

MINUTES

TITLE: Environment and Planning Consent Subcommittee
DATE: Monday, 18 July 2005
TIME: 9.30 am
VENUE: Motueka Service Centre, Hickmott Place, Motueka.

PRESENT: Crs T B King (Chair), S G Bryant and E E Henry.

IN ATTENDANCE: Environment & Planning Manager (D C Bush-King), Service Centres Manager (R Askew), Consent Planner (N Lewis) and Administration Officer (B D Moore).

1. C W DRILLING & INVESTIGATION LIMITED, 85 MOUTERE HIGHWAY, MOTUEKA - RM041237 AND RM041239

1.1 Proposal

The applicant sought consent to establish C W Drilling & Investigation Limited yard on a property situated at 85 Lower Moutere Highway, Lower Moutere. Their business will require offices in the existing dwelling on site, a workshop, storage shed, truck wash down and a yard for vehicles and equipment storage. The site will become the depot for the drilling company which works offsite for long periods at a time. Up to 3 000 m² of this site will be hardfilled, with the remaining 2 000 m² grassed and grazed.

In addition, the applicant sought consent to discharge up to 1 500 litres per day of wastewater (vehicle wash water and stormwater) to land and up to 5 000 litres per week.

1.2 Presentation of Application

Mr N McFadden tabled and read a submission introducing the application for the proposed activity at 85 Lower Moutere Highway, Motueka, on Lot 2 DP1882 of 3.44 hectares. The land use and discharge consent applications are discretionary activities. The land to be used for the drillers' yard and storage will not exceed 5 000 m² and the balance area will be used for grazing.

Mr McFadden addressed the issues raised in the Council Planner's report. He said that the activity involved with this application is an activity serving a rural area. The activity is largely carried out offsite, not on site and the reality is that a rural location is an appropriate location for an activity such as this.

Mr McFadden said that the petition received by the Council was not a submission in the prescribed form in accordance with Section 96 of the Resource Management Act and that it also was not served on the applicant and is in terms of the Resource Management Act process, meaningless.

Mr M O'Cain, General Manager of the applicant company, tabled and read a submission. He described the number of vehicles and drilling rigs and associated equipment used at the present business and that a similar operation is proposed at the subject site. Mr O'Cain spoke about the difficulties operating from the existing site and that suitable alternative sites are difficult to locate. He explained how the truck wash would be drained to a holding tank, past through a three stage interceptor and the clean water pumped to irrigation by K-line system. This would occur twice weekly for about one hour each time.

Mr O'Cain referred to the proposed conditions of consent provided in Mr Askew's report and provided comments or acceptance. He also commented briefly on the matters raised by submitters objecting to the proposal.

Registered Valuer Mr K D Bowie spoke of his investigations and assessments associated with finding suitable land in the industrial zone at Motueka and Riwaka. He said that there was no land available capable of accommodating the applicant within the industrial zone at either Motueka or Riwaka. There was also no other suitable land available in the Moutere, Brightwater or Richmond. His professional opinion is that it is unlikely land values of adjacent properties will be affected by the siting of the proposed drillers' yard on the subject site.

Mr J Bealing, Primary Industry Consultant, spoke to his report on the agricultural significance of the land lost to commercial production. He described the subject land as being Class A with high productivity potential. He said that the applicant had agreed to hardfill only 3 000 m² and that this provides a minimal loss of potential production. The other area of 2 000 m² could be used for standing of vehicles and storage of pipes and the remainder available for crop development or continued grazing. He said that some of the area around the two main existing buildings have already been hardfilled.

Mr Bealing said that the siting of this company yard and sheds in a rural setting is in keeping with where this equipment is normally seen, that is in a farmer's paddock, drilling essential bores to provide the country with domestic, stock and irrigation water.

Mr H J Peacock, Resource Management Consultant, read a statement of evidence. He considered that all statutory tests can be passed with the Plan conditions and submitters' concerns adequately addressed. Mr Peacock said that the cross boundary and amenity effects can be managed and mitigated in relation to this proposal and while it is recognised that amenity will change, it will not compromise the intent of the objectives and policies of the Tasman Resource Management Plan.

The report provided an evaluation of potential effects and concluded that these will not be more than minor. The evidence listed suggested conditions of consent and advised where the applicant volunteered those conditions.

Landscape Architect Mr R M Langbridge read a statement of evidence to describe the proposed landscaping of the subject site. He described how vegetation would be used particularly adjacent to the main road to screen that view. He said that the visual impact will be minor in the short term, until such time as the perimeter planting is established which is expected to be two or three years.

Subdued colours will be used on the exterior of the buildings. Mr Landbridge used site plans and photographs to demonstrate the proposals. Mr Landbridge said that the impact on the rural and residential character and amenity values of the surrounding area will be more than minor, when considering the proposed mitigation measures suggested.

1.3 Submitters

The submission from W A and D D Buck was spoken to by Mr Buck who said that he had a bedroom and music studio on the side of their dwelling nearest the subject site. He was concerned about the effect of noise from machinery such as grinders and generators. He was concerned about the potential for contaminants from the treated water irrigated onto water. Mr Buck said that the consent term of 10 years was excessive. He noted the lack of industrial zoned land being available to the applicant and asked that plantings be considered adjacent to the proposed security fence.

Mrs C Brouwer spoke about her concerns for the proposed activity to create noise, dust and contaminants from wash water. She spoke of her concerns about the traffic effects and potential danger to children, especially cyclists. She was concerned that the industrial use will affect the value of submitters' land and that the land should be used for other productive use.

A submission from Mr D Wilkins and Ms N Walsh was spoken to by Mr Wilkins. He said that he lives on the other side of the road from the proposed entrance to the subject site. He said that the applicant needed justification to use good land for industrial use and needed to mitigate any adverse effects. He said that the applicant also needs to avoid a mixture of land uses.

He said there was nothing extra ordinary about this site that makes it applicable for any industrial use. Mr Wilkins said that other industrial land is available and that the excess land could be subject to further subdivision and industrial land. He said the road outside the subject site is a bad spot for cycling by school children and that the proposed hedging will reduce vehicle sight distances. He said that applicant needs to be more specific with dates and locations regarding the alternative sites investigated.

Mr Wilkins said that the applicant did not have the ability to mitigate adverse effects adequately. He was concerned regarding the potential for industrial land uses in the vicinity.

Submissions from the Lower Moutere Water Scheme and Mr K Palmer were addressed simultaneously by Mr Palmer as the principal shareholder. He said that it is vital for the farming community that the applicant company continues to operate from this area. Mr Palmer said that although the land is classified Class A and suitable for growing crops, it is an area subject to flooding and because it is near sea level is subject to salt intrusion. Mr Palmer said that it should be noted that salt intrusion came to a point 1.5 kilometres inland from the coastline.

Mr Palmer said that he had four farms in the vicinity and each has a yard area which would amount to a similar total area as the proposed hardfill on the subject site. Mr Palmer noted that there was a similar contractors' workshop about two kilometres away from the subject site. He compared the proposed workshop use to that of work done by orchards in the vicinity.

Mr Palmer supported the application and said that the balance land can be used for grazing. He said many different land uses had been carried out in the past and that different crops could be grown in the future. He advised that no new permits for water takes are being issued in the vicinity. Mr Palmer did not think that the proposed hard stand area of 3 000 m² had a serious potential impact on the use of the land and said that farmers can never have enough yard space.

1.4 Staff Report

Mr Askew spoke to his report contained within the agenda. He noted that it is a permitted rural activity to have accessory buildings of up to 1 700 m². He said that the Rural 1 Zone rules under 17.4.2 of the TRMP, provide for performance standards for odour, dust and noise for permitted land uses. Mr Askew said there was little potential for the 3 000 m² hardfill area to be rehabilitated. He spoke about the system of measuring noise levels. Mr Askew said he noted that the applicant had spoken about a 40% growth of business in recent years. He said that there was potential for the applicant to use green shade cloth against the security fence as an interim measure.

Mr Askew said that the non-availability of industrial land in the Motueka vicinity is an issue. He said that after hearing the changes proposed by the applicant, he felt more favourably towards a grant of consent. Mr Askew said that the preparation of the subject site would be an issue to be considered. The report said that the subject area is less likely to flood than other land in the vicinity and also the most useful part of the site for horticultural purposes. Mr Askew said that he had asked for a 10 year consent term and acknowledged there was normally no time restriction. Mr Askew suggested that the applicant may wish to designate part of the hard stand area for customers and workers' cars.

The discharge consent application was spoken to by Ms N Lewis. She said that the applicant would need to comply with the permitted activity provisions for the storage of diesel and waste oil and for wastewater and stormwater disposal. She said, however, that a resource consent was needed for the discharge of truck wash water to land as proposed. She said that where there is insufficient storage on site, the discharge may need to be trucked away to a wastewater system. She sought that the consent for the discharge be limited to a 10 year term. Ms Lewis said that standards are required to be met to avoid contamination and sought that there be no attempt to dilute the discharge by the application of other water sources.

1.5 Right of Reply

Mr McFadden reminded the Hearing Panel of the consenting parties being Wood, Smith and Holland and the physical location of their properties. He said that the retention of a maximum area of land in pasture on the subject site was supported by the agricultural report of Mr J Bealing. It was noted that the proposed doors to the Workshop would not face the Buck property.

The applicant was concerned that a bond may be required as there was no evidence to conclude that this is needed. There is no significant risk of contamination and Council is going to monitor that with a Section 128 Resource Management Act review condition. He reminded the Hearing Panel that the petition referred to by Mrs Brouwer is not a submission.

Mr McFadden said that the subject application has sufficient distinguishing features to separate it from any other application in order to avoid any suggestion the potential for a precedent effect. Mr McFadden asked the Hearing Panel to focus on the concept that the proposed business is different from a site based activity such as a light industrial activity as the proposed activity is a place where the machinery is based and travels out from that site to carry on drilling activities. He referred to the subject site as having been flooded and subject to salt water intrusion.

He said that noisy activity such as use of an angle grinder is not used for major jobs and only for minor repairs and maintenance work.

Mr McFadden said there is nothing in the Tasman Resource Management Plan to restrict the amount of hardfill on site and it seems illogical to require it to be removed and the site reinstated some time in the future. He said that process seems unnecessary in relation to permitted activity.

The Committee reserved its decision at 4.05 pm.

**Moved Crs Bryant / Henry
EP05/07/13**

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

C W Drilling & Investigation Limited

The general subject of the matter to be considered while the public is excluded, the reason for passing this resolution in relation to the matter, and the specific grounds under Section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

Subject	Reasons	Grounds
C W Drilling & Investigation Limited	Consideration of a planning application.	A right of appeal lies to the Environment Court against the final decision of Council.

CARRIED

**Moved Crs King / Henry
EP05/07/14**

THAT for the purposes of discussing the application of C W Drilling & Investigation Limited as an "In Committee" item, the Environment & Planning Manager be authorised to be in attendance as advisor.

CARRIED

**Moved Crs King / Henry
EP05/07/15**

THAT the public meeting be resumed and that the business transacted during the time the public was excluded be adopted and that the following resolutions be confirmed in open meeting.

CARRIED

**2. C W DRILLING & INVESTIGATION LIMITED, 85 MOUTERE HIGHWAY, MOTUEKA
- RM041237 AND RM041239**

**Moved Crs King / Bryant
EP05/07/16**

THAT pursuant to Section 104 of the Resource Management Act 1991, Council GRANTS consent to C W Drilling and Investigations Ltd to operate a light industrial activity being a well contractor's yard on land described as Lot 2 DP 1884 situated in Lower Moutere.

The consent is granted subject to the following conditions:

CONDITIONS:

General

1. The establishment and operation of the business shall, unless otherwise provided for in the conditions of the consent, be undertaken in accordance with the documentation submitted with the application (dated 18 October 2004) and as adduced at the hearing (held 18 July 2005).
2. The total area of all buildings used in association with the activity (excluding the dwelling house) shall not exceed a gross floor area of 600 m² and the area of hardstand shall not exceed 3,000 m² and the total area to be used by the activity shall not exceed 5,000 m².

NOTE:

This condition was volunteered by the applicant.

3. 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 can be minimised by consistently complying with conditions and thereby reducing the frequency of Council visits.

Limitations of Transfer of Consent

4. The consent for the activity will cease if the current title holders cease to own the land on which the activity takes place (i.e Lot 2 DP 1884);

Note: This condition was volunteered by the applicant.

Duration of Consent

5. Council, pursuant to Section 123 of the Resource Management Act 1991, specifies that this consent shall expire 10 years following the date that it becomes effective or at such time that the activity has been discontinued for a continuous period of 12 months or more as provided in Section 10 of the Act (whichever is the earlier).

Limitation on Subdivision

6. A covenant is to be registered on Lot 2 DP 1884 preventing further subdivision, other than minor boundary adjustments, whilst resource consent RM041237 is effective.

NOTE:

This condition was volunteered by the applicant.

Noise

7. Without limiting the obligation to comply with the permitted activity noise levels for the Rural 1 Zone, the consent holder shall provide the best practicable option to mitigate noise emanating beyond the boundary of the site by the following:
 - Noisy equipment, including angle grinders, shall only be operated inside of the shed unless the items on which the equipment is being used, is unable to fit in the shed;
 - The consent holders shall ensure doors remain closed in the workshop during use of equipment to reduce noise transmission;
8. Council may review any matters relating to noise control any time that consent may be granted for any new dwelling within 100 metres of the activity, other than any dwelling on the property on which the activity is carried out.

Work Practices

9. Other than within buildings, no general storage of parts, equipment (except vehicles) and or machinery relating to the activity shall occur on the site.
10. Hours of operation shall only be between 7.30 am to 5.30 pm Monday to Friday and 7.30 am and 12.30 pm on Saturdays. No work shall be carried out on Public Holidays.

NOTE

That this shall not preclude the access to and from the property by any vehicles either returning or leaving during the weekends or public holidays.

Access and Parking

11. The existing access to the property shall be widened to 12 metres at the Moutere Highway edge of seal with appropriate turning radii and edge restraint measures. Such work shall be subject to Council Engineering approval for a crossing permit
12. The applicant shall seal the access from the seal on Moutere Highway to at least 10 metres within the property boundary, such works to comply with Council's Engineering Standards.

13. Access within the property and including vehicle parking and the yard area shall be provided with an all-weather, dust free surface.

Hazardous Substances

14. No hazardous substances other than those described in the application shall be permitted;

Notation:

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 further consent shall be obtained.

Amenity

15. The applicant shall commission a landscape professional (landscape architect or landscape gardener) to prepare a landscape plan (including planting programme and planting maintenance schedules) for the property. The plan shall include details of the plant sizes at the time of planting and intended species. Such a plan is to include appropriate measures to help screen and reduce the visual prominence of the existing and any proposed buildings associated with the activity, the yard area and any outdoor storage as viewed from the Moutere Highway, or any dwelling on any property other than the subject property.
16. The landscape plan shall be submitted to the Environment and Planning Manager within six months of this consent becoming effective. The landscaping shall be implemented and maintained in accordance with the approved landscaping plan within the first planting season following consent being given effect to.
17. All exterior artificial lighting shall be appropriately subdued and sufficient only for security and access. No artificial lighting shall create any glare to adjoining residential properties or public places.
18. The proposed yard area and any outdoor storage shall be set back from the boundary with Moutere Highway at least ten metres and at least 5.0 metres from any internal boundary. The Yard area shall also be clear of the drip line of protected trees on the property as shown on Appendix B of the evidence adduced at the hearing by R Langbridge so as to avoid damage to those trees.
19. The proposed yard area shall not exceed the general dimensions as indicated in the application.
20. The proposed sign with the exception of the area of the sign which may be up to 2.0 m² shall comply with the relevant rules for a permitted sign in the Rural zone as provided under Tasman Resource Management Plan Rule 16.1.5.

Earthworks

21. No earthworks shall either dam or divert the natural flow of flood waters from the property
22. Without prejudice to condition any surface material or topsoil removed from the work area development will be redistributed on the property and re-sown in grasses or otherwise protected from soil erosion as soon as practicable and no later than 12 months of the disturbance occurring.
23. Prior to any excavation or earthworks being undertaken on the property, the local Iwi (Te Awhina) will be consulted as to the appropriate procedures and protocols excavating around archaeological sites. If archaeological material is discovered during the proposed work, the provisions of Section 9 - 21 of the Historic Places Act 1993 and all other statutory requirements will be observed. Te Awhina Runanga will be consulted to ensure that all such finds are managed appropriately in terms of the tikanga Maori.

Notation:

Council is aware of existing pre-European archaeological sites in this area and there is a strong possibility of further sites existing. The discovery of an archaeological site is subject to the provisions of the Historic Places Act and an application must be made to the Historic Places Trust for an authority to modify or destroy the site. It is a recommendation of the archaeologist that an authority under Section 11 of the Historic Places Act 1993 be obtained prior to work commencing as this would avoid delays should any site be disturbed during the course of earthworks.

This condition was volunteered by the applicant.

CONDITIONS – DISCHARGE:

1. Site and Discharge Details

Physical Address:	85 Moutere Highway, Motueka
Legal Description:	Lot 2 DP 1884 Blk VII Motueka SD
Valuation Number:	1928027400
Total Property Area:	3.4413 hectares
Map Reference of Disposal Area:	East 2509589 North 6006740
Receiving Environment:	Land
Maximum Discharge Volume:	1500 litres per day
Maximum Discharge Rate:	5 millimetres per day, 35 millimetres per week
Discharge Characteristics:	Wash water from the washing of the Consent Holders vehicles and equipment associated with their drilling and investigation business and stormwater from the sealed wash pad.

2. The maximum daily discharge shall not exceed 1500 litres per day. The discharge will contain only wash water generated from the washing of the Consent Holders own vehicles and equipment associated with their drilling and investigation business and stormwater arising from the wash pad area.

NOTE:

A shut off valve on the collection system is recommended for periods when the wash facility is not in use. This will reduce volumes of stormwater entering the collection system, increasing probability of compliance with discharge volume restrictions imposed by this consent. However, the Consent Holder is warned that such valves require careful management (to ensure they are operating when required) and will require that the wash pad area is kept free from contaminants when the treatment system was not in use.

3. The maximum hydraulic loading rate at which the wash water is applied to land shall not exceed 5 millimetres per day and 35 millimetres per week.

NOTE:

The irrigation area may be altered provided compliance with the loading rate imposed above can be maintained and buffer distances set by conditions of consent are maintained.

4. The wash water collection, treatment and irrigation system shall be constructed, operated and maintained in accordance with the relevant documentation submitted to Council as part of application RM041239 and in accordance with Appendix 1 attached and dated May 2005. The treatment system shall contain a primary collection tank (not less than 2.7 cubic metre capacity), a interceptor system (not less than 3 stages with minimum total capacity of 1.6 cubic metres) and an irrigation tank (not less than 4.5 cubic metre capacity).
5. The Consent Holder shall construct a fully sealed and enclosed wash pad area for the washing of vehicles and equipment. A nib wall or similar mechanism shall be constructed around the boundaries of the wash pad to reduce stormwater infiltration to the wash pad area and wash water escape. The Consent Holder shall submit to Council for written approval of Co-ordinator, Compliance Monitoring a design plan including the wash pad area prior to the exercise of this consent.
6. The wastewater shall consist solely vehicle and equipment wash water and stormwater from the wash pad; no hazardous substances (other than hydrocarbons associated with the vehicles) will be included. Stormwater from the wash pad (50 square metre concrete pad) may enter the treatment and irrigation system, but all practicable measures shall be taken to prevent stormwater from any other parts of the yard from entering the treatment and irrigation system.

NOTE:

The discharge of detergents, cleaning agents and/or any other hazardous substances (other than residual quantities of oils and greases) is not authorised by this consent, only stormwater and wash water from the vehicles and equipment is permitted. Detergents mobilise oils and greases rendering the interceptor useless and any discharge would be likely to exceed consent contaminant requirements.

7. The discharge shall occur not less than:
 - a) 20 metres away from any surface water body;
 - b) 50 metres away from any bore for water supply;
 - c) 50 metres away from any adjoining property boundary.

8. There shall be no discharge, percolation or run-off of wash water to surface water.

NOTE:

This condition may require the Consent Holder to cease the discharge during wet weather conditions or periods following rainfall events when ground conditions are saturated. During such periods irrigation should be suspended and alternative means of disposal utilised (such as collection and removal by septic tank cleaning truck) or the facility should not be used and alternative facilities where disposal is not restricted should be utilised.

9. The collection tank receiving the wash water shall be cleaned out as required but not less than every three months or when the sludge thickness in the collection tank exceeds 150 millimetres (whichever occurs first). Waste material from the desludging shall be removed from the site for disposal at a facility authorised to receive such material.

10. Any hazardous substances stored in any area on the site subject to inundation from any source, is stored in a manner that the substance cannot be moved by, released into or contaminate flowing water.

11. The Consent Holder shall submit an Operation and Management Plan for the written approval of Council's Co-ordinator, Compliance Monitoring prior to the exercise of this consent. This Plan shall be prepared by suitably qualified person in accordance with the conditions of this resource consent and shall contain, but not be limited to, the following:

- i) the routine inspection programme to verify the correct functioning of the collection, treatment and irrigation system at all times;
- ii) a schedule for the daily, weekly, monthly and annual operational requirements;
- iii) a schedule of maintenance requirements for the pumps, collection and holding tanks and irrigators;
- iv) details of a schedule for the de-sludging of the tanks and how and where the sludge is to be disposed;
- v) details of how the irrigation system will be managed;
- vi) a list of suitable vegetation species for use on the irrigation area and a schedule of maintenance and care requirements for the management for the vegetation species used;
- vii) a contingency plan specifying the actions to be taken in the event of failure of any component of the system, unexpected spillage into the system and any non-compliance with the conditions of this resource consent;

12. A sampling point to allow collection of the treated wash water before being discharged to the irrigation area shall be provided and a plan indicating this point shall be submitted to Tasman District Council's Co-ordinator Compliance Monitoring for approval within the first month of the exercise of this consent.

13. Monthly for the first three months, three monthly for the first year, six monthly for the following two years and annually thereafter the consent holder or their agent shall obtain a sample of washwater from the point required by Condition 12. These samples shall be analysed for temperature, total petroleum hydrocarbons, oils and greases, total suspended solids and pH. Samples shall be collected by a person experienced in collecting such samples using standard sampling methodologies and equipment and shall be transported to the laboratory under chain of custody. The sample shall be analysed using standard methodology by an IANZ accredited laboratory. The analytical results shall be forwarded to the Council's Co-ordinator, Compliance Monitoring within 20 working days of the results being received from the laboratory.

NOTE:

Notwithstanding the above, the Council reserves the right to collect additional samples, either during the first five years or any other time following and irrespective of whether the conditions of consent are being complied with.

14. The quality of treated wastewater analysed in accordance with Condition 13 above shall not exceed the following quality standards:

a) Total petroleum hydrocarbons	15 milligrams per litre
b) pH	Within the range 6-9
c) Temperature	Not more than 3 degree change from Natural temperature.
d) Oils and greases	15 milligrams per litre
e) Copper	0.2 milligrams per litre *
f) Zinc	2 milligrams per litre *
g) Lead	5 milligrams per litre *

* Long term trigger values from ANZECC Water Quality Guidelines for irrigation water shave been used for additional protection.

NOTE:

Care will be required to minimise oil, grease and other contaminant additions to the system. The Consent Holder is advised that alternative methods of disposal (i.e. sump truck removal) or alternative wash facilities (which discharge to an appropriate reticulated sewerage network) must be utilised if work has been undertaken on sites containing elevated levels of hazardous substances. Failure to do so is likely to cause a breach in the contaminant limits specified above.

15. In the event that there is non-compliance with the contaminant limits outlined in Condition 14 above, the consent holder must investigate the problem and if necessary cease use of the truck wash and/or undertake modifications/improvements to the system to reduce contaminant levels of the washwater to meet limits set by Condition 14.
16. The applicant will provide Council with a written report of any investigation undertaken in accordance with Condition 15 within two months of the non-compliance incident and any mitigation and/or remediation works required shall be implemented to the satisfaction of Council within this time period.

17. If contaminants of concern are identified in the wash water monitoring required by Condition 13, upstream and downstream monitoring bores shall be installed to assess the effect of the discharge on the receiving groundwater. The proposed location of these bores shall be submitted to Council's Resource Scientist - Water in writing for approval prior to their installation and within two months of the non-compliance identified in accordance with Condition 15. Six monthly groundwater monitoring of upstream and downstream bores would be required to the satisfaction of Tasman District Council's Co-ordinator, Compliance Monitoring.
18. The discharge shall have none of the following effects on the waters beyond the boundary of the site on which the discharge occurs:
 - a) the production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials;
 - b) any conspicuous change in colour or visual clarity;
 - c) the rendering of freshwater unsuitable for consumption by farm animals;
 - d) any significant adverse effects on aquatic life.
19. The discharge shall have none of the following effects on groundwater beyond the boundary of the site on which the discharge occurs:
 - a) the natural temperature of the water must not be changed by more than 3 degrees Celsius;
 - b) the water must not be tainted or contaminated so as to make it unsuitable for the irrigation of crops growing or likely to be grown in the area to be irrigated.
 - c) the water must not be tainted or contaminated so as to make it unsuitable for consumption by animals;
 - d) the pH of the water must be within the range of 6.0-9.0 pH units;
 - e) the water must not be tainted or contaminated so as to make it unpalatable or unsuitable for consumption by humans, after treatment (equivalent to coagulation, filtration and disinfection), or unsuitable for irrigation;
 - f) the water must not be rendered unsuitable for treatment (equivalent to coagulation, filtration and disinfection) for human consumption by the presence of contaminants.

NOTE:

The Consent Holder will have to ensure the treatment system is sized to allow adequate retention of wash water prior to irrigation if heat is to be used in the washing process to ensure the temperature of receiving waters is not adversely effected.

20. The consent holder shall log all complaints received relating to the exercise of this consent, shall notify Council's Co-ordinator, Compliance Monitoring within 24 hours of receiving the complaint and shall maintain a register of complaints, which shall include but not be limited to, the following information:
 - a) date and time of the complaint;

- b) nature of the complaint;
 - c) name, address and telephone number of the complainant (if available);
 - d) details of discharge at time of alleged problem (including but not limited to flow conditions of river, discharge rate, characteristics of discharge, discharge pipes in use);
 - e) any remedial action taken to rectify problem or mitigation proposed to prevent future complaints.
21. The Council may, during the period 31 May to 31 August each year, review any or all of the conditions of the consent pursuant to Section 128 of the Resource Management Act 1991 for all or any of the following purposes:
- a) to deal with any adverse effect on the environment which may arise from the exercise of the consent that was not foreseen at the time of granting of the consent, and which is therefore more appropriate to deal with at a later stage; and/or
 - b) to require the consent holder to adopt the best practical option to remove or reduce any adverse effects on the environment resulting from the discharge; and/or
 - c) reviewing the contaminant limits and/or loading rates of this consent if it is appropriate to do so; and/or
 - d) reviewing the frequency of sampling and/or number of determinants analysed if the results indicate that this is required and/or appropriate.
22. Pursuant to Section 36 of the Resource Management Act, 1991, the permit holder shall meet the reasonable costs associated with the monitoring and administration of this permit. Costs can be minimised by consistently complying with the conditions of this consent and thereby reducing the frequency of Council visits.

ADVICE NOTES

1. Any matters not referred to in this application for resource consent or that are not otherwise covered in the consent conditions must comply with the proposed Tasman Resource Management Plan and the Resource Management Act 1991.
2. The applicant shall meet the requirements of Council with regard to all Building and Health Bylaws, Regulations and Acts.
3. Access by the Council or its officers or agents to the property is reserved pursuant to Section 332 of the Resource Management Act.
4. Pursuant to Section 127 of the Resource Management Act 1991, the consent holder may apply to the consent authority for the change or cancellation of any condition of this consent.
5. All reporting required by Council shall be made in the first instance to the Co-ordinator, Compliance Monitoring.

6. Compliance with the ANZECC Water Quality Guidelines for Irrigation Waters and any successor document is recommended to maintain the productivity of the land in accordance with the principles of ecologically sustainable development.
7. The consent holder shall keep such other records as may be reasonably required by the Council and shall, if so requested, supply this information to the Council. If it is necessary to install measuring devices to enable satisfactory records to be kept, the permit holder shall, at his or her own expense, install, operate and maintain suitable devices.

REASONS FOR DECISION:

The establishment of an industry in a rural environment, particularly a rural environment that has high amenity values and with residentially used properties nearby is always going to be contentious. Submitters presented Council with a number of concerns in relation to this application in this location.

Because the activity largely services rural activities, its location in a rural area is not to be unexpected. The Committee notes that the applicant has tried to address a number of the concerns raised in the way in which the well driller's depot is designed and operated. At the level of detail, the noise and traffic implications are matters that can be dealt with through the imposition of appropriate conditions. In relation to noise in particular the applicant has not sought to depart from the noise standards applicable to the Rural 1 zone and we note the main doors to the workshop will face the south and west, away from the nearer residences. A landscaping proposal has been put forward that will ensure the activity is absorbed into the locality.

The location of the site on Rural 1 land, its size at 3.4 hectares, and the associated planning policy implications are matters that the Committee has also considered. It notes that Mr Askew, the reporting planner on the land use consent, amended his view at the hearing as to whether consent could be granted. Having considered the statutory tests, we too find that the applications for consent to a discretionary activity do not offend the Tasman Resource Management Plan or the relevant provisions of the Resource Management Act. That this is so is enhanced by the applicant's volunteered conditions in relation to duration of consent, restraints on the scale of development and further subdivision.

The level of treatment of the wash water prior to disposal and the specifications of the irrigation system recommended through conditions of consent will minimise the potential for contamination of receiving soils, groundwater or surface waters as a result of the discharge. Any adverse effects on the receiving environment as a result of the discharge are expected to be no more than minor, provided there is compliance with the recommended conditions.

On balance, and notwithstanding the points made by submitters, we consider that consent, subject to conditions, can be granted.

CARRIED

Confirmed:

Chair: