

MINUTES

TITLE: Environment & Planning Subcommittee
DATE: Tuesday, 24 March 2009
TIME: 9.30 am
VENUE: Tasman District Council Chamber, 189 Queen Street, Richmond

PRESENT: Cr S G Bryant (Chair), Crs E Wilkins and B Ensor

IN ATTENDANCE: Principal Consents Advisor (J Butler), Resource Consent Consultant (K O'Connor), Development Engineer (D Ley), Administration Officer (B D Moore)

1. STUART DRUMMOND TRANSPORT LTD, CORNER OF SWAMP ROAD AND LOWER QUEEN STREET, RICHMOND - APPLICATION RM080986, RM080999, RM081000, RM081001

1.1 Proposal

Stuart Drummond Transport Ltd has applied to establish a truck depot over approximately 1 hectare of land on the corner of Swamp Road and Lower Queen Street, Richmond. An application was made in 2005 for a similar activity however this was placed on hold at the applicant's request and remains on hold.

It is proposed that the depot will generally operate between the hours of 3.00 am and 6.00 pm Monday to Friday and on occasion Saturday for vehicle maintenance. The depot will include a 576 square metre office building and a workshop building which is proposed to be up to 6.5 metres above finished ground level, with this workshop being located approximately 40 metres from mean high water springs (i.e. it would be within the Coastal Environment Area). Access is proposed to Lower Queen Street.

Application RM080986 includes the use of the site for a truck depot including a workshop facility, offices and a truck wash. Associated consents required have also been applied for. These are as follows:

RM080999 - Land Use (Earthworks) - To carry out earthworks to form the proposed yard and building platform area, create landscape mounds, swales and drainage disposal areas. The earthworks will be within 200 metres of the Mean High Water Spring (MHWS).

RM081000 - Discharge Permit (Truckwash Water to Land) - To discharge up to 15 cubic metres per day of truckwash water to land by way of soakage trenches over an area of 30 square metres.

RM081001 - Discharge Permit (Stormwater Discharge to Land) - To discharge approximately 960 cubic metres per twenty four hour period of stormwater from the yard area via swales and into soakage trenches.

RM081002 - Application to Transfer and Vary Water Permit NN 960186 - This is an application for a "site to site" transfer, made pursuant to Section 136 of the Resource Management Act 1991, of an existing water permit NN960186 (groundwater abstraction) from bore WWD 201 to WWD 1100. In addition, this is also an application, made pursuant to Section 127 of the Act, to allow 15.5 m³ of the water allocation to be utilised for the truck wash and to supply the office/workshop.

The Committee proceeded to hear the application, presentation of submissions and staff reports as detailed in the following report and decision.

The Committee reserved its decision.

RESOLUTION TO EXCLUDE THE PUBLIC

**Moved Crs Wilkins / Ensor
EP09/03/04**

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

Stuart Drummond Transport Ltd

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
Stuart Drummond Transport Ltd	Consideration of a planning application	A right of appeal lies to the Environment Court against the final decision of Council.

CARRIED

**Moved Crs Bryant / Ensor
EP09/03/05**

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

CARRIED

2. STUART DRUMMOND TRANSPORT LTD, Cnr SWAMP ROAD AND LOWER QUEEN STREET, RICHMOND - APPLICATION RM080986, RM080999, RM081000, RM081001

Moved Crs Bryant / Wilkins
EP09/03/06

**THAT pursuant to Section 104B of the Resource Management Act, the Committee GRANTS consent to Stuart Drummond Transport as detailed in the following report and decision.
CARRIED**

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

Meeting held in the Tasman Room, Richmond

on 24 March 2009, commencing at 9.30 am

A Hearings Committee (“the Committee”) of the Tasman District Council (“the Council”) was convened to hear the application lodged by **Stuart Drummond Transport Limited** (“the applicant”), to establish and operate a truck depot; discharge stormwater, wastewater and truck wash water to land; to undertake earthworks in the Coastal Environment Area; and for a water permit. The applications, made in accordance with the Resource Management Act 1991 (“the Act”), were lodged with the Council and referenced as RM080986, RM081000, RM081001, RM081999 and RM081002 respectively.

PRESENT:

Hearings Committee

Cr S Bryant, Chairperson
Cr B Ensor
Cr E Wilkins

APPLICANT:

Mr N McFadden (Counsel for applicant)
Mr S Drummond (Applicant)
Mr J Bealing (Agricultural Consultant)
Mr D Petrie (Traffic Engineer)
Mr J Swanney (Engineer)
Mr R Langbridge (Landscape Architect)
Ms J McNae (Planning Consultant)

CONSENT AUTHORITY:

Tasman District Council

Ms K O’Connor (Planning Consultant)
Mr D Ley (Development Engineer)

SUBMITTERS:

Ms H Campbell (Royal Forest and Bird Protection Society)
Mr G Thomas (representing A and S McLean and Branston Properties Ltd)

IN ATTENDANCE:

Mr J Butler (Principal Resource Consents Adviser) –
Assisting the Committee
Mr B Moore (Committee Secretary)

1. DESCRIPTION OF THE PROPOSED ACTIVITY

Stuart Drummond Transport Ltd has applied to establish a truck depot over approximately 1 hectare of land on the corner of Swamp Road and Lower Queen Street, Richmond. An application was made in 2005 for a similar activity on a different location on the property. However this was placed on hold at the applicant's request and remains on hold.

It is proposed that the depot will generally operate between the hours of 3.00 am and 6.00 pm Monday to Friday and on occasion Saturday for vehicle maintenance. The depot will include a 576 square metre office building and a workshop building which is proposed to be up to 6.5 metres above finished ground level, with this workshop being located approximately 40 metres from mean high water springs and, therefore, in the Coastal Environment Area (CEA). Access is proposed to Lower Queen Street.

Application RM080986 is to establish a truck depot including a workshop facility, offices and a truck wash.

RM080999 - Land Use (earthworks) - To carry out earthworks to form the proposed yard and building platform area, create landscape mounds, swales and drainage disposal areas. The earthworks will be in the CEA.

RM081000 - Discharge Permit (truck wash water to land) - To discharge up to 15 cubic metres per day of truck wash water to land by way of soakage trenches over an area of 30 square metres.

RM081001 - Discharge Permit (stormwater discharge to land) - To discharge approximately 960 cubic metres per twenty four hour period of stormwater from the yard area via swales and into soakage trenches.

RM081002 – Transfer and Vary Water Permit NN960186 - This is an application for a "site to site" transfer, made pursuant to Section 136 of the Resource Management Act 1991, of an existing water permit NN960186 (groundwater abstraction) from bore WWD 201 to WWD 1100. In addition, this is also an application, made pursuant to Section 127 of the Act, to allow 15.5 cubic metres of the water allocation to be utilised for the truck wash and to supply the office/workshop.

2. TASMAN RESOURCE MANAGEMENT PLAN ("TRMP") ZONING, AREAS AND RULE(S) AFFECTED

According to the TRMP the following apply to the subject property:

Zoning: Rural 1
Area(s): Coastal Environment Area

The proposed truck depot does not comply with Permitted Activity Rule 17.5.2.1 of the TRMP and is deemed to be a discretionary activity in accordance with Rule 17.5.2.3 of the TRMP.

The proposed earthworks do not comply with Permitted Activity Rule 18.5.2.1 of the TRMP and is deemed to be a restricted discretionary activity in accordance with Rule 18.5.2.5 of the TRMP.

The proposed discharge of wash water does not comply with any permitted activity rule in the TRMP and is deemed to be a discretionary activity in accordance with Rule 36.1.16 of the TRMP.

The proposed site to site transfer of water is deemed to be a discretionary activity in accordance with Section 127 of the Act.

3. NOTIFICATION AND SUBMISSIONS RECEIVED

The application(s) was notified on 6 December 2008 pursuant to Section 93 of the Act. A total of 11 submissions were received. The following is a summary of the written submissions received and the main issues raised:

Submissions Against

- Heaviest use of truck wash would be when weather is most inclement and drainage or soakage to land would be impossible;
- Contamination of site and the transfer of this contamination onto the road via trucks;
- Possible smell;
- Disappointing and inappropriate to have this eye sore on Rural 1 land;
- Waste of good productive land;
- No servicing for this type of activity;
- Traffic safety;
- Not zoned for industrial use;
- Close to estuary and associated risk of pollution;
- Noise;
- Dust;
- Other land is available;
- Possibility of weed seeds to be distributed by waste water/stormwater disposal;
- Potential for spillage/leakage of oil, diesel and other contaminants; and
- Land currently affected by salt water intrusion, mound may affect this, visual mitigation better achieved by tall plantings.

Submissions For

- Correct use of unproductive land within industrial environment;
- Low impact activities in heavy industrial vicinity and unproductive land;

- Land has limited productive potential given size and soil type with significant areas being subject to fill in the past; and
- The proposal fits the purpose for this type of land.

4. PROCEDURAL MATTERS

During deliberations the Committee considered that it did not have enough information about the quality and effects of the truck wash water discharge. The Committee sought approval from the applicant to commission a report under Section 41C(4) of the Act to provide the necessary information. In subsequent discussions the agent for the applicant agreed that insufficient information had been provided in the event that the trucks hauled goods other than logs. A condition was then volunteered that, should the consents be granted, the trucks washed at the site must only have been used for hauling logs.

5. EVIDENCE HEARD

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

5.1 Applicant's Evidence

Mr N McFadden (counsel for the applicant) introduced the application. He stated that the permitted baseline test is very relevant in this case and should be applied. He also stated that there are no adverse effects which could arise from the application. Mr McFadden then supplied amendments to the conditions recommended by the Council's consultant reporting officer.

Mr Drummond described the previous applicant he had lodged and the reasons why he had placed that application on hold (following a significant number of submissions in opposition) and reapplied with an amended design. He considered the effects of the newer proposal to be less than that of the original.

Mr Drummond stated that there would be no fuel or significant quantities of hazardous substances stored on the site. He said that the truck wash will be designed to meet Mr Swanney's recommendations. He also considered that he has adequately addressed any potential for the site to become an eyesore through landscaping.

Mr Swanney stated that the depot takes up approximately 20% of the total area of the site. The depot is at the southern end of the property which is on higher ground (2.5 to 4 metres) compared with the rest of the site. Mr Swanney described the stripping and stockpiling of soil. He also described the effluent treatment and disposal system as being a primary system with a pumped dose loading system to shallow disposal trenches with an allowance for 40 litres per person per day (240 litres per day). The disposal area will be elevated by approximately 400 millimetres using fill excavated from the depot site.

Mr Swanney also proposed that stormwater that currently discharges to the estuary now be diverted and discharged to land through soakage drains. He stated that the proposed system will accommodate a 20 year event. Silt entrapment measures would be in place during earthworks.

Mr Swanney described the proprietary system that will be used to remove silt and hydrocarbons from the truck wash water. He stated that it will easily achieve the standards necessary.

Mr Petrie acknowledged the proposed new designation that is likely to allow for the widening of Queen Street towards the subject site in the future. Mr Petrie described his proposed entranceway including a volunteered condition that no right turns into the site be permitted and that a deceleration lane be constructed for trucks approaching the turnoff into the subject site from the south. Mr Petrie considered that there will be up to around 60 truck movements per day and 80 light vehicle movements per day. He considered that this little measurable change from the *status quo* on a busy road.

Mr Langbridge described his landscaping as having a low bund (not like that in front of Nelson Pine Industries) planted with coastal native species. He considered the coastal character and rural character values as being medium to low and the natural character values as being low. He considered, with the proposed planting and landscaping, the effects to be less than minor. Overall, Mr Langbridge considered that the applicant has been meticulous in remedying and/or mitigating the impacts of the proposal.

Ms McNae summarised the planning matters and the submissions received. Ms McNae explained that the applicant had made early contact with Mrs Berkett who lives close to the depot site. Mrs Berkett supported the site as long as a bund and landscaping was implemented. Her written approval was subsequently obtained and that the effects on her could, therefore, not be taken into account.

5.2 Submitters' Evidence

Mr G Thomas (representing A and S McLean and Branston Properties Ltd)

Mr Thomas questioned why there was a clear requirement for the minimum ground level at this site to be 4.18 metres while, in the Richmond West development area, subdivision required a ground level of 4.6 metres. He said that if the Committee considers that 4.18 metres in height is sufficient in this case then this standard should be extended to the surrounding area (i.e. the Richmond West development area).

Mr Thomas also asked why there is no requirement to upgrade the width of Queen Street when the Richmond West plan change does require such upgrades.

Mr Thomas also stated that his client's property may become open space and that, therefore, this proposal would be inappropriate in the event that this open space zone eventuates.

Ms H Campbell (Royal Forest and Bird Protection Society)

Ms Campbell appeared and stated that the submitter is neutral with regard to the activity. She stated that the Society is concerned about the continuing incremental development around the estuaries of the District. She stated that the Committee has to be satisfied that the depot must be capable of handling other loads or contaminants that may be washed off the trucks.

Recommended monitoring conditions only refer to oil and hydrocarbons. There are other contaminants that are not caught. The focus of the proposed treatment unit appears to be hydrocarbons and there is little certainty that sediment will be caught.

Ms Campbell stated that the Society would certainly support the use of plants, particularly rushes and flaxes, in the discharge areas to absorb nutrients and water. These could be low to avoid blocking views.

Mr and Mrs J and K Thompsett (17 Swamp Road)

Mr and Mrs Thompsett were unable to appear in support of their submission. Mr Butler read a written statement from them. The submission raised the following issues:

- The proposal is not in keeping with the zone;
- There are a number of road safety issues to consider;
- The site is very close to the estuary and further contamination is risked;
- There will be a range of pollution sources generated by the activity; and
- The proposed height of the building is greater than what is appropriate within 200 metres of the estuary.

5.3 Council's Reporting Officer's Report and Evidence

Ms K O'Connor (Planning Consultant)

Ms O'Connor considered that the issues raised by Mr Thomas were not appropriate to the issue at hand.

With regard to the monitoring of stormwater and truck wash contaminants Ms O'Connor considered that the hydrocarbons will be at a low level and she accepted the applicant's revised wording for the condition, although she stated that testing should be undertaken by an approved laboratory. She also stated that hydrocarbons and silt will have the greatest effect and that the monitoring therefore focuses on these contaminants. The proposed system will achieve this.

Mr D Ley (Development Engineer)

Mr Ley clarified the differentiation between minimum floor level and minimum ground level. He considered that the 4.18 metre minimum ground level would be fine in this instance.

While Mr Ley considered that trucks turning out of the site would generally not be laden and therefore would be able to accelerate quickly. However, cars would have to cross centre line to pass these accelerating trucks. The trucks would likely pull over to the left of the road to facilitate this passing. This will likely cause edge break of the seal on the left side of the Queen Street formation. This is only an issue if trucks are exiting the site during the day when there is relatively high traffic volumes on lower Queen Street. 200 to 300 millimetres of sealing on the left side of the road for a length of around 12 metres would solve this problem. This could be monitored after 12 months or so.

Mr Ley stated that he is, otherwise, satisfied with the road design.

5.4 Applicant's Right of Reply

Mr McFadden stated that there are a wide range of circumstances in this case which make this proposal appropriate for this site. He stated that precedent is not an issue to be concerned about because the circumstances are rarely sufficiently similar.

Mr McFadden stated that the intention is to maintain the openness of the disposal field area and that planting will not achieve this.

Mr McFadden considered that the Thompsett submission did not raise any matters of substance and the issues raised were not supported by any evidence.

With regard to the amount of room on the north eastern side of Queen Street, Mr McFadden stated that there is little room and he doubted that any drivers would pull over so close to the estuary as to create problems with seal edge break.

Overall, he considered that the proposal is not out of character and will become more appropriate as the area develops.

6. PRINCIPAL ISSUES

The principal issues that were in contention were:

- a) To what extent will the depot have adverse physical environmental effects on the Waimea Estuary?
- b) To what extent will the depot have adverse landscape impacts around the Waimea Estuary and on the landscape character of the lower Queen Street Area?
- c) To what extent will the depot adversely affect traffic flow and safety?
- d) To what extent will the depot cause adverse noise, dust or amenity effects on surrounding properties?
- e) Is the proposed depot an appropriate and efficient use of rural land?

7. MAIN FINDINGS OF FACT

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

- a) The discharges of stormwater, wastewater and wash water are in close proximity to the Waimea Estuary. However, the discharge systems have been conservatively designed and these designs were not questioned in the hearing. The increased depth of soil to be added to the discharge area will increase the effectiveness of the filtering and treatment before the water reaches the groundwater. (The increased depth of fill may also improve the productivity and versatility of the discharge area.) The discharge of storm water in this evidently low-lying area can be improved by the planting of appropriate species to maximise evapotranspiration.

The discharge of truck wash water to the land in this location provides the greatest risk of adverse environmental effects on the estuary. A wide range of soluble and insoluble, organic and inorganic contaminants may be washed off the trucks depending on where they have been and what they have been carting. Control of these contaminants is a priority given the vulnerability of the estuary. Such control can be achieved both through treatment of the wash water and through restriction of the activities of the trucks, as has been volunteered by the applicant.

- b) The Waimea Estuary is an important local landscape feature as well as a significant wetland environment. Mr Langbridge accepts that the natural landscape qualities of the estuary in the vicinity of Nelson Pine Industries and Dynea Ltd are compromised but considers that there remains some natural landscape values in much of the rest of the edge of the Estuary. As a “peri-industrial” activity a truck depot and a relatively high depot building (as proposed) can further industrialise the margins of the estuary. This proposal contains significant landscaping to mitigate the visual impacts of the depot and these are to be commended.
- c) Lower Queen Street is becoming an increasingly busy road. However, the vast majority of heavy traffic exiting and entering the subject site will be outside of peak and high traffic hours. The volunteered provision of a deceleration lane for entering the site is appropriate, as is the volunteered prohibition on entering the site from the north. Traffic increases on Swamp Road as a direct result of this proposal are likely to be negligible. The Committee disagrees with Mr McFadden’s assertion that there is no space for pulling off to the north-eastern side of Queen Street when exiting the site. On inspecting the site there appears to be a fair amount of room on the estuary side of the road on which improvements could be made to further mitigate the traffic effects of the activity.
- d) Little evidence was presented about the noise, dust and other amenity impacts that the facility may have as the closest neighbour to the immediate south has provided her written approval and the Committee cannot take the effects on her into account. There will be very little amenity effect on any other party.
- e) Evidence was presented to the Committee suggesting that while the property is zoned Rural 1, it lacks the characteristics of the zone that give it its value. The water table is very high and the land is largely fill. A concern of the Committee is that the discharge fields for the various discharges will not be able to be grazed as compaction can have a deleterious effect on their efficacy. Therefore, the footprint of the land that will become unproductive is not just the land covered by the depot but a significant component of the rest of the property.

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 104 of the Act. In particular, the Committee has had regard to the relevant provisions of the following planning documents:

- a) Tasman Regional Policy Statement (TRPS); and
- b) the Tasman Resource Management Plan (TRMP).

The proposed activity contravenes Section 15 of the Act, and therefore the Council has also had regard to the matters outlined in Sections 105 and 107 of the Act.

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 purpose of the Act as presented in Section 5.

9. DECISION

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

10. REASONS FOR THE DECISION

Effects on the Environment

The proposal will not be out of character with the surrounding area. The landscaping and design of the proposed depot will ensure that any adverse landscape effects are adequately mitigated. The depot may provide an improved backdrop to the Waimea Estuary with the plantings that have been proposed.

The Committee considers that this proposal is also appropriate on land in this location. While the zoning (Rural 1) is not favourable, the principle values of the zone are not generally expressed on this site. The activity will also become more in-keeping with the area as Lower Queen Street develops.

The discharges from the site will not adversely affect the water quality of the Waimea Estuary. Conditions have been put in place to ensure that this outcome is met.

The proposal will not cause adverse effects on traffic flow or density as the vast bulk of the traffic exiting the site will be during the early hours of the morning. The traffic entering the site will be during the day but suitable mitigation measures have been put in place, namely the volunteered "no right turn" into the site and the addition of a deceleration and turning lane.

Objectives and Policies of the TRMP

The relevant objectives and policies are identified by Ms O'Connor. The Committee broadly agrees with this summary and considers that the proposal is not contrary to them.

Purpose and Principles of the Act

Overall, the Committee is satisfied that the proposal is consistent with Part 2 of the Act and achieves sustainable management of natural and physical resources as set out in Section 5 of the Act.

11. COMMENTARY ON CONDITIONS OF CONSENT

This decision contains a number of conditions which were not included in the Council's consultant reporting officer's report and were not necessarily discussed at the hearing. The consent holder should ensure that it reads the consent document carefully.

In particular the extent of the required landscaping has been increased to further offset the visual impact of the depot.

Also, tighter controls have been placed on the wash down facility both in terms of monitoring (from what was discussed at the hearing) and also in terms of other contaminants that may enter the system and which are not picked up by the treatment unit. This issue was raised by Helen Campbell of the Royal Forest and Bird Protection Society. The condition requires further investigation and reporting to Council in the event that high risk loads are carried.

Also, a limitation has been placed on the use of the truck wash. Most, if not all, other truck washes in the Richmond area have recently been converted so that they discharge to sewer. As the sewer system operates a "pay per volume" system the truck wash authorised by this decision will be significantly cheaper to run. However, truck wash water can certainly be dirty and contain a lot of contaminants. Therefore, the Committee does not want this truck wash being used by trucks that are not owned or operated by the applicant as this would, in turn, increase the volume of water and contaminants being discharged to land in close proximity to the estuary. The Committee also emphasises again that no detergents are to be used as this will cause the mobilisation of hydrocarbons and flushing into the disposal field.

The discharge areas themselves are required to be fenced or else designed to accommodate grazing. However, the Committee considers that it is likely to be difficult to design such soakage fields when the groundwater is so shallow.

Finally, some provision has been made for addressing the effects that turning trucks out of the depot site may have on the seal of Queen Street. A condition has been included to require work to be done in the event that damage or potential future damage eventuates.

12. LAPSING OF CONSENT(S)

Pursuant to Section 125(1) of the Act, resource consents, by default, lapse in five years unless they are given effect to it before then.

13. EXPIRY OF CONSENT(S)

Pursuant to Section 123 of the Act, land use consents have no expiry provided they are given effect to within the lapse period provided and also provided that the use is not discontinued for a continuous period of more than 12 months.

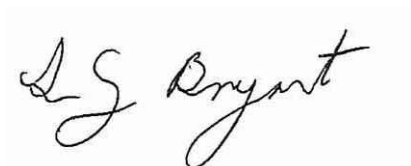
The Discharge Permits, (RM081000 and RM081001) expire in 15 years. This is to allow reassessment of the success of the disposal areas and to address any effects that they may be having on the estuary or any shortcomings in their performance.

The land use consent for earthworks in the coastal environment area (RM080999) has an expiry of approximately six years. This gives one year to complete the work following the maximum time in which the consent holder has to give effect to the consent.

Water Permit (RM081002) has an expiry date which is approximately two years. This puts it in line with the common expiry date for the surrounding zone.

Consents that have a set duration have the relevant date of expiry recorded in the conditions.

Issued this 23rd day of April 2009

A handwritten signature in black ink, appearing to read 'S Bryant', is written over a light grey rectangular background.

S Bryant
Chair of Hearings Committee



RESOURCE CONSENT

RESOURCE CONSENT NUMBERS AND ACTIVITIES AUTHORISED:

RM080986	To establish a rural truck depot.
RM080999	To undertake earthworks in the Coastal Environment Area.
RM081000	To discharge truck wash water to land.
RM081001	To discharge stormwater to land.
RM081002	To take groundwater for truck wash, office and workshop use.

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

Stuart Drummond Transport Limited
(hereinafter referred to as “the consent holder”)

LOCATION DETAILS:

Address of property:	11 Swamp Road, Appleby
Legal description:	Pt Lot 1 DP 6307
Certificate of title:	NL5B/489
Valuation number:	1938098500
Easting and Northing:	2523526E 5987476N

Pursuant to Section 108 of the Act, these consents are issued subject to the following conditions:

CONDITIONS

Conditions applying to all consents

1. The consent holder shall ensure that all works are carried out in general accordance with the application and plans provided with the application and dated 31 October 2008, and with Plans A, B, C and D attached, unless inconsistent with the conditions of this consent, in which case the conditions shall prevail.
2. That pursuant to Section 128(1)(a) and 128(1)(c) of the Act, the Council may review any conditions of the consent within five years from the date of issue for any of the following purposes:
 - a) to deal with any adverse effect on the environment that may arise from the exercise of the consent and which is appropriate to deal with at a later stage; and/or
 - b) to address issues that may arise as a result of planning matters such as the Richmond West plan change or the future widening of Lower Queen Street; and/or

- c) to address any adverse effects on the road network that may become apparent after the exercise of the consent; and/or
- d) to require the consent holder to adopt the best practical option to remove or reduce any adverse effects on the environment resulting from a discharge; and/or
- e) to review the contaminant limits, sampling and testing regimes, loading rates and/or discharge volumes and flow rates if it is appropriate to do so; and/or
- f) to review the frequency of sampling and/or number of determinants analysed if the results indicate that this is required and/or appropriate; and/or
- g) to review the system in terms of effects in the case of a change in climatic conditions or sea levels; and/or
- h) require compliance with operative rules in the Proposed Tasman Resource Management Plan, including rules relating to maximum or minimum levels or flows or rates of use of water, or rationing requirements, or water meters; and/or
- i) reduce the quantities of water authorised to be taken if the consent is not fully exercised; and/or
- j) require a financial contribution to be made to offset or otherwise avoid, remedy or mitigate the adverse effects of the exercise of the consent; and/or
- k) to require consistency with any relevant Regional Plan, District Plan, National Environmental Standard or Act of Parliament.

Conditions Applying to RM080986 (Land Use)

3. Landscaping shall be implemented under the supervision of a qualified Landscape Architect, within planting season following the completion of the earthworks authorised by resource consent RM080999, and shall be in accordance with the landscape report and plans in Appendix 2 of the application dated 31 October 2008. The earthworks and landscaping shall achieve the dual purpose of reducing noise and amenity impacts beyond the footprint of the depot and effectively screening the depot with a high quality vegetative border. For monitoring purposes, the consent holder shall contact the Council's Co-ordinator Compliance Monitoring at least 24 hours before the landscaping work begins.
4. Notwithstanding Condition 3, the area to be landscaped shall be extended as shown in Plan A. The landscape shall include species that are
 - a) appropriate for the location in the opinion of a qualified Landscape Architect; and
 - b) appropriate for enhancing evapotranspiration and will not adversely interfere with the stormwater drainage system in the opinion of an appropriately qualified and experienced drainage engineer.
5. The landscaping required by Condition 3 and 4 shall be maintained for the life of this consent.

6. The hours of operation shall be as follows:
 - a) For general yard operation 3.00 am to 6.00 pm Monday to Friday (inclusive). Except in the case of emergency as set out below where servicing work may take place outside those hours. The consent holder shall make its best endeavours to keep truck movements onto Lower Queen Street from the depot between 7.30 am and 9.00 am to a minimum.
 - b) On Saturdays trucks may enter or leave the yard for layup storage, servicing, registration or certification between the hours of 7.00 am and 6.00 pm.
 - c) Notwithstanding the above, the office workings and truck maintenance works may operate Monday to Saturday (inclusive) 7.00 am to 6.00 pm, except in the case of emergency when vehicle servicing is required on-site outside of these hours.
7. Heavy vehicles (trucks) shall enter the site from a south-easterly direction only. (i.e. trucks may only execute a left turn from Lower Queen Street into the site). Reminder notices shall be placed and kept in an effective location within the cab of each heavy vehicle that regularly uses the depot reminding them of this requirement.
8. The final access design shall be in accordance with the plans submitted with Diagram 5 of the Traffic Design Group report dated 26/08/08 and attached as Plan A with seal from the existing road carriageway to at least 10 metres inside the property boundary.
9. Engineering plans showing the access as per the requirements of Condition 8 shall be submitted to Council's Engineering Manager for approval prior to upgrade work on the access commencing.
10. Before commissioning the depot the consent holder shall take and keep digital photographs of the edge of the seal and the berm area on the north eastern edge of Lower Queen street from a point opposite the entranceway to the depot to 160 metres to the south east (towards Richmond). Twelve months after the date of commissioning the consent holder shall invite the Council's Roading Manager to an on-site meeting where the photographs shall be provided. Evidence of this invitation shall be kept by the consent holder.

If, in the reasonable opinion of the Manager, there has been wear or damage to the seal or the seal edge such that repair is likely to be needed as a result of the operation of the depot then the consent holder shall undertake such works as is necessary to repair the seal or the seal edge and mitigate against future damage.
11. The yard area, access (except the area required by Condition 8 to be sealed) and manoeuvring areas shall be metalled to an all weather surface. The yard shall not produce dust that is offensive or objectionable beyond the property boundaries unless a further resource consent authorising such a discharge is obtained.

Conditions Applying to RM081001 (Discharge Stormwater)

12. The consent holder shall ensure that the post-development stormwater flows discharged from the site do not exceed the pre-development flows.

13. Stormwater generated by a 1:20 year (5% AEP) shall be accommodated within the primary stormwater management system in a way that does not cause damage to, or nuisance effects on people, or property.
14. Stormwater generated by a 1:50 year (2% AEP) shall be accommodated with secondary stormwater management systems in a way that does not cause damage to, or nuisance effects on, people or property.
15. Secondary flow path(s) on the site shall be identified and protected such that overland flows, produced by rainfall events of an AEP of $\leq 5\%$, are able to be disposed of without contravening the conditions of this consent.
16. The stormwater disposal system shall be designed in accordance with the Council's Engineering Standards and Policies 2008. The consent holder shall submit a "Stormwater Discharge Design Report" including design plans and calculations prepared by a suitably qualified and experienced person to the Council's Engineering Manager for approval. This report shall provide evidence of how the design and performance requirements imposed by this consent are met. The design must be approved before Building Consent is submitted.
17. The disposal system shall be fenced off and no grazing shall occur on the footprint of the disposal system unless the appropriately qualified and experienced person who designed the system can confirm in writing that the system has been adequately designed to withstand grazing animals.
18. The discharge or diversion shall not cause or contribute to erosion of land, including the bed of any stream or drain. Bare ground shall be revegetated as soon as practical to minimise the generation of sediment. Some of the area is also subject to landscaping in accordance with Condition 4.
19. The discharge or diversion shall not cause the production of conspicuous oil or grease films, scums or foams, or floatable or suspended material in any receiving water.
20. This resource consent shall expire on 1 April 2024.

Conditions Applying to RM081000 (Discharge Truck Wash Water)

21. The consent holder shall provide a wash water land application design showing specifications for the design of the wash water discharge field to the Council's Co-ordinator Compliance Monitoring. The design shall open air discharge as the primary land application method (grassed swales, mounds or similar) with shallow secondary subsurface application for discharging any overflow from the surface system. The system shall not be constructed until it has had technical approval from the Co-ordinator.

Advice Note:

Surface discharge is required to allow more effective natural weathering of organic contaminants that may be discharged with the wash water. It also allows a visual inspection of any build-ups of material that may be occurring in the discharge area and mechanical removal of these build-ups.

22. As-built plans of the truck wash and wash water treatment and discharge system shall be provided to the Council's Co-ordinator Compliance Monitoring within three months of the completion of the truck wash.
23. In the event that the sewer pipe is extended to adjacent to the site the discharge from the truck wash shall be diverted to connect to the sewer and this resource consent shall be surrendered.
24. Monitoring of washwater exiting the Hynds Ecosep Oil-Water Separator unit shall be undertaken at monthly intervals for the first three months after commissioning. All samples collected shall be by an appropriately qualified and experienced person and the samples shall be analysed for Total Petroleum Hydrocarbons (TPH) and Chemical Oxygen Demand (COD) at an approved laboratory. In the event that after the first three months the results show that the concentration of TPH in the wash water is less than 15 milligrams per litre then the frequency of sampling may be reduced to three monthly for a period of 24 months. If after this period all results are still below the above compliance limit then the frequency may be reduced to annually.

The results of all monitoring shall be kept on site and shall be made available to the Council upon request. The results of the first three months shall be provided to the Council's Co-ordinator Compliance Monitoring as soon as the results of the third sample are received by the consent holder. The results of the further 24 months of monitoring shall also be provided to the Co-ordinator when available. Any TPH result which shows an exceedence of the 15 milligrams per litre limit shall be reported to the Co-ordinator immediately upon receipt.

Advice Note:

For the avoidance of doubt, COD tests are required along with TPH tests on all samples collected under this condition.

25. After construction of wash water land application system and before any discharge occurs, the consent holder shall sample the soil in the surface discharge swales as required by Condition 21. The sample shall be a composite of four samples taken in the discharge swales at more or less even spacings and between the depths of 75 millimetres and 150 millimetres below the surface of the swales. The sample shall be taken by an independent and appropriately experienced and qualified person. The sample shall be tested for Hills laboratory "Priority Pollutants [MSPP] Screen" or equivalent and the results shall be provided to the Council's Co-ordinator Compliance Monitoring within 7 days of them being received by the consent holder.

The sampling required by this condition shall be repeated after 2, 5, 10 and 15 years of the operation of the truck wash. If, in the reasonable opinion of the Co-ordinator Compliance Monitoring, there is an accumulation of contaminants that may adversely affect the estuary then the consent holder shall undertake such works as to remedy the accumulation including excavating the contaminated soil and replacing it with fresh soil and upgrading the treatment system to reduce the escape of contaminants to the disposal field.

26. The truck wash shall only be used for cleaning trucks that have been used for carting logs.

In the event that the consent holder signs a contract or otherwise regularly carries a load which is, or contains, any of the following:

- a) fertiliser or other soluble chemicals;
- b) pesticides or herbicides;
- c) hazardous substances; or
- d) any other contaminant which if washed off the trucks may not be adequately filtered by the Hynds Ecosep Oil-Water Separator unit and which would have the ability to cause adverse environmental effects if it was to enter the estuary;

the consent holder shall commission a report from an appropriately qualified and experienced professional who is approved by the Council. The report shall assess the likely concentrations of contaminants that would enter the truckwash and make an assessment of the acute and chronic risk to the estuary on the other side of Lower Queen Street. The report shall also make recommendations on the appropriateness of the discharge and any additional mitigation measures that should be put in place. The report shall be provided to, and be to the satisfaction of the Council's Co-ordinator Compliance Monitoring and the recommendations shall be implemented prior to the carting of the loads or substances which triggered this condition.

In the event that such a notification is provided to the Co-ordinator, the Co-ordinator may impose such monitoring requirements on the wash water discharge as are reasonably necessary to gain an understanding of the magnitude and effects of any discharge of wash water to the disposal area.

- 27. The disposal system shall be fenced off and no grazing shall occur on the footprint of the disposal system unless the appropriately qualified and experienced engineer who designed the system can confirm in writing that the system has been adequately designed to withstand grazing animals.
- 28. An inspection and maintenance programme shall be put in place for the proposed disposal system including maintenance of the Hynds Ecosep Oil-Water Separator in accordance with the manufacturer's specifications. A copy of this inspection and maintenance programme shall be submitted to Council's Co-ordinator Compliance Monitoring prior to the truck wash being used.
- 29. Records of the ongoing inspection and maintenance programme required by Condition 28 shall be kept by the consent holder on site and shall be made available to the Council on request.
- 30. The waste water from the truck wash shall consist of truck wash water and rainfall only with no detergents being added to it.
- 31. If at any stage the inspection and maintenance programme required by Condition 28 identifies faults with the disposal system that may affect water quality the use of the truck wash shall stop immediately until such a time as the fault has been remedied. The Council's Co-ordinator Compliance Monitoring shall be informed of such a fault within 24 hours of it being discovered.
- 32. The discharge shall not cause the production of conspicuous oil or grease films, scums or foams, or floatable or suspended material in any receiving water.

33. All systems associated with the discharge (such as the interceptors, connecting drains and soakage pits) shall be maintained in effective, operational order at all times. This shall be undertaken by the owner of the property where the system is located.
34. All systems shall be checked on a regular basis as required, but not less than once every year, to prevent carryover of contaminants into the receiving environment.
35. The maximum volume of discharge from the truck wash shall be 15 cubic metres in any 24 hour period. A flow meter shall be fitted to the outlet pipe and the daily flow recorded for the first three months following commissioning.
36. The truck wash shall only be used to clean trucks that are owned or operated by the consent holder and which are normally parked on the site overnight.
37. This resource consent shall expire on 1 April 2024.

Conditions Applying to RM080999 (Land Use – Earthworks)

38. Earthworks shall be designed by and undertaken under the supervision of a chartered professional engineer practising in civil engineering.
39. A dust, erosion and sediment control plan shall be designed by the engineer required by Condition 38. This plan shall be implemented prior to works commencing and shall be in place at all times during the works. A copy of the plan shall be provided to the Council's Co-ordinator Compliance Monitoring prior to any works commencing.
40. The consent holder shall contact the Council's Co-ordinator Compliance Monitoring at least 24 hours prior to commencing works for monitoring purposes.
41. The consent holder shall take all practicable measures to limit the discharge of sediment with stormwater run-off to water or land where it may enter water during and after the construction period.

Advice Note:

The use of debris fences, straw bales, cut-off drains or other such methods should be used to ensure that run-off is controlled.

42. All practical measures shall be taken to ensure that any dust created by the earthworks at the site shall not, in the opinion of Councils Co-ordinator Regulatory Services, become a nuisance to the public or adjacent property owners or occupiers. The measures employed shall include, but are not limited to, the watering of unsealed traffic movement areas, roadways and stockpiles as may be required.
43. Fill brought onto the site shall be clean fill only and shall not contain materials that may contaminate the ground water in this vicinity. Cleanfill is defined as: Material that when buried will have no adverse effect on people or the environment. Cleanfill material includes virgin natural materials such as clay, soil and rock, and other inert materials such as concrete or brick that are free of:
 - a) combustible, putrescible, degradable or leachable components hazardous substances

- b) products or materials derived from hazardous waste treatment, hazardous waste stabilisation or hazardous waste disposal practices
 - c) materials that may present a risk to human or animal health such as medical and veterinary waste, asbestos or radioactive substances liquid waste.
44. The stormwater system including swales and soakage trenches shall be constructed prior to the start of other earthworks required for the development of the site.
45. All stockpiled material shall be bunded to prevent sediment runoff into stormwater.
46. In the event of archaeological sites (eg shell midden, hangi or ovens, garden soils, pit depressions, occupation evidence, burials, taonga) or koiwi (human remains) being uncovered, activities in the vicinity of the discovery shall cease. The consent holder shall then consult with the New Zealand Historic Places Trust's Central Regional Office (PO Box 19173 Wellington, phone (04) 801 5088, fax (04) 802 5180), and shall not recommence works in the area of the discovery until the relevant Historic Places Trust approvals to damage, destroy or modify such sites have been obtained.

Advice Note:

The discovery of any pre-1900 archaeological site (Maori or non-Maori) which is subject to the provisions of the Historic Places Act needs an application to the Historic Places Trust for an authority to damage, destroy or modify the site.

47. This resource consent shall expire on 1 May 2015.

Conditions Applying to RM081002 (Take Water)

Site and Take Details

48. Legal Description or irrigated land:	Pt Lot 1 DP 6307 Waimea SD
Category of Water Source:	Groundwater
Source:	Hope Minor Aquifers
Zone and Catchment:	Hope Minor Aquifers - Waimea
Purpose and Use:	Truck wash, office and workshop use
Area Irrigated (ha):	Nil
Maximum rates of take authorised:	20 cubic metres per hour 20 cubic metres per day 120 cubic metres per week
Well Number:	WWD 1100
Location at or about point of take:	Easting: 2523428 Northing: 5987499
Metering:	Yes

Expiry

49. This consent shall expire on the 31 May 2011.

Water Metering

50. The consent holder or their agent shall, at their own expense and prior to the exercising of this consent, install and thereafter operate and maintain a water meter to record all water taken pursuant to this consent.

51. The water meter required under Condition 50, shall comply with the Council's Water Meter Specifications as stated in the Tasman Resource Management Plan.
52. The consent holder is required to record weekly meter readings and supply this information to the Council during every November to April inclusive.
53. The consent holder shall pay the reasonable costs associated with the monitoring of this consent including, if and when requested by Council, the full costs associated with water meter calibration to confirm their meter's accuracy is within the range of $\pm 5\%$ provided that meter calibration is not more frequent than five yearly.

Advice Note:

The consent holder is required to supply a **complete** record of their weekly water usage and this includes recording nil usage. Regular (preferably Monday) meter readings are required to ensure consistent data and because Council monitors weekly use by consent holders.

54. As and when required by the Council, the consent holder shall provide sufficiently detailed plans, specifications and maintenance programmes of works relating to the operation of this consent. Plans, specifications and maintenance programmes submitted shall be of a standard adequate to meet all conditions of the consent.

Rationing Implementation

55. Rationing will be implemented upon notification by Council, to maintain the flow of the Waimea River at a minimum of 225 litres per second.
56. For the purposes of rationing, the reduction in usage will comprise a series of 20% cuts of authorised usage from the maximum weekly quantity of 120 cubic metres authorised under Condition 48, which are:

- Step 1: Allocation = 96 cubic metres per week
- Step 2: Allocation = 78 cubic metres per week
- Step 3: Allocation = 60 cubic metres per week

Cancellation

57. This consent may be cancelled upon not less than three months notice in writing by the Council to the consent holder, if the consent remains unexercised in part or in full without good reason for any continuous period exceeding two years, but without prejudice to the right of the consent holder to apply for a further consent in respect of the same matter. Council will check during the term of the consent, particularly in fully allocated zones, that each is being exercised.
58. The granting of this consent cancels and replaces NN960186.

ADVICE NOTES

1. Officers of the Council may also carry out site visits to monitor compliance with resource consent conditions.

2. The consent holder should meet the requirements of the Council with regard to all Building and Health Bylaws, Regulations and Acts. Building consent will be required for these works.
3. Access by the Council or its officers or agents to the property is reserved pursuant to Section 332 of the Resource Management Act.
4. All reporting required by this consent should be made in the first instance to the Council's Co-ordinator Compliance Monitoring.
5. Council draws your attention to the provisions of the Historic Places Act 1993 that require you in the event of discovering an archaeological find (eg, shell, midden, hangi or ovens, garden soils, pit, depressions, occupation evidence, burials, taonga) to cease works immediately, and tangata whenua, the Tasman District Council and the New Zealand Historic Places Trust should be notified within 24 hours. Works may recommence with the written approval of the Council's Environment & Planning Manager, and the New Zealand Historic Places Trust.
6. This resource consent only authorises the activity described above. Any matters or activities not referred to in this consent or covered by the conditions must either:
 - a) comply with all the criteria of a relevant permitted activity rule in the Tasman Resource Management Plan (TRMP);
 - b) be allowed by the Resource Management Act; or
 - c) be authorised by a separate resource consent.
7. Plans attached to this consent are (reduced) copies and therefore will not be to scale and may be difficult to read. Originals of the plans referred to are available for viewing at the Richmond office of the Council. Copies of the Council Standards and documents referred to in this consent are available for viewing at the Richmond office of the Council.

Issued this 23rd day of April 2009

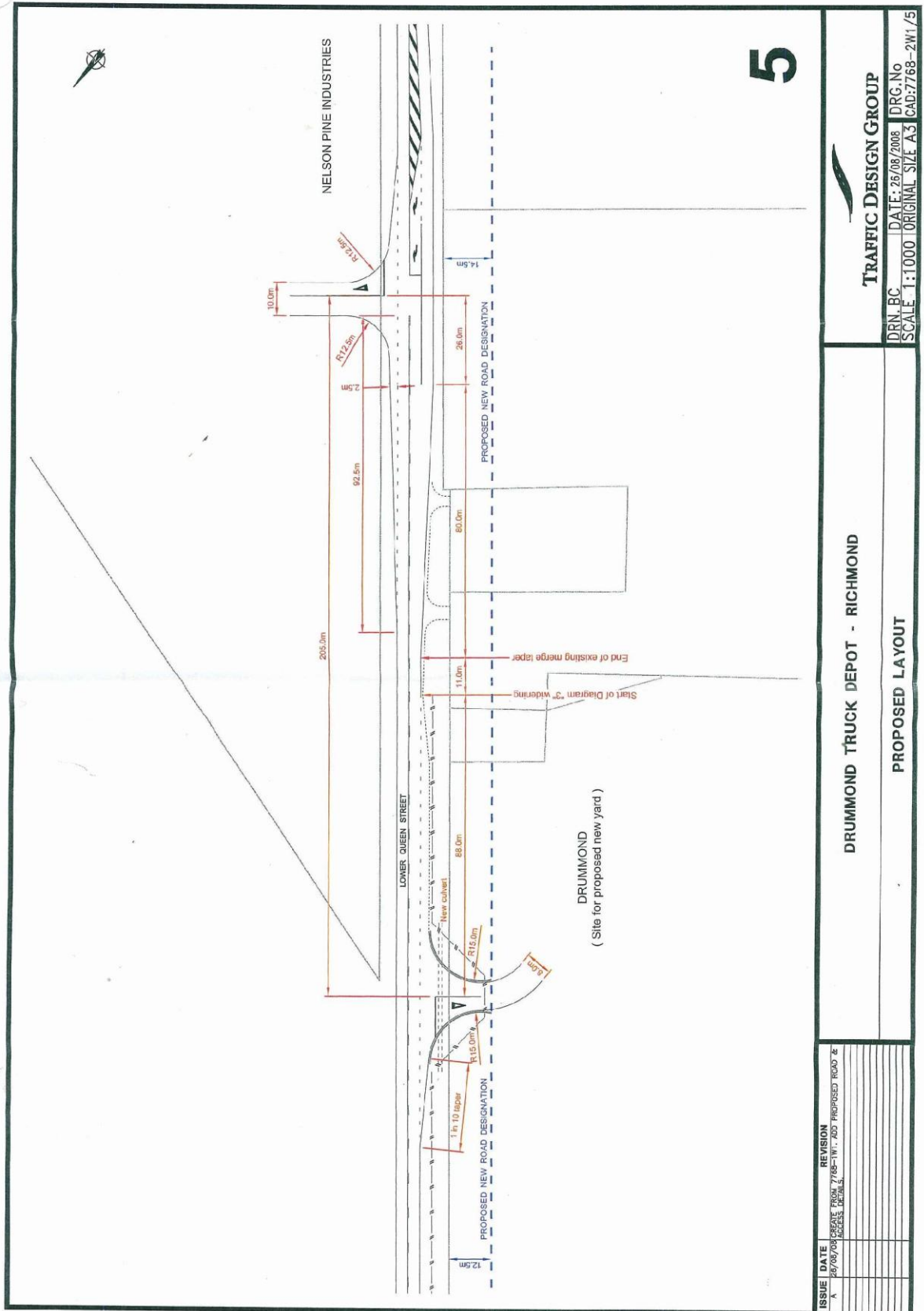


S Bryant
Chair of Hearings Committee

PLAN A Landscaping



PLAN B
Roading improvements

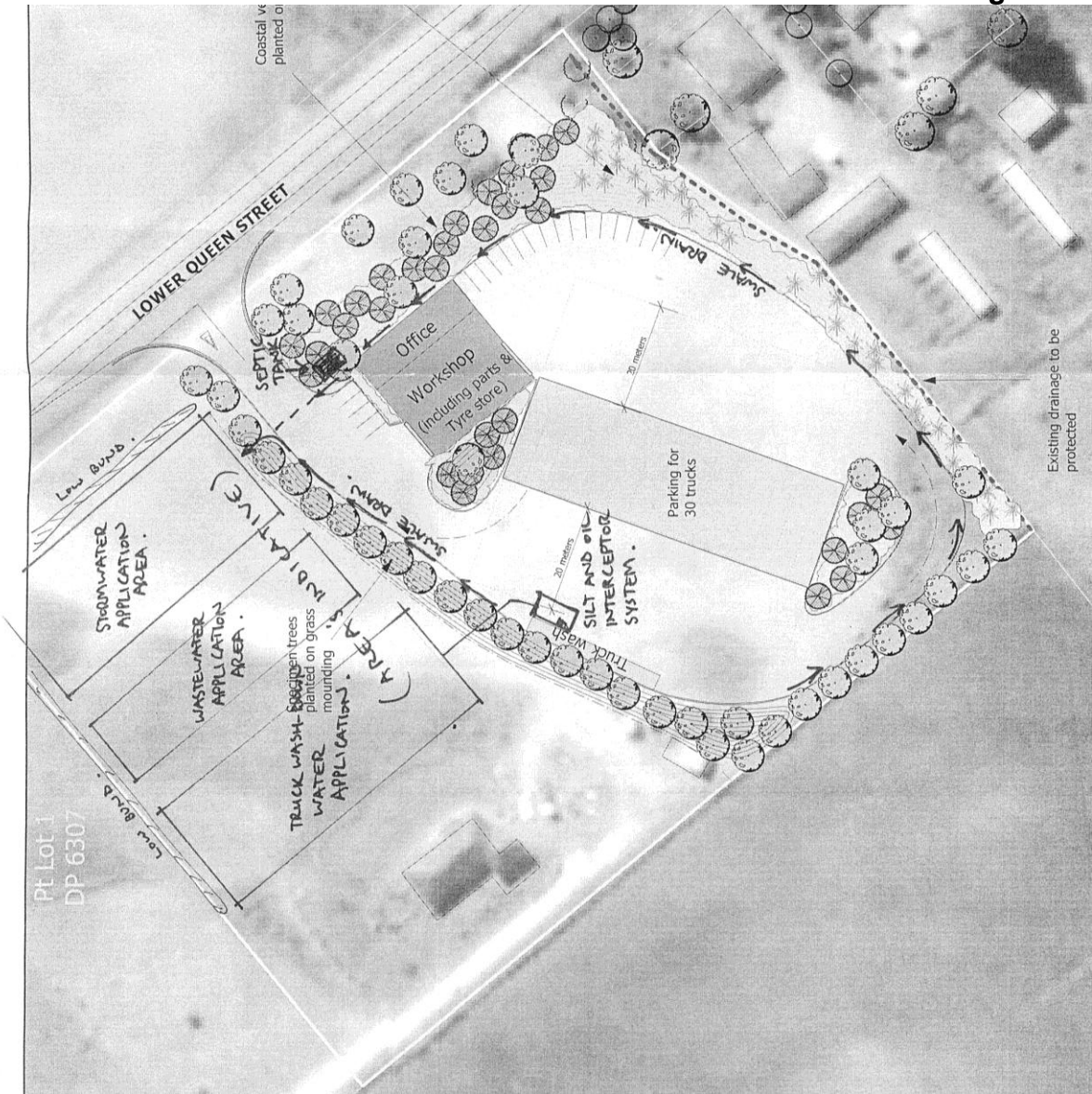


TRAFFIC DESIGN GROUP
 TRN. BC DATE: 26/08/2008 DRG. No
 SCALE: 1:1000 ORIGINAL SIZE A3 CAD:7768-2W1/5

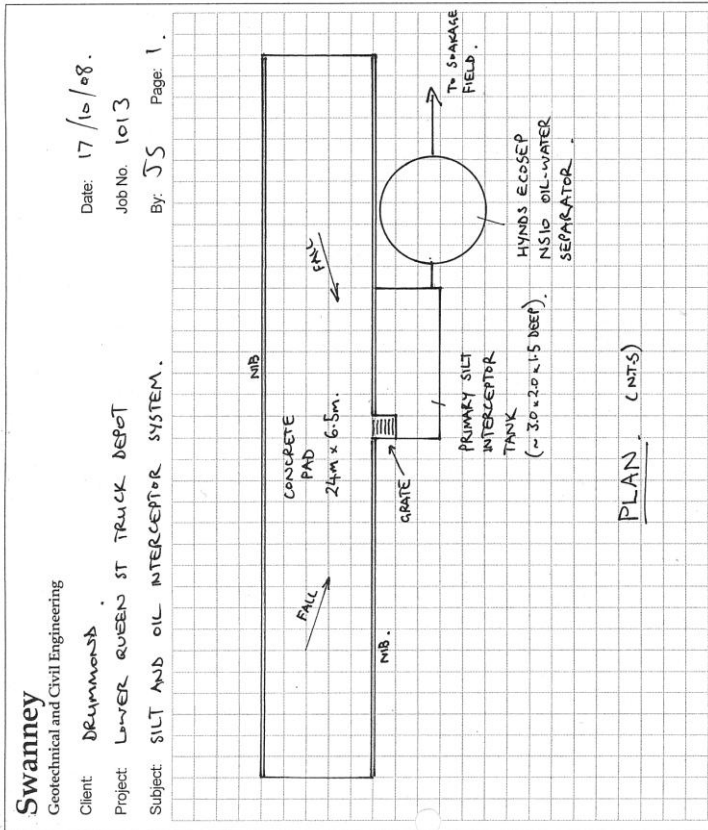
DRUMMOND TRUCK DEPOT - RICHMOND
PROPOSED LAYOUT

ISSUE	DATE	REVISION
A	26/08/08	CREATE FROM 7768-1W1; 2007 PROPOSED ROAD 'C' ACCESS DETAILS.

**PLAN C
Drainage Fields**



PLAN D
Truck Wash Design



Date Confirmed:

Chair: