (RPS);
- b) the Tasman Resource Management Plan (TRMP) being the dominant district planning document;

8.2 Part II Matters

In considering this application, the Committee has taken into account the relevant principles outlined in Sections 6, 7 and 8 of the Act as well as the overall the purpose of the Act as presented in Section 5.

9. DECISION

Pursuant to Section 104D of the Act, the Committee **GRANTS** consent subject to conditions.

10. REASONS FOR THE DECISION

The land is zoned Residential in the Proposed Tasman Resource Management Plan. While “commercial and industrial activities” would default to be considered a Discretionary Activity the development exceeds a number of standards applicable and therefore falls to be considered as a Non-Complying Activity. Due to the progress of the Proposed Plan through the statutory process the provisions of the Transitional Plan are not considered relevant as there are no relevant references to the relevant rules of the Proposed Plan. The application has been considered pursuant to Part 2 and Sections 104D of the Resource Management Act 1991.

The Committee noted the concern of Metlifecare as an immediate neighbour that permitting a commercial activity on this site would be inappropriate. The Committee agrees that Oakwoods is an important asset to the Richmond area and it would be unfortunate were anything to put at risk its ongoing operation. However the Committee considers the uses can co-exist in this instance.

The development is single storey and will be landscaped. The entrance and layout of Oakwoods already achieves a degree of separation and containment as seen from the road and along the common boundary. The conditions of consent will also ensure that any effects are managed so they are no more than minor.

The Committee has ensured any signage is not lit at night, that storage of any hazardous substances is properly managed, that access to and from the site is safe and efficient. In this regard the applicant will have to submit a traffic management plan for Council approval to ensure turning movements and sight distances achieve this, particularly in light the road reserve widths that apply in the locality, and that footpaths remain in public road reserve. This will require the setting back of the building another 20 centimetres and the frontage strip along CTNL56/111 should be reduced by

2.5 metres to square off with the boundaries either side. This land should be vested as road at no cost to Council.

On the issue of stormwater management, the ground level is variable and any works involved in creating carparking and storage need to mesh in with the existing network and ensure that water remains within the boundary of the site. A condition requiring a stormwater management plan has been included to this end.

The Committee noted that “Richmond West” was one of the growth options being considered by Council and the community but acknowledged that this matter was not at a stage where any weight could be given to the study or the options. Attention was also drawn to the motel consent which applies to this site and has been given partial effect. The Committee was not attracted to the comparison as on the merits the two uses are different. However what it does reveal is that the subject site is in a location where “one dwelling” residential activity is difficult.

The Committee was satisfied that the proposed activity was not contrary to the objectives and policies of the Proposed Plan in terms of site amenity effects and land transport effects, particularly in recognition of the conditions imposed on the consent. In terms of the objectives and policies on site amenity effects (Chapter 5) and urban environment effects (Chapter 6), the Committee was satisfied that the site development was essentially of the nature of an “in-fill” development in an area at the margins of the residential zone.

In summary the Committee considered that the proposal should be granted as it was considered that the development would have no more than a minor adverse effect on the prevailing environment. It was further considered that the proposal in this location was not inconsistent with the policies and objectives of the relevant planning documents.

11. DURATION OF CONSENT

A period of 35 years has been set for the Hazardous Facilities consent (but subject to review), this being the maximum permissible under the Act and on the basis that it is associated with the land use consent which has no time limit.

RESOURCE CONSENT DECISION

RESOURCE CONSENT NUMBER: RM060524, RM060553

Pursuant to Section 104D of the Resource Management Act 1991 (“the Act”), the Tasman District Council (“the Council”) hereby grants resource consent to:

CRT SOCIETY LIMITED

(hereinafter referred to as “the Consent Holder”)

ACTIVITY AUTHORISED BY THIS CONSENT:

To operate a commercial activity, being a rural services retail business including a retail store, chemical store, bulk store, office and real estate office.

To construct a new building and use an existing building which will have a combined area of approximately 1,517.2 square metres for the above commercial activity in breach of the Residential Zone building bulk and location requirements for building setbacks, coverage, height, wall length, daylight angle and to erect a 2 metre high security fence. To provide 30 on-site car parks. To erect a 5.2 square metre freestanding sign facing Queen Street and six wall signs having a combined area of approximately 35 square metres.

To construct and operate a hazardous facility being a site which stores and uses hazardous substances, in particular up to 2,700 litres and up to 6,500 kilograms of sprays and agrichemicals.

LOCATION DETAILS:

Address of property: 349 to 355 Queen Street, Richmond
Legal description: Part Section 100, District of Waimea and Lot 2, LT 370048.

Certificate of title: NL56/109, NL56/111

1. LAND USE CONSENT (RM060524)

General

1. That, except for amendments to meet other conditions of this consent, the proposal shall be undertaken in accordance with the documentation submitted with the application, and with the site plan attached to the consent prepared by JDDesign, titled ‘Richmond CRT Farm Centre Proposed New Building Sketch Plan’ Sheet No. 02-A, dated March 2006, and the other plans numbered 03 – 08.
2. The CRT Farm Centre building shall be no closer than 4.0 metres from the existing legal boundary or 1.5 metres from the new boundary required under Condition 5.

Hours of Operation

3. The business shall only operate during the hours of 8.00 am to 6.00 pm weekdays and 8.00 am to 1.00 pm on Saturdays.

Access

4. Prior to the commencement of any works associated with this consent, a Traffic Management Plan must be submitted to, and approved by, the Council's Engineering Manager. The Traffic Management Plan must include, but is not be limited to:
 1. Detailing all changes to the proposed access arrangements ensuring they comply with the TRMP standards and TDC engineering requirements, and giving dominance to pedestrian traffic;
 2. Detailing any changes to road markings required;
 3. Detailing the existing and proposed location of parking and other directional signage that will be affected;
 4. Detailing the layout of all carparks.
 5. Detailing any proposed changes to footpath layout ensuring such services are located in public road reserve
5. The consent holder shall vest as road, at no cost to Council, a 2.5 metre strip along the entire frontage of CT NL56/111.
6. Prior to the activity commencing, all redundant vehicle crossings shall be walled up and made good at the applicant's expense.

Screen planting and landscaping

7. The Consent Holder shall submit a detailed landscape plan, prepared by a Landscape professional, to the Council's Environment and Planning Manager for approval at the time that the building consent for construction of buildings is applied for. The plan shall be based generally on the conceptual landscaping shown on the Site Plan presented at the hearing (Reference 06/726 Sheet 01-A), including the 2 metre high concrete block wall along the common boundary with Oakwoods Retirement Village, but with the following amendments/additions:
 - Show the proposed height of plantings
 - Show existing trees and shrubs along south-east boundary to be retained
 - Additional planting at rear of site, and on the side boundary near "Existing Motel Unit"
 - Show some taller trees along the road frontage strip, in particular to better screen the yard display and front of the Farm Centre.
8. The approved landscape plan shall be implemented to the satisfaction of the Council in the first planting season after the CRT business is open for business.
9. The consent holder shall maintain the plants, required to be planted in accordance with the requirements of Condition 7, in a healthy condition for the duration of this consent. All plants which die or are removed within the first five years following the implementation of the Landscape Proposal shall be replaced during the next planting season to the satisfaction of the Council.

Signage

10. The free-standing sign to be erected on the road frontage shall be no greater than 3.0m² in area and shall be no higher than 3 metres. The sign shall not be illuminated at night or contain or incorporate retro-reflective materials, flashing illumination, or moving display.

Outdoor Storage

11. Any material or supplies stored outside of the buildings shall not exceed 1.8 metres in height.

Financial Contributions

12. The Consent Holder shall, no later than the time of uplifting the Building Consent for the building, pay a financial contribution to the Council in respect of any reserves and community services. The amount of the financial contribution shall be assessed as a percentage of the value of the Building Consent component in accordance with the following table:

Financial Contribution – Building	
Component	Contribution
Building Consent (\$0 to \$50,000 value)	0%
Building Consent (\$50,001 to \$200,000 value)	0.5%
Building Consent (above \$200,001 value)	0.25%
Notes:	
(1) The financial contribution is GST inclusive.	
(2) The building consent value is GST exclusive.	
(3) The contribution due on a building should be identified separately from other contributions set for any resource consent for an activity that includes buildings.	
(4) The financial contribution shall be determined by taking the total estimated value of the work required for a building consent and applying each component identified in the table to that value and the contribution is the sum of the components.	

Services

13. All redundant connections shall be disconnected by appropriately trained personnel, and one new connection for each service applied for and shown on the building consent plans.

Stormwater Management and Floor Level

14. The Consent Holder shall submit a stormwater management plan, prepared by a suitable engineer, to the Council's Environment and Planning Manager for approval prior to seeking building consent for construction of buildings. Such a

plan is to detail stormwater features (including those required by Condition 15), likely flow paths, and finished ground contours.

15. Due to the potential for vehicle contaminants discharging to waterways and estuary from paved surfaces, these surfaces shall drain via a sand filter/rain garden or equivalent system before discharging to Council's reticulated system.
16. The finished floor level for the building shall be at least 300 mm above the centreline of Queen Street carriageway adjacent to the site unless otherwise agreed under Condition 14.

Note:

Conditions 14 to 16 may be achieved in conjunction with Condition 5 of Consent RM060553.

Review

17. The Consent Authority may, for the duration of this resource consent and within the three month period following the 31 May each year, review the conditions of this resource consent pursuant to Section 128 of the Resource Management Act 1991 and/or for the following purposes:
 - (i) To deal with any adverse effect on the environment which may arise from the exercise of this resource consent and which is appropriate to deal with at a later stage; and in particular:
 - Any adverse traffic effects, and
 - adverse effects from inadequate storage capacity of the 9000 litre wastewater storage tank

Advice Notices

- a) The land use consent must be given effect to within 5 years of the granting of this consent, or within such extended period of time pursuant to sections 125 and 37 as the Council may allow.
- b) Monitoring of this resource consent is required under Section 35 of the Resource Management Act 1991. Costs incurred may be recovered under Section 36 of the Resource Management Act 1991. A deposit fee is payable at this time and should monitoring costs exceed this initial fee, the Consent Authority will recover the additional amount from the Consent Holder. Monitoring costs can be minimised by consistently complying with the resource consent conditions.
- c) The consent holder is advised that any discharge of stormwater and any discharge of domestic wastewater at the site must meet the relevant permitted activity criteria of the Proposed Tasman Resource Management Plan unless otherwise authorised by resource consent.
- d) Development Contribution – The Consent Holder is advised that the Council will require the payment of a development contribution in accordance with Council's Development Contribution Policy under the Local Government Act 2002 for the development which is subject to this resource consent.

The development Contribution Policy is presented in the Long Term Council Community Plan (LTTCP) and the amount to be paid will be in accordance with the requirements which are current at the time the relevant development contribution is paid in full. A 5% discount is available if the payment is made prior to uplifting of the building consent.

- e) This resource consent is not a consent to build. The applicant is required to meet the requirements of Council with regard to all Building and Health Bylaws, Regulations and Acts.
- f) Should any archaeological or waahi tapu sites be uncovered at any time during any earthworks or construction, then all works shall cease and the Ngati Rarua Iwi Trust and New Zealand Historic Places Trust be consulted prior to any works being re-commenced.
- g) Access by the Council or its officers or agents to the property is reserved pursuant to Section 332 of the Resource Management Act.
- h) Any matters not referred to in this application for resource consent, other applications for resource consent, or otherwise covered in any resource consent conditions must comply with the proposed Tasman Resource Management Plan and/or the Resource Management Act 1991.

2. HAZARDOUS FACILITIES CONSENT - RM060553

- 1. The operation of the hazardous facility and the storage of hazardous substances shall be in general accordance with the information submitted to the Council in support of application RM060553, including the further information supplied to the Council and dated 11 August 2006. Where there are any apparent conflicts or inconsistencies between the information provided and the conditions of this consent, the conditions shall prevail.

Quantities and Types of Hazardous Substances

- 2. The volumes of hazardous substances kept on-site shall not exceed the volumes specified in Table 1.

Table 1

HSNO Class	Total quantity
2.1.2A Aerosols, spraymarkers	500 litres
3.1B and 3.1C Flammable sprays	1,000 litres
5.1.1B and 5.1.1C Oxidisers	1,500 kilograms
8 Corrosives	1,200 litres
6.1, 8 and 9 Toxics, Corrosives and Ecotoxics	5,000 kilograms and litres

Site Design and Layout

- 3. Any surface or container used to store or contain any hazardous substances must be sealed or impervious to the hazardous substance.
- 4. Any part of the site where a hazardous substance spill may occur shall be serviced by a spill containment system that is:

- a) constructed from impervious materials resistant to the hazardous substances used or stored on the site;
 - b) able to minimise the discharge of any spill or other unintentional release of any hazardous substance, or the discharge of any contaminated stormwater or water used in fire fighting into any stormwater network unless permitted by the network utility operator; and
 - c) able to contain at least 50% of the total volume of the hazardous substances that is served by the spill containment system as well as providing an allowance for fire fighting water (if water is to be used rather than foam or some other method). Calculations of the volume allowance for fire fighting to be built into the bunding shall be kept and shall be provided to the Council upon request.
5. Detailed plans of the stormwater drainage system and spill protection devices shall be submitted to Council's Coordinator, Compliance Monitoring for approval. No hazardous substances shall be moved onto the site before that approval has been given in writing.
 6. Any spillage within either the bulk store or the bulk store loading area shall be directed to an underground containment tank with a capacity of at least 2,000 litres.
 7. The hazardous materials shed shall be fully bunded to a capacity of not less than 50% of the total volume of hazardous substances kept in the shed.
 8. The chemical store shall be fully bunded to a capacity of not less than 50% of the total volume of hazardous substances kept in the store.
 9. All shelving and storage of hazardous substance on the shelves shall be done in accordance with the HSNO Act 1996. All shelving shall also be constructed so that it is protected against seismic events.

Emergency and Spill Management

10. Clearly visible signage indicating the type and properties of hazardous substances held on site shall be located on or near all storage containers holding hazardous substances to inform emergency services.

Advice Note

Regular communication with the emergency services (in particular the New Zealand Fire Service) is recommended to ensure, and maintain, their familiarity with the site and the hazards present.

11. Fire extinguishers shall be provided in suitable locations on the site for fire fighting purposes. The location of these instruments shall be noted in the Emergency Response Plan required by Condition 12.
12. The existing Emergency Response Plan for the McGlashen Avenue site shall be comprehensively updated for the site authorised by this consent within one year of the date of issue of this consent. At least one copy of the updated Emergency

Response Plan shall be located in a visible and accessible location with the spill kits required by Condition 15. An additional copy of the Emergency Response Plan shall be held in a central, accessible location in the office area. The Emergency Response Plan in the office area shall be accompanied by a full copy of all MSDS for all hazardous substances held on site.

13. At all times the consent holder shall ensure that a minimum of one staff member trained under the National certificate in Agrichemical Supply shall be present on site. That staff member shall also be trained in the execution of the Emergency Response Plan. A record of this training shall be documented in records held on site at all times.
14. Any changes to the Emergency Response Plan shall be in accordance with the conditions of this consent and shall be submitted in writing to Council's Co-ordinator, Compliance Monitoring prior to their implementation.
15. A spill kit shall be provided on site in each area where hazardous substances are stored or used. Each kit shall be visible, labelled and readily accessible by all staff. Each kit shall contain absorbent materials, cleanup materials, personal protective equipment and its location shall be clearly identified in the Emergency Response Plan required by Condition 12.
16. Any spillage of hazardous substances on site shall be dealt with in a manner which minimises risks to human health and the environment. In the event of a spill, the Consent Holder shall take all practicable measures to minimise the entry of contaminants to the stormwater system.
17. The Consent Holder shall keep an accurate written record of all accidents or incidents involving the spillage of hazardous substances and shall supply these to the Council's Co-ordinator, Compliance Monitoring on request. The records shall include the date, time, substance, estimated quantity spilt and the steps taken to clean up the spill. Any spillage of hazardous substances where the substance is not collected and removed from site shall be reported immediately (within 24 hours) to Tasman District Council's Co-ordinator, Compliance Monitoring.
18. All waste material containing hazardous substances (including any material associated with spill cleanup) shall be removed on a regular basis off-site and disposed of at a facility authorised to accept such material.

Operation, Monitoring and Maintenance

19. All products shall remain unopened and in a factory-sealed state.
20. All Class 3 flammables shall be kept in a spark proof 2-hour fire rated steel container (labelled as the Hazardous Materials Shed on Annexure 1).
21. All Class 5.1 materials shall be kept in dedicated isolation zones away from incompatible substances.
22. All secondary containment facilities for hazardous substances held on site shall be checked annually using the hydrostatic testing method to ensure their integrity. Written records of these inspections shall be held on site and presented to Tasman District Council's Co-ordinator, Compliance Monitoring on request.

General Conditions

23. The Council may, during the month of October each year, review any or all of the conditions of the consent pursuant to Section 128 of the Resource Management Act 1991. The purpose of such a review would be:
- a) to deal with any adverse effect on the environment which may arise from the exercise of the consent that was not foreseen at the time of granting of the consent, and which is therefore more appropriate to deal with at a later stage;
 - b) to require the Consent Holder to adopt the best practical option to remove or reduce any adverse effects on the environment resulting from the exercise of this consent and/or to alter information collection and reporting requirements of this consent; or
 - c) to change the compliance standards imposed by conditions of this consent to standards that are consistent with any relevant Regional Plan, District Plan, or Act of Parliament.
24. This resource consent expires on 1 November 2041.

ADVICE NOTES

1. Any matters not referred to in this application for resource consent or otherwise covered in the consent conditions must comply with the proposed Tasman Resource Management Plan and the Resource Management Act 1991.
2. This resource consent is not a consent to build. The applicant is required to meet the requirements of Council with regard to all Building and Health Bylaws, Regulations and Acts.
3. The Consent Holder may apply to change the conditions of the resource consent pursuant to Section 127 of the Resource Management Act 1991.
4. All reporting required by Council shall be made in the first instance to the Council's Co-Ordinator Compliance Monitoring.
5. The Consent Holder is reminded of their obligation to comply with all relevant requirements of the Hazardous Substances and New Organisms Act 1996.

CARRIED

Date Confirmed:

Chair: