

MINUTES

TITLE: Environment & Planning Subcommittee
DATE: Tuesday, 21 August 2007
TIME: 9.30 am
VENUE: Council Chamber, 189 Queen Street, Richmond

PRESENT: Crs E M O'Regan, (Chair), E E Henry and S G Bryant

IN ATTENDANCE: Principal Consent Planner (R Askew), Consents Planner (J Harley), Co-Ordinator Regulatory Services (D R Lewis) , Development Engineer (D Ley), Administration Officer (B D Moore)

1. G AND L WOODMAN & SONS LIMITED (TRADING AS GRO-YEARS NEW ZEALAND), GREENACRES ROAD NORTH, REDWOOD VALLEY - APPLICATION RM070555

1.1 Proposal

The applicant applied to operate a factory and a storage and distribution business in the Rural 1 zone located at Greenacres Road North, Redwood Valley within the land described and Certificate of Title NL7A/827.

The factory assembles a variety of wooden furniture, primarily cots and beds. The storage and distribution business would be for baby accessories to complement the cot furniture manufactured on-site. The operation would be carried out from the former Heatherdale fruit packhouse.

RESOLUTION TO EXCLUDE THE PUBLIC

**Moved Crs Henry / Bryant
EP07/08/21**

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

G and L Woodman & Sons 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 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
B G and L Woodman & Sons Limited	Consideration of a planning application	A right of appeal lies to the Environment Court against the final decision of Council.

Moved Crs O'Regan / Bryant
EP07/08/22

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

Moved Crs Henry / Bryant
EP07/08/23

THAT pursuant to Section 104B of the Resource Management Act, the Committee GRANTS consent to G and L Woodman & Sons Limited as detailed in the following report and decision.
CARRIED

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

Meeting held in the Tasman Room, Richmond

on Tuesday, 21 August 2007, commencing at 9.30 am

A Hearings Committee ("the Committee") of the Tasman District Council was convened to hear the application lodged by **G and L WOODMAN & SONS LTD (Trading as Gro-Years NZ)** to operate a factory, storage and distribution business in the Rural 1 zone. The application, made in accordance with the Resource Management Act 1991 ("the Act"), was lodged with the Tasman District Council and referenced as RM070555.

- PRESENT:** **Hearings Committee**
Cr E M O'Regan (Chair), Crs E E Henry and S G Bryant
- APPLICANT:** Hamish Woodman and Kurt Woodman (representing the Applicant Company)
V Chisnall, McFadden, McMeeken, Phillips (Counsel for applicant)
J Hilson, Planscapes (NZ) Ltd (applicant's Planning Consultant)
J B Morris (owner of the site of the Proposed Activity and called as witness)
- CONSENT AUTHORITY:** **Tasman District Council**
Consent Planner (J Harley), Regulatory Coordinator (D Lewis), Development Engineer (D Ley)
- SUBMITTERS:** GCL Mason, P Searancke, (T Hogarth called as Witness), C Jenson, B W Moseley (on behalf of B W and H C Moseley), R A Krammer, H C Moseley (on behalf of B W and H C Moseley)
S G Holmes (attended but did not wish to be heard)
- IN ATTENDANCE:** B Askew, Principal Resource Consents Advisor (assisting the Committee)
Mr B Moore – Committee Secretary

1. DESCRIPTION OF THE PROPOSED ACTIVITY

The applicant has applied to the Council for resource consent to operate a factory and a storage and distribution business in the Rural 1 Zone.

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

The property is located on Greenacres Road, North, Redwoods Valley, being the former Heatherdale Orchard packhouse.

The property is owned by J B Morris who leases the premises (a former packhouse), to the applicant.

2. PROPOSED TASMAN RESOURCE MANAGEMENT PLAN ("PTRMP") ZONING, AREAS AND RULE(S) AFFECTED

According to the PTRMP the following apply to the subject property:

Zoning: Rural 1
Area(s): Land Disturbance Area 1

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

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

3. NOTIFICATION, APPROVALS AND SUBMISSIONS RECEIVED

The application was notified on Saturday 16 June 2007.

The following written approvals were received by council on 26 June 2007:

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

In accordance with Section 104(3)(b) of the Resource Management Act 1991 the Council cannot consider any adverse effects on persons that would normally

considered to be potentially adversely affected by a proposed activity that have given written approval to the activity.

*Note the written approval by R Krammer was formally withdrawn at the hearing.

Nine submissions were received five of which oppose the application, one supports the application, two were neutral and one required conditions.

The following is a summary of the written submissions received and the main issues raised:

Submissions in opposition are as follows:

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

Submitter	Reasons	Decision
B & H Moseley	<p>The availability of industrial land and inappropriateness of locating an industrial business in the Rural 1 zone;</p> <p>Scale of the proposal and possible expansion;</p> <p>Additional Grinding business operating from the same premises without any mention in the application;</p> <p>Noise;</p> <p>Illegal situation seeking retrospective legalisation;</p> <p>Lack of traffic information</p>	<p>Decline</p> <p>Submissions Heard.</p>

Two submissions were neutral to the application

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

One submission **supported** the application.

Submitter	Reasons	Decision / Wish to be heard
P Searnacke	<p>Supports the utilisation of an existing facility, it is considered to be a good use of an existing resource;</p> <p>Less traffic generated than for horticultural use;</p> <p>Higher standard of maintenance for the site than if left unused and creation of local employment.</p>	<p>To grant consent</p> <p>Submission Heard.</p>

In addition a letter from the New Zealand Fire Service Commission was received and whilst the submission is neither in support or opposition, it does require compliance with the New Zealand Fire Service Code of Practise for fire fighting water supply SNZ PAS 4509:2003. The Commission wished to reserve the right to be heard in support of their submission but did not attend the hearing.

4. PROCEDURAL MATTERS

The matter of the late submission by Mr R Krammer was raised at the hearing and also reference made to the status of his written approval to the application. The Committee agreed to hear Mr Krammer as the submission was only two days overdue and Mr Krammer confirmed that his submission also constituted written withdrawal of his earlier written approval.

5. EVIDENCE HEARD

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

5.1 Applicant's Evidence

Ms V J Chisnall, counsel for the applicant, tabled and read an opening submission and referred to the application as a Discretionary Activity in the Rural 1 zone. Ms Chisnall said that the applicant company is agreeable for the consent to be personal to it, but that there is no need for the consent to be limited to a six year term as the lease expires at the conclusion of six years and that the company may have to relocate. Ms Chisnall addressed the concerns raised by submitters to the application. The applicant was not entirely in agreement with proposed conditions 3, 13 and 14 of the draft conditions of consent proposed by the Council's reporting officers.

Mr H Woodman, a shareholder and director of the applicant company, provided background of the company's development since October 2006 and its operations in the subject site since January 2007. He described the types and operations of the woodworking machinery and how the extraction of dust and shavings goes into an internal extraction system consisting of a four bag system, with two filters and two collection bags. Mr Woodman said that this new system had been assessed by Council officer Mr D R Lewis, and that the outcome of his investigation was that the new internal extraction system complies with the Tasman Resource Management Plan. The company uses a spray booth for non-toxic paint and stain finishes for the cots and beds.

Mr Woodman outlined the hours of operation and provided an assessment of daily traffic movements. Mr Woodman also volunteered that consent should be personal to G and L Woodman & Sons Ltd and limited to the particular items that had been applied for. He volunteered that he would not at any time employ more than ten staff, including the four Woodman family members.

Mr G P Morris said he lives at Heatherdale Orchard on the Moutere Highway and the Morris family owns the former fruit packing shed, which the applicants now occupy and lease. He said that when the packhouse was operating about 30 workers were coming and going each day and there were 15 picking staff also working on the orchard, and 30 heavy truck movements on some days. The packhouse is now completely surplus as the orchard operation has ceased. He said that he lives about 100 metres from the packhouse and the applicant's activities have never caused him any offense in terms of noise, or of traffic movements.

Resource Management Consultant, Ms J Hilson, read planning evidence to address the matters raised by nine submitters to the application. She said that by way of clarification, Clean Cut Grinders is not operating from the site and does not form part of the this application. Ms Hilson acknowledged that the application is effectively for retrospective approval for operation of a business that established on the site without the necessary resource consent. The applicant was served an abatement notice on 18 April 2007 to require on-site work to cease until a resource consent application was lodged at the Council by 23 May 2007. Ms Hilson said that the fact that the applicant is operating the business will allow the hearing panel to more accurately predict or measure any operational effect.

Ms Hilson described the relevant objectives and policies of the Tasman Resource Management Plan to the application and demonstrated that any adverse effects of this proposal on the rural environment, could be avoided, remedied or mitigated. The evidence included a list of clear distinguishing features of the proposal that make this site and its use unique and unlikely to be replicated easily elsewhere in the district.

5.2 Submitters' Evidence

G Mason

This submitter objected to the noise from within the factory and the odour produced. She was also concerned about what may happen after the six year lease expires and the potential for further subdivision of the factory onto its own title. She said that this was a fruit packing shed in a rural location and the applicant needs to conform to Council requirements or the activity shut down.

P Searnacke

Mr Searancke supported the application saying that because of the less hours of operation and less traffic movements, the proposal is a significant improvement on its previous use as a fruit packhouse and storage facility. He said that the buildings need to be used and he encouraged this use and said it would earn some income for the owners. He said that the existing operation is tidy and well maintained. He called Mr T Hogarth as a witness and Mr Hogarth said that the previous use was very noisy as a packhouse, and said that as the closest neighbour being only about 14 metres from the building he supported the proposal.

C Jensen

Mr Jensen opposed the application based on the industrial use and associated noise and effects of machinery used by the applicant for the manufacturing operation. He acknowledged there was less noise since the woodwaste cyclone was decommissioned, but the painting booth stills smell slightly. He said there was not good visibility for traffic turning east towards Richmond from Greenacres Road North on to the Moutere Highway. He was concerned that the factory may operate until 9.00 pm at night.

B and H Moseley

Mr Moseley was concerned that if the application was approved, it would turn the subject location into a busy industrial site with all the associated noise, smell and traffic activity necessary business where at least ten people will be working. He said

that the applicant had plenty of time to find a suitable property within an industrial zone.

At this point of the proceedings, the Chair drew attention to various allegations contained in Mr Moseley's written statement and asked if Mr Moseley wished to proceed with those allegations. Mr Moseley chose to proceed.

Mr Moseley said there are six houses within 100 metres of the subject site and said he was not confident about future compliance by the applicant based on past performance. He acknowledged that the noise levels have reduced since the cyclone woodwaste extractor has been decommissioned. Mr Moseley said that vehicle access on and off the site is difficult, being limited by access over the concrete bridge. He was concerned that the applicant may not have complied with the abatement notice issued by the Council to require the applicant to cease the manufacturing activity.

R Krammer

The Committee agreed to hear the late submission from Mr Krammer. Mr Krammer said he lives next door to the subject site. He said he rang the Police on 7 August 2007 about the acrid smell coming from the subject site, which he was concerned may be the result of a fire. He acknowledged that noise coming from the subject site has diminished, but he said smells are still coming from the property. Mr Krammer said that by making the submission that he formally withdrew his original consent to the application.

H Moseley

Mrs Moseley said that three people representing the applicant came to see her husband, Mr B Moseley, about the subject proposal. She said a closed sign was erected within the subject site and the parking area was surrounded by apple bins and the factory continued to operate with six or seven cars parked there each day.

5.3 Council Reporting Officers' Reports and Evidence

Development Engineer, Mr D Ley, spoke to a report contained within the agenda and tabled a diagram to illustrate his recommendation that a stop sign is needed to replace the give way sign at the intersection of Greenacres Road North and the Moutere Highway. He said that trimming of the existing vegetation on the Moutere Highway frontage road reserves west of Greenacres Road and possibly on a third parties land is required before an assessment can be carried out in order to develop further conditions.

Consent Planner, Ms J Harley, summarised her report contained within the agenda. The report said that the establishment of an industry in a rural environment and with residentially used properties nearby, is not generally encouraged by Council. Ms Harley recommended that consent be granted subject to conditions of consent listed within her report. Her report suggested that the adverse effects of the proposal are no more than minor and can be mitigated by adequate conditions of consent. Ms Harley recommended limitations on duration and on transfer of consent to ensure that any potential or cumulative effects from the granting of this consent are avoided.

Co-Ordinatory Regulatory Services, Mr D R Lewis, tabled a memorandum of 15 August to report on a further assessment of the noise emissions from the operation of the Woodman joinery factory, conducted on 14 August 2007. This memorandum of 15 August 2007 stated that the external cyclone that was used for the extraction of sawdust and which previously dominated the noise climate was still present but had been completely disconnected, including the electrical wiring. In its place, a double bag air filter had been provided within the workshop and contained in a separate enclosure. The operation of the filter system emitted a noise level of 69 dBA, 1 metre from the enclosure. He said that the noise emission from the joinery workshop operations, would comply with the rural noise emission rules under the Proposed Tasman Resource Management Plan.

Mr Lewis said that an air compressor unit mounted on the exterior of the building has become more audible and needs some sound control. He said the apple bins located on the exterior yard around the building are those for sale by Mr Morris.

5.4 Applicant's Right of Reply

Ms V J Chisnall responded for the applicant outlining the applicant's understanding of the procedure followed after the receipt of the abatement notice. Ms Chisnall said that the effects of the proposal are minor and referred to submissions made in support, including that from Mr Hogarth who is the nearest neighbour at 14 metres from the subject site and had expressed an opinion that he is not concerned with the effects of the subject proposal. It was noted that the applicant's work consists mainly of manufacturing with about 30% being a storage and distribution activity.

Ms Chisnall said that the applicant volunteered to remove the decommissioned cyclone. The applicant also volunteered to provide a give way sign on the applicant's property near the exit on to Greenacres Road North. Truck pickups would be restricted to 4.30 pm at the latest on Friday. Ms Chisnall reminded the hearing committee that the application has unique circumstances and requested that a prompt decision be issued.

6. PRINCIPAL ISSUES

The principal issues that were in contention related to amenity, transport, out of zone activity as well as the impact on future use of the site.

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

Transport concerns relate to traffic movements from employees, deliveries and furniture collection and the full time nature of these movements compared to seasonal traffic if the site was operating as a packhouse.

Concerns regarding the future of the site should an industrial/commercial activity be established were raised ie could this be a defacto 'spot zoning' for industrial activity which could lead to increase in adverse effects in the future?

7. MAIN FINDINGS OF FACT

The Committee heard evidence and opinion from the applicant and the applicant's advisors, submitters and the Council's reporting officer and other Council reporting staff.

The Committee heard evidence and opinion from the applicant and the applicant's advisors, submitters and the Council's reporting officer and other Council reporting staff. The Committee considers that the following are the main facts relating to this application.

a) Amenity

The Committee notes that Clean Cut Grinders are no longer operating from the site and no consent is sought for that operation. Therefore noise associated with that operation is no longer an issue at this site. The site is tidy with modern buildings, which (no the orchard operation has ceased) would be redundant if not put to this or some other out of zone use.

Given the recent modifications to the dust extraction system, noise has been reduced to levels permitted in the zone.

That, subject to proposed and volunteered conditions of consent, odour issues can be reduced to meet the permitted activity standards for the zone.

b) Traffic

The Committee considered that overall traffic volumes related to the site would be less than the previous orchard and packhouse operation on this site. That subject to some minor vegetation trimming at Moutere Highway and Greenacres Road North, the current roading system was adequate to service the proposed operations.

c) Out of Zone Activity

The Committee noted the conditions volunteered to make the consent personal to the applicants and to limit its workforce size to a maximum of ten employees.

The buildings and yard area already exist and there is no encroachment on productive potential Rural 1 land.

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) Tasman Regional Policy Statement (TRPS);
- b) the Proposed Tasman Resource Management Plan (PTRMP);

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 purpose of the Act as presented in Section 5.

9. DECISION

Pursuant to Section 104B of the Act, the Committee **GRANTS** consent subject to conditions.

10. REASONS FOR THE DECISION

The committee has carefully considered the facts and the opinions presented (both written and verbal) and notes that the principal issues that were in contention were effects on amenity including noise and odour, traffic effects including issues of safety, land productivity and matters of potential precedent in establishing a non-related rural industry in a Rural zone including the effects on the residential activities in proximity to the proposed activity.

The Committee undertook a site inspection to further evaluate the issues presented at the hearing.

In regard to the matters of noise, the Committee is satisfied that the activity can operate at or below the permitted activity thresholds provided for in the Rural 1 Zone and that further mitigation measures applied in conditions should achieve a noise standard that is better than the permitted descriptor levels in the Plan

In regard to the matters of odour the Committee has noted the applicant's commitment to achieve a permitted activity odour threshold at the property boundary which is a threshold that considers the rural residential properties as if they were within the residential zone.

In regards to matters of traffic and safety the Committee has required improvements to sight visibility at the intersection of Greenacres Road and the Moutere Highway. Whilst it did not consider that the installation of a Stop sign was a reasonable condition to be undertaken by the applicant it is acknowledged that Council is required to monitor intersection sight lines and that any modifications to the intersection status will be dealt with by Council at that time.

To improve safety regarding traffic exiting the site onto Greenacres Road the applicant has volunteered a condition to install an advisory stop sign at the property access onto Greenacres Road.

In regard to matters of productivity the Committee have noted that the site has already been developed with a significant building being the former packhouse and that due to changes to land use and recent subdivision of the land, that this building is now redundant to the original use for which it was created and the land is left compromised by the development already undertaken.

In regard to the matter of precedence the Committee has acknowledged that there have been other cases within the Tasman District where use of redundant packhouses for non farm based commercial/industrial uses have been consented to.

These consents have been generally limited to situations where the activity could occur without change in the productivity capabilities of land, and where the effects of the activities were predominantly contained within the existing redundant packhouse. As such situations are limited the Council considers that no precedence as a result of this consent will occur.

The matter of the volunteered condition that the consent be personal to the applicant and not transferable and that the buildings used for the activity not be expanded, significantly restricts the potential for this activity to evolve into a more general industrial type of activity. The condition that the activity will have to cease if the current named Directors of the applicant company are no longer engaged in the management of the activity ensures that the consent has a finite duration.

Overall the Committee finds that the activity makes good use of an existing significant resource and is satisfied that the proposal meets the purpose of the Resource Management Act 1991 to promote the sustainable and efficient use of rural land resources, building stock, and infrastructure and that the adverse effects of the activity on the environment will through conditions imposed, be avoided, remedied or mitigated to a level that is no more than minor.

The Committee has considered that the activity does not offend the Regional Policy Statement and relevant Policies and Objectives of the Tasman Resource Management Plan.

The Committee, in deciding to grant this application, has done so on the basis of that this was a proposed activity and consequently assessed as if yet to establish. The fact that it has been operating however has been of assistance to the process in so far as any operational effects on the environment can be more accurately assessed.

Issued this 27th day of August 2007

Cr E M O'Regan
Chair of Hearings Committee

RESOURCE CONSENT NUMBER: RM070555

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

**G and L Woodman & Sons Limited
Trading as Gro-Years NZ**

(hereinafter referred to as “the Consent Holder”)

**ACTIVITY AUTHORISED BY
THIS CONSENT:**

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

LOCATION DETAILS:

Address of property: Greenacres Road North, Redwoods Valley
Legal description: Lots 2 DP 11752
Certificate of title: NL7A/827
Valuation numbers: 1938085200

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

CONDITIONS

Limitations of Transfer of Consent

1. This consent is personal to G & L Woodman & Sons Ltd and this consent expires and the activity must cease if none of the following Directors of G & L Woodman & Sons Ltd are actively involved in managing the activity:
 - Geoffrey Clement Woodman;
 - Hamish Woodman; or
 - Kurt Woodman

Advice Note:

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

All or any of the directors listed in this Condition must be actively involved in managing the business, otherwise the activity must cease. Active involvement means being involved in the day-to-day running of the business and being a silent or sleeping partner in the business does not constitute active management.

The above condition was volunteered by the applicant at the hearing.

General

2. The establishment and operation of the activity shall, unless otherwise provided for in the conditions of the consent, be undertaken in accordance with the documentation

submitted with the application. The activities authorised by this consent are limited to:

- a) manufacturing and dispatching wooden cots, beds and baby furniture;
- b) storage and distribution of baby accessories,
- c) The business shall sell by wholesale supply only, and shall not be open to the visiting public

There shall be no expansion of the buildings used for the activity on the site.

Advice Note:

The above condition was volunteered by the applicant at the hearing.

Noise

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

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

Explanatory Notes:

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

Night = all other times, including public holidays.

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

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

- a) a line 20 metres from the facade of any rural dwelling that is most exposed to the noise source; or
 - b) the legal boundary of the site of the dwelling, where this is closer to the dwelling than a)
4. Notwithstanding Condition 3 above, the Consent Holder shall adopt the best practicable option approach to mitigate the effects of noise from the activity. The Consent Holder shall:
 - Operate all noise generating machinery work inside a building;
 - Ensure that doors remain closed in the workshop during use of the machinery to reduce noise transmission;
 - Remove the redundant extraction unit and housing by 30 September 2007; and

- Provide an effective acoustic enclosure for the external compressor unit by 30 September 2007.

Odour

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

Advice Note:

The Consent Holder may need to install odour neutralising filters on any vents or extraction units which are used to remove solvent vapours from the building(s) to achieve the requirements of this condition and/or extend the height of the vents and increase efflux velocity to improve dilution and dispersal of any remaining odours.

Work Practices

6. No more than ten full-time equivalent persons shall be engaged on site in the activity.

Advice Note:

The above condition was volunteered by the applicant at the hearing. To avoid confusion, this condition includes both paid and unpaid persons working at the subject site.

7. Hours of operation shall only be between 7.30 am to 4.30 pm Monday to Friday. No work shall be carried out on weekends or Public Holidays; notwithstanding the above, management are permitted to engage in office duties outside these times including the access to and from the property by any vehicles.

Advice Note:

The condition also provides for the matter of the truck movement which occurs after 3.00pm on Fridays which otherwise is the normal intended cessation time of the activity.

Access and Parking

8. Access to the workshop shall be limited to the existing shared access crossing from Greenacres Road North only. No direct access shall occur to and from the Moutere Highway.
9. The access into the property including vehicle manoeuvring areas associated with the activity shall be maintained to an all-weather, dust free surface. All work to be completed by 30 September 2007.
10. A minimum of 10 car parks and one heavy goods vehicle (HGV) spaces shall be provided for the activity. Each car park and the HGV park shall be so formed to an all weather, dust free surface and clearly marked on the ground as to ensure users are able to park their vehicles in an efficient and orderly manner. All work to be completed by 30 September 2007.
11. The Consent Holder shall establish an advisory "STOP" sign at the exitway of the yard onto Greenacres Road North by 30 September 2007.

Greenacres Road North and Moutere Highway Intersection

12. The Consent Holder shall trim back vegetation that is encroaching onto the road reserve to the west of the Greenacres Road North and Moutere Highway intersection along the frontage with Lot 1 DP 3693 (currently the Hogarth Property).

Advice Note:

The above condition was volunteered by the applicant at the hearing.

Hazardous Substances

13. The total quantity of hazardous substances on site shall not exceed the quantities certified for storage within the hazardous substances facility on the site.

Advice Note:

For the avoidance of doubt a copy of the certification is appended to this consent. It is anticipated that no hazardous substances other than those described in the application shall be stored on-site and the consent holder is reminded of their obligation to comply with the permitted activity requirements for the storage and use of hazardous substances on the site (Chapter 16.7 of the proposed Tasman Resource Management Plan).

The Consent Holder is also reminded of their obligation to comply with all relevant requirements of the Hazardous Substances and New Organisms Act, 1996.

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

Waste

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

Amenity

16. There shall be no outdoor storage of loose materials so as to minimise any dust and/or debris migrating onto other sites.
17. Any disused/redundant plant from the activity shall not be stored outside the buildings.
18. The onsite pampas grass vegetation along the eastern property boundary shall be retained and maintained to provide screening of the operation from Greenacres Road North.

Signage

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

Review

20. That pursuant to Section 128(1)(a) and 128(1)(c) of the Resource Management Act 1991, the Consent Authority may review any conditions of the consent within twelve months from the date of issue and annually thereafter for any of the following purposes:
 - a) to deal with any adverse effect on the environment which may arise from the exercise of the consent and which it is appropriate to deal with at a later stage; or
 - b) to deal with inaccuracies contained in the consent application that materially influenced the decision made on the application and are such that it is necessary to apply more appropriate conditions; or
 - c) to assess the appropriateness of imposed compliance standards, monitoring regimes and monitoring frequencies and to alter these accordingly;
 - d) to review the noise limits specified in Condition 3 of this consent should these be deemed to be inappropriate.

GENERAL ADVICE NOTES

Council Regulations

1. The Consent Holder shall meet the requirements of Council with regard to all Building and Health Bylaws, Regulations and Acts. The Committee also noted that the letter submitted by the NZ Fire Service in regards to fire protection would also be an issue dealt with under the Building Act.

Proposed Tasman Resource Management Plan

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

Development Contributions

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

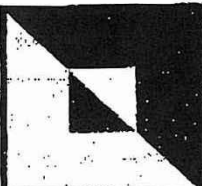
Council will not issue a Code Compliance Certificate or certificate of acceptance until all development contributions have been paid in accordance with Council's Development Contributions Policy under the Local Government Act 2002.

Monitoring

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

Issued this day 27th of August 2007

Cr E M O'Regan
Chair of Hearings Committee



Test Certificate

Hazardous Substance Location

Issued pursuant to Section 82 of the Hazardous Substances and New Organisms Act

This Certificate is issued to:

Expiry date: 30 July 2008

G & L Woodman & Sons Ltd.

Trading as : **Groyears NZ**

Contact details:

PO Box 3240
Richmond
Nelson
Ph: 03 544 2959

Location address:

Greenacres Road North
Richmond

This Certificate is issued in accordance with Regulation 81 of the Hazardous Substances (Classes 1 to 5 Controls) Regulations 2001. This certifies that the relevant requirements have been met for the location, substance and the maximum quantities as specified below:

Substances .	Maximum Quantity.
Class 3.1B, 3.1C (flammable substances)	600 litres.
Class 3.1B (flammable liquid)	210 litres
Class 3.1C (mineral turpentine)	210 litres

Location. External Type "B" storage depot.

Conditions:

1. The substances specified above must be under the control of an Approved Handler where the relevant threshold quantities specified in the Hazardous Substances (Classes 1 to 5 Controls) Regulations 2001 are exceeded.
2. Unless surrendered or revoked beforehand, this Certificate shall remain in force until the **30th July 2008** and may be renewed thereafter by an authorised Test Certifier.
3. This Certificate must be produced at the request of an enforcement officer appointed under the HSNO Act 1996.

Issued: 30/07/2007

John Herd
Test Certifier Registration No. TST 000042



Haz Subs Certification Limited

1095 Main Road South
RD 1
Wakfield, Nelson.

Ph/Fax: (03) 541 5859
john.herd@actrix.co.nz

Certificate Number: HSC 1483

G.M. OR 29/8/07

Date Confirmed: _____

Chair: _____