#### **MINUTES**

TITLE: **Environment & Planning Subcommittee** 

DATE: **Monday, 27 July 2009** 

TIME: 10.30 am

**VENUE:** Tasman Council Chambers, 189 Queen Street, Richmond

PRESENT: Crs N Riley (Chair), S G Bryant, G A Glover

**IN ATTENDANCE:** (Development Engineer) D Ley, Principal Resource Consents

Advisor (J Butler), Consent Planner (G Mahowa), Executive

Assistant (V M Gribble)

1. COMBINED RURAL TRADERS SOCIETY LIMITED (CRT) - MAIN ROAD HOPE, RICHMOND - APPLICATION No. RM090130, RM090131, RM090163

# 1.1 Proposal

# RM090130

Land Use Consent The application seeks to establish and operate a commercial activity, being a rural services retail store, chemical store, bulk store, office and real estate office facilities for Combined Rural Traders Society Limited (CRT) at 32 Main Road Hope in the Rural 1 Zone.

> To construct a new building which will have a combined area of 1533 square metres for the above commercial activity in breach of Rural 1 Zone building setbacks and site coverage standards; and to erect a 2 metre high security fence.

> To provide 25 car parks, 11 car parks less than the Tasman Resource Management Plan standard of 36 car parks.

> To erect a 14.4 square metre combined sign at 20 Main Road Hope that does not comply with the required Tasman Resource Management Plan standards for height and area.

# Discharge Consent RM090131

To discharge stormwater generated from the buildings and hard surface areas to land via soakage on site.

# Land Use Consent RM090163

To construct and operate a hazardous facility, being a site which stores hazardous substances. The proposed facility would store and use up to 2700 litres and up to 6000 kilograms of sprays and agrichemicals. The hazardous substances will include class 5 chemical products above the HSNO threshold for a location certificate.

The application site is located at 32 Main Road Hope (State Highway 6) for the retail outlet and real estate offices; and 20 Main Road Hope (State Highway 6) for the combined signage, being legally described as Lot 1 DP 391931 and Lot 2 DP 19931, CT Identifier 368850 and NL13B/292.

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 Glover / Bryant EP09/07/19

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

Combined Rural Traders Society

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
Combined Rural Traders	Consideration of a planning	A right of appeal lies to the
Society	application	Environment Court against
		the final decision of
		Council.

#### CARRIED

Moved Crs Bryant / Glover EP09/07/20

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

CARRIED

2. COMBINED RURAL TRADERS SOCIETY LIMITED (CRT) - MAIN ROAD HOPE, RICHMOND - APPLICATION No. RM090130, RM090131, RM090163

Moved Crs Riley / Bryant EP09/07/21

THAT pursuant to Section 104B of the Resource Management Act, the Committee GRANTS consent to Combined Rural Traders Society 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 Monday, 27 July 2009

A Hearings Committee ("the Committee") of the Tasman District Council ("the Council") was convened to hear the application lodged by **Combined Rural Traders Society** ("the Applicant"), to establish and operate a commercial activity, discharge stormwater, and store hazardous substances. The applications, made in accordance with the Resource Management Act 1991 ("the Act"), were lodged with the Council and referenced as RM090130, RM090131 and RM090163, respectively.

PRESENT: Hearings Committee

Cr N Riley, Chairperson

Cr G Glover Cr S Bryant

**APPLICANT:** Mr N McFadden (Counsel)

Mr J Lennon (Applicant)

Mr M Lile (Planning Consultant)

CONSENT AUTHORITY: Tasman District Council

Mr G Mahowa (Planner, Land Use)
Mr D Ley (Development Engineer)

**SUBMITTERS:** Ms A Stewart (21 Main Road, Hope)

**IN ATTENDANCE:** Mr J Butler (Principal Resource Consents Adviser) - Assisting

the Committee

Ms V Gribble (Committee Secretary)

#### 1. SUMMARY

The Committee has **GRANTED** a resource consent, subject to conditions, to establish and operate a commercial activity, discharge stormwater, and to store hazardous substances.

#### 2. DESCRIPTION OF THE PROPOSED ACTIVITY

Combined Rural Traders Society (the applicant or CRT) seeks resource consent to:

- Construct and operate a rural retail outlet and erect a 14.4 m<sup>2</sup> sign on Rural 1 Zone sites (RM090130)
- Discharge stormwater to land (RM090131)
- Storage of hazardous substances (RM090163)

This application site is 3,069 square metres in area. The site is occupied by an existing residential dwelling. The site is serviced by council sewer and water infrastructure and is directly accessed from State Highway 6 on the western side of the site frontage.

The environment within the subject site is characterised by a mixture of land uses that do not necessarily reflect its Rural 1 zoning.

# 3. 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): nil

The proposed rural retail outlet 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 stormwater discharge does not comply with Permitted Activity Rule 36.4.2 of the TRMP and is deemed to be a restricted discretionary activity in accordance with Rule 36.4.4 of the TRMP.

The proposed storage of hazardous substances does not comply with Permitted Activity Rule 16.7.2.2 of the TRMP and is deemed to be a restricted discretionary activity in accordance with Rule 16.7.2.3 of the TRMP.

As the stormwater discharge and the storage of hazardous substances are consequential to the construction and operation of the rural retail outlet it is considered appropriate that the statuses of the consents are bundled and assume the status of the rural retail outlet (i.e. a discretionary activity).

## 4. NOTIFICATION AND SUBMISSIONS RECEIVED

The application(s) was limited notified on 30 March 2009 pursuant to Section 94 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:

Name and Address Reasons of Submitter	
Mark Edwin John Sutton 45 Main Road Hope, Richmond	The submitter opposed the application and was concerned that the proposed development will increase traffic on the road, and that additional traffic on State Highway 6 will have an impact on the crash rate on that section of the road. He was also concerned that the no-stopping zone suggested as a remedy to traffic congestion will have an impact on access to the planned reserve that Council is proposing to establish in the deferred plan issued by the Council in 2007.
Geoff McLauchlan	The submitter opposed the application and was concerned
24 Main Road Hope, Richmond	that the proposed no stopping zone will affect the existing parking space on either side of the road with negative

Name and Address of Submitter	Reasons	
	consequences to his tyre services business.	
Manfred and Gabriele Dickgiesser 25 Main Road Hope, Richmond	The submitter opposed the application and was concerned that the proposed development will increase traffic on the road and parked cars on both sides of their driveway. They suggested a no stopping sign on both sides of the road would be a solution.	
Alison Stewart and Brent Giblin 21 Main Road Hope, Richmond	The submitter opposed the application and was concerned that the proposed development will increase traffic congestion and result in poor visibility when entering the State Highway from the applicant's driveway. They considered that a no stopping sign would remedy the situation. They were also concerned about the storage of hazardous substances.	
New Zealand Transport Agency (NZTA)	The NZTA's submission was withdrawn prior to the start of the hearing and evidence of this withdraw was provided at the hearing by the counsel for the applicant.	

#### 5. PROCEDURAL MATTERS

There were no procedural matters that required a ruling by the Chair.

#### 6. 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.

# 6.1 Applicant's Evidence

#### Mr N McFadden (Counsel)

Mr McFadden expressed his opinion that in this case the consent applications for various activities should not be bundled into a fully discretionary status and that some activities should remain as restricted discretionary.

Mr McFadden identified the parties who have provided their written approval and stated that very few oppose the application. He confirmed that the NZTA had withdrawn its submission.

Finally, Mr McFadden outlined the considerable amount of information that exists from the previous application that CRT made on lower Queen Street. He stated that all of that information forms part of this application and is worthy of consideration.

# Mr J Lennon (Applicant)

Mr Lennon outlined the operation of CRT in New Zealand. He confirmed the inadequacy of the current premises at McGlashen Ave in Richmond. He stated that they consider the subject site to be ideal for their purposes.

With regard to Mr McLauchlan's submission he stated that the proposal will create a total of eight additional parks along the entrance road which will be freely available to anyone who wishes to use them and that this will improve the safety of the main road.

With regard to hazardous substances, Mr Lennon stated that these matters have been addressed by Mr B Evans of Evatech (not present) and that all such matters will be well controlled both for the purposes of this consent and also for the purposes of the Hazardous Substances and New Organisms Act 2006 (HSNO).

Mr Lennon expressed concern over Mr Mahowa's recommended condition which limited their operations to Saturday morning only on the weekends. He stated that the business of the rural sector continues through the weekend and they need to be open. He could see no reason why they should be limited in this location when other businesses nearby are open through the weekends.

Cr Glover asked Mr Lennon whether he would expect to get deliveries of good during the weekends. Mr Lennon stated that 99% of deliveries would be between Monday and Friday. Cr Glover asked whether he would expect any significant noise over the weekend. Mr Lennon said there would be no deliveries, trucks or forklifts, only clients coming in and out and therefore the noise would be minimal.

Cr Bryant asked about car parks on their present site. Mr Lennon said there are eight on McGlashen Avenue and they can accommodate six or eight cars in the drive-through area.

Cr Bryant noted that Mr Lennon said that CRT is not a large generator of traffic, but he suggested that most people would come by vehicle rather than walking. Mr Lennon agreed that most people would come by vehicle. He said a lot of CRT business is done over the phone, but most would be by car, coming from the south and west mainly. With changes to McGlashen Avenue it is difficult for customers to access that site. The new site will not bring vehicles into the town area.

#### Mr M Lile (Planning Consultant)

Mr Lile stated that Designation 41 and Schedule 17.5A complicate this otherwise Rural 1 zoned site. He said that the area is closer to an industrial estate than a rural environment.

Mr Lile agreed with the assessment undertaken by Mr G Caradus (the Council's Co-ordinator Environmental Health). He also pointed out that the immediately adjoining neighbours have given their written approval. Related to this, Mr Lile stated that he could see no reason why the hours of operation should be limited on the weekend.

Mr Lile considered that there can be no dust or odour effects resulting from this activity.

With regard to visual amenity Mr Lile stated that the area is a mix of industrial and various other non-rural developments as well as relatively small lot sizes and some existing residential dwellings. There have been no submissions received in opposition on the basis of visual impact. However, to lessen the impact on the streetscape the building has been set back 4 metres from the main road frontage. He said this is a generous separation distance to achieve good landscaping outcomes.

With regard to traffic there will be changes in the road markings of the State Highway. Mr Lile referred to the Urbis report which stated that, subject to an upgrade, there would not be further adverse cumulative traffic effects. The concerns of the NZTA had been satisfied and it had subsequently withdrawn its submission. The access-way serves a large industrial area and it is currently in need of an upgrade. This application has been the catalyst to bring this work forward.

A large number of car parks have been provided on the site as well as eight kerbside parks.

Mr Lile considered the proposal to be not inconsistent with the provisions of the TRMP with regard to amenity values, land fragmentation and productive values and effects on transport safety and efficiency.

Mr Lile considered that Mr McLauchlan's position will be improved by the provision on car parks on the access-way. He also considered that the improvements to the intersection will address the concerns of M and G Dickgiesser and A Stewart and B Giblin.

Mr Lile concluded by considered that there were very few down-sides to this development and that, importantly, there had been no concerns raised over the non-productive use of the site. He also considered the withdraw of the NZTA submission to be a significant factor given that the submissions focussed on traffic issues.

Cr Glover asked for clarification whether the exit in the southwest corner (truck exit) is acceptable to other landowners. Mr Lile said Network Tasman owns the land that the loading trucks will pass through and they have given consent.

Cr Glover asked from Mr Lile's experience, how often are cars parked on the Main Road, Hope outside Mr McLauchlan's business. Mr Lile replied he has been to the site a number of times and from his observation, there is normally only one and that is the truck owned by the business.

#### 6.2 Submitters Evidence

#### Ms A Stewart (21 Main Road, Hope)

Ms Stewart spoke in opposition to the application. She noted there is residential land opposite the site and right down to Three Brothers Corner. She was concerned about visibility entering onto Main Road, Hope from her driveway and noted there is no footpath on their side of the road.

Cr Glover asked how far did Ms Stewart think the "no stopping" lines should extend. Ms Stewart thought the "no stopping" should be further than delineated on the plan tabled.

Ms Stewart stated that Mr McLauchlan has vehicles parked on both sides of the road at the moment. This will be alleviated by the "no stopping" lines which will be an improvement.

Cr Glover asked if the cars parked in front of Mr McLauchlan's, are there every day. Ms Stewart said there would be six vehicles right outside and then probably two or three on her side of the road Monday to Friday.

# 6.3 Council's Reporting Officer's Report and Evidence

## Mr Godwell Mahowa (Planner, Land Use)

Mr Mahowa stated that the size of building was miscalculated by 147 square metres, but he did not believe it would affect the way the application is assessed. Mr Mahowa amended his recommendation to include weekend trading as sought by the applicant. With regard to Mr McLauchlan objecting to car parking being removed by implementation of "no stopping" lines, he said that businesses should be providing their own on-site car parking. He was of the opinion that it is a rational use of the subject site.

Cr Riley asked for Mr Mahowa's view on restricting deliveries to week days. Mr Mahowa said that there may be issues with breakdowns or other delays and these trucks would need to be able to deliver on weekends. However, he considered these events to be rare.

Cr Glover asked if the 4 metre setback would achieve the necessary amenity requirements. Mr Mahowa said the Council has proposals to beautify the town and we needed provision of at least three metres for amenity plantings. That setback was a good compromise between that requirement and the Rural 1 setback of 10 metres. Mr Mahowa said the amenity planting should be planted so it partially screens the building.

# Mr D Ley (Development Engineer)

Mr Ley said that if the road became a legal roadway the car parks would be available for general public parking. Council is in agreement with no stopping both sides of the road and the right turn bay into the complex. Mr Ley asked how the applicant would guide pedestrians into the complex. The entranceway should be shown as a private right of way with access crossing.

Cr Bryant asked, considering the location and having heard that most people will be arriving by vehicle, how essential is the footpath proposed? Mr Ley said the footpath from State Highway to entry doors is not vital. He said there will be a new footpath on the future road on the opposite side.

Mr Ley said if the new road is not vested in Council within 18 months then they will need to build an access crossing. Mr McFadden requested the condition be amended to say if the road is not vested within 18 months, then works will need to be done.

Cr Glover said given the access-way may vest as road, are you comfortable that width will be appropriate for anticipated traffic? Mr Ley said it is for now but they will need to apply to vest as road and it may or may not meet our standards at that stage.

# 6.4 Applicant's Right of Reply

Mr McFadden said an application is not before the committee to consider the road vesting. He said the work should be bonded, rather than physically undertaken. He suggested the condition about spillage within the bulk store or bulk store loading area be deleted. He said there is unlikely to be volumes of traffic to impact on the state highway. Trucks will go into the loading area and leave via a loop over the CRT site and through Network Tasman land. Jack's Tyres' (Mr McLauchlan) parking is having an impact on neighbours which will be alleviated by the "no stopping" lines and there will be extra parking provided on the access way.

Mr McFadden said that he did not support Mr Ley's request for a footpath to be provided on the southern side of the access-way.

Mr McFadden said it was the canopies that were excluded from the building measurements and therefore Mr Mahowa was correct about the irregularity in the building coverage. However, he considered that this had a negligible effect on the overall assessment of the proposal.

Mr McFadden suggested a change to the car parking condition to allow either a covenant or boundary adjustment on the north west side of the site.

Mr McFadden said there appeared to be no disagreement about having the facility open on Saturdays and Sundays until 4.00 pm. He said deliveries were to be limited to Monday to Friday, but not between the hours of 11.00 pm and 7.00 am. He said much of the product comes from outside the district and there would be real concern if a delivery could not be made. He asked for a condition to say it could be exceeded 10 or 12 times per year to cover breakdowns or emergencies.

Agreement was reached for a 4 metre setback. NZTA were happy with that setback. Vegetation will have some effect on screening and the building is designed in such a way it is not providing stark walls. Given the nature of the area he did not consider it necessary to "hide" the building.

Mr McFadden suggested that the hazardous substance consent should have a term of 35 years.

#### 7. PRINCIPAL ISSUES AND MAIN FINDINGS OF FACT

The principal issues that were in contention and the Committee's findings of fact are:

# a) Is the proposed rural retail outlet an appropriate development on the Rural 1 zone in this location?

The Committee agrees that the nature of this Rural 1 land is closer to an industrial estate than a productive rural area. The land parcel in question is of minimal value for productive purposes given its location and surrounding land uses. The amenity of the area will not be lessened by this development and may be improved.

# b) What opening hours are appropriate and should there be any limitation on weekend traffic or deliveries?

The Committee is aware that none of the submissions raised noise or weekend trading as an issue of concern. It is appropriate that, in the event that consent is granted, that weekend trading be allowed given the nature of the rural sector that it supports and the character of the environment in which it is proposed. In addition the Committee sees no reason to restrict deliveries to weekdays, given the problems that this can cause. However, this consideration not to limit weekend deliveries is done on the understanding that they are limited as per Mr Lennon's evidence. If, in the future, weekend movements of heavy vehicles causes adverse effects then there may be a need to revisit such limitations by way of a Section 128 review. In the meantime, as stated above, the Committee does not consider it appropriate to so regulate the applicant's business.

# c) Is the proposed upgrade to the access-way intersection appropriate in the location? Will the effects on safety and efficiency of the State Highway be positive?

Implementation of the proposed roading and intersection upgrades will only be positive in terms of efficiency and safety. While some roadside parking may be lost, particularly from the southeast side of the State Highway, this is a minor cost compared to the safety benefits resulting from the upgrade to this busy private intersection. There is no obligation for the State Highway to have car parks for adjacent businesses such as Mr McLauchlan's and the removal of vehicles associated with that business will have a positive road safety outcome for both users of the access-way intersection and also for residents on the opposite side of the State Highway who enter the road opposite this busy intersection. The removal of the existing access to the subject site will also be a positive effect.

# d) To what extent is pedestrian access to the site from the south or from the other side of State Highway 6 a concern?

The Committee has concerns about southbound pedestrians on the State Highway parking on the left at the southern end of the proposed "no stopping" lines, crossing the State Highway and approaching the proposed CRT store on foot for small products. The Committee considers that it would be appropriate that the no stopping restriction be continued for approximately 22 metres further to the south to the point that is opposite the southern corner of the subject site. The Committee considers that this would discourage pedestrian access across the State Highway and encourage people to enter the site by vehicle. No evidence on this matter was presented at the hearing, however, this proposal has proved acceptable to both Opus International Consultants (who represent the NZTA) and the applicant. It is also considered that this amendment would be supported by the submitters concerned about access onto the State Highway.

#### e) To what extent is the proposed sign appropriate in this location?

The proposed sign, up to 6 metres in height and 3 metres wide, will be very large. However, the Committee is satisfied that the removal of the existing signs and the "formalisation" of the businesses that are accessed from the access-way

will be a positive outcome. The Committee also took into account the NZTA's approval of the sign.

# f) Are there satisfactory measures in place to protect against outdoor spills of hazardous substances being discharged to the environment?

The Committee is satisfied that the proposed 2,000 litre containment tank and other containment measures are suitable and sufficient, subject to adequate training of staff and marking of the emergency diversion valve.

#### 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 2 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 Committee is satisfied that there will be minimal effects on the environment. The lack of opposition from the NZTA gives the Committee significant comfort that any adverse effects on the roading network will be avoided, remedied or mitigated and, indeed the effects are likely to be positive.

The Committee is also satisfied that the parking provided will be adequate to cater for traffic created by the rural retail outlet, and also that the additional "public" car parks provided will offset any loss of parking on the State Highway.

The Committee does not consider that the proposal will have any adverse effect on the amenity of the area. The setback from the road boundary is sufficient to allow effective landscaping of the site to soften and partially screen the building. Issues of rural character are of minimal relevance at this site. The stormwater and hazardous substances will be adequately controlled such that adverse effects resulting from their discharge are very unlikely.

# **Objectives and Policies of the TRMP**

The Committee considers that the following objectives and policies are relevant in consideration of this application.

Objective 5.1.2	Avoidance, remedying or mitigation of adverse effects from the use of land and enjoyment of other land on the qualities of the natural and physical resources.
Policy 5.1.3.1	To ensure that any adverse effects of development on site amenity and landscape values are avoided, remedied or mitigated.
Policy 5.1.3.9	To avoid, remedy or mitigate effects (such as noise, vehicles, buildings and structures).
Policy 5.1.3.11	To avoid, remedy, or mitigate the likelihood and adverse effects of discharge of any contaminant beyond the property on which it is generated stored or used.
Policy 5.1.3.13	To avoid, remedy or mitigate adverse effects of urban use and development on rural activities at the interface between urban and rural areas.
Objective 5.2.2	Maintenance and enhancement of amenity values on-site and within communities throughout the District
Objective 5.2.2 Policy 5.2.3.1	
·	and within communities throughout the District  To maintain privacy in residential properties and rural dwelling
Policy 5.2.3.1	and within communities throughout the District  To maintain privacy in residential properties and rural dwelling sites  To promote amenity through vegetation, landscaping, street
Policy 5.2.3.1 Policy 5.2.3.4	and within communities throughout the District  To maintain privacy in residential properties and rural dwelling sites  To promote amenity through vegetation, landscaping, street and park furniture and screening.  To avoid, remedy or mitigate the adverse effects of traffic on the

The Committee is confident that the amenity of other landowners and the immediate area will not be adversely affected by this development. Adequate setback and landscaping will be undertaken to ensure that the amenity values are not adversely affected and are, in many ways improved. The sign will improve the amenity by removing the collection of signs on the corner of the access-way and creating a more professional "look".

- Objective 6.2.3 Urban growth that avoids or mitigates the loss of land of high productive value ...
- Policy 6.2.3.3 To minimise the loss of land of high productive value in allowing for further urban development, while having regard to the efficient use of resources, including land, infrastructure and energy.
- Objective 6.6.2.1 Effective accommodation of a wide range of commercial activities on appropriately located sites ...
- Objective 7.1.2 Avoid the loss of potential for all land of existing potential productive value to meet the needs of future generations particularly land of high productive value.
- Policy 7.1.3.2 To avoid remedy or mitigate the effects of activities which reduce the area of land available for soil based production purposes in rural areas.
- Policy 7.1.3.3 To avoid remedy or mitigate adverse actual, potential and cumulative effects on rural land resource.
- Objective 7.2.2 Provision of opportunities to use rural land for activities other than soil-based production ... while avoiding the loss of land of high productive value.
- Policy 7.2.3.1 To enable activities which are not dependent on soil productivity to be located on land which is not of high productive value.

These objectives and policies seek to avoid the loss of productive land while allowing commercial activities to locate in the most appropriate sites. In this case a rural retail outlet such as the one proposed is appropriate in the urban area but close to the rural community it serves. However it is still not appropriate for such activities to establish on land of high productive value. The Committee considers that the proposal meets these objectives and policies as the subject site is of little value for productive purposes and is in a good location to serve the rural community. The proposed activity is an efficient use of this rural land.

- Objective 11.1.2 A safe and efficient transport system, where any adverse effects of the ... use or development of land on the transport system are avoided, remedied or mitigated.
- Policy 11.1.3.2 To ensure that land uses generating significant traffic volume are located so that the traffic has access to classes of roads that are able to receive the increase in traffic volume without reducing safety or efficiency.
- Policy 11.1.3.3 To avoid, remedy or mitigate adverse effects of high traffic-generating land use on the community cost of road network resource of the District.

Policy 11.1.3.7 To ensure that adequate and efficient parking and loading spaces are provided ... to avoid or mitigate adverse effects on the safety and efficiency of the road network.

Policy 11.1.3.11 To ensure that signs do not detract from traffic safety by causing confusion or distraction to or obstructing the views of motorists or pedestrians.

The proposal is consistent with this objective and these policies. The level of parking provided is appropriate and the upgrade to the intersection is an excellent outcome for this busy intersection.

# **Purpose and Principles of the Act**

Adopting a broad overall judgement approach to the purpose of the Act, the Committee is satisfied that the proposal is consistent with Part 2 and achieves sustainable management of natural and physical resources as set out in Section 5 of the Act.

#### 11. COMMENTARY ON CONDITIONS OF CONSENT

Recommended Condition 5 in Mr Ley's report and the amended Condition 5 that was recommended by Mr McFadden in his legal submissions have both been deleted. It was considered that the risk of the project not going ahead is remote and that, in the event that it does not go ahead, the consequences of the access-way staying unchanged are minimal. Therefore, requiring the access-way to revert to a normal crossing, and the associated bonding required, is unwarranted.

With regard to the hazardous substances stored on site, one amended condition and one additional condition should be particularly noted by the consent holder. Condition 6 has been updated from the conditions that were presented at the hearing. This condition requires that the 2,000 litre tank be installed to catch any spillage of hazardous substances. The valve to direct any runoff from the outdoor area to this storage container must be clearly identified and used in the event of spillage to avoid the discharge of hazardous substances to the stormwater system.

Condition 11 requires that an invitation be made to the relevant emergency services so that they can inspect the site and familiarise themselves with the facilities and the substances stored on-site.

# 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.

Issued this 10<sup>th</sup> day of August 2009

Cr Noel Riley

**Chair of Hearings Committee** 



#### RESOURCE CONSENT

#### **RESOURCE CONSENT NUMBER:** RM090130

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

#### **Combined Rural Traders Ltd**

(hereinafter referred to as "the Consent Holder")

#### **ACTIVITY AUTHORISED BY THIS CONSENT:**

To establish and operate a commercial activity, being a rural retail outlet and associated facilities.

#### **LOCATION DETAILS:**

Address of property: 32 Main Road Hope Legal description: Lot 1 DP 391931

Certificate of title: 368850 Valuation number: 1943018500

Easting and Northing: 2523783E 5984438N

Pursuant to Section 108 of the Act, this consent is issued subject to the following conditions:

#### CONDITIONS

#### General

1. The proposal shall be undertaken in accordance with the documentation submitted with the application, and with the plans attached to this consent prepared by Land Dimensions and Ultraspec Building Systems, labelled Plans A, B, C, and D dated 14 July 2009 and Plan E dated 12 June 2009. Wherever these plans are not consistent with the conditions of this consent the conditions shall prevail.

#### **Setbacks**

2. The proposed building shall be set back no less than 4 metres from the road boundary with State Highway 6, no less than 0.20 metres from the south western boundary and no less than 0.37 metres from the north eastern boundary.

# **Building Coverage**

3. Building coverage for the proposed building shall not be no more than 1680 square metres in area.

## **Hours of Operation**

4. The business shall only operate during the hours of 8.00 am to 5.00 pm weekdays and 9.00 am to 4.00 pm Saturdays and Sundays.

#### Access

- 6. The road works to State Highway 6 shall be carried out in accordance with the plan labelled "Proposed CRT site layout/access upgrade and SHW 6 re-marking plan" dated 12 June 2009 (attached) with the following modification: the no stopping lines on the south east side of the state highway shall be extended to a point that is opposite the southern corner of the CRT site as shown in the plan referred to above.
- 7. Median widening, right turn bays, lane tapers and paint markings shall be undertaken to meet the New Zealand Transport Agency standards.
- 8. The existing vehicle access (at the southern end of the site) shall be walled up on the State Highway 6 frontage and grassed. The crossing slabs shall be removed and the kerb and channel shall be reinstated.
- 9. All access and car parking on site shall be marked out and formed up with a permanent surface, i.e. minimum two-coat seal
- 10. Prior to the activity commencing 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 not necessarily be limited to:
  - a) Detailing all changes to the proposed access arrangements ensuring they comply with the TRMP and TDC engineering requirements;
  - b) Detailing any changes to road markings required;
  - c) Detailing the existing and proposed location of parking and other directional signage that will be affected;
  - d) Detailing the layout of all car parks; and
  - e) Detailing any proposed change to footpath layout ensuring such services are located in public road reserve.
- 11. Prior to commencing any works, all redundant vehicle crossings shall be walled up and made good, and the new crossing shall comply with the TRMP standards and TDC engineering requirements.

## **Car Parking**

12. The registered proprietor of the lands referred in this application (Titles NL 13B/292 and 368850) shall either register a covenant in favour of the Council made pursuant to Section 108(2)(d) of the Act, or effect a boundary adjustment with the property adjoining so as to ensure that all car parks required for the CRT facility are contained within a single certificate of title. If a covenant is registered, then evidence of its successful registration shall be presented to the Council within three months from the date of issue of this consent.

The operative part of the covenant (if used) shall state that the registered proprietor will at all times hereafter ensure that all car parks, access way and loading bays remain in accordance with the resource consent RM090130 Plan A dated 14 July 2009.

The registered proprietors shall meet all costs of the preparation, execution and registration of the covenant.

# Screen planting and landscaping

- 13. 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 include:
  - Planting at the front of site, and on side boundary adjoining 34 Main Road Hope (as shown on Plan A, attached).
  - Show some taller trees in the road frontage strip to provide an attractive streetscape and amenity as viewed from State Highway 6.
  - Planting and maintenance schedules to ensure that the plants become established and any plants which die are replaced.
- 14. The approved Landscape Plan shall be implemented to the satisfaction of the Council in the first planting season after the CRT is open for business.
- 15. The consent holder shall maintain the plants, required to be planted in accordance with the requirements of Condition 13, 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

- 16. The free-standing sign to be erected on the road frontage shall be no greater than 13.5 square metres in area.
- 17. The combined sign shall be no higher than 6 metres.
- 18. The combined sign shall have a clearance of at least 1.5 metres between ground level and the bottom panel to provide for vehicle visibility.

- 19. There shall be no more than six sign panels and each panel will be separated by a gap of at least 100 mm to provide for vehicle visibility between the panels.
- 20. The existing free standing signs under the control of the consent holder or Network Tasman at the entrance to the access road shall be removed and replaced with signage in accordance with Plan B dated 14 July 2009 (attached) except where inconsistent with Conditions 16 to 22 of this consent in which case the conditions shall prevail.
- 21. The height of lettering shall be no less than 150 millimetres.
- 22. The sign shall not contain or incorporate retro-reflective materials, flashing illumination, or moving display.

#### **Financial Contributions**

23. The Consent Holder shall, no later than the time of uplifting the Building Consent for the building, pay a financial contribution to the Council. 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**

24. 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. The 100 mm sewerage pipe shall be upgraded to 150 mm.

#### Review

25. The Consent Authority may, during the month of July each year, review the conditions of this resource consent pursuant to Section 128 of the Act for any of the following purposes:

- a) 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 any actual or potential adverse effects from the storage of hazardous substances and the stormwater discharge;
- b) to require consistency with any relevant Regional Plan, District Plan, National Environmental Standard or Act of Parliament.

#### **ADVICE NOTES**

- a) 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.
- b) The consent holder is advised that any discharge of stormwater and any discharge of domestic wastewater at the site must be meet the relevant permitted activity criteria of the Tasman Resource Management Plan unless otherwise authorised by resource consent.
- c) 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.
- d) The applicant is required to meet the requirements of Council with regard to all Building and Health Bylaws, Regulations and Acts.
- e) In the event of Maori archaeological sites being uncovered, the Consent Holder may be required by the NZHPT to commission a professional archaeological assessment of the site and this report to be submitted prior to building consent for the building being issued. This assessment is required to identify any archaeological sites in the area affected by the proposal and ways that the effects of the proposal can avoid, remedy or mitigate any adverse effects on known or unknown archaeological sites. The results of the consultation with NZHPT shall also be submitted to Council's Manager Resource Consents prior to any building consent being issued.

The archaeological assessment will provide an indication as to whether or not an archaeological authority from the NZHPT would be required to undertake the proposed activity on the site

f) Access by the Council or its officers or agents to the property is reserved pursuant to Section 332 of the Resource Management Act.

g) 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.

Issued this 10<sup>th</sup> day of August 2009

Cr Noel Riley

**Chair of Hearings Committee** 



#### RESOURCE CONSENT

**RESOURCE CONSENT NUMBER:** RM090131

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

#### **Combined Rural Traders Ltd**

(hereinafter referred to as "the Consent Holder")

**ACTIVITY AUTHORISED BY THIS CONSENT:** To discharge stormwater to land.

#### **LOCATION DETAILS:**

Address of property: 32 Main Road Hope Legal description: Lot 1 DP 391931

Certificate of title: 368850 Valuation number: 1943018500

Easting and Northing: 2523783E 5984438N

Pursuant to Section 108 of the Act, this consent is issued subject to the following conditions:

#### **CONDITIONS**

1. The Consent Holder shall ensure that all works are carried out in general accordance with the application and plans submitted with the application, unless inconsistent with the conditions of this consent, in which case these conditions shall prevail.

#### Advice note:

Refer to consent RM090163 for details on the storage of hazardous substances.

- 2. The primary stormwater disposal system shall not cause any damming or diversion of floodwaters that may affect adjoining properties or the Council road. To achieve this, the Consent Holder shall ensure adequate on-site disposal of roof and surface waters is provided through an appropriate stormwater drainage system.
- 3. The stormwater disposal system will be designed in accordance with Tasman District Council's Engineering Standards 2008. If the Consent Holder chooses to install a system that does not comply with Tasman District Council's Engineering Standards 2008 then written approval for an alternative design must be obtained from the Council's Engineering Manager.
- 4. Detailed engineering design of the stormwater shall be supplied with the building consent to the Council's Engineering Manager and Coordinator Compliance Monitoring for approval.

- 5. The installation of the stormwater soakage field shall be supervised by an experienced and appropriately qualified installer.
- 6. All primary stormwater flow shall be to land via soakage.
- 7. The discharge or diversion shall not cause or contribute to erosion of land, including the bed of any stream or drain.
- 8. The discharge shall not cause or contribute to any damage caused by flooding.
- 9. The quality of treated stormwater discharge authorised by this consent shall not exceed the following quality standards:
  - a) Total petroleum hydrocarbons 15 milligrams per litre
  - b) Total suspended solids 100 milligrams per litre
- 10. All systems associated with the discharge (such as the interceptors, connecting drains and soak pits) shall be maintained in effective, operational order at all times.

## **Review of Consent Conditions**

- 11. The Council may, during the month of July each year, review any or all of the conditions of the consent pursuant to Section 128 of the Resource Management Act 1991 for all or any of the following purposes:
  - 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; and/or
  - to require the Consent Holder to adopt the best practical option to remove or reduce any adverse effects on the environment resulting from the discharge; and/or
  - c) to review the contaminant limits, loading rates and/or discharge volumes and flow rates of this consent if it is appropriate to do so; and/or
  - d) to review the frequency of sampling and/or number of determinands analysed if the results indicate that this is required and/or appropriate; and/or
  - e) to require consistency with any relevant Regional Plan, District Plan, National Environmental Standard or Act of Parliament.

#### **Expiry**

12. This resource consent expires on 1 August 2034.

#### **GENERAL 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 (e.g., 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.

Issued this 10<sup>th</sup> day of August 2009

Cr Noel Riley

**Chair of Hearings Committee** 



#### RESOURCE CONSENT

**RESOURCE CONSENT NUMBER:** RM090163

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

#### **Combined Rural Traders Ltd**

(hereinafter referred to as "the Consent Holder")

**ACTIVITY AUTHORISED BY THIS CONSENT:** To store hazardous substances.

#### **LOCATION DETAILS:**

Address of property: 32 Main Road Hope Legal description: Lot 1 DP 391931

Certificate of title: 368850 Valuation number: 1943018500

Easting and Northing: 2523783E 5984438N

Pursuant to Section 108 of the Act, this consent is issued subject to the following conditions:

#### CONDITIONS

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 RM090163, including the further information supplied to the Council and dated 12 June 2009. 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

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;
  - 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 of hazardous substances in the outdoor area "loading zone" area shall be directed to an underground containment tank with a capacity of at least 2,000 litres as shown on Plan E dated 12 June 2009 (attached). The valve that redirects hazardous substances shall be easily operated by hand (i.e. shall not require any tools to operate) and shall be clearly identified by signage and in the Emergency Response Plan (see below). The paint identifying the location of the valve shall be regularly maintained.
- 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**

 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. 11. Within three months of opening for business the Consent Holder shall invite the emergency services (in particular the Fire Department) to inspect the site to ensure and maintain their familiarity with the site and the hazards present. Evidence of this invitation shall be provided to Council's Co-ordinator Compliance Monitoring as soon as is practicable.

#### **Advice Note**

Regular communication with the Emergency Services (in particular, Fire Department) is recommended to ensure and maintain their familiarity with the site and the hazards present.

- 12. 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 13.
- 13. The existing Emergency Response Plan for the McGlashen Avenue site shall be comprehensively updated for the site authorised by this consent within 1 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 16. 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 (material safety data sheets) for all hazardous substances held on site.
- 14. All staff involved in the handling and/or use of hazardous substances shall be trained in the execution of the Emergency Response Plan and confirmation of this training shall be documented in records held on site.
- 15. 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.
- 16. 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 13.
- 17. 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.
- 18. Any spillage of hazardous substances where the substance is not collected and removed from site shall be reported immediately (within 24 hours) to the Council's Co-ordinator, Compliance Monitoring. 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.

19. 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**

- 20. All products shall remain unopened and in a factory-sealed state.
- 21. 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).
- 22. All Class 5.1 materials shall be kept in dedicated isolation zones away from incompatible substances.
- 23. 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**

- 24. The Council may, during the month of July each year, review any or all of the conditions of the consent pursuant to Section 128 of the Act. The purpose of such a review would be:
  - 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;
  - c) to change the records that are required to be kept by the consent holder or supplied to the Council; or
  - 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.
- 25. This resource consent expires on 1 August 2034.

## **ADVICE NOTES**

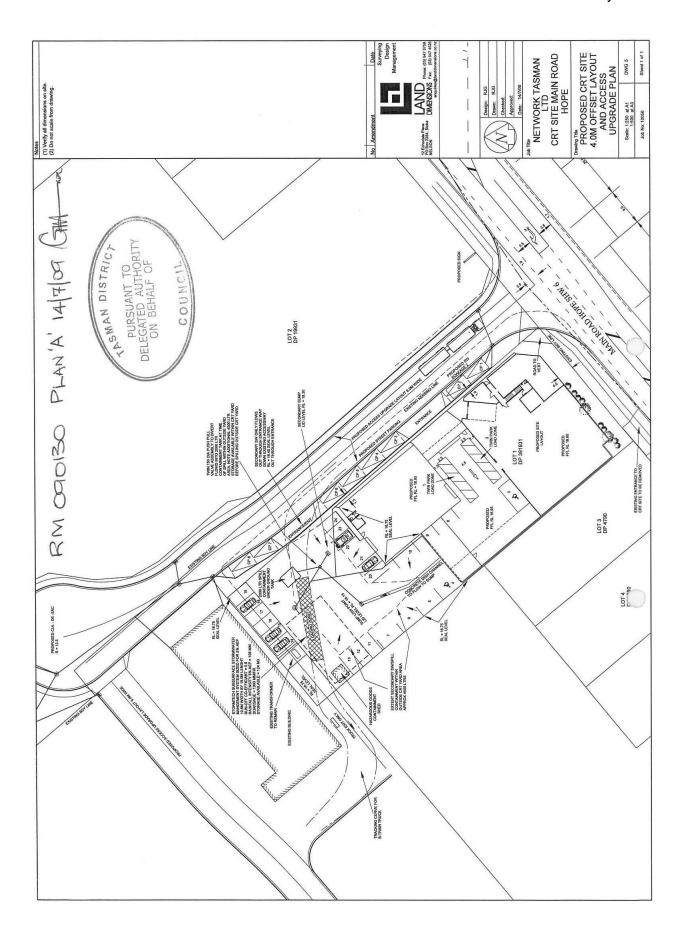
- 1. This resource consent only authorises the activity described above. Any matters or activities not referred to in this consent or covered by the conditions must either:
  - a) comply with all the criteria of a relevant permitted activity rule in the Tasman Resource Management Plan (TRMP);
  - b) be allowed by the Resource Management Act; or

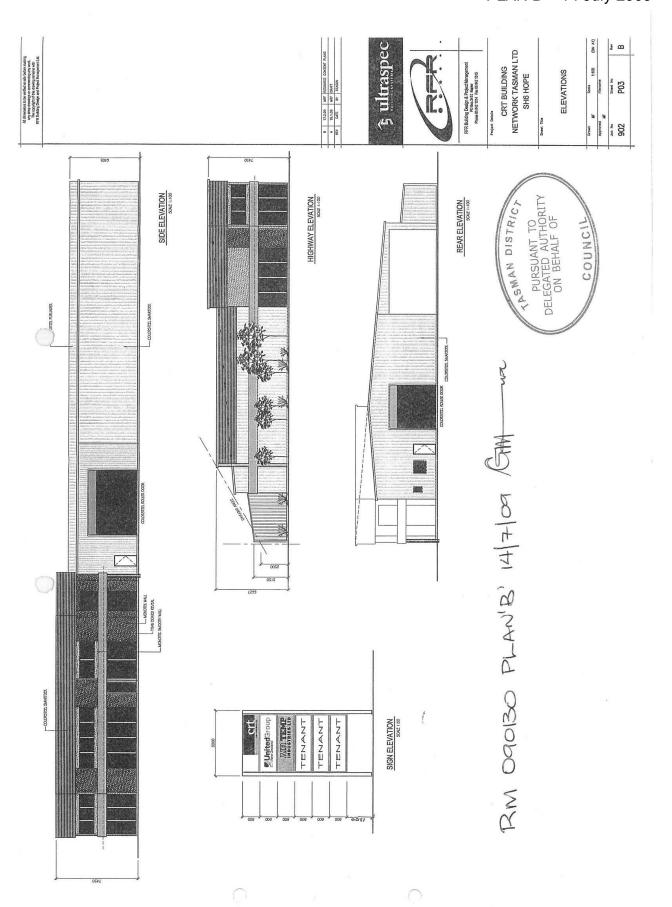
- c) be authorised by a separate resource consent.
- 2. The Consent Holder shall meet the requirements of Council with regard to all Health and Building Bylaws, Regulations and Acts.
- 3. All reporting required by Council shall be made in the first instance to the Council's Co-ordinator, Compliance Monitoring.
- 4. The Consent Holder is reminded of their obligation to comply with all relevant requirements of the Hazardous Substances and New Organisms Act 1996.

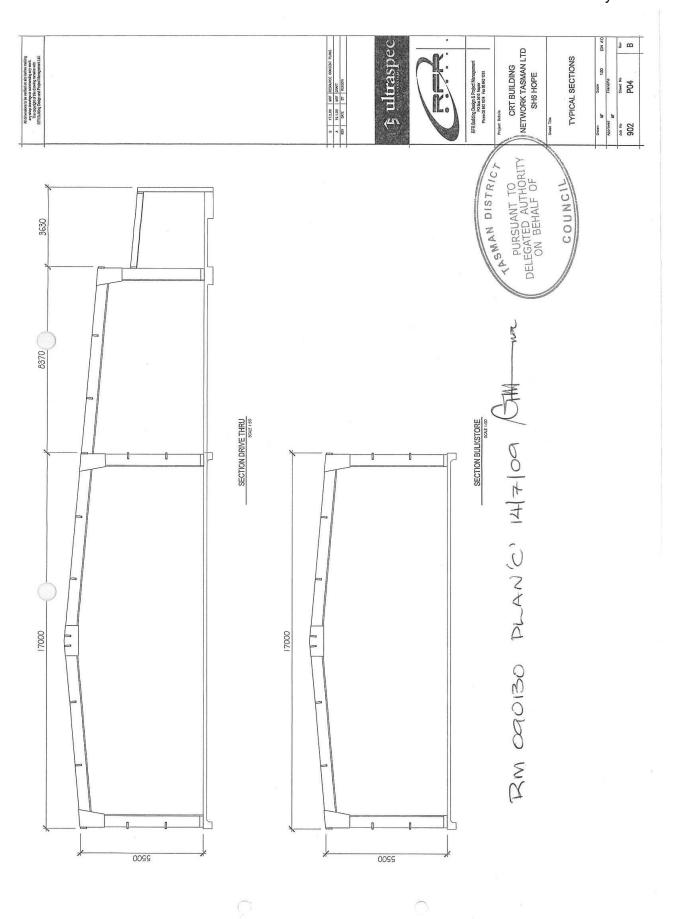
Issued this 10<sup>th</sup> day of August 2009

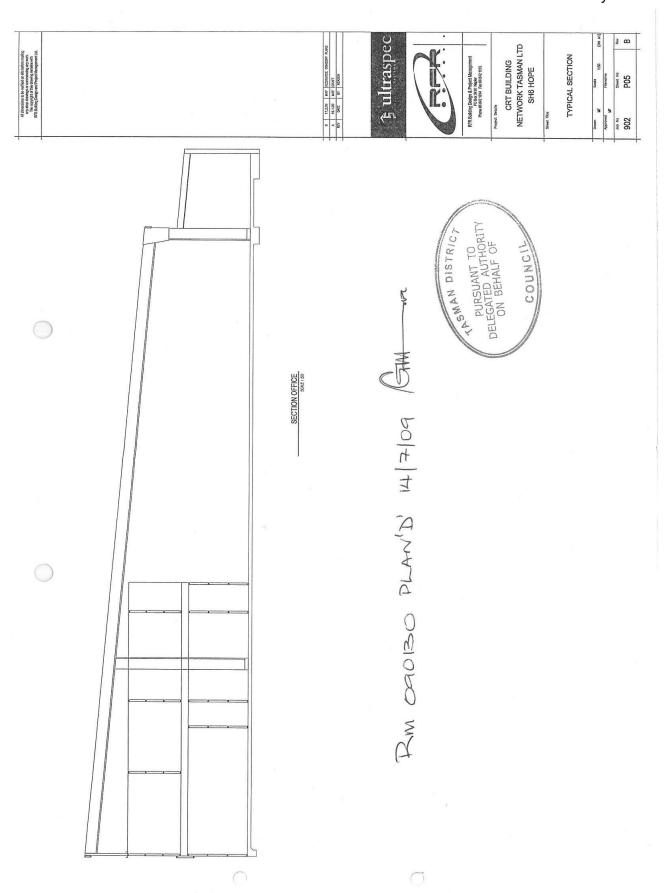
Cr Noel Riley

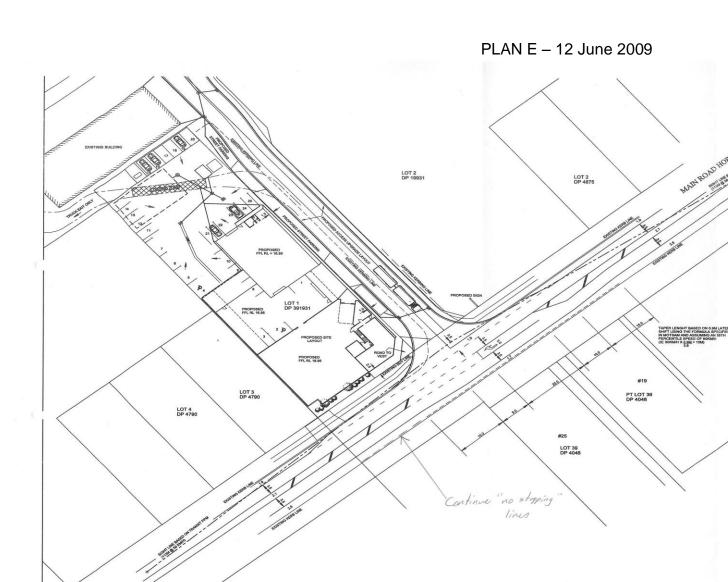
**Chair of Hearings Committee** 











Date Confirmed:	Chair: