

MINUTES

TITLE: Environment & Planning Subcommittee
DATE: Monday, 1 October 2007
TIME: 9.30 am
VENUE: Motueka Service Centre, 7 Hickmott Place, Motueka

PRESENT: Cr E M O'Regan (Chair), Crs S J Borlase and E J Wilkins

IN ATTENDANCE: Principal Consents Planner (R Askew), Consent Planner Land (M Bishop), Development Engineer (D Ley), Transport Manager (R Ashworth), Administration Officer (B D Moore)

1. APPLICATION NO. RM070640 - M G AND E R CORRIE-JOHNSTON FAMILY TRUST, HAU ROAD, MOTUEKA

1.1 Proposal

The applicant sought consent to use rural zoned land for light industrial purposes including landscaping supplies, staff carpark, servicing and storage of contracting vehicles and machinery, gravel storage, and storage buildings. The applicant's existing concrete production operation and landscaping materials depot is either immediately adjacent or partly on Lot 5 DP 301796, being the subject site of this resource consent application. The location of the proposed buildings were shown on plans attached to the application papers and the land and activities will remain under a single ownership.

The Committee proceeded to hear the application, presentation of submissions and staff reports as detailed in the following report and decision.

The Committee reserved its decision at 12.40pm

RESOLUTION TO EXCLUDE THE PUBLIC

Moved Crs Borlase / Wilkins
EP07/10/01

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

M G and E R Corrie-Johnston Family Trust

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
M G and E R Corrie-Johnston Family Trust	Consideration of a planning application	A right of appeal lies to the Environment Court against the final decision of Council.

**Moved Crs O'Regan / Wilkins
EP07/10/02**

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

2. APPLICATION NO. RM070640 - M G AND E R CORRIE-JOHNSTON FAMILY TRUST, HAU ROAD, MOTUEKA

**Moved Crs O'Regan / Borlase
EP07/10/03**

**THAT pursuant to Section 104B of the Act, the Committee GRANTS consent subject to conditions.
CARRIED**

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

Meeting held in the Council Service Centre Meeting Room, Motueka

on Monday, 1 October 2007, commencing at 9.30 am

A Hearings Committee (“the Committee”) of the Tasman District Council was convened to hear the application lodged by M G and E R Corrie-Johnston Family Trust relating to expand existing industrial activities onto adjoining Rural 1 zoned land. The application, made in accordance with the Resource Management Act 1991 (“the Act”), was lodged with the Tasman District Council and referenced as RM070640.

- PRESENT:** **Hearings Committee**
Cr Cr E M O’Regan, Chairperson
Cr S J Borlase
Cr E J Wilkins
- APPLICANT:** Mr MG Corrie-Johnston representing the applicant
Mr G Thomas, Planning Consultant for the Applicant
- CONSENT AUTHORITY:** **Tasman District Council**
Ms M Bishop, Consent Planner Land
Mr D Ley Development Engineer
Mr R Ashworth Transportation Manager
- SUBMITTERS:** Mr R Riddell
Mr T W and Mrs B L Watson
- IN ATTENDANCE:** Mr R Askew, Principal Consents Adviser – Assisting the
Committee
Mr B Moore – Administration Officer

1. DESCRIPTION OF THE PROPOSED ACTIVITY

To expand an existing industrial/rural-industrial activity, namely a concrete production operation and outdoor materials storage depot.

The proposed activities include the following:

- Storage of landscaping supplies;
- Gravel storage;
- Extending an existing 3 metre high bund wall and planting on the southern boundary adjoining Lot 1 DP 13197;
- Provision of a staff car park;
- Storage of vehicles;
- A new storage building; and
- A new workshop.

The workshop will service the company and contract vehicles only and there will be no increase in staff numbers. The hours of operation for all activities are between 7.00 am and 5.30 pm Monday to Friday (excluding public holidays). An additional 16 to 20 one-way vehicle movements per day are anticipated to be generated by the proposed workshop activities.

The property is located at 36 Hau Road, Motueka (Rural 1 Zone land) and adjoins the applicant's existing industrial activity at 34 Hau Road (Industrial (Light) Zone).

The subject of the application, 36 Hau Road is described as Lot 5 DP 301796 consisting of 2.4746 hectares held under the certificate of title 7335.

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 rule 17.4.3 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 rule 17.4.2(b)(i) of the Rural 1 Zone.

The proposed activity does not comply with Permitted Activity Rule 17.4.2 of the Proposed Tasman Resource Management Plan and is deemed to be a discretionary activity in accordance with Rule 17.4.3 of the Plan.

3. NOTIFICATION AND SUBMISSIONS RECEIVED

The application(s) was notified on Saturday 14 July 2007, pursuant to Section 93 of the Act. A total of six submissions were received. The following is a summary of the written submissions received and the main issues raised:

Submitter	Reasons	Decision
Rex Riddell	Disagreed with some statements made in the application including that the current noise levels below permitted standards took residents 7 or 8 years of hard graft to achieve, Lot 5 is underutilised possibly because it has not yet had all the underlying gravel extracted and despite the road having been widened the drainage problem is far worse and considerable work needs to be done to improve the situation. He does not agree that the proposal will produce only minor effects as this proposal doubles the landmass for a business to use it for industrial purposes. Mr Riddell would like Hau Road widened with channel and kerbing and a footpath installed before any further expansion of industrial zoning (use) at the end of the road is allowed.	Decline Does not wish to be heard at the hearing.
Christine Woollett	Objects to noise, pollution and increase in traffic and would like to see the hours stay at 7-5pm not to 5.30pm. Hau Road is also a residential area with lots of young children on bikes.	Decline Did not indicate whether she wishes to be heard at the hearing.

Submitter	Reasons	Decision
Ada Maureen Crosbie	Opposes the application due to increased traffic on a sub-standard road with no pedestrian footpaths and there is water lying on the side of the road since the upgrade. Going on past performance the extension of industrial use will uncontrolled usage as in the case of Lot 4.	Decline Does not wish to be heard at the hearing.
T W and B L Watson	Oppose the application due to previous non-compliance with hours of work (7am-5pm), increased industrial use will encroach into what is left of their rural atmosphere, they believe the workshop will be used to service vehicles other than just CJ Industries resulting in more traffic problems, dust is already a problem on the work area and road area, safety issues with the width of Hau Road and as the grass verge is uneven it is easier to walk on the sealed area, the turning area cannot be used because of the "Compavers" locked gates, trucks and trailers shed gravel along the road especially at the junction of Hau Road and Queen Victoria Street and there's a danger to traffic in general. They believe this proposal will have many unfilled promises similar to when the abattoir closed.	Decline Do not wish to be heard at the hearing.
Robert Kevin Reid	Supports the application, no reasons stated	Grant Did not indicate whether he wishes to be heard at the hearing.
P and S Bourke and A and P Lummis Partnership	Supports the application, no reasons stated, also previously supplied written approval	Grant Did not indicate whether they wish to be heard at the hearing.

4. PROCEDURAL MATTERS

No formal procedural matters were raised at the hearing. The chairperson did ask the submitters attending if they wished to be heard even though they had indicated otherwise and they advised they would be happy to answer any questions the Committee may have.

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

Mr G Thomas, a resource management consultant, tabled and read a statement of evidence. Mr Thomas displayed and explained aerial photographs, endorsed with the zones, site layout and proposed uses. Mr Thomas explained that the application would allow the applicant to formalise the use of land for light industrial purposes at the end of Hau Road, as some of the outdoor yard operation had already expanded into the adjacent part of the overall site that is zoned Rural.

Mr Thomas said that the subject land is under one ownership and no subdivision of this land is proposed. Mr Thomas stressed that the existing concrete batching operation was not part of this application and will remain on the Industrial zoned land. Mr Thomas said that the proposed activities will not generate significant amounts of industrial traffic beyond what would be generated by permitted activities in the Industrial zone, or from permitted activities in the Rural zone.

The submission said that Council upgraded Hau Road to a standard that does not meet the rural road standard, let alone the industrial road standard that the applicant is now being asked to totally fund. The evidence referred to the four submissions in opposition that Mr Thomas said is based mainly on the state of Hau Road and traffic and the fact that there is an industrial zone in close proximity to the submitters' properties.

Mr Thomas repeated that the operations of the gravel crusher and the concrete batching plant are not part of this application and that they are complying in terms of the Proposed Tasman Resource Management Plan.

Mr Thomas addressed the actual or potential effects on the environment, particularly the matters of permitted baseline, traffic effects, noise, dust, and rural and residential character and amenities.

Mr Thomas tabled and read a legal opinion dated 26 September 2007 from Mr W J Heal, barrister. This legal opinion referred to the suggested conditions of consent from the Council engineers regarding upgrading of Hau Road. The Council engineers had suggested that the existing road formation be increased by 2 metres to provide an 8 metre wide road. That the part of Hau Road that is presently unformed must be formed up to an 8 metre carriageway, together with a formed industrial turning head at the eastern end.

It was also recommended that kerb, channel and sumps, together with stormwater disposal be installed along the southern side of Hau Road in addition to recommended widening. That a 1.4 metre concrete footpath to be formed along the completed length of Hau Road. Individual crossings are to be formed for all existing crossings along the south side of Hau Road. That the applicant be required to vest land as road, along the frontage of his property of 2.5 metres. Mr Heal in his written opinion stated that this is presumably all at the cost of the applicant.

Mr Heal referred to the Newbury tests being the pre-requisites for conditions and that the Engineer's proposals are plainly illegal and unfair in that the applicant plans to increase traffic movement, according to Ms Bishop between 6% and 7%. Mr Heal said that the Council Engineers also failed to note that Hau Road is more of a rural road at present. It services a lawfully established industrial site and appears to do so satisfactorily. Mr Heal said that there is no evidence that increased traffic will necessarily create problems, given the short nature of the road and its recently upgraded condition.

In his legal opinion, Mr Heal explained why the Council should disregard the comments in the planner's report regarding the Coleman vs Tasman District Council case and the permitted baseline test particularly in regard to the number of traffic movements created by the proposed activity.

Mr Thomas provided comments on the proposed conditions of consent suggested by Council officers. He said there will be no requirement for increased capacity and neither will Council need to incur expenditure.

Mr Thomas said that the industrial site is currently connected to sewerage reticulation but has its own water supply. It is not altering its existing operation with regards stormwater management. The only contentious area was traffic, although it is considered that the legal opinion has clarified that. He said that the requirements for development contributions are not applicable to this application.

Mr Thomas reminded the hearing panel that this application is for a landuse consent as a Discretionary Activity for the right to expand a portion of the light industrial activity into the Rural 1 zoned land. He said the Council planner has assessed that there are no adverse effects, apart from the state of Hau Road being created by this proposal. Mr Thomas said that the tabled legal opinion from Mr W J Heal, resolves the Hau Road traffic issue.

5.2 Submitters' Evidence

Mr R Riddell said that Council needs to expand the road reserve together with the footpath. He said that stormwater drainage from the road goes into his property. He claimed that Lot 5 is to become industrial zoning so anything industrial can happen. Mr Riddell said the road needs to be kept to full width. He claimed that the resource consent process had been a waste of time. Mr Riddell said that Hau Road is a little bit better now since it has been widened for trucks. He said a footpath is needed on the southern side.

Mr T Watson said that a big dust problem exists and this comes from the crusher and vehicles carrying gravel. He said that dust is conveyed down the road and affects houses. He said hours of work should be restricted to between 7.30 am and 5.00 pm. He said early truck use such as at 4.00 am is very disturbing as trucks are allowed to be run for 30 minutes when stationary in the yard.

Mr Watson said the hours of work were agreed to when the business was established as C J Industries. Mr Watson said that he noted the increased in the proposed storage yards and that Hau Road's surface will not stand up to heavier traffic due to its poor base formation. He said the driveways to the houses are affected by the road formation.

5.3 Council's Reporting Officer's Report and Evidence

Mr D Ley, Development Engineer, spoke to his report contained within the agenda and confirmed that the suggested conditions of consent within his report were confirmed by him as those that should become part of the resource consent conditions.

Mr R Ashworth, Transportation Manager, said that Hau Road is already substandard for its current use and said that Council recently provided a 2 metre seal widening. He said the proposal for improvements to the road for safety reasons would cost \$200,000 including the footpath on the southern side. He said intersection upgrading is to be included as this is also within the Council's Transport Strategy.

Ms M Bishop, Consent Planner-Land, referred to her report EP07/10/01 contained within the agenda. She referred to the actual and potential environmental effects. She referred to Section 104(2) of the Resource Management Act and the use of this as a permitted baseline for determining and assessing effects. Ms Bishop referred to proposed conditions of consent listed within her report and explained the limitations on persons to be employed and the restriction on the hours of operation as being related to the applicant not wanting to expand or increase the business. She said that the applicant would have to volunteer all conditions relating to Lot 4. Ms Bishop quoted the Proposed Tasman Resource Management Plan Rule 16.2.3(b) concerning parking on an adjacent site as justification for having titles for Lots 4 and 5 DP 301796 held together.

6. PRINCIPAL ISSUES

The principal issues that were in contention were:

- a) Is the proposed development consistent with the objectives and policies for the Rural 1 zone?
- b) Can the concerns regarding traffic safety issues be dealt with?
- c) Will the adverse amenity effects be more than minor?
- d) Is the development appropriate for the area?

7. MAIN FINDINGS OF FACT

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

- a) The land adjoining the subject property has been zoned industrial for a long period and was originally to provide for the operation of an abattoir on the site.
- b) The current adjoining industrial land use by the applicant has been operating for several years.
- c) Use of the adjoining Rural 1 zoned land for parking and depositing of some landscape materials is already occurring and this is a permitted activity in that zone.
- d) The erection of buildings is a permitted activity in the Rural 1 zone provided the coverage of the site does not exceed 5% of the area of the site.
- e) Hau Road and the part of Queen Victoria Street adjoining Hau Road does not meet the required standard to service industrial zoned land.
- f) Existing residential properties within the Rural 1 Zone are located along the southern side of Hau Road and owners of these properties have complained about some of the industrial activities occurring within the Industrial zoned land in Hau Road.
- g) The stormwater disposal and pedestrian access for residential properties along Hau Road is a problem for some residents.

- h) The activity would have the effect of increasing traffic on Hau Road, such increase is unlikely to exceed the 6% or 7% estimated in the planner's report.

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 Transitional Regional Plan (TRP);
- e) 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 application is to expand and relocate some activities currently operating on the applicant's property at 34 Hau Road being Lot 4 DP 301796 which is zoned Industrial (Light) onto adjoining Rural 1 zoned land at 36 Hau Road being Lot 5 DP 301796.

Rural 1 zoned land can be used as of right for some of the proposed activities which include storage of non-hazardous substance materials and parking of vehicles.

Erection of buildings is also permitted in the zone and the proposed building footprint areas presented with the application would come within the maximum permitted coverage for the zone of 5% of the site area.

The proposed workshop is not a new activity but a relocation of an existing activity from the adjoining Industrial zoned land.

The storage building will also be used for activities associated with the applicants company CJ Industries Ltd.

The overall change in effects is considered to be no more than minor however the Committee notes that residents in Hau Road have complained about effects from industrial activity since the abattoir was closed and the alternative industrial uses established.

The Committee has been able to impose conditions volunteered by the applicant to ensure that the use of the Rural 1 land is tied to the current use of the adjoining Industrial land and also that the consent is tied to the owner of the land and activity of the CJ Industries company.

Further encumbrances on the title of Lot 5 DP 301796 in regards to car parking provision should ensure that the two lots be used by the applicants company as an integrated land use and that there is no opportunity for Lot 5 to become a separate industrial activity on its own.

The Committee has noted the concerns expressed by submitters and has noted the issues of stormwater and pedestrian access during a site visit when it was raining. Conditions have been imposed to provide an appropriate rural footpath (gravel) and to improve stormwater drainage which were some of the more significant issues raised by some submitters.

The Committee considered the matters raised and recommended by Council Engineering staff but did not consider that those requirements were reasonable given the overall change in off-site effects, particularly traffic movements.

The Committee also noted the legal opinion provided by the applicant's planning consultant which distinguished the facts between this proposal and the Environment Court Ruling in the case of S M Coleman vs Tasman District Council where appeal to Council's decision declining approval of subdivision was declined on grounds which included a requirement to upgrade the road servicing the subdivision.

The legal opinion also considered that application of the "Newbury Test" in this case would consider that the conditions regarding road upgrading recommended by Council's Engineering staff would be unreasonable and "well beyond anything required by the increase of traffic".

The condition requiring a footpath and provision of a turning area outside the applicant's property at 34 Hau Road were considered appropriate to address matters of safety and convenience relating to the changes that this proposal would likely generate.

11. COMMENTARY ON CONDITIONS OF CONSENT

Limitations to Transfer and Car Parking Easement

The Council Planner recommended a condition to encumber the titles of Lots 4 and 5 DP 301796 so that they could not be disposed of independently of one another.

Following volunteered conditions at the hearing by the applicant, two conditions have been applied that should achieve the outcome sought without imposing any unreasonable restraint on the titles.

Work Practices for Lot 5 DP 301796

A condition has been imposed to limit the use of the workshop to those activities as advised during the hearing by the applicant, namely the servicing and maintenance of their own fleet of vehicles used in connection with the business activities of C J Industries Ltd.

Roading

Conditions have been applied to improve pedestrian safety along Hau Road by the construction of a footpath. In addition improvements to the road drainage and provision of turning area at the entranceway to CJ Industries (34 Hau Road) will make a significant improvement to the safety and convenience of residents and road users.

Issued this 4th day of October 2007

E M O'Regan
Chair of Hearings Committee

RESOURCE CONSENT NUMBER: RM070640

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

M G and E M Corrie-Johnston Family Trust
(hereinafter referred to as "the Consent Holder")

ACTIVITY AUTHORISED BY THIS CONSENT: expand and relocate some existing industrial and rural industrial activities onto

LOCATION DETAILS:

Address of property: 36 Hau Road, Motueka
Legal description: Lot 5 DP 301796
Certificate of title: 7335
Valuation number: 19280154

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 shall be personal to CJ Industries Ltd which has been advised at the hearing to be the applicants' company and this consent expires and the activity must cease if none of the following Directors of CJ Industries Ltd are actively involved in managing the activity:

- Desmond Michael Corrie-Johnston
- Elaine Ruth Corrie-Johnston; or
- Michael George Corrie-Johnston

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 applicant volunteered a condition at the hearing that the consent be personal to CJ Industries Ltd. The reference to the current Directors of the Company in the condition is to ensure that the condition is legally robust and will be able to be applied in the spirit in which it was offered by the applicant.

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 the expansion and/or relocation and operation of the following specified activities from Industrial (Light) zoned land at 34 Hau Road Motueka being Lot 4 DP 301796 onto adjoining Rural 1 zoned land at 36 Hau Road being Lot 5 DP 301796, Motueka:

- a) relocating the landscape supplies (which are already located on Lot 5 DP 301796) further eastwards to an area measuring 45 metres long by 25 metres wide;
- b) relocating the gravel storage activity that exists on Lot 4 DP 301796 south eastwards onto Lot 5 DP 301796;
- c) to provide a carpark area 40 metres long by 20 metres wide on Lot 5 DP 301796;
- c) to erect a building having a footprint measuring 24.0 metres by 24.0 metres for use of storage of materials associated with CJ Industries' activities on the adjoining land;
- d) to erect a building having a footprint measuring 24.0 metres by 24.0 metres for use to replace and enlarge the building currently used on Lot 4 DP 301796 for routine maintenance and servicing of CJ Industries vehicle fleet.

The activities shall be undertaken in accordance with the documentation submitted with the application and with the plan attached to this consent as Appendix A and labelled RM070640 Plan 3A/4 and dated 07/07. Where there are any discrepancies or apparent conflict between the information provided with the application and any conditions of this consent, the conditions shall prevail.

Advice Note:

The permitted maximum area for building coverage in the Rural 1 Zone is not greater than five percent of the net site area (but not greater than 2,000 square metres). This means that the maximum building coverage of Lot 5 DP 301796 is 1,237.3 square metres as a permitted activity. The proposed building area for Lot 5 DP 301796 in this consent is 1,152 square metres.

Covenants and Easements

3. Prior to the activity commencing, the consent holder shall enter into a formal agreement (in the form of an easement or covenant registered against the Certificates of Title) with the owner(s) of Lot 4 DP 301796 confirming that parking, manoeuvring, and access for vehicles to minimum dimensions as shown as "Staff Car Park" on the plan attached to this consent labelled RM070640 Plan 3A/4 and dated 07/07 are available on Lot 5 DP 301796 for the use of the consent holder exclusively. Such covenant or easement shall be prepared by the consent holder at their expense and submitted to the Manager Resource Consents, Tasman District Council for approval prior to registration. Any costs in relation to Council granting their approval shall be met by the consent holder.

Should the covenant or easement expire, this resource consent shall cease immediately unless alternative car parking arrangements are made to the satisfaction of the Tasman District Council.

Advice Note:

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

Dust

4. The consent holder shall implement all necessary mitigation measures to ensure that, in the opinion of an Enforcement Officer of the Council, there is no offensive or objectionable dust discernable at or beyond the property boundary as a result of the authorised activities on Lot 5 DP 301796.

Advice Note:

Control of dust for the adjoining Industrial (Light) zoned site (Lot 4 DP 301796) is provided for by a permitted activity rule having the same effect as the above condition.

Work Practices for Lot 5 DP 301796

5. Activities carried out within the proposed buildings to be erected on Lot 5 DP 301796, that is the storage building and the workshop building shall be limited to activities undertaken by CJ Industries Ltd and are either ancillary to the permitted activities on Lot 4 DP 301796 or are ancillary to permitted activities in the Rural 1 Zone.

Advice Note:

Some submitters noted that vehicle movements along Hau Road had occurred in the early hours of the morning. The Committee acknowledges that there are no provisions in the Proposed Tasman Resource Management Plan relating to hours of operation and that vehicle movements will be generated principally by activities on the Industrial zoned land. The assessment of effects report, included with the application, however stated in 2.3 "The applicant would now like to operate between 7.00 am and 5.30 pm weekdays only – not weekends".

The Committee noted that the submitters present were not opposed to Mr Corrie-Johnston personally and therefore the Committee expects that the consent holder will endeavour to minimise any adverse effects from the activities that are not otherwise controlled, in other words be 'a good neighbour'.

Amenity

6. The existing 3 metre high landscaped bund along the southern boundary adjoining Lot 1 DP 13197 shall be extended to the easternmost boundary on Lot 5 DP 301796 by 30 November 2008 and thereafter maintained.

Access and Manoeuvring

7. The on-site access to Lot 5 DP 301796 shall be sealed from the edge of the road seal to at least 10 metres inside the property boundary. The sealed area shall include an area that shall be permanently accessible from the road so as to provide a sealed area that, together with the road seal, has a diameter of sixteen metres to enable vehicle turning at the consent holder's entranceway when the premises are not open for business and the gates are closed.

This work to be completed before 31 January 2008, with all costs to be met by the consent holder.

Hau Road Improvements

8. The following works are required to be undertaken by the consent holder and at the consent holder's expense prior to the workshop activities commencing:
 - a) A 1.4 metre gravel footpath shall be formed along the southern side of Hau Road from the entrance to the application site to the intersection of Hau Road with Queen Victoria Street. The footpath shall be located away from the existing stormwater swale on the southern side of the Hau Road;
 - b) The footpath construction shall include improvements to the drainage swale so that water shed from the southern side of the road seal is effectively and efficiently carried away to the existing soakage pits along the swale.
 - c) All works to be carried out shall be shown on engineering plans which shall be submitted for approval to the Tasman District Council's Engineering Manager prior to the commencement of any works within the legal road reserve.

Advice Note:

The applicant volunteered to form the gravel footpath at the hearing. The applicant also volunteered to widen the road seal along the length of Hau Road by 1.0 metre on the northern side of the road but this volunteered condition was not accepted. The improvements to the side drains together with the footpath construction are considered to better provide for mitigation of adverse effects relating to vehicle transfer of dirt off the site onto Hau Road and improve road safety for pedestrians.

Review

9. 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 conditions and to alter these accordingly.

Cultural Heritage

10. Whilst there are no known archaeological sites on the site, the subject property is near a known archaeological site. If during any site disturbance works, any material is found that may have any archaeological significance, all work shall stop immediately and the consent holder shall contact Tiakina te Taiao, the Tasman District Council and the New Zealand Historic Places Trust, who shall be consulted so that appropriate action pursuant to the Historic Places Act 1991 is undertaken.

Advice Note:

The applicant has volunteered this condition.

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.

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.

Interests Registered on Property Title

5. The consent holder should note that this resource consent does not override any registered interest on the property title.

Issued this 4th day of October 2007

E M O'Regan
Chair of Hearings Committee

Date Confirmed:

Chair: