



STAFF REPORT

TO: Environment & Planning Subcommittee

FROM: Jane Harley, Consent Planner - Land

REFERENCE: RM070555

SUBJECT: **WOODMAN AND SONS LTD - REPORT EP09/08/12** - Report Prepared for 21 August 2007 Hearing

1. PROPOSED ACTIVITY

To operate a factory and a storage and distribution business in the Rural 1 Zone.

The factory assembles a variety of wooden furniture, including cots and beds. All wood used in the factory is untreated and pre-dressed and pre-cut to length prior to being delivered to the site, however the wood is drilled, shaped, sanded, and painted as part of the on-site operations. The storage and distribution business would be for baby accessories to compliment the cot furniture manufactured on-site.

The site employs six full-time and two part-time staff. The hours of operation of the factory and distribution business are 7.30 am to 4.30 pm between Monday and Thursday (inclusive), and between 7.30 am and 3.00 pm on Fridays. Outside these hours management will undertake office duties.

2. SITE LOCATION

The property is located on Greenacres Road, North, Redwoods Valley, being the former Heatherdale Orchard packhouse. See location and site maps (Appendix 1 and 2).

The property is owned by J B Morris who leases the packhouse to the applicant.

3. LEGAL DESCRIPTION and PLAN ATTRIBUTES

The property has been subject to a recent subdivision and titles have now been issued. The land to which the application relates is legally described as Lot 2 DP 366189 with an area of 3.4798 hectares.

The property has a large packhouse facility along the eastern boundary of the site which is being used by the applicant for their joinery business. The remainder of the property contains existing dwellings, workers accommodation units and former fruit stall facilities located to the west of the packhouse.

Historically the property has been a productive apple orchard with associated dwellings, coolstore, packhouse, workers accommodation and fruit stall facilities.

Surrounding properties are either used for orchard, pastoral or residential/rural use (both larger 'lifestyle' properties as well as more urban styled ribbon residential development) that front the Moutere Highway.

3.1 Planning Map Zones / Notations

The land is zoned Rural 1 under the Proposed Tasman Resource Management Plan. This zoning is considered to be operative (as there are no outstanding appeals of relevance to this proposal), so no analysis is given of the Transitional Plan provisions.

The application is considered to be a Discretionary Activity under the relevant rules of the Proposed Tasman Resource Management Plan in that the proposal is an industrial activity, which is excluded from the Permitted Land Use activities in the Rural 1 Zone.

The Council's hazard mapping data indicates that the majority of the property is in an area that may be liable to flooding, the south eastern portion of the land being affected by the June 1980 flood and other floods such as the June 2003 Flood. The subject buildings are sited close to the Greenacres Road creek that runs the length of Greenacres Road North, which has recently been cleaned out by Sicon. The main access to the site is over a culverted bridge, shared with La Valle Vineyards who have purchased the adjoining 16 hectare block of land.

A small portion of the subject site is included in the Councils mapping of pre-1970s orchard land, possible contamination issues were addressed through the recent subdivision RM050321.

4. CONSULTATION, APPROVALS AND SUBMISSIONS

4.1 Consultation

The application stated that consultation with all neighbours to the site was proposed. The following written approvals were received by council on 26 June 2007:

Name	Legal Description	Response
Rex Krammer	Lot 3 DP 11033	Written approval
Terry Hogarth	Pt Lot 1 DP 3693 BLK I Waimea SD	Written approval
La Valle Vineyards	Lot 1 DP 366189	Written approval
John Morris	Lot 2 DP 366189	Written approval

In accordance with Section 104(3)(b) of the Resource Management Act 1991 the Council cannot consider any adverse effects on persons that would normally considered to be potentially adversely affected by a proposed activity that have given written approval to the activity.

4.2 Submissions

The application was notified on Saturday 16 June 2007, nine submissions were received five of which oppose the application, one supports the application, two were neutral and one required conditions.

A letter from the New Zealand Fire Service Commission was received and whilst the submission is neither in support or opposition, it does require compliance with the New Zealand Fire Service Code of Practise for fire fighting water supply SNZ PAS 4509:2003. The Commission wishes to reserve the right to be heard in support of their submission.

(Note: the matter raise above by the NZ Fire Service Commission is a Building Act matter that would be dealt with through the Building consent process – in addition to this resource consent process the proposed activity is also required meet the requirements of Council with regard to all Building and Health Bylaws, Regulations and Acts including any certificate of acceptance work required to meet Building Act regulations in relation to any internal works or alterations to the packhouse building.

4.2.1 Submissions in opposition are as follows:

Submitter	Reasons	Decision
Simon Godfrey Holmes	Land zoned Rural 1 not industrial; Former use of the building was horticultural not industrial; Proposal will open the door to more industrial activity in this rural residential area; Already noise and fumes, any expansion would generate more noise and fumes and traffic; Not known whether the chemicals and paints that can be smelt are harmful;	Decline Did not indicate whether they do wish to be heard at the hearing.
Cameron Jensen	Concerns regarding the noise from the dust extractor and machinery; High level of smell from paint and varnish; Operation set up without the appropriate planning approval, lack of due diligence; Rural zoning undermined by proposal; Potential for growth and additional industrial activities on this site should the activity gain approval; Traffic visibility out onto the Moutere highway; Setting precedence;	Decline Wishes to be heard at the hearing.
Michael A and Darelle M Curtis	Emanations of noise, dust and fumes Commercial activity in rural area	Decline Do not wish to be heard at the hearing.
MA and WE Holyoake	Industrial activity not permitted as of right in rural 1 zone Noise standards exceeded Issues of land fragmentation Management of Hazardous substances Rural character	Decline Do not wish to be heard at the hearing.

Submitter	Reasons	Decision
Bruce William and Helen Christie Moseley	<p>The availability of industrial land and inappropriateness of locating an industrial business in the Rural 1 zone;</p> <p>Scale of the proposal and possible expansion;</p> <p>Additional Grinding business operating from the same premises without any mention in the application;</p> <p>Noise;</p> <p>Illegal situation seeking retrospective legalisation;</p> <p>Lack of traffic information</p>	<p>Decline</p> <p>Wish to be heard at the hearing.</p>

The five submissions which oppose the application have very similar issues identified as concerns which are all commented on and assessed through the assessment of affects made later in this report.

4.2.2 Two submissions were neutral to the application

Submitter	Reasons	Decision / Wish to be heard
Gail Mason	<p>Address noise from extraction cyclone</p> <p>Address noise from with the factory</p> <p>Sort out odour</p> <p>Do not allow further subdivision of packing shed in the future</p> <p>Concerns on the proposal also included the differences in operational times between the buildings former use as a packhouse (seasonal) and a permanent industry, the future impact of allowing an industrial activity to operate in terms of subdivision and ongoing industrial use of the site.</p>	<p>To grant consent</p> <p>Wish to be heard at the hearing.</p>
Rex Krammer	<p>Not to be made a commercial area</p> <p>Get rid of the noise of dustbin extraction cyclone</p> <p>Clean cut grinder business not catered for in application but is operating</p>	<p>Neutral</p> <p>Does not wish to be heard at the hearing.</p>

4.2.3 One submission supported the application.

Submitter	Reasons	Decision / Wish to be heard
Paul Searnacke	<p>Supports the utilisation of an existing facility, it is considered to be a good use of an existing resource;</p> <p>Less traffic generated than for horticultural use;</p> <p>Higher standard of maintenance for the site than if left unused and creation of local employment.</p>	<p>To grant consent</p> <p>Did not wish to be heard – however has subsequently indicated that he now wishes to be heard at the hearing.</p>

4.2.4 Comments on Submissions

The five submissions which oppose the application have very similar issues identified as concerns and the comments here will provide a basic introduction to the assessment of affects made later in this report.

Note: submissions expressed concern relating to the additional business “Clean Cut Grinders” that appeared to be operating from the site; the applicants have since confirmed that this operation was only intermittently on the site and has now been discontinued, the only business in the packhouse is Gro-Years NZ.

The principal issues raised in submissions relate to amenity, transport, out of zone activity as well as the impact on future use of the site.

The amenity issues include adverse effects of noise and odour, adverse effects on rural and rural residential amenity and loss of general amenity through having an industrial activity in the neighbourhood. The matter of noise although having been provisionally assessed by staff prior to application being made, has since been further addressed by the applicant by removing the external cyclone and making all extraction machinery internal. The applicants propose compliance with Rural 1 noise standards for all activities on the site.

Transport concerns relate to traffic movements from employees, deliveries and furniture collection and the full time nature of these movements compared to seasonal traffic if the site was operating as a packhouse. Traffic safety concerns are addressed by Councils Engineering staff later in the report.

5. STATUTORY CONSIDERATIONS

The application is a discretionary activity in the Rural 1 Zone. As a discretionary activity the Council must consider the application pursuant to Section 104(B) of the Resource Management Act 1991.

The main matters for the Council to address in Section 104(B) are:

- Part II matters
- Objectives and Policies of the Proposed Tasman Resource Management Plan
- Adverse Environmental Effects
- Other Matters

Section 104B of the Resource Management Act 1991 (as amended) provides:

After considering an application for a resource consent for a discretionary activity or non-complying activity, a consent authority—

- (a) may grant or refuse the application; and*
- (b) if it grants the application, may impose conditions under section 108.*

5.1 Resource Management Act

Part II Matters

In considering an application for resource consent, Council must ensure that if granted, the proposal is consistent with the purpose and principles set out in Part II of the Act.

If consent is granted, the proposed activity must be deemed to represent the sustainable use and development of a physical resource and any adverse effects of the activity on the environment are avoided, remedied or mitigated. *The critical issue of this consent is whether the proposal represents sustainable use of the rural zoned land resource, whereby traffic, noise, amenity and cumulative adverse effects are no more than minor.*

These principles underpin all relevant Plans and Policy Statements, which provide more specific guidance for assessing this application.

5.2 Tasman Regional Policy Statement

The Regional Policy Statement seeks to achieve the sustainable management of land and coastal environment resources. Objectives and policies of the Policy Statement clearly articulate the importance of protecting land resources from inappropriate land use and development.

Because the Proposed Tasman Resource Management Plan was developed to be consistent with the Regional Policy Statement, it is considered that an assessment under the Proposed Plan will satisfy an assessment against Policy Statement principles.

5.3 Tasman Resource Management Plan

The most relevant Objectives and Policies are contained in: Chapter 5 "Site Amenity Effects", Chapter 7 "Rural Environment Effects" and Chapter 11 "Land Transport Effects". These chapters articulate Council's key objectives: To ensure land uses do not significantly adversely affect local character, to provide opportunities for a range of activities in rural areas and ensure land uses do not significantly adversely affect the safety and efficiency of the transport system.

The most relevant Rules which follow from these imperatives are contained in Chapter 17.4 "Rural 1 Zone Rules" and Chapter 16.2 "Transport (Access, Parking and Traffic)".

Details of the assessment of the proposed activity in terms of these matters are addressed through the assessment of actual and potential effects below and analysis and discussion on the relevant policies and objectives later in this report.

6. ASSESSMENT

Pursuant to Section 104(1)(a) of the Resource Management Act, the following effects assessment has been set out:

6.1 Permitted Baseline

Section 104(2) gives a consent authority the ability to disregard adverse effects on the environment of activities that the Plan permits, if it so wishes. This is the "permitted baseline" and can provide a yardstick for the effects that otherwise might arise.

In the Rural 1 Zone industrial and rural industrial activities are not permitted unless they fall within the scope of a home occupation. This rural 1 site has the potential for a home occupation to be undertaken by anyone who resides on the subject site. The provisions for 'home occupations' in the Proposed Plan prescribe maximum building area of 75 m² and there are controls on the maximum number of workers as well as those for signage parking and of course noise.

Home occupations that occur in Rural areas include potteries, hand crafts production and sales, food manufacturing including boutique wineries (no alcohol sales permitted), apiaries and honey-houses, small engineering workshops and visitor accommodation (bed and breakfast) for up to six guests.

The proposed activity is however be considered to have significantly greater adverse effects than a home occupation due to the scale of the business. The applicant does not reside on site, employs more than two full time staff and uses building in larger than 75 m² in area.

A matter relevant to this application that may be compared to the permitted baseline is noise effects. As discussed below in the noise assessment the applicants are confident that the noise from the factory can be managed in an ongoing manner to meet the permitted activity standards.

It should also be noted that use of the subject building as a packhouse is not a permitted activity under the Proposed Tasman Resource Management Plan, it is considered to be a rural industrial activity that also requires resource consent to operate.

6.2 Assessment of Actual and Potential Effects

Following a site visit and reviewing the applicant's further information response and consideration of the matters raised by submitters on the proposal it is clear that the adverse effects (both actual and potential) can be summarised into the following five groups:

1. Noise Effects
2. Rural and Rural Residential Amenity
3. Traffic Safety
4. Land productivity and Fragmentation
5. Precedent/Cumulative Effects
6. Contamination of floodwaters

Pursuant to Section 104(1)(a) of the Resource Management Act, the following effects assessment has been set out:

6.2.1 Noise Effects

Councils Regulatory Services Co-ordinator, David Lewis has undertaken initial noise readings. A full copy of Mr Lewis's report dated 21 May 2007 is appended to this report as appendix 3. The applicants have requested a subsequent noise reading be taken using the internal extraction system, at the time of this report this had not yet been undertaken, the results of any subsequent readings will be available at the hearing.

Mr Lewis concludes that:

The operation of the joinery factory with the cyclone going at present infringes the PTRMP Rural 1 Zone noise emission rules at the notional boundary of the nearest dwelling and is the dominant noise source up to a significant distance from the factory. Noise attenuation of the activity to produce preferably a 10 dBA reduction in noise emission level would need to be achieved to satisfy compliance with the PTRMP noise emission rules for the Rural 1 Zone and to mitigate its effect on the noise climate of this area.

Following the advertising of the Resource Consent application by the Gro-Years NZ company to use the Morris building for the manufacturing and distribution of wooden furniture, seven submissions were received that related to noise emissions. All of the submissions referred to the cyclone noise as well as some reference being made to a "high-pitched screaming" noise going on until 9.30 pm. It is believed that the latter noise would have come from the saw sharpening operation that was taking place but has now ceased.

The applicants have taken steps to reduce the noise emission levels by replacing the external cyclone with internal bag filters. Further evaluation of the amended noise climate will be made with a report tabled at the hearing. It is expected that the removal of the cyclone will result in compliance with the Rural 1 Zone rules which would be a prerequisite for any consent that may be granted.

The duty imposed by Section 16 of the Resource Management Act 1991 to adopt the best practicable option to ensure that the emission of noise does not exceed a reasonable level has to be satisfied and it is believed that the noise conditions proposed by the reporting Planner will achieve this.

6.2.2 Amenity

Whilst it is considered that under Section 6, there are no matters of national importance relevant to this application Section 7 of the Act provides for the following "Other Matters" to have particular regard to:

- The efficient use and development of natural and physical resources;
- The maintenance and enhancement of amenity values;
- Maintenance and enhancement of the quality of the environment;

Note in the above that "amenity values" means those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes and "environment means the social, economic, aesthetic, and cultural conditions which affect or which are affected by, amongst other things, ecosystems and their constituent parts, including people and communities, amenity values and all natural and physical resources.

So whilst the proposal involves the use of an existing building and the development of an activity may have benefits to local wood industries and labour markets, the activity should not be to the detriment of the environment and the amenity of the neighbourhood.

The extent to which the proposal represents efficient use and development of natural and physical resources will depend on the extent of adverse effects arising from the proposal can be avoided, remedied or mitigated having regard to the general direction afforded by the Proposed Tasman Resource Management Plan.

Rural and Residential Amenity

The amenity issues include adverse effects of noise, dust and odour and adverse effects on visual amenity and loss of general amenity through having an 'industrial site in the neighbourhood.

Currently the environment is typical of many rural settlement areas of the District being a mixture of uses including horticulture, viticulture, pastoral farming and rural residential 'lifestyle' activities together with the more urban style 'urban' ribbon residential. Including with the rural farming practices in the area include pack houses, coolstores, worker accommodation and a variety of sheds of various shapes, sizes, ages and conditions. In the subject case there will be no associated land productivity benefits and there is no essential need for the activity to be carried out in a rural area.

The proposed activities within the packhouse have potential nuisance effects on rural residential amenity, the principal effect being noise even though the permitted noise levels of the Plan are complied with as discussed previously. The applicants have made positive gestures toward mitigating the potential noise nuisance by decommissioning the extraction cyclone and propose an internal extraction unit. Other mitigation measures could be employed to provide a 'best practicable option' to reduce noise from other internal machinery in order to meet the spirit of the Act and to ensure any noise does not exceed a reasonable level.

Other matters affecting the residential and rural amenity outside of the buildings are outside storage, truck and other vehicle parking and signage.

The visual amenity is already established onsite, as the proposal involves using an existing structure, the outdoor parking and yard area were established for the packhouse facility. The site currently has significant existing outdoor storage of applebins and the landowners effects that are visible from Greenacres Road North. This outdoor area is in part visible from the adjoining vineyard site and when heading south on Greenacres Road North.

The site is generally well screened to the east by tall Pampas hedging plantings between the subject site and the road boundary. This screening would be required to be retained and maintained as part of any consent approval, and all storage restricted to within the existing building.

While the visual amenity of rural areas is considered to be high however farm buildings can be quite large and occupy 5% of land in buildings (except dwelling and greenhouses which have no limitation) and up to a maximum 2000 m² of building footprint area can be built on sites larger than 4 hectares. On the subject site of 3.4798 hectares the total area of restricted buildings (i.e. not dwellings or greenhouses) could be as much as 1700 m². Note however that the uses of such buildings would need to meet permitted activity standards.

Odour

The permitted activity standards for dust and odour (17.4.2 (c)) require that an activity shall not emit offensive and pervasive dust or odours that are discernible in a residential zone, while the subject location does not contain any nearby residential zoning, there are nearby properties that are residential in nature, and odour was raised an issue by submitters. David Lewis has provided the following comment on odour:

The proposal to raise the spraypainting booth outlets for better dispersion of the extract fumes from these booths may not adequately address the complaints of odour. This may in fact require treatment of the extracted fumes. Consequently, the offered condition of "no discernable odour beyond the boundary of the site" should be imposed on the understanding that treatment of the extracted fumes may be required for compliance.

6.2.3 Traffic

Traffic safety concerns relate to increased vehicle movements over a longer period (as appose to seasonal traffic generated by packhouse operations) and the visibility at the Greenacres Road North and Moutere Highway intersection.

Based on the information supplied with the application it would be considered that compared to a packhouse the vehicle movements would be considered to be far fewer but of course this is a year round operation as opposed to a seasonal one for orchards.

In the TRMP there are no Rules relevant to this application to control vehicle movements to and from the site.

Council's Development Engineer, Dugald Ley provided comments on the intersection via a memo, appended to the rear of this report as Appendix 4.

In addition to these Engineering comments and after further discussions with Dugald Ley regarding visibility at this intersection we concluded that potential conditions of consent could provide the required mitigation measures to achieve ongoing intersection safety in this location. These conditions would require the consent holder to:

- a) be responsible for the trimming and ongoing maintenance of vegetation on road reserve to the west of the Greenacres Road North and Moutere Highway intersection as necessary for traffic visibility.

Note: If trimming of vegetation within private property was also required to achieve the visibility the consent holder may be able to enter into private agreement with the landowner in relation to such matters.

and

- b) The consent holder shall be responsible for establishing new road markings and a "STOP" sign at the Greenacres Road North and Moutere Highway intersection. This works shall include the painting of yellow limit lines and replacement of the current Give Way sign with a Stop Sign.

Note: This is a process the applicant would go through with the Tasman District Council Engineering Department.

6.2.4 Land Productivity and Fragmentation

The subject site has been created by recent subdivision that sought to separate a large 16 hectare block of productive land from a smaller block that contains a number of farm shed, packhouse, workers accommodation and dwelling. Further Loss of productivity is not anticipated on the subject site by virtue of this activity; however establishment of non-rural activities and reliance on existing physical resources for these activities has lead to 'packhouse' subdivision application and industrial spot zoning in the past. If the granting of this consent leads to an expansion of the industrial activity on the site or pressure is applied for other similar activities either on this or neighbouring sites, the adverse effects could be significant. By comparison on-site packhouse and coolstore complexes which would be similar in area of land occupied are essential to the land based productivity and their specific use limited to permitted rural uses. There have been previous applications approved for use of redundant packhouse buildings for alternate industrial/commercial activities, each assessed on a case-by-case basis as not producing adverse effects that are more than minor.

It could be argued that use of an existing shed can have an economic benefit without loss of land based productivity as the land has already had its productivity removed. The existing packhouse on the property is a reasonably sized physical resource but with limited uses that would be ancillary to the permitted activities on the land, therefore most future uses of the building are likely to need resource consent to operate to ensure the proposed use fits in with the surrounding environment.

In my opinion this development will not jeopardise the productive potential of the land, given its existing size and nature. This is discussed in more detail through the assessment of Chapter 7 – Rural Environmental Effects in section 11.3 of this report.

6.2.5 Precedent / Cumulative Effects

The granting of a resource consent does not necessarily create a precedent by itself but all resource consents must follow consistency in the application of legal principles. Whilst no two resource consents are ever identical it can be considered that granting of one consent may well have an influence on how another application should be dealt with. If a resource consent has aspects that can clearly distinguish it from the general such that its situation and or circumstances are unique or rare then precedent is unlikely to be able to be applied. In the subject case however the writer considers that there are no unique or rare circumstances that would tend to distinguish this application from say one that may follow after to establish another industrial activity on an adjoining or nearby site. Therefore it may be considered that in granting this application it is probable (more likely than not) that other similar applications would be made on reliance of that decision.

Other cases where the Council has supported use of rural land for commercial/industrial activity have involved two key supporting factors:

1. Either the activity was intrinsically linked to the productivity of the land as in the case of coolstores and packhouses; or
2. Where the activity has not been linked to the productivity of the land, the land has already been modified by the development of yard areas and significant building infrastructures (e.g. redundant packhouses or existing industrial/commercial buildings). In those cases it has been considered that there would be no change to the productive capacity of the land and conditions have been agreed by the applicants that include the use be limited both in terms of preventing transfer in use to a successor in title, by limiting the duration of the activity to a period of up to 15 years, and ensuring the effects of the activities are either contained in the building or onsite so do not detract from the existing surrounding environment.

In this case the proposed activity is not one considered to be intrinsically linked to the productivity of the land. The proposal does use an existing physical resource, and has the ability to mitigate potential adverse affects from the activity proposed. It is acknowledged that the limited productive potential of the title (3.4798 hectares) would inhibit most permitted productive uses of the building, (i.e. by the landowner) however there are still rural productive uses that to require a physical resource such as this building, albeit through a similar resource consent process (for a rural industrial activity) that may be deemed more suitable in this location. In these circumstances it may be appropriate to stipulate a limited timeframe for which the activity can continue to make effective use of this resource without generating adverse effects on the environment.

Submissions have raised concerns regarding the precedent effect that establishing a light industry would create and that this might lead to other similar applications in the area and would thus change the rural character of the district. There is also concern that establishing an industrial activity on this site would have future implication for ongoing industrial use for other activities in this location and may lead to industrial spot zoning and expansion for other industrial activities in this location and other similar situations on the district.

It is considered that there are mechanisms that can be imposed through a resource consent to ensure that the industrial use of the packhouse be limited to the Gro-Years proposal and any future options for the site are dealt with on a case-by-case basis.

Both the application and submissions have touched on the availability of industrial zoned land. The applicants have stated in their application that they tried to secure industrial zoned land but were unsuccessful finding premises with the required floor space, within the timeframes constraints they had to relocate the business from Rangiora and at a rental that the business could sustain.

The applicants were under the assumption that the buildings prior use as a packhouse was industrial in nature and therefore this would extend to their proposal.

Submitters raised that there are still industrially zoned lease opportunities within the Nelson-Tasman Region that would be more appropriate for this business. In the subject case there is no essential need for the activity to be carried out in a rural area. A number of circumstances, as outlined above, led the applicant to choose this site and subsequently apply to operate from a Rural 1 zoned piece of land.

Submitters are also concerned with an application such as this leading to an increase in enquiries and applications of this nature because of the economic benefits associated with such a site, for example it is assumed cheaper to lease disused rural buildings than secure an industrial site.

The matter of land cost is not a matter for consideration under the Resource Management Act but it is noted as being a factor that increases pressure to use alternate land resources for activities.

Should consent be approved it would be a practical measure to limit the consent to Gro-years NZ Ltd which would ensure that future use and any subsequent proposals for this site be assessed again through the resource consent processes on their merits. It may also be practical to limited the timeframe fro Gro-years to operate from this site either in line with the length of their six year lease, or until the business is able to relocate into an industrially zoned site.

6.2.6 Contamination of Flood Water

If the application involved the construction of a new building the Council Resource Scientist - Rivers and Coast would be involved in setting an appropriate floor level to mitigate the flooding hazard. The floor level of the existing building is such that it is reasonable to assume that during a flood event water may enter the buildings. The effects of flooding however are largely likely to remain on site, with small amounts of sawdust generated its unlikely to create any cross boundary effects and the applicant has confirmed that water can not enter the hazardous facility storage shed.

7. RELEVANT NATIONAL POLICIES

There are no relevant national policy issues and the New Zealand Coastal Policy is not relevant to this application.

8. RELEVANT REGIONAL POLICY STATEMENTS

The Tasman Regional Policy Statement has been designed to be incorporated in the plan so an assessment of the plan suffices as an assessment of both documents.

9. PROPOSED TASMAN RESOURCE MANAGEMENT PLAN - POLICIES AND OBJECTIVES

Objectives in the Proposed Plan which are relevant to this matter are numerous and cover areas such as site amenity, urban and rural land issues and land transport effects.

The following Policies and Objectives have been considered relevant for this proposal:

- Chapter 5: Site Amenity Effects
- Chapter 6: Urban Environment Effects
- Chapter 7: Rural Environment Effects
- Chapter 11: Land Transport Effects

9.1 Chapter 5: Site Amenity Effects

Issues:

- (a) Provision for appropriate protection, use and development of the District's resources so that activities at one site do not adversely affect the use and enjoyment of another site, or resource.
- (c) Amenity can be compromised in site development and site use.
- (e) Safety of people, property, and resources.

Objectives	Policies
5.1.0 Avoidance, remedying or mitigation of adverse effects from the use of land on the use and enjoyment of other land and on the qualities of natural and physical resources.	5.1.1 To ensure that any adverse effects of subdivision and development on site amenity, natural and built heritage and landscape values, and contamination and natural hazard risks are avoided, remedied, or mitigated.
	5.1.4 To avoid, remedy, or mitigate effects of: <ul style="list-style-type: none"> (a) noise and vibration; (b) dust and other particulate emissions; (c) contaminant discharges; (d) odour and fumes; (e) glare; (f) electrical interference; (g) vehicles; (h) buildings and structures; (i) temporary activities; beyond the boundaries of the site generating the effect.

Objectives	Policies
	5.1.7 To avoid, remedy, or mitigate the likelihood and adverse effects of the discharge of any contaminant beyond the property on which it is generated, stored, or used.
	5.1.9A To avoid, remedy, or mitigate adverse effects of urban use and development on rural activities at the interface between urban and rural areas.
	5.1.12 To provide sufficient flexibility in standards, terms and methods for rural sites to allow for the wide range of effects on amenities which are typically associated with rural activities, and which may vary considerably in the short or long term.
5.2.0 Maintenance and enhancement of amenity values on-site and within communities, throughout the District	5.2.1 To maintain privacy in residential properties 5.2.8 To avoid, remedy or mitigate the adverse effects of traffic on the amenity of residential, commercial and rural areas. 5.2.9 To avoid, remedy or mitigate the adverse effects of signs on amenity values. 5.2.10 To allow signs in residential, rural residential, recreation and rural areas that are necessary for information, direction or safety.
5.3.0 Maintenance and enhancement of the special visual and aesthetic character of localities	5.3.2 To maintain the open space value of rural areas. 5.3.3 To avoid, remedy or mitigate the adverse effects of the location, design and appearance of buildings, signs and incompatible land uses in areas of significant natural or scenic, cultural, historic or other special amenity value.
5.4.0 Reduction of risks to public health and safety, property and the environment, arising from fire and hazardous substances.	5.4.2 Avoid, remedy or mitigate the likely adverse effects of facilities for the manufacture, storage, use or disposal of hazardous substances, on human health, other land use activities or the environment, including those effects arising from the location, design, construction or management of such facilities 5.4.4 To avoid any escape or discharge to surface water or groundwater, or drift to other property, of any hazardous substance, from within the site where it is used. 5.4.4A To require adoption of land management practices that avoid the potential for creating future contaminated sites. 5.4.4B To require the preparation of a contingency plan to avoid, remedy or mitigate any adverse effects of an emergency discharge or accidental spill of hazardous substances. 5.4.4C To encourage the reduction in the use of hazardous substances.

The following extracts from the introduction, principal reasons and explanations for Chapter 5 are considered relevant:

“Land use frequently has effects which cross property boundaries. Those effects may add to or detract from the use and enjoyment of neighbouring properties. They may also affect natural resource values, such as air and water quality, or common goods such as views or local character.

Adverse cross-boundary effects are commonly noise, dust, vibration, odour, contamination, shading and electrical interference. Amenity values such as privacy, outlook, views, landscape, character and spaciousness may also be affected.

Within a site, amenity may stem from the versatility of the site; the proportions of buildings, open space, and vegetation; provision for vehicles; the benefits of daylight and sunlight both indoors and outside.

The health and safety of people, communities and property is a significant part of site amenity, both within the site and between sites. Contaminants, including noise, and fire, hazardous substances and natural hazards, are factors in maintaining or enhancing amenity values.

The density of development influences the degree of some effects. In other cases it influences the perception of when an effect becomes adverse: for example, development at urban density produces different expectations of privacy than is achieved in rural areas.

In rural areas, adverse effects are particularly apparent between residential activities with urban amenity expectations, and the range of possible rural land uses. In urban areas, adverse effects can occur between all types of activities.”

“Subdivision and development commonly occurs at locations which share attributes valued by the community, such as sustainable management of land for rural activities and scenic or natural attractions. Continued urban development at these locations may reduce those values. Sometimes developments may provide an opportunity for more formal protection of valued features and may include other mechanisms for enhancing the environment. Policy 5.1.1 is a general policy which addresses the management of effects of change in land use in both the urban and rural environment”

“Policy 5.1.4 is intended to contain nuisance effects”

“Advertising in rural, recreation and residential areas is often a detraction from the amenity of these areas and in these areas, signs are restricted as to scale and positioning”.

“There is strong community preference to retain the residential character of residential areas. While some non-residential activities such as schools, churches and halls are complementary to that character, others are not compatible with the amenity of residential areas and should be excluded - by plan rules or by decisions on consent applications”.

“Hazardous substances present a variety of risks to people’s health and safety, and to natural resources. They need to be contained, used in prescribed ways, and any accidental spillage or release remedied according to an approved contingency plan.”
“Contaminated sites should not be used for any purpose which might release contaminants from the site, except the removal of contaminated material for disposal by approved methods. Further investigation may reveal additional contaminated sites”.

Comment

The above objectives and policies selected by the writer confirm the need to protect amenity values and whilst Chapter 5 policies and objectives cover all zones, it is clear that rural and rural/residential amenity values have to be safeguarded from adverse environmental effects.

The writer’s opinion is that site amenity will not change significantly provided that the activity is contained within the building and that the building is not changed in appearance. The applicants aim to achieve this by not adding cyclones or obvious industrial looking structure onto the outside of the building. There will be no outside storage of materials or waste and carparking will be contained in the existing yard.

While an industrial activity is not generally compatible with rural site amenity policies and objectives, in this proposal I note that the applicants are committed to managing the activity inside an existing building that is to be modified in such a way that general and neighbourhood amenities are not compromised by their joinery activity.

The applicant proposes to store a small amount of hazardous substances within a certified holding facility on the site. The applicants have stated that the facility is compliant with Council’s Hazardous Facility rule 16.7.

Resource consent is not being sought to authorise the storage and use of these hazardous substances so compliance with Council’s permitted activity requirements is required.

9.2 Chapter 6: Urban Environment Effects

Relevant Issues:

There is a limited availability of land for industrial activities where adverse effects can be adequately avoided or mitigated. Effective management of land for commercial activities minimises adverse effects on surrounding land. While there has been some small-scale tourism development in the rural area, a general dispersal of commercial activities will undermine the vitality of the District’s commercial centres. It is important to sustainably manage these centres as physical resources that are convenient, attractive and safe.

Objectives	Policies
6.4.0 Accommodation of a wide range of industrial activities in locations where adverse effects on other values and activities are avoided, remedied or mitigated.	6.4.1 To promote a form of settlement that identifies areas where industry can operate with the required services and without adverse effects on or from other activities 6.4.3 To identify areas where light industry can operate with convenient access to the transport system and without adverse effects on or from other activities. 6.4.5 To avoid a reduction of amenity standards in residential areas by industrial activities. 6.4.6 To avoid the adverse effects of industrial activities that are unrelated to the rural environment on the amenity and character of rural areas.
6.5.0 Effective accommodation of a wide range of commercial activities on appropriately located sites, including a strong, vibrant commercial focus in the main towns of the District.	6.5.2 To ensure that commercial activities operate in a manner and in a setting likely to provide a high standard of safety, amenity and efficiency.

The following extracts from the introduction, principal reasons and explanations for Chapter 6 are considered relevant:

“New residents have been attracted to the District because of its intrinsic qualities such as good climate and attractive environment”

“Industrial land is a scarce resource. Industry has specific locational requirements and the following criteria are indicative of general industry needs:

- (a) *Proximity to main access roads.*
- (b) *Adequate roading for heavy vehicles.*

- (c) *Proximity to labour force.*
- (d) *Separation from sensitive environments, including residential areas, rivers, streams, the coast and aquifer recharge areas.*
- (e) *Services such as sewer and water.*
- (f) *Flat land.*

Specific areas have been set aside for industry and this would be advantageous for industry because these needs have been taken into account.

The Council has had a wide variety of industrial zones, with some recognising specific industries - especially resource processing industries in the rural area. This Plan continues with that approach where there is a community benefit from the industry remaining in the rural area. Small-scale rural service businesses may be able to be permitted through the resource consent process in appropriate circumstances”.

“There are many sites in the rural area which contain rural industries which have had a resource processing zoning in the previous District Plan. Many are wood or gravel based industries with elements of noxiousness such as noise, dust and heavy traffic generation, which would not fit comfortably into a general industrial zone. However, the Council still wishes to maintain a minimum standard of environmental quality, so minimum standards in relation to noise, dust and landscaping apply. There are also former depots and workshops which are a physical resource that could be put to good use”.

Comment

Some of the policies and objectives regarding urban environment effects are clearly in opposition to the establishment of industrial activities outside of appropriately zoned areas and particularly avoiding residential areas. It is noted however that the Plan does acknowledge that within the rural environment processing and servicing industries and commercial activities exist. The Plan also acknowledges that former depots and workshops are a physical resource that could be put to good use under 6.4.30, principal reasons and explanation. These latter statements may support the proposal, however it is more specifically aimed at existing use and physical resources with Rural Industrial Zones in the District, where minimum standards of environmental quality are set and controlled. In regards to use of industrial zoned land for the proposed activity it has become widely known that the limited amount of industrial zoned land is becoming increasingly difficult to find available. Whilst it is acknowledged that there may be suitable sites, the availability of such sites appears to be the current problem.

Demand for more industrial and commercial zoned land is the drive behind latest Council projects such as the Richmond West development area, which plans to provide large areas of industrially zoned land, Nelson city initiatives such as the Whakatu and Quarantine estates are also seeking to meet the regional demands for industrial land

9.3 Chapter 7: Rural Environment Effects

Relevant Issues:

Tasman District's land resource is largely rural. Rural character, amenity values, and the productive use of rural land underpins the social, economic and cultural well-being of the people of the District.

The fragmentation of rural land is the progressive breaking up of land parcels through subdivision in association with subsequent land use activities such as buildings, other structures and roads. Land fragmentation may occur for a variety of reasons. While fragmentation may allow for more intensive use of rural land for soil-based and other rural activities, with resulting social and economic benefits, the principal effect of land fragmentation in the Tasman District has been the cumulative reduction in opportunities for the productive potential of land to be taken up, either within sites or over larger areas.

As new structures or services are established, the range of soil-based production activities that can be physically or economically undertaken, progressively reduces in scope. The reduction in productive potential of any land, together with the physical coverage of productive land, may reinforce the demand for further fragmentation. This effect is particularly significant for the relatively small amount of land in the District with high productive value (approximately five percent). This land is a finite resource and its loss through fragmentation is effectively irreversible.

Industrial and commercial activities in rural areas remove land from soil-based production. To date, these activities have not affected the viability of soil-based production. However, their presence can affect rural character and amenity values.

Industrial, commercial and residential activities inevitably involve buildings and services development. This development brings with it effects which can detract from the environmental quality and rural character of the areas in which they are situated or through which they are serviced. The cumulative effects of such development can be the creeping "urbanisation" of rural areas.

An important aspect of managing rural environmental effects is recognising the qualities and character of rural areas, and the legitimacy of existing established activities and a range of potential future activities which involve the productive use of the land resource.

A main issues Council has to consider is how to provide for non-soil-based production uses in rural areas, without diminishing the availability of the productive land resource and how to maintain an appropriate level of protection of rural character, ecosystems and amenity values. This proposal does not take land out of production and uses an existing physical resource that is located on land that has already had its productive potential diminished no longer used productively.

Objectives	Policies
<p>7.1.0 Avoid the loss of potential for all land of existing and potential productive value to meet the needs of future generations, particularly land of high productive value.</p>	<p>7.1.2 To avoid, remedy or mitigate the effects of activities which reduce the area of land available for soil-based production purposes in rural areas.</p>
<p>7.2.0 Provision of opportunities to use rural land for activities other than soil-based production, including papakainga, tourist services, rural residential and rural industrial activities in restricted locations, while avoiding the loss of land of high productive value.</p>	<p>7.2.1 To enable activities which are not dependent on soil productivity to be located on land which is not of high productive or versatile value.</p> <p>7.2.3 To enable sites in specific locations to be used primarily for rural industrial or rural residential purposes (including communal living and papakainga) with any farming or other rural activity being ancillary, having regard to:</p> <p>(a) the productive and versatile values of the land;</p> <p>(d) cross-boundary effects, including any actual and potential adverse effects of existing activities on such future activities;</p> <p>(g) transport access and effects;</p> <p>(h) potential for cumulative adverse effects from further land fragmentation</p> <p>(j) efficient use of the rural land resource;</p>
<p>7.3.0 Avoidance, remedying or mitigation of the adverse effects of a wide range of existing and potential future activities, including effects on rural character and amenity values.</p>	<p>7.3.1 To ensure that there is sufficient flexibility for a wide range of productive rural activities to take place, while avoiding, remedying or mitigating adverse effects.</p> <p>7.3.2 To provide for rural activities which may involve levels and types of effects, including noise, dust, smoke and odour, that may be permanent, temporary or seasonal, and that may not meet standards typically expected in urban areas.</p> <p>7.3.3 To provide for the maintenance and enhancement of local rural character, including such attributes as openness, greenness, productive activity, absence of signs, and separation, style and scale of structures.</p> <p>7.3.4 To exclude from rural areas, uses or activities (including rural-residential) which would have adverse effects on rural activities, health or amenity values, where those effects cannot be avoided, remedied or mitigated.</p> <p>7.3.5 To exclude from rural-residential areas, uses or activities which would have adverse effects on rural-residential activities, health or amenity values, where those effects cannot be avoided, remedied or mitigated.</p>

The following extracts from the introduction, principal reasons and explanations for Chapter 7 are considered relevant:

“People and communities value rural locations for purposes other than soil-based production, and where these purposes can be achieved without compromising productive values, rural character and amenity values, provision can be made for them. This objective, and associated policies, establishes a framework within which Plan provisions such as rules and zones are developed, and consent applications can be evaluated. The policy is supported by methods to encourage responsible management by resource users”.

“Rural areas are working and living environments. They also provide much of the amenity value and character of the District as a whole.

If rural character is to be protected, it is essential that productive rural activities are not overly constrained by standards and conditions based on amenity value that are set at a much higher level than biophysical necessity. Nevertheless, activities in rural areas should not involve effects that significantly adversely impact on rural character and amenity values. This set of objectives and policies aims to provide a balanced approach.

Inevitably some activities, by their scale, intensity or other effect, have the potential, individually or cumulatively, to adversely affect the environmental qualities and other aspects of the environment that this section protects. Such potential effects can be identified on the basis of activity types, and the effects of individual proposals can be evaluated through the application process”.

“The District’s diverse rural landscape, including the working rural landscape, requires careful consideration in terms of this objective whenever an activity or development is proposed that requires consent”.

Comment

Council has acknowledged the pressures and diverse usages of rural land. The Council has to constantly maintain the balance between these uses and at the same time ensure that the fundamental purpose of the Act to promote the sustainable management of natural and physical resources.

The proposed activity meets objective 7.2.1-*To enable activities which are not dependent on soil productivity to be located on land which is not of high productive value* by being located on a small holding that has already had the land taken out of production

Where a non-soil-based activity is proposed its acceptance with residential occupiers would depend on the effects of the activity. In this application the physical resource is already well established and no land will be taken out of production by locating the factory and production areas entirely within the existing building.

In my opinion this development will not jeopardise the productive potential of the land, given its existing size and nature.

9.4 Chapter 11: Land Transport Effects

Relevant Issues

The adverse effects on the safe and efficient provision and operation of the land transport system, from the location and form of development and carrying out of land use activities.

Increases in traffic volumes from adjacent land use activities that generate vehicle trips may put pressure on particular routes. Urban subdivision and development as well as rural development may increase the demand for upgrading routes, including attention to travel time and hazardous roading situations.

Policies in this section are not only about providing a safe driving environment, but also about ensuring safety for people in the environment through which vehicles are driven. Amenity in that environment is also a relevant issue.

Objectives	Policies
<p>11.1.0 A safe and efficient transport system, where any adverse effects of the subdivision, use or development of land on the transport system are avoided, remedied or mitigated.</p>	<p>11.1.1 To promote the location and form of built development, particularly in urban areas, that: (a) avoids, remedies or mitigates adverse effects of traffic generation; (c) avoids an increase in traffic safety risk;</p> <p>11.1.2 To ensure that land uses generating significant traffic volume: (a) 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; (b) are designed so that traffic access and egress points avoid or mitigate adverse effects on the safety and efficiency of the road network.</p> <p>11.1.2B To avoid, remedy or mitigate adverse effects of traffic on amenity values.</p> <p>11.1.3 To control the design, number, location and use of vehicle accesses to roads; including their proximity to intersections and any need for reversing to or from roads; so that the safety and efficiency of the road network is not adversely affected.</p> <p>11.1.4 To ensure that adequate and efficient parking and loading spaces are provided, either on individual sites or collectively, to avoid or mitigate adverse effects on the safety and efficiency of the road network.</p> <p>11.1.7 To ensure that signs do not detract from traffic safety by causing confusion or distraction to or obstructing the views of motorists or pedestrians.</p>

The following extracts from the principal reasons and explanations for Chapter 11 are considered relevant:

“Intensive traffic-generating activities such as commercial and industrial activities need convenient access to major routes. Because access causes a reduction in the carrying capacity of roads and a potential conflict with passing vehicles, the location and detailed design of access is important. Accesses that are too wide or too narrow, at a position of impaired visibility or located too close to intersections, can cause traffic conflict”.

“Adequate on-site parking is required for activities to prevent the spread of on-street parking, which can interfere with the safe operation of the transport network and property access to the network”.

“Signs adjacent to roads have the potential to cause driver distraction. Traffic signs should be easily read. To achieve the highest degree of safety, roadside information directed at road users needs to be kept to a minimum, located in positions with adequate visibility and have clear and concise messages that can be rapidly read by road users”.

Comment

The above objectives and policies identify the need to avoid conflicts with traffic having particular regard to issues of traffic safety and efficiency, including the effects on existing roading, provision of adequate parking and amenity values.

The writer’s opinion in regards to the proposed activities is that the overall activity will have no more than low traffic generating capabilities at its current capacity, that the use will generate less traffic and less heavy traffic on average than its use as a horticultural packhouse. It is the consistency that will change with this proposal because of year round occupation of the building as opposed to it being used

seasonally. The applicants have volunteered to limit access to the one shard bridge crossing from Greenacres Road.

The matter of signage has to be taken into account to ensure the policies are not compromised (although the proposed sign submitted with the application shall meet the standards for a permitted activity)

9.5 Permitted Rules

Permitted Activity Rules in the Tasman Resource Management Plan that need to be considered are those relating to transport, signage, earthworks and discharges, such rules being mostly operative.

In addition to the Plan Rules Financial Contributions and Development Contributions are applicable to development under the terms of the Long Term Community Council Plan (LTCCP). These are payable through the building consent process or invoiced upon issue of any resource consent should a building consent not be required for the activity.

The writer has checked the matters relevant to those rules and it appears that the proposal will meet the permitted activity criteria or that amendments to the proposal by use of conditions of any consent can provide those matters to come within the permitted baselines.

Transport and access issues have already been dealt with.

The proposed sign for the activity appears to be modest and shall comply with the permitted activity provisions of the Proposed Plan.

Discharges are not considered to be increased by the activity and can therefore be considered as an existing use for the purposes of discharge.

The report writer considers that the proposed activity can comply with those provisions.

10. SUMMARY

The application is a discretionary activity in the Rural 1 Zone. As a discretionary activity the Council must consider the application pursuant to Section 104(B) of the Resource Management Act 1991.

- **Part II matters** - The efficient use and development of a natural and physical resource depends on the extent of adverse effects arising from the proposal. In this case these adverse effects will meet permitted performance standards thereby the activity can be said to use an existing resource sustainably.
- **Objectives and Policies of the Proposed Tasman Resource Management Plan** - The establishment of an industry in a rural environment and with residentially used properties nearby is considered inappropriate. The Tasman Resource Management Plan provides several objectives, policies and rules that do not support the establishment of such activities in a rural zone unless the adverse effects can be mitigated so they are no more than minor.

- **Adverse Environmental Effects** – The noise, odour and dust will meet the permitted standards and the visual amenity is unaltered by this proposal. While there are concerns over the existing intersection visibility and traffic safety can be enhanced through conditions of consent and the number of vehicle movements for any activity is not restricted in the Rural Zone. The status quo for the current site is that of a large former packhouse and has a surrounding yard area that has no value for land based productivity.
- **Other Matters** – limitations on duration and non-transfer of consent is considered appropriate to ensure that any potential cumulative effects from the granting of this consent are avoided. The applicant would need to investigate alternative locations to continue the activity and following the expiry of this consent the long-term options for this property and surround would then be left uncompromised.

Section 104B of the Resource Management Act 1991 (as amended) provides:

After considering an application for a resource consent for a discretionary activity or non-complying activity, a consent authority—

- (a) *may grant or refuse the application; and*
- (b) *if it grants the application, may impose conditions under section 108.*

11. RECOMMENDATION

Subject to conditions of consent the proposal to operate a factory and storage and distribution business at Greenacres Road North be **GRANTED**.

12. CONDITIONS

Limitations of Transfer of Consent

1. The consent for the activity is personal to G and L Woodman trading as Gro-Years New Zealand. This consent may not be transferred to any subsequent owners of the subject property.

Advice Note:

Section 134 of the Act states that land use consents attach to the land and may be enjoyed by the owners and occupiers of the site, unless a consent expressly provides otherwise. This condition overrides Section 134 and this consent may only be exercised by the party stated in the condition.

General

2. The establishment and operation of Gro-Years NZ shall, unless otherwise provided for in the conditions of the consent, be undertaken in accordance with the documentation submitted with the application: *To operate a factory and a storage and distribution business in the Rural 1 Zone.*

The factory assembles a variety of wooden furniture, including cots and beds. All wood used in the factory is untreated and pre-dressed and pre-cut to length prior to being delivered to the site, however the wood is drilled, shaped, sanded, and painted as part of the on-site operations. The storage and distribution business would be for baby accessories to compliment the cot furniture manufactured on-site.

The site employs six full-time and two part-time staff. The hours of operation of the factory and distribution business are 7.30 am to 4.30 pm between Monday and Thursday (inclusive), and between 7.30 am and 3.00 pm on Fridays. Outside these hours management will undertake office duties.

Duration of Consent

3. This consent shall expire on 1 September 2013.

Advice Note:

Section 123 of the Act states that land use consents are granted for an unlimited period unless otherwise specified in a consent. This condition sets a limit on how long the consented activity may occur on the subject site. Should the Consent Holder wish to continue the activity, it must find an alternative locations and cease operations on the subject site before the date specified in this condition.

Noise

4. Noise generated by the industrial activity, as measured at or within the notional boundary of any dwelling in the Rural 1 Zone, shall not exceed:

	Day	Night
L ₁₀	55 dBA	55 dBA
L _{max}		70 dBA

Note:

Day = 7.00 am to 9.00 pm, Monday to Friday, inclusive of 7.00 am to 6.00 pm Saturday (but excluding public holidays).
Night = all other times, including public holidays.

Where compliance monitoring is undertaken in respect of this condition, noise shall be measured and assessed in accordance with the provisions of NZS 6801: 1991, *Measurement of Sound* and NZS 6802:1991, *Assessment of Environmental Sound*.

For the avoidance of doubt the a notional boundary is defined as:

- (a) *a line 20 metres from the facade of any rural dwelling that is most exposed to the noise source; or*
(b) *the legal boundary of the site of the dwelling, where this is closer to the dwelling than (a)*

5. Notwithstanding condition 4 above, the Consent Holder shall adopt the best practicable option approach to mitigate the effects of noise from the activity. The Consent Holder shall:
- Operate all noise generating machinery work inside a building;
 - Ensure that doors remain closed in the workshop during use of the machinery to reduce noise transmission;
 - Relocated the extraction unit to inside the main building by 21 September 2007; and
 - Ensure that all gaps in the packhouse walls are be sealed off by 21 October 2007 to reduce noise transmission;

Odour

6. The Consent Holder shall implement all necessary mitigation measures to ensure that, in the opinion of an Enforcement Officer of the Council, there are no offensive or objectionable odours or dust discernable at or beyond the property boundary as a result of the authorised activities.

Advice Note:

The Consent Holder may need to install odour neutralising filters on any vents or extraction units which are used to remove solvent vapours from the building(s) to achieve the requirements of this condition.

Work Practices

7. No more than ten full-time equivalent persons shall be employed in the activity.
8. Hours of operation shall only be between 7.30 am to 4.30 pm Monday to Thursday (inclusive) and 7.30 am to 3.00 pm on Fridays. No work shall be carried out on weekends or Public Holidays.

Advice Note:

This condition does not prevent management from engaging in office duties outside these times or the access to and from the property by any vehicles either returning or leaving during the weekends or public holidays.

Access and Parking

9. Access to the Workshop shall be limited to the existing shared access crossing from Greenacres Road North only. No access shall occur to and from the Moutere Highway.
10. Access into the property, including vehicle parking and manoeuvring areas, shall have an all-weather, dust free surface.
11. A minimum of 10 car parks and one heavy goods vehicle (HGV) spaces shall be provided for the activity. Each car park and the HGV park shall be so formed to an all weather, dust free surface and clearly marked on the ground as to ensure users are able to park their vehicles in an efficient and orderly manner.

Greenacres Road North and Moutere Highway Intersection

12. The Consent Holder shall be responsible for the trimming and ongoing maintenance of vegetation on road reserve to the west of the Greenacres Road North and Moutere Highway intersection as necessary for traffic visibility.
13. The Consent Holder shall be responsible for establishing new road markings and a "STOP" sign at the Greenacres Road North and Moutere Highway intersection. These works shall include the painting of yellow limit lines and replacement of the current Give Way sign with a Stop sign.

Advice Note:

The consent holder shall undertake consultation with Tasman District Councils Engineering Department in relation to this road marking process.

Hazardous Substances

14. No hazardous substances other than those described in the application shall be stored on-site.

Advice Note:

The Consent Holder must comply with the permitted activity requirements for the storage and use of hazardous substances on the site (Chapter 16.7 of the proposed TRMP) unless the activity is otherwise authorised by resource consent. The Consent Holder is also reminded of their obligation to comply with all relevant requirements of the Hazardous Substances and New Organisms Act, 1996.

Should storage of such substances exceed an effects ratio of 0.5, calculated in accordance with Schedule 16.7b of the Proposed Tasman District Plan, for either fire/explosion, human health or environment, a resource consent will be required.

Waste

15. All solid waste material shall be contained initially internally on site and then transferred to a facility approved by Council for recycling and/or disposal. All untreated sawdust generated onsite shall be retained and disposed of on the subject title by mulching/composting.
16. Domestic wastewater shall be discharged through the existing septic tank and wastewater disposal field. The Consent Holder shall maintain the wastewater treatment and disposal system.

Amenity

17. There shall be no outdoor storage of plant, materials or waste.
18. The onsite pampas grass vegetation along the eastern property boundary shall be retained and maintained to provide screening of the operation from Green Acres Road.

Signage

19. The sign erected for identification of the business shall be maintained in accordance with documentation submitted with the application.

Review

20. That pursuant to Section 128(1)(a) and 128(1)(c) of the Resource Management Act 1991, the Consent Authority may review any conditions of the consent within twelve months from the date of issue and annually thereafter for any of the following purposes:
 - a) to deal with any adverse effect on the environment which may arise from the exercise of the consent and which it is appropriate to deal with at a later stage; or
 - b) to deal with inaccuracies contained in the consent application that materially influenced the decision made on the application and are such that it is necessary to apply more appropriate conditions; or
 - c) to assess the appropriateness of imposed compliance standards, monitoring regimes and monitoring frequencies and to alter these accordingly;
 - d) to review the noise limits specified in Conditions 4 and 5 of this consent should these be deemed to be inappropriate.

Advice Note:

Condition 20(d) allows the Council to review the noise limits specified in Conditions 4 and 5. Such a review may take place where the Council has received complaints from members of the public but monitoring has shown that the noise limits are being complied with but are considered to be unacceptable.

ADVICE NOTES

Council Regulations

1. The Consent Holder shall meet the requirements of Council with regard to all Building and Health Bylaws, Regulations and Acts.

Proposed Tasman Resource Management Plan

2. Any activity not referred to in this resource consent must comply with either: 1) a relevant permitted activity rule in the Proposed Tasman Resource Management Plan (PTRMP); 2) the Resource Management Act 1991; or 3) the conditions of a separate resource consent which authorises that activity.


Development Contributions

3. The Consent Holder is liable to pay a development contribution in accordance with the Development Contributions Policy found in the Long Term Council Community Plan (LTCCP). The amount to be paid will be in accordance with the requirements that are current at the time the relevant development contribution is paid.

Council will not issue a Code Compliance Certificate or certificate of acceptance until all development contributions have been paid in accordance with Council's Development Contributions Policy under the Local Government Act 2002.

Monitoring

4. Monitoring of the consent is required under Section 35 of the Resource Management Act 1991 and a deposit fee is payable at this time. Should monitoring costs exceed this initial fee, Council will recover this additional amount from the resource consent holder. Costs are able to be minimised by consistently complying with conditions and thereby reducing the frequency of Council visits.



Jane Harley
Consent Planner, Land

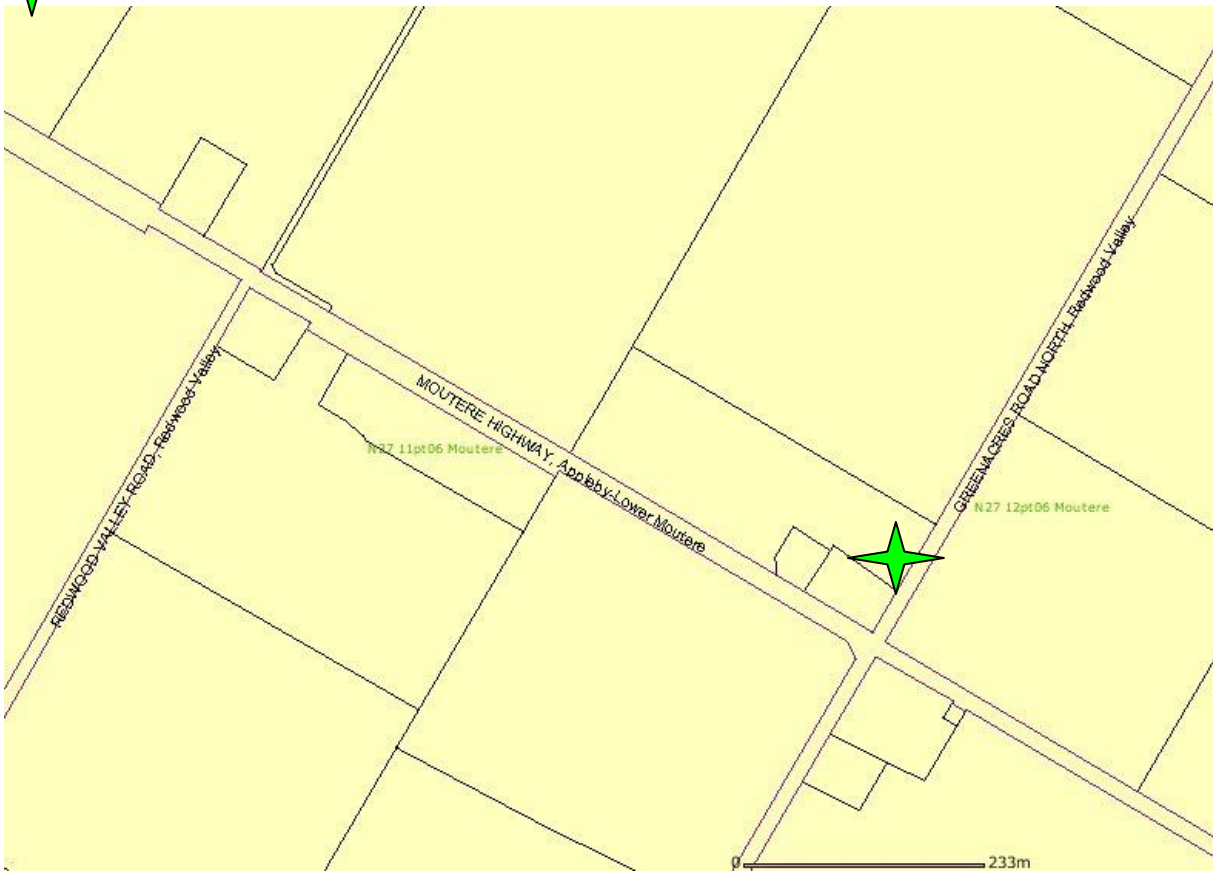
Appendices

1. **Location Plan**
2. **Plan showing Rural 1 Zoning and land Parcels in relation to Gro Years application site**
3. **Noise Survey Report dated 21 May 2007 - David Lewis**
4. **Memo from Dugald Ley, Council Development Engineer regarding Green Acres Road and Moutere Highway intersection and photographs**
5. **Site photographs**

Location Plan
Gro-Years Site, Greenacres Road North



Plan showing Rural 1 Zoning and land Parcels
Gro-Years Site, Greenacres Road North



Noise Survey Report dated 21 May 2007 - David Lewis

1938085200

REPORT REGARDING WOODMAN'S JOINERY, GREENACRES ROAD, REDWOOD VALLEY

INTRODUCTION

At the request of the Woodmans, a survey was made of the noise emissions from their joinery operations in the fruit packing shed on the Morris property, Greenacres Road, Redwood Valley. Two measurement points were used, with the first being on the boundary (notional boundary) of the Hogarth property to the immediate south of the packing shed and some 5 metres away from the shed (Site 1). The second was at the road boundary outside the dwelling on the Kenzia Systems Ltd property to the north-east and some 140 metres away from the packing shed (Site 2). A further observation was made at the northern end of Greenacres Road, which was some 590 metres distant from the packing shed but no noise from the joinery workshop could be detected above the background noise and so no noise measurements were made.

The noise output from the joinery operations was completely dominated by an external elevated cyclone used for the collection of sawdust. This cyclone is not used constantly and without its use a reasonable noise climate was experienced.

EQUIPMENT USED

Meter used:	Rion NL-18 Precision Integrating Sound Level Meter, serial number 00360034
Calibration date:	6 April 2007 (Rion Service Centre Co Ltd)
Acoustic calibrator:	Bruel & Kjaer type 4230, serial number 1206832
Calibration date:	22 June 2006 (ECS Ltd)
Anemometer:	Lutron AM-4203

A microphone wind shield was used for the duration of the survey and the meter was calibrated prior to and following the noise measurements.

The weather conditions were eight-tenths cloud (high overcast), 17°C, with a north-west breeze of approximately 4 metres per second.

RESULTS

Two measurements were taken at each site, with the first being of the noise climate without the cyclone operating and the second was with the cyclone. The results (expressed in "A" weighted decibels – dBA) and comments are as follows:

Site 1

The noise climate at this site was, without the cyclone operating, dominated by traffic on the Moutere Highway and birds. Joinery workshop noise that was audible consisted of occasional thumps, a low frequency pulsing noise, compressed air escape and a higher pitch machine. Traffic noise from vehicles on the Moutere Highway adjacent to the properties was omitted from the measurements. The cyclone, when turned on, dominated the noise climate at this measurement site, along with traffic noise.

	Without Cyclone	With Cyclone
Time	2.05 pm	2.37 pm
Measurement period	5 minutes	5 minutes
L _{eq}	48	60
L _{max}	66	65
L _{min}	40	55
L ₁₀	51	61
L ₉₅	42	59

Site 2

The noise climate at this site was dominated again by traffic noise from the Moutere Highway, as well as rustling leaves from an adjacent shelter belt and birds. The only noise discernible without the cyclone operating was that of a very faint whine from the air compressor, whilst the cyclone became dominant when operating.

	Without Cyclone	With Cyclone
Time	2.17 pm	2.27 pm
Measurement period	5 minutes	5 minutes
L _{eq}	46	49
L _{max}	56	56
L _{min}	38	44
L ₁₀	48	50
L ₉₅	41	46

COMMENT

The noise emissions from the factory operation without the cyclone operating complied with Council's Proposed Tasman Resource Management Plan (PTRMP) emission rules at both sites for daytime levels (55 dBA L₁₀). At Site 1, because of the predominance of the road traffic noise, the actual joinery operation's noise levels can be taken as the minimum noise levels (L_{min}) of 40 dBA rather than the L₁₀ level of 51 dBA. Whilst at Site 2, the traffic and wind noises dominated the noise climate, with little or no effect from the operation of the joinery workshop without the cyclone operating.

The cyclone operation completely changed the noise climate by making it the dominant noise source. At Site 1 it can again be assumed that the joinery noise equated to the L_{min} and, in this case, 55 dBA. However, because of the tonal components associated with the cyclone noise, a penalty of 5 dBA would have to be added to this level in accordance with the New Zealand Standards on the measurement and assessment of sound. This would make the noise level 60 dBA, which is 5 dBA above the noise emission rule required by the PTRMP.

With the cyclone operating at Site 2 an L₁₀ of 50 dBA was achieved and, with the addition of the 5 dBA penalty, this would just comply with the noise emission rules.

Consequently, the operation of the joinery factory with the cyclone going infringes the PTRMP noise emission rules at the notional boundary of the nearest dwelling and is the dominant noise source up to a significant distance from the factory. Noise attenuation of the cyclone's operation to produce preferably a 10 dBA reduction in noise emission level would need to be achieved to satisfy compliance with the PTRMP noise emission rules and to produce a reduction of its effect on the noise climate of this area.

D R Lewis
Co-ordinator, Regulatory Services

Memo from Dugald Ley, Council Development Engineer.

To: Jane Harley, Consent Planner – Land
From: Dugald Ley, Development Engineer
Date: 7 August 2007
Reference: RM070555 – Location Greenacres Road North
SUBJECT: **APPLICATION - ESTABLISH AND OPERATE A FACTORY MANUFACTURING AND DISPATCHING BABY FURNITURE ON A WHOLESALE BASIS**

1. INTRODUCTION

This application is to establish the above activity on Greenacres Road North end.

2. BACKGROUND

Greenacres Road is an Access Place and has a 15 metre legal width with a 6 metre unsealed carriageway. The road carries some 80-100 vehicles per day and exits on to the Moutere Highway with a Give Way sign and painted limit lines.

The attached photos show the view in both east and west directions at approximately vehicle driver eye height and some 2 metres back from the limit lines. Sight distance requirements for a local Access Place on to an Arterial Road, i.e. 100 km/hour requires 250metres of clear sight distance. Clearly this is not met in a westerly direction.

The applicant via Jane Hilson was advised of this in an email of 8 June 2007 and Nigel McFadden mentions 30 July 2007 that “Council could authorise our client to cut and/or trim vegetation such as pampas grass on the northern side of Greenacres Road”. However, it is not clear that this alone will mitigate lack of sight distance issues. The vegetation clearance may also be needed on the adjoining property which is not owned by the applicant.

The basic principles for intersection visibility are to:

1. Assess the inter-visibility between vehicles as they approach the intersection, and
2. Visibility from the stop position.

It is my view that the present Give Way intersection together with the trimming of grasses on road reserve will not achieve the required intersection standards.

3. RECOMMENDATION

Until the existing vegetation on the Moutere Highway frontage road reserve west of Greenacres Road and possibly on a third party’s land has been removed, then an assessment of the resultant intersection sight distance cannot be carried out and therefore I cannot advise on any conditions or otherwise for this application.

Dugald Ley
Development Engineer

Greenacres Road North Intersection – Photo a) facing East - Photo b) facing west



5. Site Photographs



a) Photo showing the subject building, formally used as a packhouse



b) Photo looking south down Greenacres Road North, shows the existing vehicle crossing bridge, established Pampas Hedging and the subject building seen behind the apple bins.