

MINUTES

TITLE: Environment & Planning Commissioner Hearing
DATE: Tuesday, 27 January 2009
TIME: 12.30 pm
VENUE: Tasman District Council Chamber, 189 Queen Street, Richmond

PRESENT: Commissioner G Rae

IN ATTENDANCE: Principal Consents Coordinator (J Butler), Resource Consent Consultant (K O'Connor), Development Engineer (D Ley), Administration Officer (B D Moore)

1. FAIRFIELD ORCHARDS LIMITED, UMUKURI ROAD, RIWAKA – APPLICATION RM07018V1 AND RM080608

1.1 Proposal

Fairfield Orchards has applied for various consents which are detailed as follows.

RM070718V1:

To cancel or change various conditions of Resource Consent RM070718. The proposed cancellations and changes are summarised as follows:

Delete Condition 3 and replace with a new condition specifying the site coverage to not exceed 6400 m².

Delete Condition 6 and replace with a new condition specifying the packhouse hours of operation to be from 0600 hrs to 2200 hrs Monday to Saturday inclusive and 0800 hrs to 1700 hrs on Sundays.

Delete Conditions 7 to 12.

Delete Condition 13 and replace with a new condition requiring a modified access construction as shown in Plan C Annexure 3.

RM080608:

Land use consent to extend the existing covered loading bay by approximately 480 m² at the rear of the existing packhouse and add a new 200m² coolstore adjoining the south wall of the existing covered loading bay on the eastern part of the site.

Land use consent to increase the size of the existing coolstore number 3 by adding another 720 m² to its eastern end and cover the existing concrete yard loading/access pad with a canopy between coolstores 1, 2 and 3 as shown in Annexure 3 of the application.

Land use consent to increase the authorised site coverage of all buildings on site to 6300 m².

Land use consent to erect a sign on the western side of 91 Umukuri Road entrance with dimensions of 1.2m x 2.4m bearing the words "FAIRFIELD ORCHARDS LTD COOLSTORE AND OFFICE TO WESTERN ENTRANCE".

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

The Commissioner reserved his decision.

2. FAIRFIELD ORCHARDS LIMITED, UMUKURI ROAD, RIWAKA – APPLICATION RM07018V1 AND RM080608

THAT pursuant to Section 104B of the Resource Management Act, the Commissioner GRANTS consent to Fairfield Orchards Limited as detailed in the following report and decision.

CARRIED

**Report and Decision of the Tasman District Council through an Independent
Commissioner Meeting held in the Tasman Room, Richmond
on Tuesday, 27 January 2009, commencing at 12.30 pm**

A Hearings Commissioner ("the Commissioner") of the Tasman District Council ("the Council") was appointed to hear the application lodged by Fairfield Orchards Limited ("the Applicant"), to cancel or change various conditions of Resource Consent RM070718, and to undertake building development and erect a sign on the site at 119 Umukuri Road, Riwaka. The application, made in accordance with the Resource Management Act 1991 ("the Act"), was lodged with the Council and referenced as RM070718V1 and RM080608.

PRESENT: **Mr Gary Rae, Hearings Commissioner**

APPLICANT: Nigel McFadden (counsel for applicant)
Aaron Drummond (applicant)
David Petrie (traffic engineer)
David Smythe (planning consultant)

CONSENT AUTHORITY: **Tasman District Council**

Ms K O'Connor (Resource Consent Consultant)
Mr Dugald Ley (Development Engineer)

SUBMITTERS: Mr B and Mrs J Thomson, 96 Umukuri Road
Mr G Massicks, 105 Umukuri Road

IN ATTENDANCE: Mr J Butler (Principal Resource Consents Adviser) –
Assisting the Committee
Mr B Moore (Committee Secretary)

1. DESCRIPTION OF THE PROPOSED ACTIVITY

The proposed application was processed as two applications, one for a change of conditions to RM070718, and the other for a new land use consent, as follows:

RM070718V1:

Consent to cancel or change various conditions of Resource Consent RM070718. The proposed cancellations and changes are summarised as follows:

- Delete Condition 3 and replace with a new condition specifying the site coverage to not exceed 6400 square metres.
- Delete Condition 6 and replace with a new condition specifying the pack house hours of operation to be from 0600 hours to 2200 hours Monday to Saturday inclusive and 0800 hours to 1700 hours on Sundays.
- Delete Conditions 7 to 12.
- Delete Condition 13 and replace with a new condition requiring a modified access construction as shown in Plan C Annexure 3.

RM080608:

Land use consent to extend the existing covered loading bay by approximately 480 square metres at the rear of the existing pack house and add a new 200 square metres cool store adjoining the south wall of the existing covered loading bay on the eastern part of the site.

Land use consent to increase the size of the existing cool store No. 3 by adding another 720 square metres to its eastern end and cover the existing concrete yard loading/access pad with a canopy between cool store Nos. 1, 2 and 3 as shown in Annexure 3 of the application.

Land use consent to increase the authorised site coverage of all buildings on site to 6300 square metres.

Land use consent to erect a sign on the western side of 91 Umukuri Road entrance with dimensions of 1.2 metres x 2.4 metres bearing the words "FAIRFIELD ORCHARDS LTD COOLSTORE AND OFFICE TO WESTERN ENTRANCE".

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

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

Zoning: Rural 1

The application for change of conditions is a discretionary activity under Section 127 of the Resource Management Act.

The proposed new buildings are a discretionary activity under Rule 17.4.6 (note the height of the new buildings meets controlled standards under 17.4.5(gaa) but the site coverage does not meet controlled standards).

The application for the signage is a restricted discretionary activity under Rule 16.1.5.4.

3. NOTIFICATION AND SUBMISSIONS RECEIVED

The applications were notified on 11 October 2008 pursuant to Section 93 of the Act. A total of five submissions were received. The following is a summary of the written submissions received and the main issues raised:

H and S Trewavas, 4 Swamp Road, Riwaka. The submission is in support, as the application is seen as providing benefits to the horticultural activities and the welfare of the wider Tasman District.

M Cocup and H Orpwood, 117 Umukuri Road, Riwaka. The submission is in support as the application is seen as providing benefits for the applicant's business and for horticulture and wealth and jobs in the district. The submitter supported the deletion of traffic conditions from RM070718, which are seen as unnecessary and adversely affect the submitter by directing most traffic through the west access, thereby affecting their privacy and amenity.

G M and K Massicks, 105 Umukuri Road, Riwaka. The submission is in support and states that the traffic flow into and out of the site up until the time of the Council's decision on RM070718 worked well. Since that time the conditions have resulted in more use of the unsealed interconnecting road at the rear of the cool stores causing dust nuisance. It has also resulted in conflicts between trucks entering and exiting the same access. The circular route is favoured by the submitter. The submission requested that the compressors on the cool store No. 3 are located on the south side of the building to reduce noise disturbance.

B and J Thomson, 96 Umukuri Road, Riwaka. The submission is in opposition, and raised concerns at the increase in site coverage, increases in hours and access to the pack house, removal of conditions on staff numbers, and the formation of the eastern access. In terms of the application for the new land use consent, the submission expresses concern at the increased noise and traffic generated from the additional building development proposed on this site, storm water, compliance with previous consents, monitoring and mitigation, and the proposed sign which reinforces the eastern access as the main access.

NZ Historic Places Trust. The submission is in opposition, and notes there is a recorded archaeological site (NZAA number N26/155) located near the site, and many other sites on adjacent properties. The submission requests that an archaeological assessment is conducted on the site by a professional archaeologist and that this is submitted with a revised assessment of environmental effects.

4. PROCEDURAL MATTERS

There were no special procedural matters that arose during the hearing.

5. EVIDENCE HEARD

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

5.1 Applicant's Evidence

Mr Nigel McFadden, counsel for the applicant, tabled and read an opening submission and referred initially to the application to vary the conditions of the original consent RM070718 to construct a pack house and cool store on the site at 91 Umukuri Road, Riwaka. Condition 3 of the original consent was required to be altered to allow for buildings up to 6,400 square metres to be constructed. Condition 6 of the original consent was required to be changed so that the hours of operation for the pack house be altered from 7am to 6pm Monday to Friday and 8.00 am to 1.30 pm Saturdays - to 6.00 am to 10.00 pm Monday to Saturday inclusive and 8.00 am to 5.00 pm on Sunday.

The application sought that Condition 7 of the original consent be deleted, concerning the restriction to work to 10.00 pm on 25 occasions during the period 1 March to 30 June inclusive. Condition 8 required either deletion, or amendment to refer to a maximum number of staff of 50 in the pack house, instead of 30. The applicant sought the deletion of Conditions 9-12, relating to vehicles to and from the pack house using the eastern access only, types of vehicles using the different accesses, limits on numbers of vehicles using the accesses. Mr McFadden explained how Condition 13, requiring an access upgrade to the eastern entrance, had been the subject of a Council abatement notice that had been appealed by the applicant and a stay granted by the Environment Court. He explained what he saw as particularly long and protracted dealings with Council staff in relation to a review of what would be an appropriate access design at this site, related to constraints imposed by the existing power poles where widening was required.

Mr McFadden explained that the current applications had been lodged principally to provide more practicable conditions to allow efficient and flexible operation of the current activity, to provide an appropriate upgrade of the eastern access in light of the enforcement action, and to provide for further development of the activity to provide for more buildings.

He then explained that the new land use consent was sought to extend the existing covered loading bay by 480 square metres and add a new 200 square metres cool store. A further 720 square metres was sought to be added to existing cool store No. 3 and to erect a 600 square metres canopy between cool store Nos. 1, 2 and 3. Accordingly, the applicant sought land use consent to increase the authorised site coverage of all buildings on site to 6,400 square metres (so as to be consistent with the amended condition 3 of RM070718). Mr McFadden explained that a new entrance sign was also proposed.

Mr McFadden explained how this application is a discretionary activity for a necessary rural industry. He referred to the effects of the proposal and addressed the concerns of submitters. He addressed the matters raised by Council officers and provided a full set of amended conditions annexed to his opening submission.

A statement of evidence for Fairfield Orchards Limited was tabled and this was read by Mr McFadden on behalf of Mr A S Drummond, a Director of the applicant company. This evidence explained how the resource consent issued in September 2007 provided extreme limitations and restraints on the operation and management of the existing pack house, particularly in the restrictions on hours of operation, and use of the access ways which essentially prevent the most efficient one-way flow of vehicles through the property and result in trucks entering and exiting the same

access causing conflict and requiring difficult on-site manoeuvres. In addition the consent required an upgrading of the eastern access even though the main entrance was required to be at the western end. This evidence explained that as a result of this development and the increased capacity of the cool store, there will be a reduced need to store fruit off site on other properties, and there will therefore be overall less traffic movements to and from the site and the whole process would be made more efficient and manageable. He said that as the new packing season would open in the very near future, that upgrading work to the entrances should be delayed in order to allow the pack house to be used this year.

In response to a question from the Commissioner, Mr Drummond said that at present approximately 90% of traffic coming to the site uses the western access, and about 10% uses the eastern access. He expected that the application would potentially result in a more even split between the use of the accesses, in the order of 50:50. He also confirmed that the proposed new sign would replace the existing inadequate sign at the eastern entrance, and that the existing sign at the western entrance would be kept.

Traffic Engineer, Mr David Petrie, read a statement of evidence for the applicant to describe the existing road and traffic environment, the proposed access arrangements and the expected traffic effects on the local road network. The access to and from the subject site is from a western and an eastern access onto Umukuri Road, which is classified as a collector road.

Mr Petrie described the expected traffic generation and access improvements in relation to the application. He concluded that the only potential additional traffic resulting from the application is associated with the cool store extension. However this is required to properly accommodate the fruit that is already packed on site and, as there will be no need to continue sending fruit to cool stores off site and returning them for packing, he expected this will reduce traffic on the external network.

Mr Petrie recommended that the eastern driveway be designed in accordance with his Figure 4 in plans provided with his evidence. This entailed sealing of an area within the existing driveway formation and retention of the existing power poles on road reserve adjacent to the access. He noted some widening and sealing had been installed on the north side of the road. Mr Petrie recommended that the western driveway be designed in accordance with his Figure 6 plan also appended to his evidence. This entailed some additional widening and sealing with tapers, but no widening on the north side of the road. These diagrams were modifications of the access diagrams in the TRMP for arterial and distributor roads, but in Mr Petrie's view would be appropriate for this site on a collector road, at this site, given its traffic characteristics. He also said that the proposed signage would assist in directing traffic.

Mr D Smythe, Resource Management Consultant, read a statement of planning evidence for the applicant. Mr Smythe explained that he had been involved in the previous application for this site, and a number of the conditions imposed on the resource consent granted in 2007 have proved to be inoperable and unreasonable after only one year of operation. He said *"In my opinion the final conditions were poorly written, extremely confusing and nigh impossible to fully implement"*.

Mr Smythe also expressed concern that a submitter to this current application, (Mrs Thomson, a staff member at the Council) appears to have been consulted over the conditions of that previous consent even though she wasn't deemed to be an affected party, and the other parties were not consulted and were impacted by the form of the final conditions.

He acknowledged the concerns of submitters and explained how the application seeks to revisit the problems, remedy the shortcomings, and that the proposed amended conditions of consent would mitigate those concerns.

The Commissioner questioned Mr Smythe on whether as a planner he considered noise emanating from the site could be adequately managed to meet the noise standards in the TRMP for the Rural 1 Zone. Mr Smythe considered that whilst he is not a noise expert, he expected noise would not be above what may be expected for a rural activity and that there should therefore be no difficulty in meeting those levels.

5.2 Submitters' Evidence

Mr B and Mrs J Thomson stated that they are long term residents in this area, and emphasised that they are not opposed to horticulture or farming practice in the general area.

The submitters explained that their property at 96 Umukuri Road is located on the opposite side of the road near the eastern driveway of the applicant's property. The submitters opposed increased hours of operation especially Sunday operating. They explained that they have noise, light and dust problems emanating from the applicant's property and said that the conditions of consent RM070718 were breached by the hours of operation being exceeded, and from the formation of the access not having been completed.

Mr and Mrs Thomson said that they were trying to limit the effect of the applicant's proposal on their property where they have lived for 25 years. They said that although they have some vegetation at the front of their house this provides only limited screening, and they are considering installing visual and sound barriers within their property. They said that the noise from the applicant's property is mostly from trucks and forklifts, and they were concerned that the applicant has purchased additional orchard properties adjacent to the site.

The Thomsons provided copies of e-mail correspondence with the Council's compliance officers concerning claimed breaches of consent conditions regarding traffic on the eastern access.

On questioning from the Commissioner, the submitters accepted that the sealing of the eastern access would mitigate the dust nuisance, but that the vegetation in their front yard is deciduous and does not adequately screen the property. In terms of hours of operation they said 7.00 am to 10.00 pm for three nights per week, 8.00 am to 3.00 pm on Saturdays, and with no use on Sundays would be acceptable to them.

Mr G Massicks, of 105 Umukuri Road, explained that noise from the subject site is not excessive, and not 'out of kilter' with noise from other rural activities in the vicinity. He said that some of the light from the site is from the dwellings of people who live there. He said that the cool store compressors are noisy and asked that these be relocated to the rear of the cool store buildings and pack houses.

5.3 Council's Reporting Officer's Report and Evidence

Resource Consent Consultant, Ms K O'Connor, referred to her report of 15 January 2009 contained within the agenda. She endorsed her recommendation to grant consent to the applications and addressed the proposed conditions of consent referring to the amended conditions appended to the rear of the evidence from Mr McFadden.

Ms O'Connor indicated to the Commissioner those conditions of consent which she believed had already been met and those which potentially were unnecessary. She asked that the conditions regarding the proposed access standards be addressed by Mr Ley.

Mr D Ley, Development Engineer, said that the required widening on the north side of the road at the eastern access has been formed and sought that the applicant provide an 'as built' plan for that formation.

In relation to the applicant's criticism of the processing of a request to change the eastern access design, Mr Ley responded by saying Council staff had thought it inappropriate for them to design a solution for the applicant, and had requested the applicant follow correct procedure and to apply for a change of condition of consent which had now been done. He confirmed his acceptance of the applicant's eastern access plan (Figure 4 in Mr Petrie's statement), but requested that the applicant comply with his sketch plan as provided in the agenda for the western access, which includes widening on the opposite side of the road.

The Commissioner questioned Mr Ley on why additional widening was required at the western access, particularly when it had not been required as part of the 2007 consent, and the evidence was that traffic would actually reduce at the western access as a result of this application. Mr Ley responded by saying he was not convinced traffic numbers would reduce, and he also tabled some photographs which showed 'edge break' of the seal on the northern side of the road opposite the western entrance which he attributed to trucks using this access.

5.4 Applicant's Right of Reply

In Mr McFadden's reply for the applicant he said the proposed conditions of consent for this application need to be consistent with the former consent, as the applications were interrelated. He said that this would require change to some conditions as a consequence of the granting of consent, even though those changes may not have been specifically requested in the application. He referred back to a set of conditions presented in submissions at the hearing.

Mr McFadden referred to the submission from Mr and Mrs Thomson saying that the applicant did not wish to denigrate the concerns they had as neighbours, but the following should be taken into account:

- the submitter had not clarified the source of lights which shine into their property, and that these may be from the cars of 30 staff accommodated on the site (which is not a matter that is requiring consent in this instance);

- the proposed sealing of the eastern access will stop the dust nuisance, and the only reason this had not been done was the debate over whether the power poles need to be removed for the widening of the access;
- the Council had determined that the Thomsons were not an affected party to the original application;
- the applicant had to accept the conditions proposed by Council officers to develop the pack house or suffer it being notified or delayed. In relation to alleged breaches of other conditions of consent raised by the Thomsons, he noted that the Council has not taken any abatement or compliance action;
- the proposed hours of work sought by the submitters (i.e. 7.00 am to 10.00 pm on three days per week), are not a commercial reality and will not assist sustainable management of the subject site;
- access from the applicant's neighbouring orchard properties is gained from within the site, and does not require extra traffic on the network;
- in relation to noise, Mr McFadden noted that Mr Massick said that noise is not an issue, except for the cool store compressors which would be addressed by a condition of consent.

Mr McFadden re-iterated that the applicant did not accept the need to upgrade the western access as recommended by Mr Ley, and he noted that Mr Ley's recommendation for upgrading the western access would require a portion of Mr Massicks' property to be acquired, and Mr Massick would not agree to that, and it was therefore *ultra vires* as a condition of consent. He tabled a plan to the Commissioner, signed by Mr Massicks, agreeing to the plan for the upgrade of the western access as per Mr Petrie's diagram 6, and which was signed by Mr Massick as it partly encroached on some of Mr Massicks' land. Mr McFadden noted the Diagram 6 access would not require the need to improve the Umukuri Road or to pipe the creek. He noted Mr Ley's photographs showing edge break and whilst not accepting this is caused by traffic using Fairfield Orchards property, he stated that the applicant would accept a condition of consent in relation to the western entrance so that the area E2 on the northern side of the road would have constructed 1.5 metre widening on the northern side as soon as possible, with the balance of the work under Mr Petrie's plans figures 4 and 6, to be carried out within three months of the completion of the cool store building. A plan of the western entrance was amended and provided by Mr Petrie to the Commissioner.

A copy of the amended sign wording showing the words 'pack house/office' was signed by Mr McFadden and handed to the Commissioner.

The Commissioner asked Mr McFadden a question regarding the scope of the application, in that the evidence indicated the applicant company had purchased additional properties which may involve further processing on the site in future. Mr McFadden noted that the recommendation was for a condition allowing a review of the consent conditions, and that the applicant accepted it would need to make another application, should the scale of effects arising from the implementation of the consent be increased.

The public part of the hearing concluded at 5.20 pm and the Commissioner reserved his decision.

6. PRINCIPAL ISSUES

The principal issues that were in contention were:

Issue 1: Any adverse effects of an increase in building development on the site

The applicant contended that the proposed additional building development would cause no significant loss of productive land as it is essentially an extension to an existing horticultural activity, and much of the additional building development will extend existing buildings and cover over paved or hard-standing areas on the site.

The applicant also contended that there would be no adverse visual effects arising from the new buildings as the location is well separated from neighbouring properties and from views from the road. Mr Massicks had no concerns with the additional development on the site (other than the location of the cool store compressors).

The submission of Mr and Mrs Thomson objected to the increase in site coverage, however the principal concern related to the increased noise and activity associated with this additional development.

Issue 2: Traffic effects and accesses

The applicant's case was that the overall traffic to the site would not increase and, if anything, it would decrease. The removal of conditions would effectively allow visitors to the site to use the access(es) that would best serve their needs, and the result would be a much more even split between the eastern and western accesses than at present where the western access takes substantially more of this traffic. Mr Petrie's evidence was that the accesses could be upgraded to mitigate any effects on the network and provide for safe ingress and egress. Mr Massicks supported the proposed changes for access, and noted the current restrictions were illogical and resulted in unnecessary vehicle movements through the western access.

Mr and Mrs Thomson contended that the restrictions on use of the accesses as part of the 2007 consent were established for good reason, and yet those conditions had not been adhered to. Whilst no particular effects on safety or the road network were raised, the main concerns at the lifting of restrictions on the use of access were focused on adverse effects on amenity.

Issue 3: Noise and other amenity effects

The applicant's contention was that the relaxation in restrictions on operating hours would better provide for the flexible operation of the activity, and that the activity would not suddenly change its operation on a regular daily basis.

It confirmed that the noise effects from the proposal would be contained within the parameters set by the TRMP's noise rules for the Rural 1 Zone, and that the dust nuisance from the currently unsealed eastern access would be avoided by the proposed upgrading and sealing. Mr Massicks supported this.

Mr and Mrs Thomson contended that there would in fact be additional traffic using the accesses, and for extended periods, which was of particular concern on Sundays. This increase in the scale of the activity would increase the adverse effects of noise and lights from vehicles shining into their property. They accepted that dust would be mitigated by sealing of the eastern access.

Issue 4: Effects of proposed signage

The applicant's contention was that the existing sign at the eastern access is inadequate as it is too small, and the message is unable to be read by drivers approaching the sign. Accordingly a new larger sign is required showing the directions to the pack house, office and cool store. The existing sign at the western entrance would be retained. Mr Petrie supported these signs on traffic safety grounds.

Mr and Mrs Thomson contended that whilst the existing sign was inadequate, the proposed new sign would effectively mark the eastern entrance as the main access to the site, and consequently more traffic through this access would affect their amenity.

Issue 5: Potential effects on archaeological sites

The applicant's contention was that as there are no historic sites of significance on the application site, there is no need for it to be responsible for undertaking investigative work (as requested in the submission by NZ Historic Places Trust) in advance of the additional building work. Mr Smythe noted that the site was extensively cultivated and built upon already, and that a standard condition could be added to any consent to require that work is to stop if any items of significance are discovered during construction.

NZHPT did not attend the hearing to further address its submission.

7. MAIN FINDINGS OF FACT

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

Fact 1: Increased building development on the site

It is accepted that the proposed additional building development will cause no significant loss of productive land, and that there will be no adverse visual effects arising from the new buildings. The buildings are well separated and generally well screened from neighbouring properties and from views from the road, and the building types, shape and form, are part of the character of a rural environment, particularly where processing of fruit occurs. The proposal is a discretionary activity in this zone, and the applicant was able to demonstrate that the adverse effects are able to be avoided or mitigated.

The concern of Mr and Mrs Thomson at the overall increase in development and activity on the site is acknowledged. It was understood that their main concerns relate to the increased use of the access ways, and the resultant increase in noise, dust and lighting effects associated with that (discussed in the next sections below).

Fact 2: Traffic effects and accesses

Mr Drummond's evidence as applicant, and that of Mr Petrie as an expert traffic witness having studied in some depth the existing traffic generation and traffic patterns, was that the overall traffic to the site would not increase. It is considered the reasons given for no increase in traffic are plausible, particularly with the reduced need to take fruit off site for storage and then bring it back for packing. Despite assertions by the Thomsons that traffic would increase, there was no evidence to lead the Commissioner to that conclusion.

On the evidence heard as to difficulties in managing site operations, and in particular traffic arriving from different sources needing to access different parts of the site operations, it is accepted that the existing conditions of the 2007 consent restricting use of accesses are onerous and counterproductive for sustainable management of the Fairfield Orchards activity on the site. These conditions, and in particular the limitations on hours of operation, do not take adequate account of the need for a horticultural activity to be flexible and to respond to market and growing conditions.

Whilst the concerns of the Thomsons are acknowledged, on the evidence heard, the proposed deletion of conditions restricting the use of accesses will not in themselves lead to a deterioration in the amenity of the area. It is noted that the submissions of residents near the western access actually request the removal of these restrictions for reasons including those of amenity.

The upgrading of the accesses is considered appropriate, particularly the eastern access which is formed but not sealed. The upgrade of this access would remove the dust nuisance affecting the Thomsons in particular, and would improve traffic safety. Mr Petrie's diagram 4 was accepted by Mr Ley as appropriate and accordingly this is accepted by the Commissioner as the appropriate standard for upgrade. There is considered less need to upgrade the western access, because an upgrade was not required as part of the 2007 consent, and the evidence was that less traffic would be using this access as a result of this proposal to remove the restrictions on the use of the eastern access.

However, the applicant has in any event volunteered to upgrade this access further (Mr Petrie's diagram 6). Whilst this diagram 6 access is to a lesser standard to that recommended by Mr Ley (he maintained a wider radius and widening on the opposite is required), the evidence of Mr Petrie, in particular as to volumes and types of vehicles using this access on an 80 kilometre per hour collector road, is accepted. There was no evidence to establish what is causing the edge break on the opposite side of the road from the western entrance, but in any event this will be addressed by seal widening to 1.5 metre width and with 1 in 10 tapers as volunteered by the applicant, and as shown on the amended diagram 6 tabled at the hearing.

With these upgrades, it is accepted that any effects on the network will be mitigated, and safe entry and egress will be provided for.

Fact 3: Noise and other amenity effects

On the evidence presented, the relaxation in hours of operation will provide for much needed flexibility in the operation of the activity, and this would not result in a significant change in the actual day to day operation of the activity. That is, it is most unlikely the orchard will operate to those hours on all but infrequent occasions.

The noise effects from the proposal will be contained within the parameters set by the TRMP's noise rules for the Rural 1 Zone. The compressors will be relocated to the south side of the cool store as volunteered by the applicant.

The dust nuisance from the currently unsealed eastern access will be avoided by the proposed upgrading and sealing. The concern of the Thomson's relating to lights from vehicles shining into the property is acknowledged, however it is not considered that the scale of the effect as a result of the proposal will be significantly greater than the present effect, bearing in mind the evidence relating to traffic not increasing and there is at least partial screening from existing vegetation on the Thompson property.

However, it was of some concern to the Commissioner that the removal of these conditions should not be seen as 'carte blanche' for any substantial expansion in the scale and intensity of operations on site, particularly if more properties are purchased and a substantially greater volume of fruit was to be processed in the future. It is noted that the operation will be restricted to the use of buildings that have been consented as part of RM080608, and any further building development will require a fresh resource consent. There is also a condition allowing a review of the consent conditions. Were the activity to significantly increase its intensity, resulting in adverse effects on the environment, this would be just cause for the review conditions to be triggered, and the performance of those particular conditions investigated, in the Commissioner's view. It is also noted that the applicant has accepted it would need to make another application, should the scale of effects arising from the implementation of the consent be increased (Mr McFadden's reply on behalf of the applicant).

Fact 4: Effects of proposed signage

The proposed new larger sign (details of which are shown in the amended plan tabled at the hearing) will provide a clear message to visitors to the site and direct them to the appropriate facilities. It is appropriate for the existing sign at the western entrance to be retained to further clarify the direction to the cool stores.

Fact 5: Potential effects on archaeological sites

On the evidence, there is no need for the applicant to be required to undertake investigative work in advance of the additional building work.

There are no known archaeological sites on the site and the areas affected by this application (which are quite limited in area, and on an already substantially modified site). In this circumstance the Council is in the practice of using a standard condition to require that work is to stop if any items of significance are discovered during construction. It is not therefore understood why the submitter NZHPT would request that the applicant engage an archaeologist to carry out prior investigative work. The submitter did not attend the hearing to clarify this matter.

8. RELEVANT STATUTORY PROVISIONS

8.1 Policy Statements and Plan Provisions

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

- a) the Tasman Regional Policy Statement (TRPS); and
- b) the Tasman Resource Management Plan (TRMP).

8.2 Part 2 Matters

In considering this application, the Commissioner 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 Commissioner **GRANTS** consent to the applications subject to conditions.

10. REASONS FOR THE DECISION

1. The applications are considered consistent with the relevant policies and objectives of the TRMP, in particular:
 - Objective 5.1.2, Policies 5.1.3.1, 5.1.3.9, which are all concerned with ensuring any adverse effects from the use of land and the use and enjoyment of other land and on the qualities of natural and physical resources are avoided, remedied or mitigated – the Main Findings of Fact section above notes that the adverse effects of the proposed activity in terms of visual effects, noise, dust, lighting and other amenity effects are all avoided, remedied or mitigated.
 - Policy 5.1.3.14, which is to provide sufficient flexibility in standards, terms and methods for rural sites to allow for a wide range of effects on amenities which are typically associated with rural activities, and which may vary considerably in the short or long term – the proposed change of conditions and new land use consent will allow for a much more flexible and sustainable orchard operation.
 - Objective 7.1.2, and Policy 7.1.3.2, which are concerned to avoid the loss of potentially productive land – there will be no material loss of productive land, and the proposal will enhance overall rural production of food in the District.
 - Policy 7.4.3.1, which is to ensure that there is sufficient flexibility for a wide range of productive rural activities to take place, whilst avoiding, remedying or mitigating adverse effects – the proposal will provide for more flexibility in working hours, staff numbers, and efficient use of existing accesses to the property.
 - Policy 7.4.3.2, which is to provide for rural activities which may involve levels and types of effects, including noise, dust, smoke and odour, that may be permanent, temporary or seasonal, and that may not meet standards typically expected in urban areas – this is very much a rural area involving orchard activities, and the effects associated with the activity are considered quite consistent with effects experienced in the rural area.

2. It is considered that the proposed change of conditions, and the new building activity, will have no more than minor effects on the environment. This environment is principally a productive rural environment and it includes an existing large scale orchard operation. Whilst there are residential activities in the vicinity, on the basis of the evidence presented, there will be no significant change to the environment arising from the proposal, for all the reasons contained in the Main Findings of Fact section above.
3. The proposal represents sustainable management of natural and physical resources, particularly in that the existing orchard operation may operate in a more flexible and sustainable manner, and the adverse effects of the operation are mitigated by the amended conditions of consent, including appropriate restrictions on operating hours, staff numbers, signs, and upgrading of the accesses to the site. The proposal is therefore consistent with the provisions of Part 2 of the Resource Management Act.

11. COMMENTARY ON CONDITIONS OF CONSENT

RM070718V1

The conditions have been specified in order to avoid, remedy, or mitigate adverse effects that may result.

Conditions 2, 4 and 15:

The application for change of conditions did not request any change to conditions 2, 4 or 15. Accordingly these conditions have not been changed. However, counsel for the applicant, Mr McFadden observed that condition 2 specifies a maximum building height of 8.4 metres which is in conflict with the height for the proposed new building development of 8.5 metres, condition 4 specifies a minimum floor level of 200 mm which is not proposed or even appropriate for the new building development, and condition 15 includes (b) and (c) which take the scope of the review condition outside what is appropriate. Rather than delete these conditions from RM070718, an advice note has been added to explain that the height restrictions and the minimum floor levels remain in force only for the existing buildings built as part of RM070718 development, and do not apply to the new buildings consented under RM080608. It is considered beyond the scope of the application RM070718V1 as lodged to further change those particular conditions, as they did not form part of the public notice and no evidence was given with respect to building heights or minimum floor levels.

Conditions 6 and 7:

The change in operating hours has been accepted because the current restrictions of 6.00 pm weekdays, 1.30 pm Saturdays and no work on Sundays are considered unduly restrictive for a large scale orchard operation, and do not enable a sustainable operation to be carried out. The extension of these hours will provide for flexibility, but should not result in a regular shift in operating hours to those times on a regular basis. On the evidence presented these changes will have no more than minor effects on the amenity of the area.

Condition 8:

The change to allow for up to 50 staff employed in the pack house operation is considered appropriate and will not significantly change the effects on amenity in the area given the large site and the large scale of the overall operation. An advice note has been added to ensure the waste water system will adequately cater for the additional staff.

Conditions 9 and 10:

The existing conditions 9 – 12 place unnecessary and onerous restrictions on the use of the eastern access, and on the evidence presented are clearly impracticable for the management on site, and for Council monitoring and enforcement purposes. It is far more efficient for vehicles arriving at the site to be able to use the access nearest to either the pack house or the cool store depending on the purpose of the visit, and to be able to use the internal access drive as a loop road for one way flow. This is preferable to requiring certain types of vehicles to use only one of the accesses and to then have to exit from the same access, necessitating an on-site turning manoeuvre of some fairly large trucks.

It is acknowledged that overall more vehicles may then end up using the eastern access than at present, and so the eastern access is to be upgraded to accommodate this. Whilst this results in increased use of the access near the Thomson's property, it will reduce traffic at the western end near the other residences, and overall the effects on residential amenity from spreading the traffic between the two accesses should not increase.

Conditions 11 and 12:

The restrictions on numbers of vehicles delivering materials to the pack house or orchard only and which do not need to visit the cool store (i.e. Condition 11), and for vehicles transporting fruit or juice produced from the site that do not need to use the cool stores (i.e. Condition 12), are considered impractical and unwieldy to administer and monitor. It is considered these conditions impact on the efficient operation of the orchard, and do not serve any clear purpose in mitigating adverse effects.

Condition 13:

There was agreement between the applicant and Mr Ley that Mr Petrie's diagram 4 is the appropriate design for this access.

RM080608

The conditions have been specified in order to avoid, remedy, or mitigate adverse effects that may result.

Condition 8:

This condition requires that the eastern access is upgraded to Mr Petrie's Diagram 4 design (as explained above). It is considered doubtful that, on the evidence, any substantial upgrade to the western access is required for any traffic safety or efficiency reasons, particularly given that traffic through this existing formed and sealed access (which was approved as part of the 2007 consent) is expected to

decrease. However the applicant has volunteered a condition to upgrade this access further (i.e. to Mr Petrie's diagram 6 design) and further it has responded to Mr Ley's concerns at edge break of the seal on Umukuri Road by offering to widen and seal a 1.5 metre strip on the northern side. An upgrade to this extent is considered quite sufficient to mitigate any adverse effects that may arise through the use of this western access.

Issued this 20th day of February 2009

Gary Rae
Hearings Commissioner for the Council



RESOURCE CONSENT

RESOURCE CONSENT NUMBER: RM070718V1

Pursuant to Section 104B and 127 of the Resource Management Act 1991 (“the Act”), the Tasman District Council (“the Council”) hereby grants resource consent to:

Fairfield Orchards Limited
(hereinafter referred to as “the Consent Holder”)

ACTIVITY AUTHORISED BY THIS CONSENT:

To cancel or change various conditions of Resource Consent RM070718

LOCATION DETAILS:

Address of Property:	119 Umukuri Road, Riwaka
Legal Description:	Part Lot 1 DP8199, Part Lot 1 DP10958, Lot 1 DP 10176, Lot 1 DP14431, Lot 2 DP14431, Lot 2 DP15777 and Lot 3 DP37698.
Certificate of Title:	C/T 309483
Valuation Number: 1	933057500
Easting and Northing:	2508752E 6012774N

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

CONDITIONS

(**Note:** The original RM070718 is changed so that the complete set of conditions is shown below, noting that several conditions have been deleted as can be seen from the numbering).

General

1. The development shall be undertaken in accordance with the documentation submitted with the application and with Plans A - C attached, dated 16 August 2007. Notwithstanding the above, if there is any apparent conflict between the information submitted with the application and any conditions of this consent, the conditions shall prevail.
2. The packhouse shall not exceed 8.4 metres in height.

Advice Note

This condition relates only to those buildings included in the original application RM070718, and not to new buildings included in RM080608.

3. The total area of all buildings on the site, excluding the dwellings and workers' accommodation, shall not be greater than 6,400 square metres.
4. All buildings shall have a minimum floor level of at least 200 millimetres above existing ground level.

Advice Note

This condition relates only to those buildings included in the original application RM070718, and not to new buildings included in RM080608.

5. Any ventilation cooling units from the new coolstore shall be located on the southern side of the building.

Packhouse Operation

6. The hours of operation for the packhouse shall be limited to 6.00 am to 10.00 pm Monday to Saturday and 8.00 am to 5.00 pm Sundays.

Advice Note:

The above hours include any pre-shift start up or post-shift clean up work.

8. The maximum number of staff employed in the packhouse operation at any one time shall be 50.

Advice Note:

A report is to be provided by a suitably qualified person and presented to the Council within three months of the date the consent commences to confirm that the waste water system on site meets the relevant TRMP rule for discharge of effluent, or a new resource consent will be required for that aspect.

Access Upgrade

13. Within three months of the date the consent commences, the easternmost access at 91 Umukuri Road on Lot 1 DP 10176 shall be upgraded to comply with the diagram labelled 'Proposed Access Details - Eastern Driveway, Figure 4', dated 5 November 2008, DWG: NO:10092W1, prepared by Traffic Design Group, and attached to this consent as Appendix A.

Financial Contributions

14. 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.

Review

15. 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 five years from the date of issue for any of the following purposes:
 - a) to deal with any adverse effect on the environment that 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.

ADVICE NOTE(S)**Council Regulations**

1. This is not a building consent and the Consent Holder shall meet the requirements of the Council with regard to all Building and Health Bylaws, Regulations and Acts.

Other Proposed Tasman Resource Management Plan Provisions

2. This resource consent only authorises the activity described above. Any matters or activities not referred to in this consent or covered by the conditions must either:
 1. comply with all the criteria of a relevant permitted activity rule in the Proposed Tasman Resource Management Plan (PTRMP);
 2. be allowed by the Resource Management Act; or
 3. be authorised by a separate resource consent.

Note:

For the Rural 1 Zone noise generated by the rural industrial activity, when measured at or within the notional boundary of any dwelling not on the subject site does not exceed:

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

Note:

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*.

For the avoidance of doubt, the Proposed Tasman Resource Management Plan defines notional boundary as:

Notional Boundary – in relation to noise, means:

- 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).

Consent Holder

3. This consent is granted to the abovementioned Consent Holder but Section 134 of the Act states that such land use consents “attach to the land” and accordingly may be enjoyed by any subsequent owners and occupiers of the land. Therefore, any reference to “Consent Holder” in the conditions shall mean the current owners and occupiers of the subject land. Any new owners or occupiers should therefore familiarise themselves with the conditions of this consent, as there may be conditions that are required to be complied with on an ongoing basis.

Development Contributions

4. 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.

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

Cultural Heritage

5. 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 should stop immediately and the Consent Holder should contact local iwi, the Council and the New Zealand Historic Places Trust, who should be consulted so that appropriate action pursuant to the Historic Places Act 1991 is undertaken.

Monitoring

6. 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, the Council will recover this additional amount from the Consent Holder. Costs are able to be minimised by consistently complying with conditions and thereby reducing the frequency of Council visits.

Note:

The applicant's logs of truck movements and copies of delivery dockets or dockets of product leaving the site shall be made available to the Council's Monitoring Officers upon request.

Interests Registered on Property Title

7. The Consent Holder should note that this resource consent does not override any registered interest on the property title.

Issued this 20th day of February 2009

Gary Rae

Hearings Commissioner for the Council



RESOURCE CONSENT

RESOURCE CONSENT NUMBER: RM080608

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

Fairfield Orchards Limited
(hereinafter referred to as “the Consent Holder”)

ACTIVITY AUTHORISED BY THIS CONSENT: To extend the covered loading bay and add a new cool store, increase the size of the cool store and cover a yard loading/access pad with a canopy, increase the site coverage of buildings, and erect a sign.

LOCATION DETAILS:

Address of Property:	119 Umukuri Road, Riwaka
Legal Description:	Part Lot 1 DP8199, Part Lot 1 DP10958, Lot 1 DP 10176, Lot 1 DP14431, Lot 2 DP14431, Lot 2 DP15777 and Lot 3 DP37698.
Certificate of Title:	C/T 309483
Valuation Number:	1933057500
Easting and Northing:	2508752E 6012774N

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

CONDITIONS

General

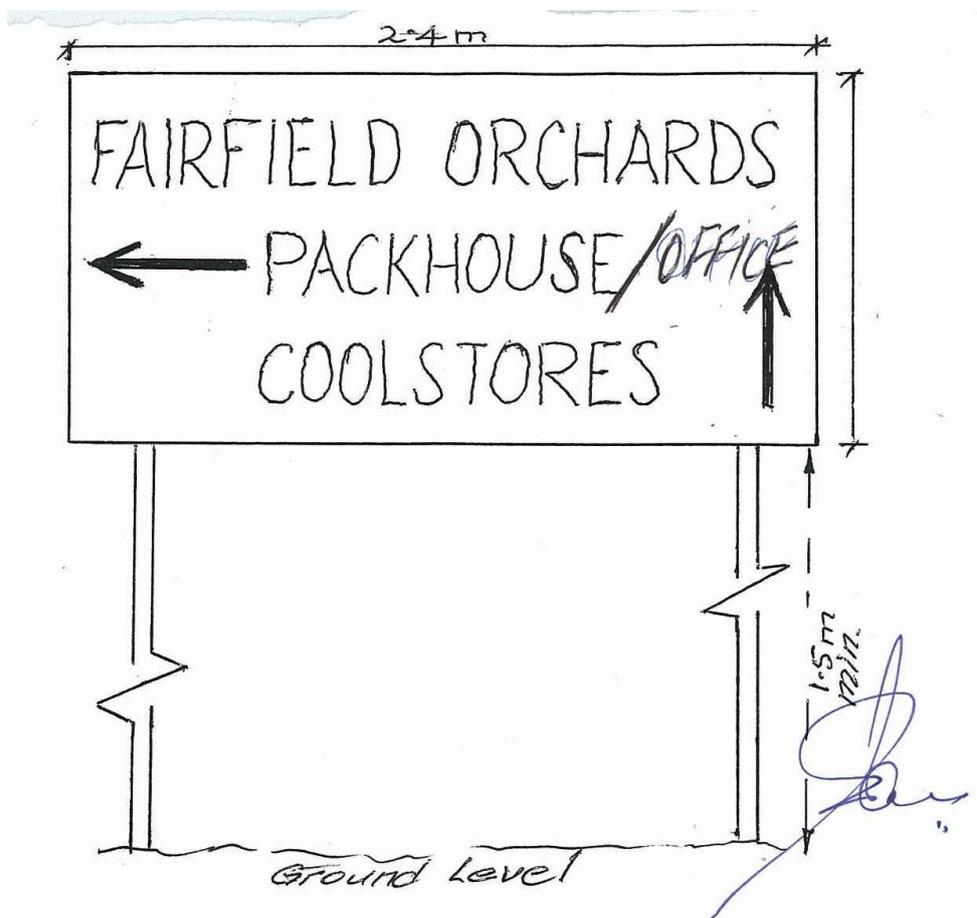
1. The Consent Holder shall ensure that all works are carried out in general accordance with the application and plans dated 3 July 2008, unless inconsistent with the conditions of this consent, in which case the conditions shall prevail.
2. In the event of archaeological sites (eg shell midden, hangi or ovens, garden soils, pit depressions, occupation evidence, burials, taonga) or koiwi (human remains) being uncovered, activities in the vicinity of the discovery shall cease. The Consent Holder shall then consult with the New Zealand Historic Places Trust’s Central Regional Office (PO Box 19173 Wellington, phone (04) 801 5088, fax (04) 802 5180), and shall not recommence works in the area of the discovery until the relevant Historic Places Trust approvals to damage, destroy or modify such sites have been obtained.

Advice Note: The discovery of any pre-1900 archaeological site (Maori or non-Maori) which is subject to the provisions of the Historic Places Act needs an application to the Historic Places Trust for an authority to damage, destroy or modify the site.

- Any ventilation cooling units associated with the new coolstore shall be located on the southern side of the building.

Signage

- The proposed sign on the western side of the 91 Umukuri Road entrance shall be generally in accordance with the diagram tabled at the hearing and signed by the applicant, as follows:



- The proposed sign shall have minimum lettering height of 200 millimetres, and shall not incorporate retro-reflective material, flashing illumination, or aerial, animated or moving display.
- All signage visible from Umukuri Road associated with this activity shall be located to the satisfaction of the Council's Development Engineer to ensure the safety of road users, by not restricting visibility of motorists at any intersection or access.

Accesses

- Within three months of the date the consent commences the easternmost site access shall be upgraded to comply with the diagram labelled 'Proposed Access Details - Eastern Driveway, Figure 4', dated 5 November 2008, DWG: NO:10092W1, prepared by Traffic Design Group, and attached to this consent as Appendix A.

8. The westernmost site access shall be upgraded to comply with the diagram labelled 'Proposed Access Details - Western Driveway, Figure 6', as amended and signed by D Petrie, and tabled at the hearing on 27 January 2009, DWG: NO:10092W1, prepared by Traffic Design Group, and attached to this consent as Appendix B. The widening and sealing on the north side of Umukuri Road, as shown on that amended plan, shall be constructed as soon as practicable, with the balance of the upgrading work for this westernmost access to be completed within three months of the date the consent commences.
9. Upon completion of the works described in Conditions 7 and 8, 'As Built' plans are to be supplied to the Council's Development Engineer.

Financial Contribution

10. The Consent Holder shall, no later than the time of uplifting of the building consent for each new building, pay a financial contribution to the Council. The amount of financial contribution shall be assessed as a percentage of the value of each 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 financial contribution is for reserves and community services where a development contribution has been required for infrastructure services under Council's Development Contributions Policy in its Long Term Council Community Plan prepared under the Local Government Act. Where this has not been required, the financial contribution is double the percentage contribution shown in the figure and is divided evenly between infrastructure services and reserves and community services. (4) The contribution due on a building should be identified separately from other contributions set for any resource consent for an activity that includes buildings.	

Review

11. 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 five years from the date of issue to deal with any adverse effect on the environment that may arise from the exercise of the consent and which is appropriate to deal with at a later stage.

ADVICE NOTES:

Council Regulations

1. This is not a building consent and the Consent Holder shall meet the requirements of the Council with regard to all Building and Health Bylaws, Regulations and Acts.

Other Proposed Tasman Resource Management Plan Provisions

2. This resource consent only authorises the activity described above. Any matters or activities not referred to in this consent or covered by the conditions must either:

1. comply with all the criteria of a relevant permitted activity rule in the Proposed Tasman Resource Management Plan (PTRMP);
2. be allowed by the Resource Management Act; or
3. be authorised by a separate resource consent.

Note:

For the Rural 1 Zone noise generated by the rural industrial activity, when measured at or within the notional boundary of any dwelling not on the subject site does not exceed:

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

Note:

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*.

For the avoidance of doubt, the Proposed Tasman Resource Management Plan defines notional boundary as:

Notional Boundary – in relation to noise, means:

- 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).

Consent Holder

3. This consent is granted to the abovementioned Consent Holder but Section 134 of the Act states that such land use consents “attach to the land” and accordingly may be enjoyed by any subsequent owners and occupiers of the land. Therefore, any reference to “Consent Holder” in the conditions shall mean the current owners and occupiers of the subject land. Any new owners or occupiers should therefore familiarise themselves with the conditions of this consent, as there may be conditions that are required to be complied with on an ongoing basis.

Development Contributions

4. 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.

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

Monitoring

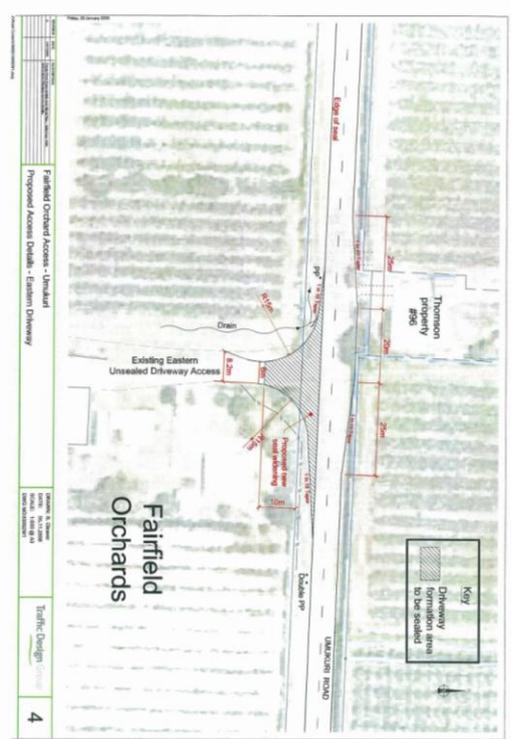
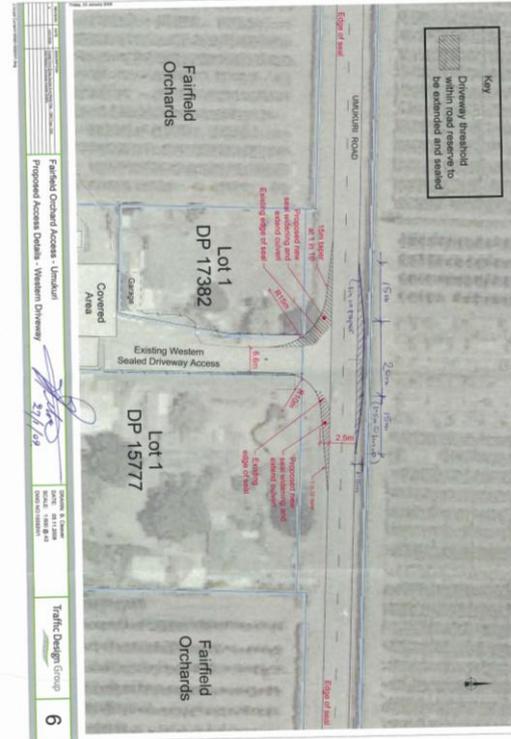
- Monitoring of the consent is required under Section 35 of the Resource Management Act 1991 and a deposit fee is payable at this time. Should monitoring costs exceed this initial fee, the Council will recover this additional amount from the Consent Holder. Costs are able to be minimised by consistently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

Interests Registered on Property Title

- The Consent Holder should note that this resource consent does not override any registered interest on the property title.

Issued this 20th day of February 2009

Gary Rae
Hearings Commissioner for the Council

<p>Appendix A Eastern Driveway Upgrade</p>  <p>Thomson Property #96 Fairfield Orchard Access - Umlukuri Proposed Access Details - Eastern Driveway Existing Eastern Unsealed Driveway Access Fairfield Orchard Access Fairfield Orchard Access Umlukuri Road Boulder PP Key: Driveway formation areas to be sealed</p> <p>4</p>	<p>Appendix B Western Driveway Upgrade</p>  <p>Lot 1 DP 17382 Lot 1 DP 15777 Fairfield Orchard Access - Umlukuri Proposed Access Details - Western Driveway Existing Western Sealed Driveway Access Fairfield Orchard Access Fairfield Orchard Access Umlukuri Road Key: Driveway formation areas to be extended and sealed</p> <p>6</p>
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Date Confirmed:

Chair: