

MINUTES

TITLE: Environment and Planning Subcommittee
DATE: Monday, 16 October 2006
TIME: 9.30 am
VENUE: Council Chamber, 189 Queen Street, Richmond

PRESENT: Councillors E M O'Regan (Chair), M J Higgins and N Riley

IN ATTENDANCE: Manager Consents (J Hodson), Senior Planner Land (J R Andrew), Development Engineer (D Ley), Consent Planner (M D Morris), Coordinator Regulatory Services (D R Lewis), Administration Officer (B D Moore)

1. R A AND J W CLELLAND & TASMAN BAY FOOD GROUP, CORNER FACTORY ROAD AND RIVER TERRACE ROAD, BRIGHTWATER, APPLICATIONS RM060457, RM060458, RM060459 AND RM060461

1.1 Proposal

The applicant sought consent to subdivide the land in CT NL6D/752 of 5.2215 hectare, Lot 1 DP 11396 at the north eastern corner of the intersection of River Terrace and Factory Road, Brightwater into Lot 1 of 1.2 hectare with a balance of 4.0215 hectare; the existing dwelling will be relocated to the upper terrace adjoining River Terrace Road; application RM060461 for land use consent to establish the factory, winery and bakery.

The Committee reserved its decision at 3.45 pm.

RESOLUTION TO EXCLUDE THE PUBLIC

Moved Crs Higgins / Riley
EP06/10/17

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

R A and J W Clelland & Tasman Bay Food Group

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

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under Section 48(1) for the passing of this resolution
R A and J W Clelland & Tasman Bay Food Group	Consideration of a planning application	A right of appeal lies to the Environment Court against the final decision of Council.

**Moved Crs O'Regan / Riley
EP06/10/18**

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

CARRIED

- 2. R A AND J W CLELLAND & TASMAN BAY FOOD GROUP, CORNER FACTORY ROAD AND RIVER TERRACE ROAD, BRIGHTWATER, APPLICATIONS RM060457, RM060458, RM060459 AND RM060461**

**Moved Crs Higgins / Riley
EP06/10/19**

THAT pursuant to Section 104D of the Resource Management Act, the Committee grants consent to R A and J W Clelland & Tasman Bay Food Group as detailed in the following report and decision.

Report and Decision of the Tasman District Council through its Hearings Committee

Meeting held in the Tasman Room, Richmond

on Monday, 16 October 2006, commencing at 9.30 am

A Hearings Committee ("the Committee") of the Tasman District Council was convened to hear the resource consent application(s) lodged by

R A AND J W CLELLAND & TASMAN BAY FOOD GROUP LTD

relating to:

- Subdivide land into four lots,
- Relocate an existing dwelling
- Operate an existing joinery factory,
- Establish and operate a juicy factory, winery, bakery and associated storage, administration and factory shop on land at Factory Road, Brightwater.

The applications, made in accordance with the Resource Management Act 1991 ("the Act"), were lodged with the Tasman District Council and referenced RM060458 (subdivision), RM060457 (land use for relocated dwelling), RM060459 (land use for joinery factory) and RM060461 (land use for new factory development).

Note that the proposal was subsequently amended at the hearing such that only two lots were sought to be subdivided, no resource consent was thus required for the relocation of the dwelling and the joinery factory application was withdrawn.

- PRESENT:** **Hearings Committee**
- Cr O'Regan Chairperson**
Cr Higgins
Cr Riley
- APPLICANT:** **R A AND J W CLELLAND AND TASMAN BAY FOOD GROUP LTD (TBFG)**
- Mr N McFadden- Counsel for applicants**
Mr B Hirst-Director TBFG
Frank Bacon-Planning Consultant
- CONSENT AUTHORITY:** **Tasman District Council**
- Mr M Morris- Senior Subdivision Officer**
Mr D Ley- Development Engineer
Mr D Lewis- Co-ordinator Regulatory Services
Mr J Andrew- Senior Planner- Land
Mr E Verstappen- Resources Scientist-Rivers and Coast
- SUBMITTERS:** **Mrs J Gulbransen**
Mr E Bryhn
Mr M Oldham on behalf of Trustees Vision Guild Family Trust
Mr A Baigent
Mr G Hosie-on behalf of Waimea Saleyards Co Ltd
Mr B Taylor on behalf of Wairoa Quarries Ltd
Mr T Alley on behalf of Mr Brewerton
Fonterra Co-operative Group (letter dated 10 October 2006 tabled)
- IN ATTENDANCE:** **Ms J Hodson- Manager Consents assisting Committee**
Mr B Moore- Committee Secretary

1. DESCRIPTION OF THE PROPOSED ACTIVITY

The proposed activity involved four resource consent applications being:

- RM060458 –Subdivision of 5.2215 hectare property into four lots (Lot 1 of 1.2 hectares, Lot 2 of 0.4 hectares, Lot 3 of 0.4 hectares and Lot 4 of 3.2 hectares) The subdivision application is sought to facilitate Industrial development and the relocation of the Clelland's dwelling so that it is set well back from Factory Road, with access to River Terrace Road and on higher ground.

At the hearing the application was amended such that Lots 2 and 3 and thus the area subdivision is for Lot 1 of 1.2 hectares and the remainder of the land being one lot.

- RM060457- Land use for relocated dwelling onto proposed Lot 4. Due to the amendment of the subdivision application, this consent is no longer required although it was volunteered by the applicant to relocate the dwelling onto the balance lot prior to completion of the subdivision, but as this is on the same lot, no resource consent is required.
- RM060459- Land use for existing joinery factory on proposed Lot 3. This application was withdrawn at the hearing.
- RM060461 Land use for new factory development on proposed Lot 1. Activities on proposed Lot 1 would include the manufacture, storage and dispatch of beverages and foodstuffs, associated administrative and product development facilities, and a retail factory shop for the sale of produce made on site. The on-site buildings would cover an area of approximately 4,581 square metres and the buildings would be set back at least 4 metres from road boundaries. A 2 square metres sign is proposed on Factory Road to advertise the business.

2. PLAN RULE(S) AFFECTED

The proposed subdivision which underlies the proposal does not comply with Controlled Activity Rule 16.3.7 of the Proposed Tasman Resource Management Plan and due to an outstanding reference in relation to subdivision of Rural 1 land, the application is deemed to be a non-complying activity in accordance with the Transition Plan (Waimea Section).

3. NOTIFICATION AND SUBMISSIONS RECEIVED

The application(s) was notified on Wednesday, 28 June 2006 pursuant to Section 93 of the Act. A total of 21 submissions were received. The following is a summary of the written submissions received and the main issues raised:

SUBMISSIONS IN SUPPORT AND OPPOSITION

No.	Name	Support or Oppose	Want to be Heard
1	—	—	—
2	—	—	—
3	Gibson Equipment Repair Ld	Support	Not known
4	R P & T J McGlashen	Support	No
5	Waimea Sale Yards Co Ltd	Oppose	Yes
6	D & M Robinson	Conditional Opposition	No
7	Edward Bryhn	Oppose	Yes
8	Ministry of Education	Support with Conditions	Not known

No.	Name	Support or Oppose	Want to be Heard
9	Wairoa Quarries Ltd	Oppose	Yes
10	Matthew Oldham	Oppose	Yes
11	Janice Gulbransen/Brightwater School	Support with Conditions	Yes
12	Richard Bradley	Support	No
13	I B Collie	Support	No
14	—	—	—
15	Nelson-Tasman Chamber of Commerce	Support	No
16	R A Peters	Support with Conditions	No
17	N M Peters	Support with Conditions	Yes
18	—	—	—
19	A W & K A Baigent	Conditional Opposition	Yes
20	Riverstone Balage Ltd	Conditional Opposition	Yes
21	G E Holland & M J Baigent	Conditional Opposition	Yes
22	A N & M D Baigent	Conditional Opposition	Yes
23	I N Parkes	Oppose	Yes
24	Fonterra	Conditional Opposition	Yes
25	F G, S & J Brewerton	Oppose	Yes
		Oppose	6
		Conditional Opposition	6
		Support	5
		Support with Conditions	4
		Total Submissions	21

GENERAL SUMMARY OF ADVERSE EFFECTS RELATED TO SUBMITTERS

General Summary Of Adverse Effects	Submitter No.
Traffic (Mr Ley see Appendix 2)	
Increased traffic	6, 7

General Summary Of Adverse Effects	Submitter No.
Upgrade Factory Road	3, 4
Factory access to River Terrace Road	7, 9, 10, 16, 17, 19, 20, 21, 22
Footpath on River Terrace Road	6, 8, 11, 14, 16
Speed restriction on River Terrace Road	6, 16, 17
Access to relocated dwelling	19, 20, 21, 22
Vehicle visibility affected by siting of buildings	5, 9,
Noise	6, 7, 10
Joinery workshop noise	7
Discharge	10
Odour	7
Visual	6, 7,10
Heritage	10
Rural 1 land	7, 10
Shelter planting	3, 5, 6, 10, 16
Reverse sensitivity	
Dust and farming operations	5, 7, 9, 19, 20,21,22,23, 25
Odour	25
Noise	25
Relocated dwelling (noise)	25
General	24
Shortage of industrial land	12, 13, 15

4. PROCEDURAL MATTERS

No Procedural matters arose at the hearing which required rulings.

5. EVIDENCE HEARD

The Committee heard evidence from the applicant, expert witnesses, submitters, and the Council's reporting officer. The following is a summary of the evidence heard at the hearing.

5.1 Applicant's Evidence

Attached to Mr McFadden's introductory statement was an amended list of conditions of consent which were submitted for consideration by the Hearing Panel and Council officers.

Mr B E Hirst, Managing Director of Tasman Bay Food Group Limited, then read a statement of evidence. He explained the areas and associated infrastructure proposed to establish the food processing operation, consisting of a winery, bakery, fruit juice factory and sauce plant. He explained the history and growth of this company which began from Robinson Brothers Limited at Stoke in 1940 and that the business has grown to be a major exporter. He explained how the existing business is restricted in growth by surrounding residential and commercial development and he described the extent of alternative locations for the proposed relocated business, which had been investigated.

Mr Hirst explained how the applicant had planned the site layout and parking area in order to preserve and avoid the floodway. Mr Hirst said that the proposed industry is presently carried out within an area adjoining a rest home and a significant residential area and adjacent to a restaurant. Only one complaint of a minor noise related matter had been received concerning the operations of this business on that site. Mr Hirst explained that he did not share the concerns of objectors in the vicinity of the subject site regarding the subject of reverse sensitivity effects and potential direct conflict with those businesses.

Mr Hirst described the mitigation measures which the applicant had taken in order to satisfy the concerns expressed by Mr M Oldham and Vision Guild Family Trust. The written submission from Mr Hirst had attached a south elevation of the site from River Terrace Road showing the proposed heights of buildings. A copy of the amended subdivision plan showing the two lot subdivision was also attached. Mr Hirst explained that the applicant proposed to clear the vegetation from the intersection of River Terrace Road and Factory Road in order to provide better visibility.

Mr McFadden proposed that condition 3 for the factory shop foundation be reworded as follows:

"If any point of the factory shop building intrudes into the floodway, on Lot 1, that part of the building shall be established on either a pile or pole foundation and shall be the subject of a consent notice under Subsection 3, Section 221 Resource Management Act."

Mr D Lewis sought clarification regarding Condition 9 that a notification be added so that the consent holder should be aware that this consent, while giving a land use consent for the purpose of liquor sale, will require a licence under the Sale of Liquor Act in addition. Mr McFadden acknowledged on behalf of the applicant, the need for that notification to be added.

Resource Management Consultant, Mr F C Bacon, read a statement of planning evidence. He said that the applicants volunteered a condition on the subdivision consent requiring the relocation of the dwelling to the rear of Lot 2 as shown on the amended subdivision plan. He said that this gives certainty because subdivision cannot take place without the condition being met. Mr Bacon demonstrated that the required onsite car parking provisions are more than adequately provided. He addressed the concerns of submitters to the application, including the issues of reversed sensitivity effects, cross boundary effects arising from the applicants' activities on other land uses and the pedestrian and traffic issues. Mr Bacon outlined planning issues including fragmentation and non-soil based production on rural land. He said that the plan recognises that it is acceptable in some circumstances, for industries based on processing of rural produce, to be located in rural areas.

Mr Bacon addressed the issues of potential flood hazards, cross boundary effects, traffic issues and site services. Mr Bacon explained that the effects of creating proposed Lot 1 will be no more than minor and as there is a shortage of suitable sites and appropriate zones, grounds for granting consent exist. Mr Bacon said that the PTRMP makes provision for industries connected with rural activities, to be established on rural land, via the granting of resource consents by way of discretionary activity consents. Mr Bacon referred to the proposed conditions of consents saying that some engineering roading conditions appear unnecessary in practical terms. He said that other proposals including road widening, footpaths, and corner splay are unnecessary. He said that the footpath is required by the wider community rather than this application and the site distance at the corner can be improved by vegetation removal. Mr Bacon said that the full cost of the provision of services on River Terrace Road should not fall on the applicant.

Stormwater disposal will be managed on site and tests were carried out by an experienced hydrologist. Mr Bacon said that other developments which have occurred in Factory Road have not had Council require them to upgrade Factory Road. He said that Factory Road is extremely quiet with only 130 vehicle movements per day and this application will not affect the vehicle numbers to any appreciable extent. Mr Bacon said that the proposed application will require the applicant to pay development contribution levies.

5.2 Submitters Evidence

Ms J Gulbransen spoke for Brightwater School and supported the application subject to the imposition of an appropriate condition requiring the footpath along River Terrace Road to be formed and upgraded.

Mr E Bryhn said his main concerns regarding the proposal were about potential noise and dust. He lives at a property at 88 River Terrace Road, Brightwater and his property adjoins the subject site. He criticised the level of Council monitoring regarding other commercial and industrial uses in the vicinity. Mr Bryhn was opposed to the application because of its impact on the rural area and the increased traffic which he claimed would be a danger to children in the area.

Vision Guild Family Trust

Mr M K Oldham spoke about the concerns for this property owner at 55 River Terrace Road, Brightwater. He said the house is directly across the road on River Terrace Road, from the subject site. The submitter opposed the proposed development and sought the imposition of conditions to require the heavy truck exit from Factory Road,

increased building setback and full screening along the entire River Terrace Road boundary and the imposition of adequate noise and discharge levels for the benefit of the submitter.

Baigent, Holland and Riverstone

Mr A W Baigent made a verbal submission on behalf of A W and K A Baigent, Riverstone Balage Limited, G E Holland and M J Baigent, A N and M D Baigent. Mr A W Baigent said that the submitters were concerned about the potential control of dust particularly from local farming operations and that there was concern that the applicants may enforce dust control provisions. He said it is difficult for the farming operations to control dust in windy conditions, especially when working up paddocks. He said that the situation is presently stated by the applicant as not being an issue and he suggested that Council should monitor the situation.

Waimea Sale Yard Co Limited

Mr G Hosie said that the Waimea Saleyards has boundaries onto River Terrace Road only several hundred metres from the subject property. The submitter was concerned about dust nuisance from the saleyards which can be blown towards the subject site during south west winds. He said that there is the potential for contaminants to be conveyed down River Terrace Road through the movement of stock trucks. Mr Hosie said that Waimea Saleyards has been operating on its site at Brightwater for 35 years and the company sought that the applicants sign an emanations easement.

Wairoa Quarries Limited

Mr B Taylor appeared and spoke on behalf of Wairoa Quarries Limited and expressed concern about the closeness of the proposed buildings on the corner of Factory Road and River Terrace Road and where vehicles would enter the subject site. Mr Taylor said he was concerned that Wairoa Quarries vehicles would create a dust nuisance to the applicants and said that the submitter had sought that the applicants sign an emanations easement. He said that Wairoa Quarries Limited had received some complaints about dust nuisance from trucks travelling in the vicinity.

Wholesale Landscapes – Brewerton Family

Mr A C Alley of Davis Ogilvie and Partners Limited, said that Wholesale Landscapes operate from a site on the corner of Factory Road where the land is zoned rural industry and the submitter processes and extracts gravel and processes other natural products. He said that the submitter opposes the application because of the concern for dust which may drift from the submitter's site to the applicants' site and cause a nuisance. The submitter, Wholesale Landscapes, sought that the applicant enter into an emissions covenant so that the applicant and any successor in title, will not object or seek any abatement action in respect to the emission of dust, odour or noise from the lawful operations of Wholesale Landscape Limited or of any succeeding land use.

Fonterra Limited

Cr O'Regan referred to a letter of 10 October 2006 which had been received at the Council on 11 October 2006 from Fonterra Cooperative Group, Old Factory Road, Brightwater. Fonterra had been a submitter to this application but nobody from that company was available to attend the hearing personally. The letter stated that Fonterra has reviewed the Council officers' reports into these consent applications and supports all aspects and recommended consent conditions.

5.3 Council's Reporting Officer's Report and Evidence

Mr Verstappen reported to the Committee that he had assessed the amended application and in his opinion it satisfied his concerns regarding the flooding hazard and stormwater management. He indicated that the retail shop may intrude into an area of the secondary flow path and that provided the building was constructed on raised piles which would allow water to flow unimpeded, there would be no significant obstruction to the flow and thus no significant effect.

Consent Planner, M D Morris, referred to the suggested amended conditions of consent proposed within the submission provided at this meeting by Mr McFadden. Mr Morris said that on Factory Road, a 3.5 metre deep setback strip would be required and sought that the area of Lot 1 be increased, so that the back boundary of Lot 1 be setback 3.5 metres. Mr Morris asked the Committee to compare other industrial uses on Factory Road in the rural industrial light zone those being permitted by the plan and which conditions of consent could be justified.

Mr Morris said that it would be possible to have a consent notice regarding landscape maintenance on the subdivision consent.

Development Engineer, D Ley, tabled aerial photographs and a plan to show the proposed road corner snipe. He noted that this proposed corner snipe affects planned landscaping. He tabled and spoke to a draft plan regarding the intersection of Factory Road and River Terrace Road. Mr Ley referred to the Tasman District Council Engineering Standards table 6.4 for road design standards and figure 18.10A of the PTRMP. Mr Ley said that the Engineering Standards had been established in 2004 and questioned why a lesser standard should be sought and said that the subject land is zoned rural not industrial.

Mr Ley said a cycleway should be formed either in the carriageway or on the footpath. He said that it is proposed that the Council limit the speed on River Terrace Road and Factory Road. He said that although the applicant would provide adequate onsite parking, that further car parking was also needed on the street. Mr Ley suggested that the car parking condition be required to be reviewable. He sought that a corner snipe be provided on the intersection. Mr Ley said that the applicant needs to provide a street lighting design.

Co-ordinator Regulatory, D R Lewis, said that the Clellands purchased their home in Factory Road when Fonterra Factory closed and then Fonterra quickly reopened the factory and that the factory does not comply with the noise rules. Mr Lewis spoke about the potential environmental effects and said that there is an obligation to comply with off site effects and take reasonable action to mitigate these. He said this applied particularly to noise and dust in the subject situation and surrounding businesses. Mr Lewis said that because a property is zoned rural 1 it doesn't mean that it will enjoy rural peace and quiet. It was accepted that the proposed business will run machinery and noise controls will apply. He said that the conditions regarding odour discharge and emissions for the subject proposal need to be clear.

Senior Planner Land, J R Andrew, said that the subject application was considered by staff as appropriate in this location. Mr Andrew said that the flooding problem has been considered and addressed by the applicant. Mr Andrew referred to the landscaping plan C and D contained within the agenda and attached to the officer's report. Mr Andrew spoke about the Factory Road building locations and said that

3.5 metres should be added to the road reserve on Factory Road. He said there should be a further 3 metre setback for the buildings, landscaping of 1 metre could be included in the 3.5 metre setback area. The landscaping strip should be 2 metres wide. Mr Andrews sought that landscaping should be from the entranceway to the River Terrace Road. He said he believed the Engineering Department would object to landscaping on the road reserve. It was acknowledged that individual specimen trees would be satisfactory. Mr Andrew expressed his agreement that a review condition be imposed on the car parking proposals on site. He added that staff recommend consent to the proposal.

6. PRINCIPAL ISSUES THAT WERE IN CONTENTION (Section 113 (1) (ac))

The principal issues that were in contention were:

- a) Whether the proposed activity was a suitable use for Rural 1 land in terms of the Plans policies and objectives regarding fragmentation and the loss of land of productive value.
- b) Whether the effects of increased traffic could be adequately mitigated.
- c) Whether the effects on surrounding rural amenity values could be adequately mitigated (including visual effects, noise and odour effects).
- d) Whether the effects of flooding could be adequately mitigated.
- e) Whether the effects on surrounding rural activities could be managed (reverse sensitivity effects).

7. MAIN FINDINGS OF FACT

The Committee considers that the following are the main facts relating to this application:

- a) **Whether proposal is suitable use of Rural 1 land-** The Committee considered that the immediate area was characterised by a mixture of Rural Industrial development already and that this proposal would not be out of character. It was in effect a “clustering” of industrial activities which had some beneficial aspects such as the management of heavy traffic effects. Although a small amount of highly productive land would be lost from production, the Committee heard that there was a limited supply of suitably zoned land within the District and in this circumstance the small loss of productive land was acceptable given the benefits to the District provided by the retention of such a rural based industry. The proposed factory development was seen as a logical and minor extension to the industrial area and it was considered that this would not open up River Terrace Road to industrial use.
- b) **Whether the effects of increased traffic could be adequately mitigated.** The Committee considered that it was important to adequately manage the effects of increased traffic which would be generated by the factory. The method of mitigation included limiting the vehicle access to one on Factory Road, increasing the sealed width of Factory Road along the frontage of the industrial lot and providing a footpath link along part of River Terrace Road plus improving visibility at the intersection of River Terrace and Factory Road by taking a corner snipe. In view of these factors, the Committee considered the traffic effects

could be adequately mitigated. The Committee considered that the volume of additional traffic on Factory Road did not warrant a footpath being constructed at this time.

- c) **Whether the effects on surrounding rural amenity values could be adequately mitigated (including visual effects, noise and odour effects).** The Committee considered that the visual effects would be no more than minor given the landscape planting to be completed and the separation distances to existing dwellings. Noise effects could be managed through the imposition of a noise condition which was more restrictive at night when noise can be a disturbance to sleep. It was considered that any odour issues would be no more than minor and the Committee was reassured that there had been no complaints at the Stoke location of the existing factory.
- d) **Whether the effects of flooding could be adequately mitigated.** The Committee considered that the amendment to the application by the deletion of Lot 2 and 3 was appropriate as this land was subject to flooding. They also considered that the conditions involving a minimum floor level and stormwater detention and management would mitigate the flooding hazard effects to an acceptable level.
- e) **Whether the effects on surrounding rural activities could be managed (reverse sensitivity effects).** The Committee heard concerns relating to various rural activities in the area which generate dust, odour and noise. The concern is that these effects may have impact on the factory and may lead to the rural activities being limited or curtailed. The Committee heard that dust contamination or odour was unlikely to be a problem for the factory because of proposed air filtering systems. The Committee agreed that there is an obligation to control the effects of activities generally within the boundary of the property concerned. The Committee did not consider that it was appropriate to impose a condition requiring a "covenant" to be entered into regarding reverse sensitivity concerns. It was recognised that the relocation of the Clelland's dwelling would have a beneficial effect for them in relation to the noise they receive from the Fonterra factory.

8. RELEVANT STATUTORY PROVISIONS

8.1 Policy Statements and Plan Provisions

In considering this application, the Committee has had regard to the matters outlined in Section 104 of the Act. In particular, the Committee has had regard to the relevant provisions of the following planning documents:

- a) the Tasman Regional Policy Statement (RPS);
- b) the Transitional Regional Plan (TRP) Waimea Section;
- c) the Proposed Tasman Resource Management Plan ;

8.2 Part II Matters

In considering this application, the Committee has taken into account the relevant principles outlined in Sections 6, 7 and 8 of the Act as well as the overall the purpose of the Act as presented in Section 5.

9. DECISION

Pursuant to Section 104B and 104D of the Act, the Committee **GRANTS** consent subject to conditions. The activity approved and conditions of consent are presented following the reasons for the decision:

10. REASONS FOR THE DECISIONS (subdivision and land use)

Pursuant to Section 113 of the Resource Management Act 1991, the reasons for the decisions are as follows:

1. The proposal will have the positive effect of enabling the Tasman Bay Food Group Ltd operation to be retained within the region and to enable it to expand which will have a benefit to the local economy.
2. It is clear that there is a scarcity of appropriately zoned land for such industries within the District and allowing this small amount of rural land to be used for this purpose is considered to be appropriate in this location given the surrounding industrial land uses and mixture of zonings.
3. The proposal facilitates the relocation of the dwelling on the property which will alleviate an on-going issue for the owners who are exposed to noise from nearby industry.
4. Subject to the conditions of consent that have been imposed, any adverse effects on the surrounding environment have been appropriately avoided, remedied or mitigated particularly in relation to traffic safety and the amenity of the surrounding area.
5. Although the land is subject to a potential flood hazard, the modified proposal has removed the lots which would be most seriously affected and therefore the application can be supported. The minimum floor level for the buildings and the stormwater detention measures will mitigate the hazard to an acceptable level.
6. Although the proposal to use Rural 1 land for industrial purposes is not generally consistent with the Policies and Objectives of the Plan, it is considered that in this case the effects of the proposal are no more than minor and therefore is consistent with the principles of sustainable management under the Resource Management Act 1991

11. COMMENTARY ON CONDITIONS OF CONSENT

The Committee considered that it was important to deal with the potential impact on traffic safety associated with additional traffic generated by the proposal. It was considered that it was necessary to widen to seal width along the frontage of Lot 1 by 2 metres, require a 3.5 metre wide strip of land to vest as road and the 5m x 5m corner snipe to improve visibility at the corner. This would necessitate a slight amendment to the site layout but given that it is a largely undeveloped site, now is the best time to make the necessary adjustments to provide for long term impacts of the activity.

The landscaping requirement was considered important to mitigate the visual effects particularly when viewed from the south and east. However the Committee considered that it was not reasonable or practical to assume that the landscaping would have the effect of making the new buildings completely invisible from the nearby properties.

Storm water management is also considered to be an important issue and on-site management measures are crucial to for appropriate development on this site. This involves both stormwater storage in several tanks and the additional stormwater detention area within the carpark which will act as a secondary flow path and thus no buildings or landscaping obstructions are permitted in that area.

RESOURCE CONSENT DECISION

RESOURCE CONSENT NUMBER: RM060458

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

R A AND J W CLELLAND AND TASMAN BAY FOOD GROUP LTD
(hereinafter referred to as “the Consent Holder”)

ACTIVITY AUTHORISED BY THIS CONSENT:

Subdivision of a 5.2215 hectare property located at the north-eastern corner of the intersection of River Terrace and Factory Road at Brightwater to create 2 allotments being Lot 1 of approximately 1.2 hectares and Lot 2 of approximately 3 hectares.

LOCATION DETAILS:

Address of property:	59 Factory Road Brightwater
Legal description:	Lot 1 DP 11396, Block X Waimea Survey District
Certificate of title	NL6D/752
Valuation number	1939029700

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

CONDITIONS

Please note these conditions are based on the amended application, that being Lot 1 of 1.2 hectares and Lots 2 being the balance of the title and an area of road to vest.

1. Amended Subdivision Layout Plan.

Within 15 working days of the decision the applicant shall provided an amended layout plan showing Lot 1 of approximately 1.2 hectares and Lot 2 being the remainder of the title minus the required Road to Vest. The plan shall include a 3.5 metre wide strip along the Factory Road frontage which shall vest as road, together with a 5.0m x 5.0m corner snipe at the intersection of Factory Road and River Terrace Road.

2. Relocation of Dwelling and Consent Notice

The existing dwelling on the application site shall be relocated to a site on the upper terrace adjoining River Terrace Road prior to the signing of the Section 224 (c) certificate and any alternative habitable dwelling shall be located on that upper terrace.

This condition shall be the subject of a Consent Notice under Section 221 of the Resource Management Act 1991.

Note that this condition was volunteered by the applicant.

3. Street Numbers

- a) The street numbers allocated are:

Lot 1	61 Factory Road
Lot 2 (Balance Lot)	86 River Terrace Road

- b) The street numbers shall be shown on the engineering plans.

4. Roading and building set back

- a) The applicant shall vest a 3.5 metre wide strip of land on the Factory Road frontage of the subdivision together with a 5.0 metre x 5.0 metre corner snipe at the intersection of River Terrace Road and Factory Road on the new boundary line. The road shall vest without compensation. The packing shed/joinery shed shall be removed or relocated back to 3.0 metres from the new road reserve boundary. The area of road to vest shall be flat and able to be mown.
- b) Kerb and channel and sumps shall be constructed on the eastern side of Factory Road along the frontage of Lot 1 and around to the tangent point in River Terrace Road. Factory Road along the frontage of Lot 1 to River Terrace Road shall be seal-widened to provide a 8.0 metre carriageway width (by adding 2 metres of sealed width to the frontage of Lot 1) and abut the new kerb and channel as in (c) below. Pavement markings to be installed.
- c) Kerb, channels and sumps shall be installed in accordance with Tasman District Council's Engineering Standards and amendments.
- d) A 1.4 metre gravel footpath with timber edge restraints shall be constructed along River Terrace Road connecting with the existing concrete footpath and terminating adjacent to the intersection with Factory Road.
- e) Shrubs/trees/fences shall be cleared to achieve a 250 metre clear sight line 1.8 metres back from the Factory Road Give Way limit line at the River Terrace Road intersection in an eastern direction.

5. Access (Lot 1)

- a) Practical access shall be constructed to Lot 1 at a minimum grade of 1-in-6 and complying with the Tasman District Resource Management Plan.

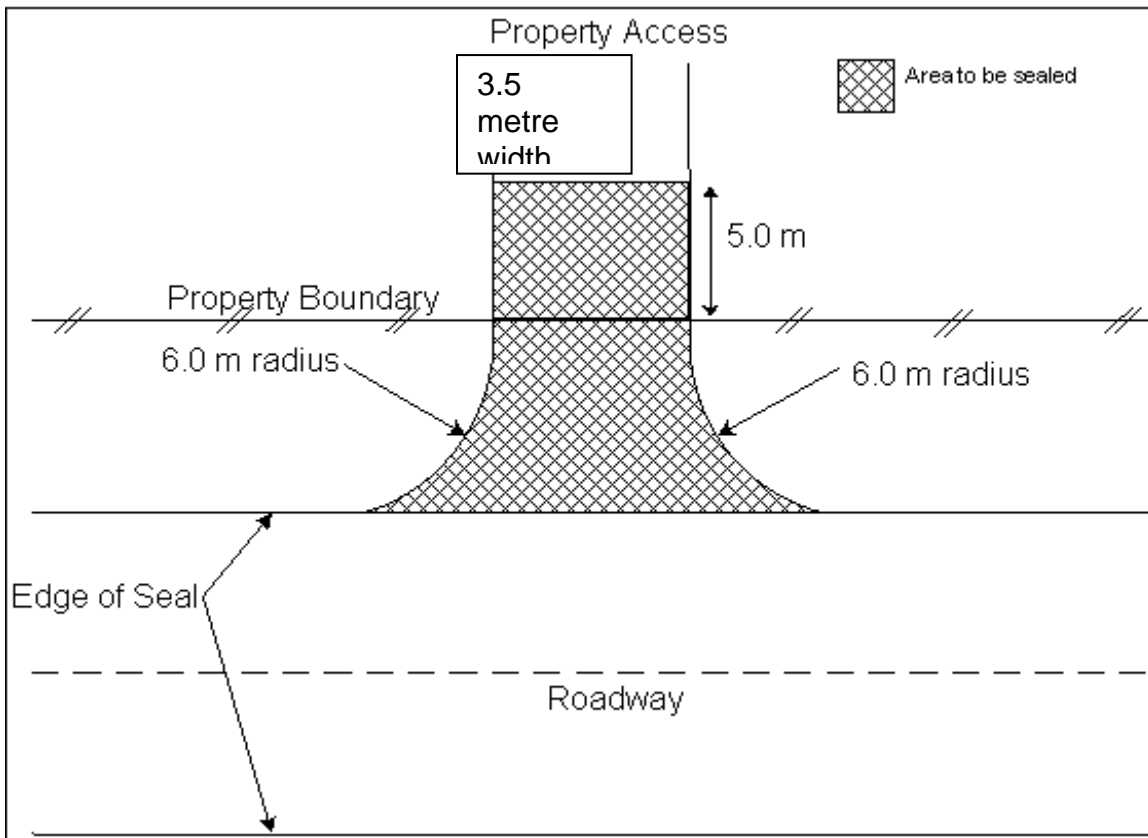
- b) An industrial kerb crossing slab shall be formed for Lot 1 in the subdivision (and pram crossings at the street intersections where required).
- c) No access to Lot 1 is permitted off River Terrace Road.

6. Access (Lot 2)

Access to Lot 2 shall be from the existing access gate at the eastern end of Lot 2.

The access to Lot 2 shall be formed and sealed in accordance with the following diagram:

Appendix 1:



7. Water Supply

A water supply connection shall be provided to Lot 1 and a Tasman District Council approved industry back-flow water meter shall be installed at the meter for the lot. The location and details of the meter must be recorded on the Tasman District Council's standard Water Meter Location form and submitted to the Tasman District Council for approval.

8. Sewer

Full sewer reticulation discharging to Council's approved system shall be installed complete with any necessary manholes and a connection to each lot. This may include work outside the subdivision to connect to or upgrade existing systems. The applicant may choose to connect to the sewer in Gibson's Equipment repair site or

via River Terrace Road to SH6. Any sewer lines will need to vest with Council and easements in gross will be required where reticulation traverses private property.

A monitoring trade waste manhole shall be installed on the road side of Lot 1's boundary.

9. Stormwater

- a) Stormwater discharge from the site and road reserve shall be designed to a 2% AEP (i.e. 80mm per hour) with a duration of 20 minutes.
- b) Stormwater discharge shall be detained on site or adjacent road reserve to that of the pre-developed state, i.e. rural zoning.
- c) Secondary flow path shall be protected via a consent notice on the title pursuant to Section 221 of the RMA.
- d) The development on Lot 1 shall make an active effort to reuse roof rainwater from the development together with the use of rain gardens and associated soakage areas.

10. Cabling

- a) Live telephone and electric power connections shall be provided to Lot 1 and all wiring shall be underground to the standard required by the supply authority. This includes the overhead lines traversing the Factory Road frontage.
- b) Confirmation of the above from the supply authority and a copy of the supplier's Certificate of Compliance shall be provided to the Council.

11. Electricity

Electricity substation sites shall be provided as required by the supply authority. Substations shall be shown as "**Road to Vest**" on the survey plan if adjacent to a road or road to vest.

12. Street Lighting

The consent holder shall provide street lighting along the frontage of Factory Road adjacent to Lot 1 in accordance with the Tasman District Council's Engineering Standards and amendments. This work will include installation of cabling, poles, outreach arms and lanterns.

13. Engineering Certification

- a) At the completion of works, a suitably experienced chartered professional engineer or surveyor shall provide Council with written certification that the works have been constructed to the standards required.
- b) Certification that Lot 1 is suitable for the erection of industrial buildings shall be submitted from a chartered professional engineer or geotechnical engineer experienced in the field of soils engineering (and more particularly foundation

stability). The certificate shall define on the lot an area suitable for the erection of buildings.

- c) Where fill material has been placed on any part of the site, a certificate shall be provided by a suitably experienced chartered professional Engineer, certifying that the filling has been placed and compacted in accordance with NZS 4431:1989.

14. Easements

Easements/easements in gross shall be shown on the survey plan if required by Council.

15. Maintenance Performance Bond

The consent holder shall provide Council with a bond to cover maintenance of any roads or services that will vest in Council. The amount of the bond shall be \$5,000 or a figure agreed by the Engineering Manager and shall run for a period of two years from the date of issue of 224C certification for the subdivision.

16. Engineering Plans

All engineering works as outlined above shall be shown on engineering plans and to the requirements as set out in the Tasman District Council engineering standards and amendments. A 223 certificate cannot be issued until the Engineering plans have been received and approved by Council.

“As built” plans of services will be required at the completion of the works and approved by the Engineering Manager prior to the issue of a 224C Certificate.

17. Commencement of Works

No works shall commence until the engineering plans required under Condition 16 have been approved by the Council’s Engineering Manager.

18. Financial Contributions

Financial contributions are required on one allotment. The following shall apply:

Reserves and Community Services

Payment of a reserves and community services levy assessed at 5.5% of a notional 2,500 square metre building site within one allotment. Valuation shall be by way of a special valuation undertaken by a registered valuer at the consent holder’s request and cost.

Advisory Note: Development Contributions

Council will not issue the Section 224(c) certificate in relation to this subdivision until all development contributions have been paid in accordance with Council’s Development Contributions Policy under the Local Government Act 2002. The power to withhold a Section 224(c) certificate is provided under Section 208 of the Local Government Act 2002.

The Development Contributions Policy is found in the Long Term Council Community Plan (LTCCP) and the amount to be paid will be in accordance with the requirements which are current at the time the relevant development contribution is paid in full.

This consent will attract a development contribution on one allotment in respect of:

- Roding
- Stormwater
- Wastewater
- Water

19. Landscaping and Consent Notice

The landscape planting plan designed by Stephen Richards dated 22/9/2006 and attached to this consent as Plan "C" & "D" dated 22/10/2006 shall be implemented in accordance with the planting details described on the plan. The landscape planting shall be maintained and any plants that die shall be replaced in the next planting season (May to August inclusive). Planting along the River Terrace Road boundary of the property shall be managed to generally screen the new buildings from the dwellings on Lots 1 to 6 DP 4121, and Lot 2 DP 326160, which are located on the south side of River Terrace Road.

The landscaping planting along the frontages of proposed Lot 1 on River Terrace Road and the eastern boundary of proposed Lot 1 (with proposed Lot 2) shall be fully completed prior to the signing of the Section 224 (c) for the subdivision consent.

A consent notice shall be registered on Lot 1 pursuant to Section 221 of the Resource Management Act requiring the above landscaping to be retained and maintained in perpetuity by the landowner.

21. Consent Notice – Sign, Minimum Floor Level, Stormwater Detention area

Consent notice shall be registered on Lot 1 pursuant to Section 221 of the Resource Management Act, prohibiting the erection of any signs along the River Terrace Road frontage.

A consent notice shall be registered on Lot 1 pursuant to Section 221 of the Resource Management Act requiring that all buildings on Lot 1 to have a minimum floor level of 30.4 metres above mean sea level or at least 500 mm above existing ground level, whichever is the greater.

The "Carparking / contingency Stormwater detention area", on Lot 1, as shown on the application plan, shall be defined as a "no-building" area because of flooding hazard. This area shall be defined on the Section 223 plan with a consent notice prohibiting any buildings within this area

RESOURCE CONSENT DECISION

RESOURCE CONSENT NUMBER: RM060461

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

R A AND J W CLELLAND AND TASMAN BAY FOOD GROUP LTD

(hereinafter referred to as “the Consent Holder”)

ACTIVITY AUTHORISED BY THIS CONSENT:

Development of Proposed Lot 1 involving construction and operation of a juicy factory, winery, bakery and associated storage, administration, factory shop and car parking at 61 Factory Road, Brightwater.

LOCATION DETAILS:

Address of property:	61 Factory Road Brightwater
Legal description:	Proposed Lot 1 being a subdivision of Lot 1 DP 11396, Block X Waimea Survey District
Certificate of title	Yet to be issued
Valuation number	Part of 1939029700

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

CONDITIONS

Building Siting and Access

1. Buildings and the site access shall be located in accordance with Plan B attached dated 2/10/2006 except as repositioned by any of the conditions of this consent. There shall be no vehicular access to River Terrace Road Road.

Building Height

2. No structure or building shall exceed 7.5 metres in height (where height is as defined in the Tasman Resource Management Plan).

Landscaping

3. The landscape planting plans designed by Stephen Richards dated 22/9/2006 and attached to this consent as Plan “C” & “D” dated 22/10/2006 shall be implemented in accordance with the planting details described on the plans. The landscape planting shall be maintained and any plants that die shall be replaced in the next planting season (May to August inclusive). Planting along the River Terrace Road boundary of the property shall be managed to generally screen the new buildings from the dwellings on Lots 1 to 6 DP 4121, and Lot 2 DP 326160, which are located on the south side of River Terrace Road.

4. A landscape plan prepared by a landscape designer shall be developed for the Factory Road frontage showing a 1 metre wide planted strip within the property boundary and shall be submitted to Council for approval.

In preparing the plan the landscape designer shall consult with Council's Development Engineer or his nominee so that regard is had to;

- Vehicle visibility standards and traffic safety at the property access onto Factory Road and at the intersection of River Terrace and Factory Roads.
- The need to ensure that landscaping does not impede floodwaters along the property boundary northwards of the property access by the storm water detention area shown on Plan "B" dated 22nd October 2006.
- The landscaping shall be implemented and maintained in accordance with the approved plan and any plants that die shall be replaced in the next planting season (May to August inclusive).

Car Parking

5. An amended car parking layout showing at least 45 parking spaces shall be prepared by the consent holder and submitted to Council for approval. The amended layout shall allow for the 3.5 metre wide strip of land to vest in Council as Road Reserve in accordance with Condition 4 (a) of RM 060458 and shall be located generally as shown on Plan B attached.

The parking area and all vehicle manoeuvring areas shall be sealed in accordance with the Council's Engineering Standards.

Noise (as per Light Industrial Zone)

6. Noise generated by the activity, measured at or within the boundary of any site within:

- a) A Light Industrial Zone or a Rural Industrial Zone does not exceed:

	Day	Night
L ₁₀	65 dBA	55 dBA
L _{max}		85 dBA

N.B. Day = 7.00 am to 9.00 pm, Monday to Friday, inclusive of 7.00 am to 6.00 pm Saturday (but excluding public holidays).

Night = all other times, including public holidays.

Noise must be measured and assessed in accordance with the provisions of NZS 6801: 1991, *Measurement of Sound* and NZS 6802:1991, *Assessment of Environmental Sound*.

Odour

7. That the emission of odours from the food manufacturing and processing on Lot 1 shall be so controlled that it is not pervasive, objectionable or offensive outside the boundary of that property.

Signage

8. The erection of outdoor signs shall comply with the permitted activity rules of the Tasman Resource Management Plan for Industrial signs.

No sign is to be visible from any part of River Terrace Road to the east of its intersection with Factory Road.

Retailing

9. Only products (including wine) manufactured on the property may be sold from the property.

Advice Note: An Off Licence under the Sale of Liquor Act is also required to be issued prior to any sales of wine taking place.

10. Stormwater

- a) Stormwater discharge from the site and road reserve shall be designed to a 2% AEP (80mm per hour) with a duration of 20 minutes.
- b) Stormwater discharge shall be detained on site or adjacent road reserve to that of the pre-developed state, i.e. rural zoning.
- c) The development on Lot 1 shall make an active effort to reuse roof rainwater from the development together with the use of rain gardens and associated soakage areas.

11. Building Floor Levels

All buildings to have a minimum floor level of 30.4m above mean sea level or at least 500mm above existing ground level, whichever is the greater.

12. Servicing

Each of the proposed buildings shall be serviced for reticulated sewage, water and underground power & telephone (where relevant) in accordance with Tasman District Council Engineering Standards 2004.

13. Engineering Plans

All engineering works, including services to each of the proposed buildings, shall be shown on engineering plans and to the requirements as set out in the Tasman District Council engineering standards and amendments. No work shall commence until the Engineering plans have been received and approved by Council's Engineering Manager.

14. Financial Contributions

The Consent Holder shall, no later than the time of uplifting the Building Consent for the building, pay a financial contribution to the Council. The amount of the financial contribution shall be assessed as a percentage of the value of the Building Consent component in accordance with the following table:

Financial Contribution – Building	
Component	Contribution
Building Consent (\$0 to \$50,000 value)	0%
Building Consent (\$50,001 to \$200,000 value)	0.5%
Building Consent (above \$200,001 value)	0.25%
Notes: (1) The financial contribution is GST inclusive. (2) The building consent value is GST exclusive. (3) The contribution due on a building should be identified separately from other contributions set for any resource consent for an activity that includes buildings. (4) The financial contribution shall be determined by taking the total estimated value of the work required for a building consent and applying each component identified in the table to that value and the contribution is the sum of the components.	

13. Review

That pursuant to Section 128(1)(a) and 128(1)(c) of the Resource Management Act 1991, the Consent Authority may review any conditions of the consent within eight years from the date of issue for any of the following purposes:

- a) to deal with any adverse effect on the environment which may arise from the exercise of the consent and which it is appropriate to deal with at a later stage; or
- b) to deal with inaccuracies contained in the consent application that materially influenced the decision made on the application and are such that it is necessary to apply more appropriate conditions; or
- c) to assess the appropriateness of imposed compliance standards, monitoring regimes and monitoring frequencies and to alter these accordingly.

14. Monitoring Costs

That all actual and reasonable costs incurred by this Council in monitoring, enforcement and administration of this consent shall be met by the Consent Holder.

ADVICE NOTES

1. Development Contributions

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

Plan C

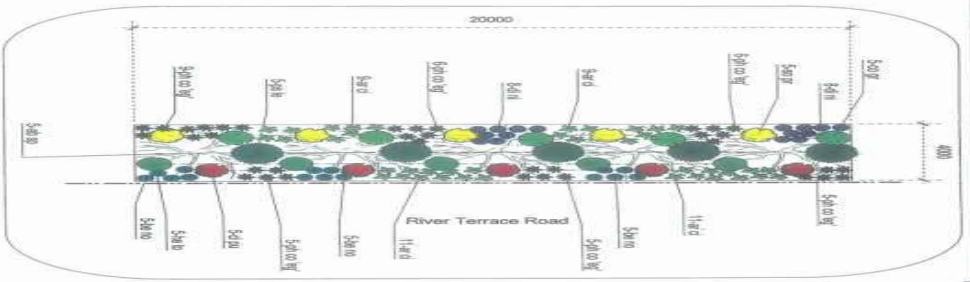
Received from Mr. B. Hart 2/19/2006

Plan C



ID	Qty	Botanical Name	Common Name	Schedule Size
1A	15	Shrub rose	Rose	2'
1B	15	Shrub rose	Rose	2'
1C	15	Shrub rose	Rose	2'
1D	15	Shrub rose	Rose	2'
1E	15	Shrub rose	Rose	2'
1F	15	Shrub rose	Rose	2'
1G	15	Shrub rose	Rose	2'
1H	15	Shrub rose	Rose	2'
1I	15	Shrub rose	Rose	2'
1J	15	Shrub rose	Rose	2'
1K	15	Shrub rose	Rose	2'
1L	15	Shrub rose	Rose	2'
1M	15	Shrub rose	Rose	2'
1N	15	Shrub rose	Rose	2'
1O	15	Shrub rose	Rose	2'
1P	15	Shrub rose	Rose	2'
1Q	15	Shrub rose	Rose	2'
1R	15	Shrub rose	Rose	2'
1S	15	Shrub rose	Rose	2'
1T	15	Shrub rose	Rose	2'
1U	15	Shrub rose	Rose	2'
1V	15	Shrub rose	Rose	2'
1W	15	Shrub rose	Rose	2'
1X	15	Shrub rose	Rose	2'
1Y	15	Shrub rose	Rose	2'
1Z	15	Shrub rose	Rose	2'

- Plan Details**
- Planting schedule shown on site plan includes from section 1 through to section 5 along the western boundary.
 - Remove dead plant species with the existing plantings and replace with the following:
 - All plantings to be done in a depth of 18 inches and irrigated every second year, covered from weather exposure.



Tanen Bay Foot Group, LTD
 Reclamation Project
 Factory Road
 Beetham

Landscape Planting
 Plan 2

Scale: 1/8" = 1'-0"
 Date: 2/19/06
 Design: Stephen Richards
 Drawn: SR
 Sheet: 1/2
 Dimensions: 11' x 11'

Stephen Richards
 Landscape Architects
 Phone: (613) 522-2000
 Website: www.stephenrichards.ca

Plan D

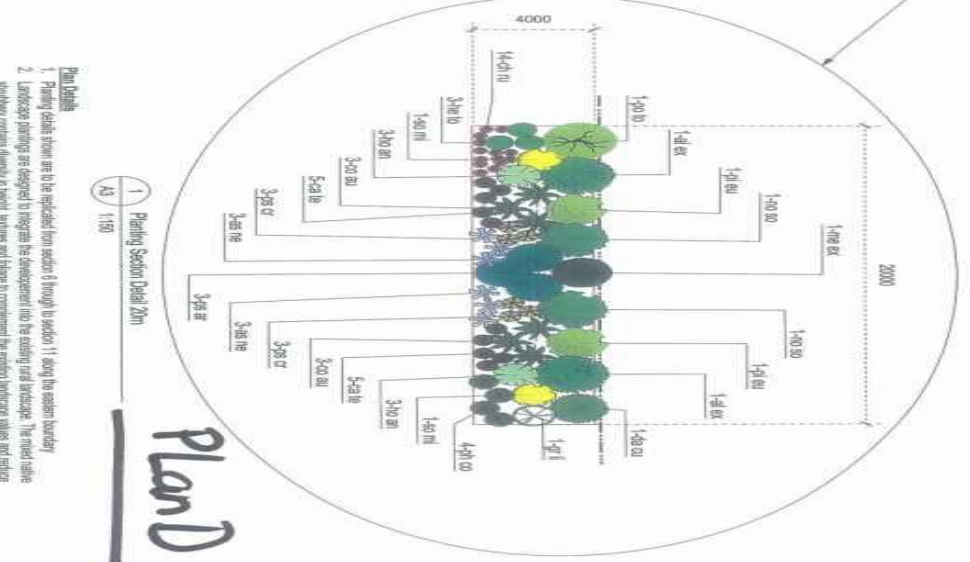
Received from Mr. B. Hart 2/19/2006

Plan D



ID	Qty	Botanical Name	Common Name	Schedule Size
1A	15	Shrub rose	Rose	2'
1B	15	Shrub rose	Rose	2'
1C	15	Shrub rose	Rose	2'
1D	15	Shrub rose	Rose	2'
1E	15	Shrub rose	Rose	2'
1F	15	Shrub rose	Rose	2'
1G	15	Shrub rose	Rose	2'
1H	15	Shrub rose	Rose	2'
1I	15	Shrub rose	Rose	2'
1J	15	Shrub rose	Rose	2'
1K	15	Shrub rose	Rose	2'
1L	15	Shrub rose	Rose	2'
1M	15	Shrub rose	Rose	2'
1N	15	Shrub rose	Rose	2'
1O	15	Shrub rose	Rose	2'
1P	15	Shrub rose	Rose	2'
1Q	15	Shrub rose	Rose	2'
1R	15	Shrub rose	Rose	2'
1S	15	Shrub rose	Rose	2'
1T	15	Shrub rose	Rose	2'
1U	15	Shrub rose	Rose	2'
1V	15	Shrub rose	Rose	2'
1W	15	Shrub rose	Rose	2'
1X	15	Shrub rose	Rose	2'
1Y	15	Shrub rose	Rose	2'
1Z	15	Shrub rose	Rose	2'

- Plan Details**
- Planting schedule shown on site plan includes from section 1 through to section 11 along the western boundary.
 - Landscape plantings are designed to integrate the development into the existing and landscape. The overall site landscape is designed to be a high quality and to complement the existing landscape values and reflect any potential visual impact created by the development.
 - All plantings to be done in a depth of 18 inches and irrigated every second year, covered from weather exposure.



Tanen Bay Foot Group, LTD
 Reclamation Project
 Factory Road
 Beetham

Landscape Planting
 Plan 1

Scale: 1/8" = 1'-0"
 Date: 2/19/06
 Design: Stephen Richards
 Drawn: SR
 Sheet: 1/2
 Dimensions: 11' x 11'

Stephen Richards
 Landscape Architects
 Phone: (613) 522-2000
 Website: www.stephenrichards.ca

CARRIED

Date Confirmed:

Chair: