



Tasman Resource Management Plan

**Private Plan Change 70:
Network Tasman**

Decision Report

Pursuant to Clause 10 and 29(4) of the
First Schedule of the Resource Management Act 1991

17 October 2020

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1.0 Introduction

This report provides the decision of Tasman District Council (Council) for Plan Change 70 – Network Tasman, a private Plan Change request made by Network Tasman Ltd. The decisions on the Plan Change and reason for those decisions can be found in Section 6 of this report. The Section 32AA further evaluation report is included in this document and can be found in Section 5.1.1. The specific changes to the Tasman Resource Management Plan (TRMP) arising from this Plan Change can be found in Appendix 1: Schedule of Amendments.

2.0 General-Timeline

- 2.1 The Hearing Panel undertook a site visit on the 19 July 2020.
- 2.2 The Hearing Panel consisted of Cr Maling (chair) and Crs Bryant and Turley.
- 2.3 The hearing was held at the Tasman District Council chambers on 22 July 2020, 9:30 am.
- 2.4 Present for the requester: N McFadden, V Woodbridge and G Clark.
- 2.5 Submitters present: M Laurensen (for Z Energy).
- 2.6 Council officers present: T Bray and D Ley.
- 2.7 The deliberations were held on 22 July 2020 following the hearing.
- 2.8 The recommendations of the Hearing Panel were finalised on 15 September 2020 and approved by Strategy and Policy Committee on the 1 October 2020.

3.0 Decision Overview

Having had regard to the issues raised by the Plan Change requester, submitters, evidence presented at the hearing and statutory requirements (including the further evaluation under Section 32AA of the RMA), the decision of Council regarding the Plan Change request is to **Approve with Modifications**. The specific changes to the TRMP arising from this Plan Change are shown in Appendix 1: Schedule of Amendments. A summary is provided below in Table 1.

Table 1

Decision (in brief)	Detail
Amend TRMP maps 23, 127, 128 to give effect to the Plan Change	Accept -Consequential amendment arising from the decision to approve the plan change with modification
Insert new definition for Equivalent Car Movement	Accept with modification of the proposed text and location of the text.
Amend rule 17.5.2.1 to add a references to the legal descriptions of the subject site in the activity conditions, so to ensure that Schedule 17.5A applies.	Accept proposed wording with minor wording modifications.
Amend Schedule 17.5A by adding a reference to the legal descriptions of the subject site to the Schedule	Accept the proposed wording with minor wording modifications.
Amend Schedule 17.5A by inserting a new activity condition regarding vehicle access.	Accept with modifications to the wording proposed.
Amend Schedule 17.5A by inserting a new activity condition regarding Wastewater Disposal and Stormwater	Accept the wording as proposed

Decision (in brief)	Detail
Amend Schedule 17.5A, matters of control relating to building appearance.	Accept the wording as proposed
Amend Schedule 17.5A, matters of control regarding review of conditions in relation to traffic effects.	Accept the wording as proposed
Insert New Restricted Discretionary Activity regarding effects of vehicle access	New provision, modification of wording proposed through hearing evidence.

When considering a private plan change request under clause 29 of the RMA, the Council is required to consider the request in its entirety and is not restricted to considering just those matters raised in submissions. In this regard, the scope for making modifications to the Plan Change are far broader than would ordinarily occur if the Plan Change was proposed or adopted by Council.

After considering the recommendations of the Hearing Panel, the Strategy and Policy Committee made the decision to accept the majority of the changes proposed in the Plan Change with several minor modifications and consequential amendments to the proposed wording. As a whole, the submissions, section 42A report and evidence raised few, if any concerns, regarding the majority of the changes proposed.

The single area of contention involved the potential traffic effects arising from the change in land use. Significant amounts of evidence was provided regarding this matter and after careful consideration of all evidence, the decision was made to accept the proposed wording, with a number of more substantive modifications to both the wording and provision framework.

In addition to the matters raised in the submissions, a new restricted discretionary activity provision was proposed through the hearing evidence to address circumstances where the controlled activity conditions regarding traffic were exceeded. That request was considered, accepted and has been included in the decision.

A number of additional minor and consequential amendments were also made regarding the issue of traffic effects to better give effect to the overall decision or to improve the clarity of the provisions.

4.0 Background

4.1 The Plan Change Request

On 29 March 2019, Network Tasman Limited lodged a plan change request with Tasman District Council. The Plan Change seeks to include additional land (68 Main Road, Hope) within Schedule 17.5A of the Tasman Resource Management Plan (TRMP) and amend several activity conditions and matters within Schedule 17.5A. The site subject to the Plan Change is shown in yellow below and adjoins the current Schedule 17.5A site shown in red.

Following consultation with Iwi and residential neighbours (no issues raised) and a request for further information, an amended Plan Change was lodged with Council on 8 August 2019. Under delegated authority, the Environment and Planning Manager made the decision on 9 August 2019 to **Accept** the amended Plan Change request and to proceed to public notification.

The Plan Change was notified on 17 August 2019, with the submission period closing on 16 September 2019. Within this time, two submissions were received. One each from Z Energy (for Caltex) and New Zealand Transport Authority (NZTA). NZTA provided a neutral submission and Z Energy requested amendments. Z Energy requested to be heard at the Hearing.

Table 2 – Summary of Plan Change Request Amendments to the TRMP

Amendment Request	Detail
Amend TRMP maps 23, 127, 128	Land area subject of Schedule 17.5A overlay.
Amend rule 17.5.2.1	Add reference to the legal descriptions of the subject site in the activity conditions, so to ensure that Schedule 17.5A applies.
Amend Schedule 17.5A, scope	Add reference to the legal descriptions of the subject site to the Schedule.
Amend Schedule 17.5A, activity conditions	Amend activity conditions as they relate to stormwater management and vehicle access
Amend Schedule 17.5A, building construction	Amend building activity conditions to address wastewater and stormwater management.
Amend Schedule 17.5A, matters of control	Amend matter relating to building appearance, review of conditions with regard to traffic safety and effects of trip generation from activities.

The *Summary of Decisions Requested* was publicly notified on 28 September 2019, with the further submission period closing on 14 October 2019. No further submissions were received.

Pre-hearing discussions took place between the requestor and the two submitters between October 2019 and February 2020. A number of changes to the Plan Change were suggested through and following the discussions.

4.2 Site and Locality

The land subject to the Plan Change is located at 68 Main Road Hope (see below). The land consists of Lot 1 DP 20392 and Lot 1 DP 19736 and they are both owned by Network Tasman Limited.



Figure 1: Site subject to the PPCR (identified in yellow) and surrounding area

The site is 9778m² in size and the land is zoned Rural 1. The site prior to purchase by Network Tasman was used for residential purposes, storage of silage & bark, farm equipment and as a truck depot.

Access to the site is by way of direct access from State Highway 6 via crossing point CP68B and through a right-of-way located between the Caltex fuel stop and Nelson Automotive Solutions (garage). The site of the Plan Change adjoins Schedule 17.5A site (also owned by the requestor), the Great Taste Trail/vineyard, a container storage business and two residential houses.

5.0 Statutory Context

5.1 Introduction

The Resource Management Act 1991 (RMA) provides the statutory framework for decision-making on private plan change requests. Once a request for a private plan change has been accepted by Council under clause 25(2)(b), Part 1 of the Schedule 1 applies. After considering a plan change, clause 29 of the Schedule 1 allows Council to decline, approve or approve with modifications the Plan Change and give reasons for its decision.

Tasman District Council has delegated the authority to make decisions on plan changes to the Strategy and Policy Committee and by resolution on the 1 October 2020 the Strategy and Policy Committee accepted the recommendations from the Hearing Panel and approved notification of this decision.

The following documents have been considered in making this decision and due consideration and weight has been given to the various provisions. The key provisions are detailed below.

5.1.1 Resource Management Act 1991

In particular:

Part II

Section 5 — The Plan Change is likely to result in the establishment of future activities with effects associated with a light industrial/commercial land use at the periphery of the Richmond township. Potential adverse effects include an intensification of buildings and structures with visual amenity effects, increased traffic, noise effects, and character and amenity impacts. Positive effects include the use of land for people and communities to provide for social and economic well-being and establishing additional land area for light industrial/commercial land use at the periphery of the Richmond township. The efficient use of land that is in keeping with the existing character and proposed long-term use of the environment is a potential positive effect of the Plan Change.

Section 6 — At this location there are considered to be no sites or resource issues of significance that may be considered to trigger Section 6, matters of national importance.

Section 7 — Regarding efficient land use, the proposed Plan Change is considered to be an appropriate use of land for a more intensive purpose. Regarding character and amenity, the Plan Change will result in a land use change that is in keeping with the local environment. It is considered that the Plan Change is in keeping with Section 7.

Section 8 — No issues of significance to iwi were identified through that process, and Council does not hold any records of sites or issues of significance associated with the land and proposed activities.

Part IV

The Council's territorial functions under Section 31 concerning a change in land use and the effects of that on traffic safety and character and amenity values are considered the most important matters. The proposed changes to rules are considered consistent with Council's obligations to Section 31.

Section 32 and Section 32AA

A detailed Section 32 report was provided with the Plan Change request and the matters raised in the Section 32 report were further considered in the Section 42A report. These reports were considered in the deliberations.

In considering the level of detail that was required for the Section 32 assessment, the scale of the Plan Change was considered minor, with proposed amendments applying to a small land area in the sole ownership of the requestor. No more than five different landowners directly adjoin the property affected by the PPCR. Regarding significance, the proposed Plan Change is not considered to be significant in terms of the potential for adverse effects, with the matters of difference limited to the mitigation of potential traffic effects.

For these reasons it is considered that, in general, the changes proposed in the Plan Change are appropriate, consistent and necessary to achieve the purpose of the Act.

Where modifications are made to the proposed wording of the Plan Change then Council is required to undertake further evaluation (under section 32AA of the Act) to ensure the changes are also an appropriate way to achieve the purpose of the Act and an appropriate way to achieve the objective of the Plan Change. The majority of the provisions in the Plan Change have been accepted without modification or with only minor and consequential amendments. Where that occurs, further evaluation under Section 32A is not required and has not been undertaken for those provisions.

The Section 32 report, submissions, Section 42A report and hearing evidence did however raise issues regarding the potential effects that the Plan Change could have on traffic generation, access to and from the state highway and effects on the adjoining Caltex station. A number of alternative options were proposed regarding the method and manner of traffic control and methods of mitigating effects (details can be found in the hearing evidence and decisions and reasons section). The options were evaluated under Section 32AA and it was found that there was little difference between the options with regard to achieving the purpose of the Act.

With regard to which option was the most appropriate way to achieve the objective of the Plan Change, it was also found that there was little difference between the options; however, the modifications chosen were considered to improve the clarity and efficiency of the provisions over the original proposed wording.

Through the hearing evidence, the Plan Change requestor asked for a new provision to be included in the Plan Change. The request was to change the cascade status of activities exceeding condition *(b)(viii) Vehicle Access* from Discretionary to a Restricted Discretionary, with wording for a new Restricted Discretionary Activity provided. In evaluating this change under Section 32/32AA, it was considered that the change was minor with regard to the scale and significance, had no effect on the purpose of the Act and aided in the achievement of the objective of the Plan Change by providing a more efficient and targeted method by which the environmental effects of traffic could be assessed. The proposed change was within the scope of the Plan Change and was not contrary to Council planning documents. However, in considering the Plan Change as a whole, it was noted that the proposed change in land use would have effects wider than just on the State Highway, and subsequently the decision was made to accept the request in principle, but modify the proposed wording to reflect that other parties could also be affected and needed to be considered.

Overall, it was found that the Plan Change, with modifications (see Appendix 1), is an appropriate way to achieve the purpose of the Act and the most appropriate way to achieve the objective of the Plan Change.

6.0 Decision and Reasons for the Decision

This section contains a summary of submissions, summary of evidence, the decision and the reasons for the decision. Section 6.1 addresses the Plan Change request as a whole and the following sections 6.2 – 6.6 provide the decision and reasons for the individual proposed changes. A combined schedule of amendments arising from these decisions can be found in Appendix 1.

6.1 Plan Change 70 – as a whole

6.1.1 Introduction

Network Tasman Limited lodged a Plan Change request with Tasman District Council. The Plan Change seeks to include additional land (68 Main Road, Hope) within Schedule 17.5A of the TRMP and amend several activity conditions and matters within Schedule 17.5A.

Summary of Submissions

Two submissions were received from Z Energy (for Caltex) and New Zealand Transport Authority (NZTA). No submission opposed the proposed Plan Change in its entirety. NZTA provided a neutral submission and Z Energy requested amendments.

Summary of the Section 42A Report

The Section 42A report recommended that Plan Change should be accepted by the Council, with modifications.

Summary of Evidence Presented at the Hearing

No evidence was presented which opposed the acceptance of the Plan Change, however both the requestor and Z Energy sought various modifications to specific provisions. The changes requested are summarised in the various topic areas below.

6.1.2 Decision

That Council **accept with modification** Plan Change 70 as detailed in Appendix 1: Schedule of Amendments.

6.1.3 Reasons

The Plan Change is small in scale and significance, affecting only two sites and five adjoining properties. The Plan Change involves the extension of the existing Schedule 17.5 site over two adjoining properties and, as such, the proposed change is in keeping with the use of the immediate area. The site is zoned Rural 1 but has not been used for that purpose for a considerable length of time and the change in land use will not result in the loss of productive land. The proposal is not contrary to the provisions in the Tasman Regional Policy Statement or the TRMP, and is consistent with the Future Development Strategy.

The potential adverse effects identified through the assessment of effects have either been addressed or are able to be addressed through the modified provisions in the Plan Change. There were two submissions with only one of those submissions seeking changes. No further submissions to the Plan Change were received. The changes requested in the submissions have been significantly addressed through the modifications made to the Plan Change provisions.

After considering the matters raised in the Plan Change, Assessment of Effects, Section 32 and 42A reports, evidence presented at the hearing and after undertaking further evaluation of the options under Section 32AA, the Plan Change as modified by the decisions is considered to meet the purpose of the Act and the objectives of the Plan Change.

6.2 Amendments 1, 2, 3 & 4: Extension of Schedule 17.5A

6.2.1 Introduction

The following amendments were proposed in the Plan Change. The Amendments (shown in blue and/or underlined) seek to extend the Schedule 17.5A provisions over two adjoining lots.

Amendment 1

Amend Planning Maps 23, 127, 128 to extend the boundaries of Schedule 17.5A over Lot 1 DP 20392 and Lot 1 DP 19736.

Amendment 2

Amend Rule 17.5.2.1(a)(xii) to include [Lot 1 DP 20392 and Lot 1 DP 19736](#).

Amendment 3

Amend Schedule 17.5A, Controlled Activities (1), by adding the following legal descriptions:

[Lot 1 DP 20392 and Lot 1 DP 19736](#).

Amendment 4

Amend Schedule 17.5A, Rule 1(b)(vii), by adding the following legal descriptions:

[Lot 1 DP 20392 and Lot 1 DP 19736](#).

Summary of Submissions

No submissions were received in opposition to the extension of Schedule 17.5A over Lot 1 DP 20392 and Lot 1 DP 19736. Z Energy sought the replacement of the word “and” between the two lot numbers with the word “or” to ensure that the rule applies to land use on any of the specified lots.

Summary of Section 42A Report

The report recommended that the proposed wording in Amendments 2 and 3 be modified from “and” to “and/or”, with no changes to the proposed wording in Amendments 1 and 4. The changes suggested were considered consequential amendments and were required to give effect to the extension of the scheduled area over the two additional lots.

Summary of Evidence Presented at the Hearing

Network Tasman accepted the recommendations in the Section 42A Report and considered their needs satisfied by the Section 42A recommendations. Z Energy also agreed with the recommendations in the Section 42A report.

6.2.2 Decision

Accept with modification, in accordance with the changes identified below in blue and detailed in Appendix 1: Schedule of Amendments.

Amendment 1

Amend Planning Maps 23, 127, 128 to extend the boundaries of Schedule 17.5A over Lot 1 DP 20392 and Lot 1 DP 19736.

Amendment 2

Amend Rule 17.5.2.1(a)(xii) to include [Lot 1 DP 20392 and/or Lot 1 DP 19736](#).

Amendment 3

Amend Schedule 17.5A, Controlled Activities (1) by adding the following legal descriptions:
[Lot 1 DP 20392 and/or Lot 1 DP 19736.](#)

Amendment 4

Amend Schedule 17.5A, Rule 1(b)(vii) by adding the following legal descriptions:
[Lot 1 DP 20392 and Lot 1 DP 19736.](#)

6.2.3 Reason

Council has made the decision to approve the Plan Change, with modifications (see Decision 6.1.2). The addition of “Lot 1 DP 20392” and “Lot 1 DP 19736” to the provisions and the extension of Schedule 17.5A on the maps is a necessary consequential amendment to give effect to the decision to accept the Plan Change with modifications.

Z Energy requested the above wording be amended to reflect the intention for the provisions to apply to all lots. The wording “and/or” was proposed and agreed to through the evidence presented at the hearing. Changing the wording to “and/or” provides clarity to the intent for the provisions to apply to all lots and gives effect to Z Energy’s request.

6.3 Amendment 5: Wastewater Disposal Amendment 6: Matters of Control 1 & 5 Amendment 7: Stormwater

6.3.1 Introduction

The Plan Change proposed several new conditions/matters of control for wastewater and stormwater following the assessment of effects. These are as follows:

Amendment 5

Amend Schedule 17.5A Rule 1(c) by adding an additional condition:

*“(viii) **Wastewater Disposal***

All buildings which generate wastewater are connected to a reticulated wastewater system where the service is available.

OR

The discharge complies with section 36.4 of this Plan.”

Amendment 6

Amend matters of control, as follows:

“(1) In respect of buildings within 10 metres of the State Highway 6 boundary and/or within 10 metres of the ex-railway reserve, the appearance of buildings.”

“(5) In respect of buildings within 10 metres of the south western boundary with 82 Main Road, Hope (Pt Sec 114 Waimea East DIST) north western or north-eastern boundary with 68 Main Road, Hope (Lot 1 DP 20392) (while this property is still in residential use) whether the design of the building and associated landscaping has addressed amenity values from this residential property including outlook, privacy and solar access.”

Amendment 7

Amend Schedule 17.5A Rule 1(c) by adding an additional condition:

“(ix) **Stormwater**

(a) The development provides for overland flood flow paths to cross the post-development site, and retains the pre-development upstream entry and downstream exit points of the overland flood flow to and from the site.

(b) The flood flow path surface is constructed or treated to prevent erosion of the surface.”

Summary of Submissions

No relief was sought regarding these provisions.

Summary of the Section 42A Report

The recommendations were to accept the proposed wording without modification.

Summary of Evidence Presented at the Hearing

No particular matters were raised in the Network Tasman’s evidence regarding these changes (Amendments 5, 6 and 7).

Z Energy agreed with the Section 42A Report recommendations.

6.3.2 Decision

1. Accept Amendment 5 (Wastewater) as shown below and in Appendix 1.

Amend Schedule 17.5A Rule 1(c) by adding an additional condition:

“(viii) **Wastewater Disposal**

All buildings which generate wastewater are connected to a reticulated wastewater system where the service is available.

OR

The discharge complies with section 36.4 of this Plan.”

2. Accept Amendment 6 as shown below and in Appendix 1

Amend matters of control, as follows:

“(1) In respect of buildings within 10 metres of the State Highway 6 boundary and/or within 10 metres of the ex-railway reserve, the appearance of buildings.”

“(5) In respect of buildings within 10 metres of the south western boundary with 82 Main Road, Hope (Pt Sec 114 Waimea East DIST) north western or north-eastern boundary with 68 Main Road, Hope (Lot 1 DP 20392) (while this property is still in residential use) whether the design of the building and associated landscaping has addressed amenity values from this residential property including outlook, privacy and solar access.”

3. Accept Amendment 7 as shown below and in Appendix 1

Amend Schedule 17.5A Rule 1(c) by adding an additional condition:

“(ix) Stormwater

- (a) The development provides for overland flood flow paths to cross the post-development site, and retains the pre-development upstream entry and downstream exit points of the overland flood flow to and from the site.
- (b) The flood flow path surface is constructed or treated to prevent erosion of the surface.”

6.3.3 Reasons

Amendment 5 (Wastewater) — There is insufficient capacity in the reticulated wastewater network to allow for new connections from the site (at the time the Plan Change was lodged). The Plan Change included this provision to either require connection to the reticulated system or to provide the flexibility to allow for an alternative wastewater solution to be developed. There were no submissions or evidence presented regarding this provision and the Section 42A report recommended the provision be accepted. It is considered that the provision is necessary and would be effective in mitigating the effects of any on-site wastewater generated by development on site. For this reason, the proposed amendment is accepted without modification.

Amendment 6 (Amenity provisions) — The landscape study found that in the immediate environment to the site there would be a moderate adverse visual effect without mitigation when viewed from the Great Taste Trail that runs along the northern boundary and a moderate-high visual effect for the neighbour to the southwest when viewed from the upper gable. The Plan Change included two amendments to the existing provisions to require setbacks from the site and consideration of the appearance of buildings. The adjoining landowners were consulted by Network Tasman and were notified of the Plan Change and, with the exception of Z Energy, no submissions were lodged by adjoining landowners. There were no submissions in opposition to the amenity provisions. It is considered that the provisions are necessary and would be effective in minimising any adverse effects of development on the adjoining properties.

Amendment 7 (Stormwater) — The flooding assessment report found that the site is subject to overland flooding and that an increase in the impervious areas from development had the potential to increase runoff to downstream properties. The Plan Change included a condition requiring pre-development upstream entry and exit points for overall stormwater flow paths be maintained post development and that any flow path surface is constructed and/or treated to prevent erosion. There were no submissions or evidence provided at the hearing regarding this provision. It is considered that the provisions are necessary, appropriate and a practical means of mitigating the identified adverse effects of development on stormwater disposal on the site.

6.4 Amendment 2: Rule 17.5.2.1(a)(xii) and Schedule 17.5A

6.4.1 Introduction

This amendment seeks to change the text from “occupied” to “owned” in rule 17.5.2.1(a)(xii).

Amendment 2

Amend Rule 17.5.2.1(a)(xii) to include Lot 1 DP 20392 and Lot 1 DP 19736 and to replace the word “occupied” with the word “owned”:

“(xii) on Lot 1 DP 20183, Lot 1 & 2 DP 435942, Lot 3 DP 435942, Lot 4 DP 435942, Lot 2 DP 4875, ~~and~~ Lot 3 DP 4875, Lot 1 DP 20392 and Lot 1 DP 19736 (Main Road, Hope, ~~occupied~~owned by Network Tasman Ltd);”

Summary of Submissions

Z Energy supported the amendment and suggested further modifications.

Summary of Section 42A Report

The report recommended that the wording be changed as follows:

(xii) on ... [Lot 1 DP 20392](#) ~~and or Lot DP 19736 (Main Road, Hope, owned by Network Tasman Ltd)~~;

Summary of Evidence Presented at the Hearing

Network Tasman accepted the deletion of the words (Main Road, Hope, owned by Network Tasman Ltd) as recommended by the Section 42A report.

Z Energy sought the retention of the wording (Main Road, Hope) as they believed it may assist Plan users.

6.4.2 Decision

Accepted with modifications as shown below and in Appendix 1:

(xii) on ... [Lot 1 DP 20392](#) ~~and or~~ [Lot 1 DP19736](#) (Main Road, Hope) ~~owned by Network Tasman Limited~~;

6.4.3 Reasons

The proposal to change the wording from “occupied “ to “owned by Network Tasman” was considered a minor technical change which better reflected current use and improved the usability of the Plan. Z Energy opposed the proposed wording change, raising the issue and that land ownership is not relevant to the use of the rule and that land ownership should not affect the application of the rule. The matters raised by Network Tasman and Z Energy were considered correct and for those reasons the decision was made to delete the reference to both “Network Tasman” and “ownership”/ “occupancy”.

The Section 42A report suggested that the wording “(Main Road, Hope)” also was not required and recommended removal. Z Energy opposed the removal of that wording and sought the retention of the wording as they believed it aided the Plan user. Regarding the retention or deletion of the wording “Main Road, Hope”, it was considered the wording had no impact on the application of the provision but might possibly aid Plan users and for that reason the wording was retained.

6.5 Amendments 4 and 8: Vehicle Access

6.5.1 Introduction

Lot 1 DP 20392 and Lot 1 DP19736 have direct access from State Highway 6 via crossing point CP68B, and Lot 1 DP 20392 also has access from State Highway 6 through Lot 2 DP343453. Potential traffic effects were identified in the assessment of effects and the Plan Change subsequently included the following provisions to address those effects.

Amendment 4

Amend Schedule 17.5A Rule 1 by adding an additional condition:

*“(viii) **Vehicle Access***

Crossing Place CP68B (on Lot 1 DP19736) may only be used for vehicles to enter the site via a controlled access. All vehicles must exit the sites within Schedule 17.5A onto State Highway 6 (SH6) at Crossing Places CP66 or CP57 (on Lot 1 DP 435942).

***Note:** For the purposes of this condition “controlled access” means an electronic entry gate located at the site entrance in a manner which does not restrict access to Lot 1 DP 343453 from Main Road, Hope. Access to the site will be restricted to service*

vehicles associated with the activity on the site. For the avoidance of doubt, “service vehicle” is intended to include any vehicle type, including trucks.”

Amendment 8

Add the following additional matters over which Council has reserved control:

“(7) The effects of trip generation where the estimated number of vehicles entering the site via Crossing Place CP68B exceeds 40 Equivalent Car Movements (ECM) per day with New Zealand Transport Agency being the only potentially affected party.”

Note: For the avoidance of doubt Equivalent Car Movement per day (averaged over a year) is defined as follows in relation to the entry only Crossing Place CP68B:

- 1 car entering the property = 1 equivalent car movement
- 1 truck entering the property = 3 equivalent car movements
- 1 truck and trailer entering the property = 5 equivalent car movements.”

Summary of Submissions

Z Energy opposed the proposed amendments for the following reasons:

- The proposed wording did not specify the number of movements that could be provided for via CP68B and therefore any new land use within the PC area would be a controlled activity irrespective of the number of vehicle movements created.
- While one of the matters of control enables the Council to consider the effects of trip generation exceeding 40 Equivalent Car Movements (ECM) the Council would not be able to refuse an application irrespective of the numbers and could only consider effects on the New Zealand Transport Agency. Z Energy consider this is not appropriate and fails to recognise potential effects on Z Energy.
- Reference to “the site” in the first sentence is ambiguous and may be interpreted as relating to a single lot, or potentially the wider Network Tasman site subject to the Schedule. The uncertainty may lead to the interpretation that up to 40 ECM can occur to each lot or activity within the wider Network Tasman Site.
- The provision for movements to be averaged over the course of a full year is considered unreasonable, would be difficult to monitor and control, and would potentially allow for significant movements over a short period with potentially significant adverse effects. A shorter time frame of a week or a month would allow some fluctuations but within appropriate limits. To address these matters the vehicle numbers should be amended and addressed in the conditions itself.
- The proposed condition includes a note which has no statutory weight and the content of the note should be addressed in the condition itself. Further detail regarding the location of the controlled access point should also be incorporated.
- There is a need to clearly articulate what is understood to be proposed by Network Tasman based on a review of the supporting information, and to provide certainty to Plan users. These changes include specifying that CP68B is only to be used by heavy vehicles, noting that small service vehicles would be able to use alternative access to the PC area provided through the scheduled site.
- Z Energy would also support the plan to clearly depict the location of the referred crossings, lots and controlled access, which would make the application of the rules much easier to follow.

Z Energy sought the following relief:

- (a) Limit the vehicle access condition to 40 ECM per day maximum (averaged over no more than one month) for truck and truck and trailer movements to the wider Network Tasman site, not just for Lot 1 DP 19736.
- (b) Exclude car access to Lot 1 DP 19736.
- (c) Define ECM in the vehicle access condition with trucks and truck and trailers constituting three ECM and five ECM respectively.
- (d) Specify detail of the required controlled access in the vehicle access standard to ensure that the gate restricts access to the Network Tasman site but does not restrict access to the truck stop, including when vehicles are queued at the controlled access.
- (e) Include a plan to clearly depict the location of the referenced crossing and lots to aid interpretation of the Schedule.

Z Energy suggested the following text changes to address the concerns raised in their submission.

(viii) Vehicle Access

Crossing Place CP68B (on Lot 1 DP19736) may only be used by trucks and truck and trailers for up to a maximum of 40 Equivalent Car Movements per day (averaged over a month) vehicles to enter the site Network Tasman Limited Site via a controlled access. All vehicles must exit the sites Network Tasman Limited Site within Schedule 17.5A onto State Highway 6 (SH6) at Crossing Places CP66 or CP57 (on Lot 1 DP 435942).

“(7) The effects of trip generation where the estimated number of vehicles entering the site via Crossing Place CP68B exceeds 40 Equivalent Car Movements (ECM) per day with New Zealand Transport Agency being the only potentially affected party.”

Note: For the avoidance of doubt Equivalent Car Movement per day (averaged over a year) is defined as follows in relation to the entry only Crossing Place CP68B:

- 1 car entering the property = 1 equivalent car movement
- 1 truck entering the property = 3 equivalent car movements
- 1 truck and trailer entering the property = 5 equivalent car movements

NZTA also submitted on these provisions and sought the retention of the mitigation measures relating to traffic effects as proposed in the Plan Change.

Summary of the Section 42A Report

The report recommended the following modifications to the provisions:

1. A new definition be added: **Heavy vehicle** - means a truck (over 3.5 tonnes) or truck and trailer.
2. The following amendment to Schedule 17.5A Rule 1(b):

(viii) Vehicle Access

With the exception of vehicles passing over the right of way (adjoining CP68B) on Lot 1 DP 19736 for the purpose of accessing the petrol station on Lot 1 DP 343453 the following applies.

- There is no vehicle access through the right of way between Lot 1 DP 19736 and Lot 2 DP 343453.

- [Vehicle access to any land parcel in Schedule 17.5A through Lot 1 DP 19736 is limited to eight heavy vehicles per day and is entry only.](#)
- [All heavy vehicles entering through Lot 1 DP 19736 must exit on to State Highway 6 \(SH6\) at Crossing Places CP66 or CP57 on Lot 1 DP 435942.](#)
- [An electronic entry control gate, located at the entrance to the body of Lot 1 DP 19736, must be used to limit access.](#)

Summary of Evidence Presented at the Hearing

Network Tasman accepted, in part, the recommendations proposed in the Section 42A report and provided a schedule of amendments with further proposed wording changes.

In their evidence they stated that the purpose of the Plan Change is to give certainty to Network Tasman over their ability to undertake activities on the site and they requested it be retained as a controlled activity. They opposed the wording recommended in the Section 42A report for condition 1(b)(viii) and requested the reference to Lot 1 DP 19736 be changed to Lot 1 DP 20392. They also opposed the exclusion of vehicle access across the right-of-way on Lot 2 DP 343453 as they believed a rule could not prevent use of a legal easement and the access would be controlled by the Limited Access Road (LAR) process. They opposed the proposed limitation of eight heavy vehicles per day and sought that any limitation on vehicle movements be limited to 40 ECM per day. They accepted the proposed wording for bullet points 3 and 4 (with a wording correction). Network Tasman in their evidence stated that the use of 40 ECM had been agreed to by the NZTA and it was accepted that the 40 ECM provided greater flexibility whilst still managing effects. They also raised that the NZTA had accepted the averaging of 40 EMC over a year. They also considered that the NZTA could address any problems under alternative legislation. Network Tasman requested that the proposed definition for 'heavy vehicle' be replaced with the definition for ECM.

They also requested that where an activity does not meet the vehicle access condition then the activity become a restricted discretionary activity, with NZTA as the only potentially affected party.

Network Tasman accepted the deletion of Matter of Control (7) proposed in the Section 42A report subject to shifting the definition of ECM to the definition's section.

Network Tasman considered that the changes they proposed in their evidence would satisfy the matters raised in Z Energy's submission. They also considered that the proposed changes would maintain the mitigation measures that NZTA sought retention of in their submission.

With regard to the evidence presented by Z Energy, Network Tasman (V. Woodbridge) proposed a number of minor amendments to the wording. Network Tasman could see no reason why CP68B should be limited only to heavy vehicles and the provision contradicts the submission from NZTA which requires retention of the measures proposed in the request as notified. They opposed the suggested amendments by Z Energy to the definition of ECMs. Network Tasman considered that a Plan rule should not restrict use of a legal easement and therefore the restriction is not warranted. Network Tasman opposes the request to broaden the restricted discretionary rule to other matters.

Z Energy accepted the recommendations in the Section 42A report, with the exception of the use of the words "Petrol Station" in 1(b)(viii), which Z Energy requested be deleted.

With regard to the evidence presented by Network Tasman, Z Energy agreed that the amendments proposed by Network Tasman's evidence (V Woodbridge) went some way in addressing the concerns raised by Z Energy. They agreed with the minor wording changes regarding correcting the lot number and suggested further minor wording changes. Z Energy supported the restriction of access between Lot 1 DP 19736 and Lot 2 DP 343453 considering it lawful to do so and proposed amendments to the wording. Z Energy were not necessarily opposed to the use of ECM provided there was certainty

regarding the number and type of vehicles. Alternatively, they considered the provisions could be simplified by an appropriate limit on vehicle numbers. They supported the remainder of changes requested by Network Tasman in their evidence and sought that the proposed restricted activity provision be broadened to include other matters.

6.5.2 Decision

1. Accepted with modifications as shown below and in Appendix 1.
2. Amend the wording to include the following new definition in Chapter 2: Meaning of Words (2.2)

Equivalent Car Movements (ECMs) per day (averaged over three months) – is defined as follows:

- *1 car to and from the property = 2 equivalent car movements*
- *1 truck to and from the property = 6 equivalent car movements*
- *1 truck and trailer to and from the property = 10 equivalent car movements.*

3. Amend the wording proposed in Amendment 4 (viii) as follows:

(viii) Vehicle Access

With the exception of vehicles passing over the right of way adjoining CP68B on Lot 1 DP 20392 for the purpose of accessing Lot 1 DP343453, the following applies.

(a) There is no vehicle access between Lot 1 DP 20392 and Lot 2 DP343453.

(b) Vehicle access to any land parcel in Schedule 17.5A through Lot 1 DP19736 and Lot 1 DP 20392 is entrance only and is limited to 40 Equivalent Car Movements per day.

(c) All vehicles entering through Lot 1 DP19736 and Lot DP20392 must exit onto State Highway 6 (SH6) at Crossing Places CP66 or CP57 on Lot 1 DP 20183 and Lot 4 DP 435942.

(d) An electronic entry control barrier, located at the entrance to the body of Lot 1 DP 20392, must be used at all times to control access.

4. Delete the wording proposed in Amendment 8

(7) The effects of trip generation where the estimated number of vehicles entering the site via Crossing Place CP68B exceeds 40 Equivalent Car Movements (ECM) per day with New Zealand Transport Agency being the only potentially affected party."

Note: For the avoidance of doubt Equivalent Car Movement per day (averaged over a year) is defined as follows in relation to the entry only Crossing Place CP68B:

- *1 car entering the property = 1 equivalent car movement*
- *1 truck entering the property = 3 equivalent car movements*
- *1 truck and trailer entering the property = 5 equivalent car movements*

5. Insert the following new restricted discretionary activity in Schedule 17.5A

4. Any land use that complies with all the conditions of rule 1 of this Schedule except condition (b)(viii) [Vehicle Access] is a restricted discretionary activity.

A resource consent is required. Consent may be refused or conditions imposed, only in respect of the following matter to which Council has restricted its discretion.

(1) The potential effects from vehicle movements on the adjoining properties

(2) *The potential effects on the safe and efficient operation of State Highway 6 with New Zealand Transport Authority being the only potentially affected party.*

6.5.3 Reasons

The Traffic Assessment Report identified potential traffic effects arising from the Plan Change. Following consultation with Council and the New Zealand Transport Authority, a number of amendments to the Plan were proposed to mitigate the effects of vehicle access on adjoining State Highway 6. Amendment 4 sought to provide for entrance only to the site as a controlled activity and Amendment 8 sought the reservation of control over the effects of trip generation where the estimated number of vehicles entering the site exceeded 40 Equivalent Car Movements (ECM's) per day. Both Amendments 4 and 8 contained "Notes" which further defined how vehicles would be restricted and how the 40 ECM's would be calculated. Concerns were raised through the submissions and Section 42A Report regarding the wording proposed to mitigate effects.

A considerable quantity of evidence regarding these two amendments was presented at the hearing. After carefully considering all the material, it was decided to accept in principle the need for provisions to control traffic effects, however the proposed wording and framework needed to be modified to achieve this. In particular, it was found that the wording as proposed did not limit the number of vehicles; did not take into consideration the effects on other affected parties; did not address the use of the right-of-way over Lot 2 DP 343453; and the explanatory "Notes" could not be enforced.

The proposed wording for the first sentence (viii) restricted the use of the crossing point to vehicles entering the schedule site. This appeared to have the effect of excluding the use of the right-of-way for vehicles accessing the Caltex station. The modifications to the first sentence were made to clarify the application of the rule.

Condition (viii)(a) was added to exclude vehicle access between Lot 1 DP 20392 and Lot 2 DP 343453. This right-of-way was established to provide access from the State Highway to the house on Lot 1 DP 20392. The right-of-way was no longer needed for that purpose with the house recently removed. Network Tasman briefly mentioned the access in the Traffic Assessment Report and at the hearing, but no assessment of the effects regarding the use of this right-of-way to access the site was provided. The assessment undertaken for the adjoining CP68B was thorough and identified a number of adverse traffic effects. It is considered in the absence of a specific assessment for use of the ROW that at least some of the traffic effects identified for CP68B could also occur at the neighbouring ROW. Network Tasman opposed the proposal to restrict access through the ROW and believed that access could not be controlled through a rule in a plan and that traffic effects could be managed by the NZTA through other legislation. There is a reasonable probability, even with the absence of a traffic assessment that conflicts could occur between the State Highway and adjoining properties should unlimited access be provided through the ROW to the Schedule 17.5A area. The powers held by NZTA to control access to the State Highway under other legislation is acknowledged, however the potential adverse effects may not solely affect the functioning of the state highway. It was considered more appropriate that the broader traffic effects potentially arising from this change in land use were better addressed under the Resource Management Act 1991. For these reasons, the wording was modified to enable the landowner to apply for resource consent to use that right of way, subject to an assessment of effects.

Conditions (viii)(b) and (viii)(c) are an amalgamation and modification to the wording proposed in Amendments 4 and 8. Condition (viii)(b) limits vehicles to entrance only with exit through the existing established exits and condition (viii)(c) limits the number of vehicles to 40 Equivalent Car Movements per day. The effect of these modifications is to limit entrance and exit and to place a limit on the number of vehicles entering the site as a controlled activity. Vehicle entry above this number is provided for but requires a restricted discretionary consent. Substantive evidence was presented at the hearing and following consideration of the Traffic Assessment Report, submissions and hearing evidence, it was decided that it was necessary to place limits on the number of vehicles entering the

site per day. There was significant evidence presented at the hearing regarding the method of measuring the number and type of vehicles that should have access to the site. Two options were considered: limitations to eight heavy trucks and/or trailers per day as recommended in the Section 42A report or 40 Equivalent Car Movements per day as preferred by Network Tasman. Z Energy did not oppose either option but raised concerns regarding the wording proposed for the ECM definition. Considerable discussion took place regarding the two options and the decision was made to adopt the second option as it enabled greater flexibility regarding the type of vehicle that could use the site. Flexibility was considered especially important because the specific activities that would be undertaken at the site had not been determined.

The Traffic Assessment Report, submitters and Section 42A report all supported limiting access to the site to entrance only, with all vehicles exiting through the existing Schedule 17.5A roading network. It was considered unsafe for vehicles to exit the site at CP68B and to do so would adversely affect the functioning of State Highway 6. For this reason the decision was made to allow entrance only access to the site.

Final condition (viii)(d) incorporates the intent of the Amendment 4 “Note” and formalises it as an enforceable condition. This condition is necessary to provide the method for giving effect to the decision to limit the number of vehicles to the site and to make access entrance only. Following evidence presented at the hearing, the wording was modified slightly from “electronic entry gate” to “electronic entry barrier” to provide greater flexibility regarding the method of restricting access.

With the decision to limit the number of vehicles to 40 Equivalent Car Movements per day, it was necessary to define “Equivalent Car Movements per day” in the Plan. A definition was proposed in the Plan Change and included as a “Note”, but this definition was opposed by Z Energy and the Section 42A report because notes were not enforceable. The decision was made to formalise the definition by moving it to the definitions section of the Plan, thus providing clarity for Plan users and enforceability.

Through their hearings evidence, Network Tasman requested a new provision be included in the Plan Change. The request was for applications not meeting the restrictions on vehicle numbers to be assessed as a Restricted Discretionary Activity as the matters of contention (vehicle effects) was relatively narrow. This request was considered and it was agreed that it would be inefficient to require a full Discretionary Activity resource consent when the issues in contention (vehicle effects) were relatively narrow. However, it was also considered that vehicle movements in excess of the 40 Equivalent Car Movements per day could potentially affect more than just the State Highway and for that reason the decision was made to accept the request but expand the matters of discretion to include consideration of the effects on adjoining properties as well as on the State Highway. As a consequence of the decision to exclude access over the ROW on Lot 2 DP343453 the inclusion of this provision will mean that any requests to undertake this activity will also change from Discretionary to Restricted Discretionary Activity. For the same reasons, it is considered that the matters of contention are relatively narrow and can be adequately assessed as a restricted discretionary activity, with the matters of discretion limiting effects of vehicle access on the immediate vicinity.

6.6 Amendment 8: Review Condition

6.6.1 Introduction

The Plan Change proposes an additional matter of control in Schedule 17.5A Rule 1(c)(6) which enables a review condition to be imposed regarding traffic effects.

Amendment 8

Add the following additional matter over which Council has reserved control:

[\(6\) The purpose and timing of any review of conditions of consent \(Section 128 of the Act\) in relation to traffic effects.](#)

Summary of Submissions

Z Energy supported this condition as proposed.

NZTA was concerned about the potential unforeseen effects that may result from this proposal. NZTA considered the proposed review condition, along with limits on traffic generation and restricting use of CP68B to entry only. Together these conditions adequately addressed the traffic and safety effects associated with the proposal. NZTA requested the mitigation measures relating to traffic effects in the PPCR be retained.

Summary of the Section 42A Report

Following consideration of the matters raised in the submissions, it was recommended that a limit of eight heavy vehicles per day be imposed and where vehicle movements were above those limits, then further resource consent should be required. If that recommendation was accepted, then the review condition was not required and should be deleted. If that was not the decision, then the report recommended that the condition added value and was supported by the submitters.

Summary of Evidence Presented at the Hearing

Network Tasman — Matter of control (6) should be retained if NZTA seeks its retention.

Z Energy agreed with the Section 42A report recommendation to delete matter of control (6).

6.6.2 Decision

1. Accept without modification, as shown below and in Appendix 1.

[\(6\) The purpose and timing of any review conditions of consent \(Section 128 of the Act\) in relation to traffic effects.](#)

6.6.3 Reasons

This provision requires an assessment of effects where the estimated number of vehicles using the crossing (CP68B) exceeded 40 Equivalent Car Movements per day. A detailed traffic assessment report was provided with the Plan Change request and further evidence was provided through the Hearing. Despite the evidence, the nature and scale of future development has not been determined at this point in time and, as a consequence, unanticipated traffic effects may arise. It is considered this provision is necessary to enable a review of conditions should unanticipated traffic effects occur. The review condition is considered an efficient and effective method of achieving that review.

Appendix 1: Schedule of Amendments

(Marked up Proposed Plan Amendments as per Recommendations)

CHAPTER 2: MEANINGS OF WORDS

2.1 INTRODUCTION

[Unchanged or irrelevant text omitted]

2.2 DEFINED WORDS

[Unchanged or irrelevant text omitted]

Equivalent Car Movements (ECMs) per day (averaged over three months) - is defined as follows:

- 1 car to and from the property = 2 equivalent car movements
- 1 truck to and from the property = 6 equivalent car movements
- 1 truck and trailer to and from the property = 10 equivalent car movements.

CHAPTER 17: ZONE RULES

17.5 RURAL 1 ZONE RULES

[Unchanged or irrelevant text omitted]

17.5.2 Land Use

17.5.2.1 Permitted Activities (Land Use - General)

NOTE: Rule 17.5.2.1 is subject to the regulations of the National Environmental Standards Plantation Forests 2017 (NES-PF). The NES-PF regulations for activities in relation to plantation forestry (as defined within the NES-PF) prevail unless specifically stated otherwise in advice notes below.

Any land use is a permitted activity that may be undertaken without a resource consent, if it complies with the following conditions:

Activities

- (a) The activity is not:
- (i) an industrial or rural industrial activity;
 - (ii) quarrying, where the volume of land disturbed is greater than 50 cubic metres in any 12-month period;
Advice Note: Clause (a)(ii) does not apply to forestry quarrying which is managed by NES-PF regulations 51 - 59.
 - (iii) a constructed or marked out landing area or pad for helicopters, an aircraft landing strip, aerodrome or airport;
 - (iv) the sale of liquor;
 - (v) a rural selling place where:
 - the sale and display area is greater than 25 square metres; or

- access is to an arterial route;
- (vi) a commercial activity;
- (vii) a community activity, except on Part Section 217 Waimea East District (Lower Queen Street, Richmond, occupied by Nelson Marlborough Institute of Technology), where the permitted activity is education, training and research;
- (viii) tourist accommodation;
- (ix) co-operative living;
- [Condition (a)(x) is deleted]*
- (xi) a papakainga development;
- (xii) on Lot 1 DP 20183, Lot 1 & 2 DP 435942, Lot 3 DP 435942, Lot 4 DP 435942, Lot 2 DP 4875, ~~and Lot 3 DP 4875, [Lot 1 DP 20392](#) and/or [Lot 1 DP 19736](#)~~ (Main Road, Hope). ~~occupied by Network Tasman Ltd);~~

[Unchanged or irrelevant text omitted]

SCHEDULES

Schedule 17.5A: Activities on Network Tasman Ltd Site at Main Road, Hope

Controlled Activities

1. Any land use on Lot 1 DP 20183, Lots 1 & 2 DP 435942, Lot 3 DP 435942, Lot 4 DP 435942, Lots 2 & 3 DP 4875, [Lot 1 DP 20392](#) and/or [Lot 1 DP 19736](#) is a controlled activity, if it complies with the following conditions:
 - (a) The activity is one of the following:
 - (i) The storage of goods on Lot 1 DP 435942
 - (ii) Offices
 - (iii) Light manufacturing activities
 - (iv) Trade workshops
 - (v) The retail sale of goods which are either manufactured or serviced on the site, provided that the retail display area does not exceed 100 square metres.
 - (vi) Laboratories
 - (vii) Transport depots on Lot 1 DP 435942
 - (b) The activity complies with the following applicable conditions:
 - (i) **Noise**
Condition (m) as set out in rule 17.4.2.1.
 - (ii) **Hours of Operation**
Limited to 7:00 am to 7:00 pm, Monday to Saturday inclusive.
 - (iii) **Air Emissions – Dust and Odour**
Conditions (e) and (f) as set out in rule 17.4.2.1.
 - (iv) **Glare**
Conditions (g) and (h) as set out in rule 17.4.2.1.
 - (v) **Screening**
Outdoor storage areas are screened from view from adjoining properties used for residential purposes by a solid wall or fence 1.8 metres high.
 - (vi) **Amenity Plantings**
The boundary with any adjoining site used either for residential purposes, or the ex railway reserve or the State Highway is planted with a 2-metre deep planting strip of shrubs that have a mature height of not less than 2 metres and not more than 3 metres. The shrubs are evergreen varieties spaced to provide effective screening. Alternatively, a solid screen fence may be provided along the boundary with the agreement of adjoining property owners.
 - (vii) **Stormwater**
 - (a) Condition (p) as set out in rule 17.4.2.1.
 - (b) For new development within Lot 1 DP 20183, [Lot 1 DP 20392](#) and [Lot 1 DP 19736](#) (south-west of Reed Andrews Drain), the peak runoff rate during a 1-in-100 year storm event does not exceed the predevelopment peak runoff rate.

(c) The development provides for overland flood flow paths to cross the post development site, and retains the pre-development upstream entry and downstream exit points of the overland flood flow to and from the site.

(d) The flood flow path surface is constructed or treated to prevent erosion of the surface.

(c) The development provides for overland flood flow paths to cross the post development site, and retains the pre-development upstream entry and downstream exit points of the overland flood flow to and from the site.

(d) The flood flow path surface is constructed or treated to prevent erosion of the surface.

(viii) Vehicle Access

With the exception of vehicles passing over the right of way adjoining CP68B on Lot 1 DP 20392 for the purpose of accessing Lot 1 DP343453 the following applies.

(a) There is no vehicle access between Lot 1 DP 20392 and Lot 2 DP343453.

(b) Vehicle access to any land parcel in Schedule 17.5A through Lot 1 DP19736 and Lot 1 DP 20392 is entrance only and is limited to 40 Equivalent Car Movements per day.

(c) All vehicles entering through Lot 1 DP19736 and Lot DP20392 must exit onto State Highway 6 (SH6) at Crossing Places CP66 or CP57 on Lot 1 DP20183 and Lot 4 DP 435942.

(d) An electronic entry control barrier, located at the entrance to the body of Lot 1 DP20392, must be used at all times to control access.

(c) Buildings comply with the following conditions:

(i) **Maximum Coverage**

65 per cent.

(ii) **Maximum Height**

10 metres.

(iii) **Location of Doors**

Goods service docks, open work bays, and openable work bays do not face any dwelling on an adjoining site unless there is an intervening building that effectively screens such openings from the dwelling.

(iv) **Building Envelope**

Any building erected on a site adjoining a site used for residential purposes complies with the building envelope required in rule 17.4.3.1(j).

(v) **Setbacks**

Buildings are no closer than 5 metres to any boundary with an adjoining site occupied by a dwelling, and no closer than 3 metres to any other site boundary.

(vi) **Signs**

A single free-standing sign meeting the specification in Figure 16.1C at the intersection of the site access with State Highway 6. Wording is restricted to the names of businesses operating in the scheduled area. Individual businesses within the site may display signs as specified in Figure 16.1B for industrial zones provided that these are not visible from sites used for residential purposes.

(vii) **Finished Building Platform Level**

Any new building platform level must be no less than 500 millimetres above the estimated 1-in-50-year flood level, as assessed by a Chartered Professional Engineer.

(viii) Wastewater Disposal

All buildings which generate wastewater are connected to a reticulated wastewater system where the service is available.

OR

The discharge complies with section 36.4 of this Plan.

(ix) Stormwater

(a) The development provides for overland flood flow paths to cross the post-development site, and retains the pre-development upstream entry and downstream exit points of the overland flood flow to and from the site; and

(b) The flood flow path surface is constructed or treated to prevent erosion of the surface.

- (d) Sufficient information is provided to satisfy the Council that the requirements under (a) to (c) above will be complied with. Any application must be lodged with a site layout plan, landscape plan, building elevations, a description of the activity and the processes it involves and methods to be adopted to comply with conditions.

A resource consent is required and may include conditions. The Council's assessment is limited to, the following matters over which the Council has reserved control:

- (1) In respect of buildings within 10 metres of the State Highway 6 boundary and/or within 10 metres of the ex-railway reserve, the appearance of buildings.
- (2) How planting achieves an attractive State Highway 6 frontage using a mix of low plantings and specimen trees at 10-metre intervals whilst ensuring visibility to and from the State Highway.
- (3) Whether along the land fronting Norman Andrews Place landscaping proposed will ensure the maintenance of existing native planting (and replacement of any existing planting which may die or are diseased) and any additional planting will achieve a dense screen along Norman Andrews Place frontage.
- (4) Whether the planting proposed adjoining the Railway Reserve is such as will provide screening along that boundary within the 3-metre setback whilst also allowing intermittent views of the buildings on the site.
- (5) In respect of buildings within 10 metres of the south western boundary with 82 Main Road, Hope (Pt Sec 114 Waimea East DIST) north western or north-eastern boundary with 68 Main Road, Hope (Lot 1 DP 20392) (while this property is still in residential use) whether the design of the building and associated landscaping has addressed amenity values from this residential property including outlook, privacy and solar access.

(6) The purpose and timing of any review conditions of consent (Section 128 of the Act) in relation to traffic effects.

Restricted Discretionary Activities

2. Any land use that complies with all the conditions of rule 1 of this Schedule except condition (b)(ii) (Hours of Operation) is a restricted discretionary activity, if it complies with the following condition:
 - (a) **Hours of Operation**
Limited to 7.00 am to 10.00 pm, Monday to Saturday inclusive.

A resource consent is required. Consent may be refused or conditions imposed, only in respect of the following matter to which Council has restricted its discretion.

- (1) The avoidance, remedying or mitigation of any adverse effect on amenity values of adjacent properties used for residential purposes.
3. Any land use that is a transport depot or storage of goods activity on scheduled land, other than on Lot 1 DP 435942, is a restricted discretionary activity, provided that it complies with all the conditions of (b), (c) and (d) of Rule 1.

A resource consent is required. Consent may be refused or conditions imposed, only in respect of the following matter to which Council has restricted its discretion.

- (1) The potential effects on the safe and efficient operation of State Highway 6 at CP57 and CP66, with the New Zealand Transport Agency (NZTA) being the only potentially affected party.

3A. Any land use that complies with all the conditions of rule 1 of this Schedule except condition (b)(viii) [Vehicle Access] is a restricted discretionary activity.

A resource consent is required. Consent may be refused or conditions imposed, only in respect of the following matter to which Council has restricted its discretion.

- (1) The potential effects from vehicle movements on the adjoining properties
- (2) The potential effects on the safe and efficient operation of State Highway 6 with New Zealand Transport Authority being the only potentially affected party.

[Unchanged or irrelevant text omitted]