

14 March 2022

Tasman District Council  
Attn: Paul Gibson  
[paul.gibson@tasman.govt.nz](mailto:paul.gibson@tasman.govt.nz)

Dear Paul,

**Further Information Response and Addendum to Application and AEE  
Ruru Building Limited: RM210785 & RM210786**

Please find enclosed the applicant's formal response to your further information request (FIR) dated 11 October 2022. As agreed on 14 February 2022, this information has been provided prior to the 15<sup>th</sup> of March 2022.

This response also serves as an addendum to the application for resource consent dated August 2021. As set out below and in the documents attached, this further information has resulted in amendments to the proposal while also providing a more comprehensive technical analysis.

Noise

The FIR sought information under items 1-6, related to the Marshall Day assessment provided within Attachment D of the AEE. This further information has been provided within the revised Marshall Day Noise Effects Assessment (dated 7 March 2022).

With the significant extra work that was requested and now completed and amendments to the proposal as outlined in the enclosed documents we are pleased to report that the application *fully complies* with the permitted activity standards of the TRMP. As a matter of best practice however, and in satisfying Section 16 of the Act, the applicant has volunteered a Noise Management Plan and also a set of volunteered consent conditions.

By way of further reassurance, I note that Rule 17.5.2.2 of the TRMP expressly allows a home occupation that could include workshops, auto repair on panel beating that would emit "non-rural" noises of similar character and intensity to the proposed activity. It is my view that such a home occupation would be a non-fanciful use of this site and therefore it would be appropriate in this situation to disregard any noise effects as part of the "permitted baseline".

Even if the permitted baseline is not applied, it is my view that, given the assessed compliance with the noise performance standards, the actual and potential noise effects of the activity will be less than minor and therefore:

- The overall noise effects of the proposal on the environment cannot be more than minor; and

- There will be no noise effects on any property or persons that could reasonably be considered as minor or more than minor (as they would be “less than minor”).

Of course these conclusions are reinforced by the permitted baseline, which enables any residual effects to be disregarded, resulting in no effect over and above that baseline, both on other persons and overall.

### Flood Hazard

Item 7 of the FIR sought a specialist assessment of risks from flooding. As such the applicant has commissioned and provided a flooding assessment from Envirolink (Reference J000364-LET-001-C).

Envirolink are suitably qualified in the field of flooding assessments. Following the Envirolink advice, the application has been amended to provide gaps (minimum 3m) in the bunds to enable the unobstructed passage of surface water. Please also refer to the amended application plans attached showing the amended proposal.

The Envirolink assessment is that, with the amended proposal which incorporates the recommended mitigation measures, there are no material flooding effects on adjacent properties. The actual and potential flooding effects are therefore considered to be less than minor. Notably, the effects of flooding relate to the 1% rain combined with a 2% probability of the stop bank failure.

This confirms that the proposal has no flooding effects on other persons that would be above the “less than minor” threshold. There is also no reasonable prospect of any “minor”, let alone “more than minor flooding effects” and also is appropriate when assessed against the relevant objectives and policies applying to flood hazard.

Given the above, it is considered that activity does not trigger the need for resource consent approval under Chapter 36.4 of the TRMP.

### Obstacle Limitation Surface

Item 8 and 9 seek further information under the heading of Obstacle Limitation Surface. Please refer to the specialist report from Mike Haines Aviation Limited (dated 28 October 2022), along with the supporting email correspondence from Newton Survey and also that from the Civil Aviation Authority.

This assessment concludes that this amended proposal would have no impact whatsoever on aircraft activity. In view of this, it is my opinion that, with the provision of this information:

- The TDC now has sufficient information regarding the effects on aviation and the aerodrome to determine the application;
- It is also established that the actual and potential effects on aviation must be less than minor and therefore the aviation-related effects of the proposal:
  - On the Motueka Aerodrome (or any other person) nil and in any event must be “less than minor”; and
  - On the environment cannot be more than minor.

## NES-CS

Item 10 of the FIR sought a sworn statement from the previous owner. This has been obtained in the form of the attached Affidavit of Philip Smith (dated 20 December 2021). Give this confirmation of the assessment previous provided in the original application submitted, we stand by our assessment that 54 Green Lane is not “a piece of land”: for the purposes of Regulation 6 of the NESCS. I therefore confirm that, using the approach set out in Regulation 6 NESCS, 54 Green Lane, not being a “piece of land”, is not a “piece of land” to which Regulation 5(7) NESCS applies.

## Stormwater

Items 11 and 13 of the FIR sought “further detail” on the management of stormwater as addressed in Attachment F of the application. Please refer to the updated stormwater assessment from Gary Stevens Consultant (dated 28 February 2022). This updated information demonstrates that the proposal is to appropriately manage stormwater on site, with expert advice taken to ensure the system is designed to cater for the site and specific proposal. This confirms that any effects of the proposal are appropriately managed on site so that there are no adverse stormwater effects beyond the property boundary. As such there are no adverse stormwater effects on other persons that are not “less than minor” and the overall stormwater effects cannot be more than minor. They are therefore appropriate when assessed against the relevant objectives and policies applying to stormwater.

Given the above, it is considered that activity does not trigger the need for resource consent approval under Chapter 36.4 of the TRMP.

## Hazardous Substances

Item 12 of the FIR sought information on hazardous substances. Please refer to the Hazardous Substances Inventory List (dated 22 January 2022) attached.

Hazardous substances are all stored in accordance with current Health and Safety and Hazardous Substances requirements. This involves storage (shipping) containers above ground level and so pose no risk to stormwater / groundwater. Incompatible substances will be stored separately in different containers as indicated in the site plan.

The types of substances stored and used on site are almost all related to the activity of painting, so include paints, and associated cleaners. There is also a very low volume of diesel and petrol stored, being well within the permitted activity standard provided for in Chapter 16.7.2.1 of the TRMP. The types and volumes of substances stored are consistent with what could occur as of right under a permitted use of the site. As such there are no hazardous substance-related adverse effects associated with the proposal that need to be considered as part of this application. The applicant can show that all permitted activity conditions for the use or storage of hazardous substances can be met.

## Transport

For completeness, and in recognition that the proposal has been amended to address the full range of actual and potential effects, an addendum report from Traffic Concepts has also been provided. See Transport letter dated 9 March 2022.

Traffic Concepts has reassessed the proposal and reported that the changes are positive, on top of the effects of the original proposal being less than minor in any case.

#### Relevant Objectives and Policies

Section 6 of the original application contains an assessment of the relevant objectives and policies. For the reasons outlined above, the changes made to this proposal have only improved the sustainability of this proposal and the further technical assessments provided reinforces this further, thereby rendering the application more consistent with the relevant provisions.

Please contact me if you have any queries.

#### Conclusion

Given the amendments of the proposal, the further mitigation put forward and the added confidence as to the level of actual and potential effects provided by the additional information now provided, I consider that:

- The TDC now has all the information it would reasonably require understand the actual and potential effects of the proposal. It therefore has sufficient information in order to determine the application;
- That information shows that, as now amended and with the mitigation proposed:
  - Both the overall actual and potential effects of the proposal on other persons will be less than minor;
  - As a result, I consider that the actual and potential effects of the proposal:
    - Will not be more than minor overall (but will be less than minor);
    - Will be less than minor on other persons:
  - Will, for the reasons set out in the original AEE, which are strengthened by the amendments and further technical details, be consistent with the applicable objectives and policies.

I confirm that I consider it would be helpful if the applicant's director, legal counsel and I were to meet with you to explain the further information provided.

Yours sincerely,



Mark Lile

**Landmark Lile Limited**

*Resource Management Consultancy*