



STAFF REPORT

TO: Environment & Planning Subcommittee

FROM: Katrina O'Connor - Resource Consent Consultant, O'Connor Solutions Ltd

REFERENCE: RM070718V1 - Removal and Change of Conditions of RM070718
RM080608 - Land use consent

SUBJECT: **FAIRFIELD ORCHARDS - REPORT EP09/01/09** - Report prepared for hearing of 27 January 2009

1. DESCRIPTION OF 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 6400m².

Delete Condition 6 and replace with a new condition specifying the packhouse hours of operation to be from 0600hrs to 2200hrs Monday to Saturday inclusive and 0800hrs to 1700hrs 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 480m² 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 720m² 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 6300m².

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".

2. PROPOSED TASMAN RESOURCE MANAGEMENT PLAN (PTRMP) ZONING, AREAS AND RULES AFFECTED

The application site is zoned 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. SUBMISSIONS

Five submissions were received on this application, three in favour of the application, two in opposition to the application. The main issues raised in submissions are:

Submissions Against

- Potential effects on archaeological sites in the area
- Increase noise and activity associated with increase site coverage
- Increased traffic and associated effects
- Adverse effects of increased hours of operation
- Additional traffic
- Nothing to suggest permitted staff accommodation exists
- East access doesn't comply with RM070718
- Stormwater issues
- Vehicle storage in or around the east access and repairs and maintenance done there resulting in noise and loss of visual amenity and privacy
- Monitoring issues
- Implications of the signage are that the west access is the secondary access and the east access is the primary access.
- The location and angle of the existing sign is such that by the time it can be read it is too late to act on it.

Submissions For

- This will provide more jobs and generate more wealth for the district
- Residing in a rural orchard area we have to expect some expansion to this industry
- Seasonal industry so understand limits for Fairfield Orchards trying to harvest their crops in a limited time frame
- Were never consulted on the conditions of RM070718
- Feel that these conditions (of RM070718) impact on us through noise and privacy as direct most traffic through west access
- Previous circular flow of traffic has worked well, with no safety problems
- Result of western entrance to be used for entrance and exit is a path around coolstores 1 and 2 which causes a dust nuisance
- Traffic problems when truck and trailer units try to enter and exit west entrance at same time

- No objection to addition to coolstore 3 so long as compressor units on south side of building
- Increase in traffic is for a short period each fruit season
- Horticultural activities are an integral part of the Motueka District
- Loss of confidence by horticultural growers in expanding their operations will lead to job losses in the future.

The majority of these issues are discussed in Section 6 below. A few issues raised are not, in my opinion, relevant to the application being considered, and I have briefly touched on these here. In regards to the on site workers accommodation and stormwater compliance these issues have been looked into by Council staff in discussion with the applicant and as far as I am aware there are no compliance issues outstanding for either. In regards to storage of vehicles and repairs and maintenance by the eastern access these issues do not form part of this application and I am not aware of any compliance breaches by these activities therefore they have not been given regard to in my assessment.

4. PRINCIPAL ISSUES

The principal issues associated with the applications are:

- a) Any adverse effects of an increase in site coverage
- b) Traffic effects
- c) Noise effects
- d) Effects of proposed signage
- f) Potential effects on archaeological sites

5. STATUTORY PROVISIONS

The application is a discretionary activity in the Rural 1 Zone. The Council must consider the application pursuant to Section 104 and 104B, of the Resource Management Act 1991.

The matters for the Council to address in Section 104 are:

- Part II matters;
- the actual and potential effects on the environment of allowing the activity (Section 104 (1)(a));
- relevant objectives and policies in the Tasman Regional Policy Statement, and the Proposed Tasman Resource Management Plan (Section 104 (1) (b));
- any other matter the Council considers relevant and reasonably necessary to determine the application (Section 104 (1)(c));

5.1 Resource Management Act Part II Matters

In considering an application for resource consent, Council must ensure that if granted, the proposal is consistent with the purpose and principles set out in Part II of the Act.

Section 5 sets out the **purpose** of the Act which is to promote the sustainable management of natural and physical resources. "Sustainable management" means:

"Managing the use, development and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while -

- *sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- *safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
- *avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

Sections 6, 7 and 8 set out the **principles** of the Act:

Section 6 of the Act refers to matters of national importance that the Council shall recognise and provide for in achieving the purpose of the Act. A matter raised as relevant by a submission is:

- The protection of historic heritage from inappropriate subdivision, use, and development. This is discussed in Section 6.1.10 of my report.

Section 7 of the Act identifies other matters that the Council shall have particular regard to in achieving the purpose of the Act.

Section 8 of the Act shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi). I understand that the applicant has been viewed by iwi, as part of Council's regular consent list to iwi, who have made recommendations in regards to archaeological sites as discussed in Section 6.1.10 of my report. No formal submission has been received by iwi.

If consent is granted, the proposed activity must be deemed to represent the sustainable use and development of a physical resource and any adverse effects of the activity on the environment are avoided, remedied or mitigated.

These principles underpin all relevant Plans and Policy Statements, which provide more specific guidance for assessing this application.

5.2 Tasman Regional Policy Statement

The Regional Policy Statement seeks to achieve the sustainable management of land, water and coastal environment resources. Objectives and policies of the Policy Statement clearly articulate the importance of protecting land resources from inappropriate land use and development.

Because the Proposed Tasman Resource Management Plan was developed to be consistent with the Regional Policy Statement, it is considered that an assessment under the Proposed Plan will satisfy an assessment against Policy Statement principles.

5.3 Proposed Tasman Resource Management Plan (“the Plan”)

The most relevant Objectives and Policies to this application are contained in Chapters 5, 7, 10 and 11.

The most relevant Rules which follow from these imperatives are contained in Chapters 16 and 17.

Details of the assessment of the proposed activity in terms of these matters are addressed through the assessment of actual and potential effects in paragraph 6.1 below and analysis and discussion on the relevant policies and objectives in paragraph 6.2 of this report.

6. ASSESSMENT

Pursuant to Section 104(1)(a) of the Resource Management Act, the following effects assessment has been set out:

6.1 Actual and Potential Environmental Effects

6.1.1 Proposal Summary

The subject site has a long history of rural activities and various building and resource consents for these activities. Of particular relevance to this application is resource consent RM070718 of which the applicant is applying to remove or change a number of conditions. It is my understanding that this consent was granted on a non-notified basis and that a number of these conditions were put in place as a result of information obtained from the applicant during the consent process. The result has been compliance issues with a number of consent conditions for various reasons as the conditions do not reflect the practicality of what actually happens on site. The reason for this has been expressed by many parties as exclusion of parties, miscommunication or false information. Whilst I am aware of the background to the proposals I have assessed this application based on the effects of what is proposed and in accordance with the appropriate parts of the Resource Management Act.

6.1.2 Increase in site coverage - Condition 3 RM070718

Condition 3 of RM070718 currently reads:

“The total area of all buildings on the site, excluding the dwellings and workers’ accommodation, shall not be greater than 4,335 square metres”.

The applicant is applying to change this condition and has applied for a separate resource consent to cover total site coverage. I note that on the application the total site coverage applied for is 6300m² whereas the change in condition refers to a total site coverage of 6400m². I have assumed a typing mistake in the application and have assessed the application for the higher figure.

There are four areas of new building that are proposed which would result in an increase in site coverage – the extension of the covered loading bay by the packhouse, the addition of a 200m² coolstore by the packhouse, the covering of a concreted area in between the existing coolstores and the extension of coolstore 3 by 700m². The overall site coverage as proposed in the application will not exceed 6400m².

The proposed additions are in the vicinity of existing buildings and the use of the proposed additions is designed to compliment existing activities on site. The covering in of two areas (the loading bay by the packhouse and the covering of the existing concrete area by the coolstores) will not change the use of these areas but will provide shelter for loading. The area by the packhouse is an extension of the loading bay already behind the packhouse and is located in such a position that it is not visible from off site. The area to be covered between the coolstores already has a feeling of being enclosed due to the close vicinity of the coolstores and because of this the covering of this area will not have any adverse visual or amenity effects.

There are two new coolstores proposed. One is behind the loading bay behind the existing packhouse and is to be 200m². This area is alongside the already covered loading bay and is located away from adjoining properties. The other coolstore is to be an addition of approximately 720m² to the existing coolstore 3. Both the new coolstore and the addition to an existing coolstore will keep the orchard buildings in close vicinity whilst allowing the applicant to provide for the orchard operation. One submitter has noted that the site coverage is over 300% of the figure given for permitted activities in the Plan. My opinion is that it is the effects of the proposed site coverage that need to be assessed rather than looking at the site coverage as a figure compared to permitted figures. In terms of the additions proposed they are all in the vicinity of existing buildings. The site coverage figure is increasing but given the location of the proposed additions, and the use of two of the areas already, and the surrounding landscaping of the orchard trees it is my opinion that the effects of site coverage will be less than minor.

From the road the additions will not be highly visible, with most of the additions not being visible at all. The additions are consistent with what could be expected at an orchard operation and in my opinion having a collection of buildings on one site is a more efficient use of land and resources than having orchard buildings located at various sites throughout the district.

The addition to coolstore 3 is in behind an adjoining property. The owner/occupier of this property has submitted on this application and has noted that they agree with the proposal but would like any compressors associated with the extension to be placed at the southern end of the building facing the applicant's property so as to mitigate any potential noise effects. I agree that this request will mitigate potential noise and have therefore recommended it as a condition of consent.

In terms of loss of productive land, the proposal is for buildings associated with the orchard operation and as such can allow for a more efficient operation on the existing site. While the land will not be in productive vegetation the buildings assist in the operation of a productive rural use that is anticipated by the Plan.

6.1.3 Hours of Packhouse Operation Conditions 6 and 7 (RM070718)

Condition 6 of RM070718 currently reads:

“The hours of operation for the packhouse shall be limited to 7.00am to 6.00pm Monday to Friday and 8.00am to 1.30pm Saturdays.”

Condition 7 of RM070718 currently reads:

“The Consent Holder may extend the above hours to 10.00pm Monday to Friday for a maximum of 25 occasions during the period between 1 March and 30 June inclusive.”

The applicant has applied for this condition to be changed so that the hours of operation are from 0600 to 2200 Monday to Saturday and 0800 to 1700 Sundays. The reason given for this is to provide flexibility so that the packhouse can operate longer hours when demand warrants it without breaching resource consent. The main effects associated with the packhouse operation are the potential for noise and traffic movements of staff. The permitted noise standards for the Rural 1 zone given in the Plan refer to ‘day’ and ‘night’ noise with day being between 0700 and 2100 hours. The proposed hours of operation go outside of these times but the applicant has noted that noise will meet the permitted standards given in the Plan and no application has been made to breach these.

In terms of traffic movements staff at the packhouse work in shifts and therefore any movements are likely to occur intermittently at the start and end of shifts. In addition some staff may be accommodated on site. Given that currently these movements may occur 25 times in a season and that any traffic movements associated with staff would be intermittent for a period of 10 to 15 minutes at either end of a shift the extension of hours will in my opinion have no effects that are more than minor.

6.1.4 Maximum Number of Staff at Packhouse – Condition 8 RM070718

Condition 8 of RM070718 currently reads:

“The maximum number of staff employed in the packhouse operation at any one time shall be 30”.

The applicant has applied for this condition to be removed and notes that a limit on the number of employees is irrelevant because the number of staff is governed by the ability of the packhouse facilities to handle the volume of fruit. My understanding is that the packhouse effluent system is designed to cater for a maximum of 30 people and that the purpose of this condition is to mitigate effects in terms of effluent disposal. Therefore without evidence that the effluent system can cater for a larger number of people it is my opinion that this condition remain.

6.1.5 Limits on the eastern access – Conditions 9, 10, 11 and 12 of RM070718

The applicant has applied for the deletion of these conditions which place limitations on the use and hours of use of the eastern access at 91 Umukuri Road.

The site has two entrances onto Umukuri Road referred to in the application as the eastern entrance (91 Umukuri Road) and the western entrance. The existing coolstores are located off the western entrance with the packhouse being located off the eastern entrance. There is an internal dirt road connecting the packhouse and the coolstores. Currently under resource consent RM070718 conditions limit the use of the eastern entrance and require this entrance to be upgraded. The upgrade to this entrance has never been completed as discussed in section 6.1.5 below.

The other issue with traffic is in relation to noise. Opposite the eastern entrance, slightly offset to the west is a small block of land with an existing dwelling on it. The western entrance runs in between two existing dwellings. Both entrances are used for heavy vehicles and conditions of RM070718 appear to attempt to limit the use of the eastern entrance to a use similar to what is perceived to have existed before that consent was granted. The applicant has noted that this has resulted in problems on site with large vehicles trying to turn on site. The applicant also notes that whilst they can direct traffic via signs and messages to companies they deal with in practice it is often out of the applicant's hands as to where traffic actually goes.

There have been compliance issues with the use of the eastern entrance conflicting with existing conditions of consent. The submitters who live opposite the eastern entrance have noted that the conditions of RM070718 in relation to staff numbers and use of the eastern access had the aim of preventing the operations proposed from adversely affecting adjoining landowners/residents. This submitter also notes that whilst their frontage is well treed the plantings in no way block out either lights, the visual impact of the development or noise and dust. Other submitters have noted that before these conditions were imposed there was a flow of traffic around the site and through both accesses whereas now the western access seems to be generating more traffic. In their opinion the conditions have actually caused adverse effects by creating the need for coolstore traffic to manoeuvre around the coolstores and to both enter and exit via the western entrance.

Any condition limiting the use of an access point to certain traffic would be hard to comply with as it would rely on third parties (either staff or drivers of delivery vehicles) to comply with the condition. The applicant can direct traffic to the appropriate entrance via signage and has proposed further signage to what exists to aid in this. However I believe that to place a condition that requires only certain use of each access would only cause further problems in terms of compliance. In addition both accesses are near to existing dwellings and to give one access preferential treatment over another in terms of limiting the use would be placing potential effects from one place to another. The use of the site is for a rural orchard activity and therefore it would be reasonable to expect some traffic use through each access including some heavy traffic. The application does not seek to expand existing operations with the exception of expanding the hours of operation. The internal road provides some relief from the use of the accesses as traffic can move between the packhouse and coolstores without having to go through the accesses. If the eastern access is upgraded including sealing this will see some effects such as dust mitigated. It is my

opinion that a condition restricting the use of one access would not be practical or manageable and is deferring possible effects to the property owners by the other access. In terms of the effects of traffic via both accesses the activity is anticipated in the rural zone and there is no application to increase the scale of the activity. Movements of traffic would be consistent with what could be expected of a horticultural activity and as long as the accesses are of a standard that safety on the road is not compromised it is my opinion that these conditions should be removed.

6.1.6 Access Upgrade – Condition 13 of RM070718

The applicant has applied to change this condition to give certainty to the required upgrade of the eastern access. Attached as Appendix one to this report is a memo from Council's Development Engineer which outlines his opinion in relation to the standards each entrance needs to be upgraded to, to mitigate any effects on the proposal on the road network. It is my understanding that while this proposal is an expansion of buildings no more traffic current proposal is not a result of an expansion of the orchard operation but is to provide for a more efficient operation on site. Nevertheless, I have adopted the recommendations of Council's Development Engineer who is experienced in road engineering and has recommended an upgrade of the two entrances.

6.1.7 Dust

In terms of dust the eastern entrance is currently unsealed and therefore there is likely to be an adverse effect of traffic using this entrance. The upgrade of this entrance would involve some sealing into the site which would mitigate the dust nuisance. The internal access road is not sealed however dust on this road has not been raised as an issue by any submitters. This road does travel behind one submitter's allotment with the area between the road and this allotment currently containing trees and proposed to contain the extension to coolstore 3.

6.1.8 Visual

In terms of visual effects the buildings proposed are for the most part behind or between existing buildings when viewed from the road. Given this the proposed additions will not create a visual effect outside of the property beyond what could be expected of an orchard operation in the rural zone. The exception to this is to the two properties that adjoin the western entrance. Both of these parties have submitted in favour of the application.

6.1.9 Height of New Buildings

The covering of the yard between the coolstores and the extension of coolstore 3 are buildings with a proposed height of 8.5m. The maximum permitted height in this zone is 7.5m with buildings up to 12m being a controlled activity. The applicant has discussed the matters Council has reserved control over in the application and I accept this assessment. Due to the location of the buildings the effects in terms of height will be less than minor. The yard to be covered is between existing buildings and the height will be consistent with the existing buildings. The coolstore extension also is at a height and is designed to complement the existing coolstore. Other effects in terms of site coverage have been discussed above.

6.1.10 Signage

The applicant is proposing a sign to the west of the eastern entrance approximately 2.4m in length and 1.2m in height. The proposed sign is shown under paragraph 45 of the application. A smaller sign has been proposed at the western entrance. One submitter has expressed an opinion that by having the larger sign by the eastern entrance this gives the appearance of this entrance being the 'main entrance' to the site. However, my opinion is that the wording on the sign makes it clear which entrance is appropriate for the particular use and should aid in making sure appropriate traffic uses the appropriate entrance. The larger sign proposed by the eastern entrance makes sense as this is the first entrance that traffic will come across when coming from the State Highway. In my opinion the proposed sign is clear and contains minimal wording so will aid in directing traffic without causing a hazard. The placement of the sign should be such that it does not cause an adverse traffic effect and I have recommended a condition of consent to this effect.

6.1.11 Archaeological Effects

Comments received from Iwi as part of Council's regular update to Iwi regarding resource consents and a submission from the New Zealand Historic Places Trust (NZHPT) have both noted that there are a number of archaeological sites in the area. The submission from NZHPT has asked for an archaeological assessment of the site to take place prior to any earthworks involved with the foundations for new buildings. The submission from NZHPT notes that given that a recorded archaeological site is present, the actual or potential effects of the proposal on historic heritage should have been assessed by an archaeologist. The submission refers to historic heritage as a matter of national importance under Section 6 of the Resource Management Act. The known archaeological site referred to is not in the immediate vicinity of the proposed building works. In addition the submission notes that due to the nature of archaeological material it is often difficult to determine whether material is present or not from the ground, until earthwork activity is commenced on site. Given this and that there is no evidence of archaeological sites in the immediate vicinity of the proposed works (which are right next to established buildings so the immediate area has been developed and the opportunity for discovery of archaeological material has been present in the past), in my opinion the requirement of an archaeological assessment is placing an undue burden on the applicant. However, I acknowledge that there is a possibility of archaeological material in this area and that the protection of this material is important for the understanding of New Zealand's cultural and historic past. Therefore it would be appropriate to have a condition requiring works to stop if any evidence of archaeological materials are found during the earthworks required for building foundations. This condition is part of my recommended conditions of consent.

6.1.12 Summary of Assessment of Effects

In summary, potential adverse effects of the proposal are less than minor in that they are consistent with a large orchard operation in the Rural 1 Zone and the proposal is generally consistent with the objectives and policies of the Plan, particularly those relating to the Rural 1 Zone.

6.2 Relevant Objectives and Policies of the PTRMP

The following Policies and Objectives have been considered as the most relevant Objectives and Policies of the PTRMP for this proposal:

Objectives and Policies
<p>5.1.2 Objective Avoidance, remedying or mitigation of adverse effects from the use of land on the use and enjoyment of other land and on the qualities of natural and physical resources.</p> <p>Policies</p> <p>5.1.3.1 To ensure that any adverse effects of subdivision and development on site amenity, natural and built heritage and landscape values, and contamination and natural hazard risks are avoided, remedied, or mitigated.</p> <p>5.1.3.9 To avoid, remedy, or mitigate effects of:</p> <ul style="list-style-type: none">(a) noise and vibration;(b) dust and other particulate emissions;(c) contaminant discharges;(d) odour and fumes;(e) glare;(f) electrical interference;(g) vehicles;(h) buildings and structures;(i) temporary activities; <p>beyond the boundaries of the site generating the effect.</p> <p>5.1.3.14 To provide sufficient flexibility in standards, terms and methods for rural sites to allow for the wide range of effects on amenities which are typically associated with rural activities, and which may vary considerably in the short or long term.</p> <p>5.2.2 Objective Maintenance and enhancement of amenity values on site and within communities throughout the District.</p> <p>Policies</p> <p>5.2.3.1 To maintain privacy in residential properties, and for rural dwelling sites. 5.2.3.9 To avoid, remedy or mitigate the adverse effects of signs on amenity values. 5.2.3.10 To allow signs in residential, rural residential, recreation and rural areas that are necessary for information, direction or safety.</p> <p>7.1.2 Objective</p> <p>Avoid the loss of potential for all land of existing and potential productive value to meet the needs of future generations, particularly land of high productive value.</p> <p>Policies</p> <p>7.1.3.2 To avoid, remedy or mitigate the effects of activities which reduce the area of land available for soil-based production purposes in rural areas.</p> <p>7.1.3.3 To avoid, remedy or mitigate adverse actual, potential, and cumulative effects on the rural land resource.</p> <p>7.4.2 Objective</p> <p>Avoidance, remedying or mitigation of the adverse effects of a wide range of</p>

Objectives and Policies

existing and potential future activities, including effects on rural character and amenity values.

Policies

7.4.3.1 To ensure that there is sufficient flexibility for a wide range of productive rural activities to take place, while avoiding, remedying or mitigating adverse effects.

7.4.3.2 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.

7.4.3.3 To provide for the maintenance and enhancement of local rural character, including such attributes as openness, greenness, productive activity, absence of signs, and separation, style and scale of structures.

7.4.3.4 To exclude from rural areas, uses or activities (including rural-residential) which would have adverse effects on rural activities, health or amenity values, where those effects cannot be avoided, remedied or mitigated.

7.4.3.5 To exclude from rural-residential areas, uses or activities which would have adverse effects on rural-residential activities, health or amenity values, where those effects cannot be avoided, remedied or mitigated.

7.4.3.6 To ensure that adequate physical or spatial buffers or other techniques are applied when allowing new allotments or buildings primarily or exclusively for residential purposes in rural areas, so that productive land use opportunities are not compromised.

10.2.2 Objective

Protection and enhancement of cultural heritage items that contribute to the character, identity and visual amenity of the District.

Policy 10.2.3.3 To establish those archaeological sites or sites of significance to Maori, or areas containing such sites, that warrant protection because of their archaeological or cultural significance, and the risk of damage or destruction.

11.1.2 Objective

A safe and efficient transport system, where any adverse effects of the subdivision, use or development of land on the transport system are avoided, remedied or mitigated.

Policies

11.1.3.4 To avoid, remedy or mitigate adverse effects of traffic on amenity values.

11.1.3.11 To ensure that signs do not detract from traffic safety by causing confusion or distraction to or obstructing the views of motorists or pedestrians.

6.2.1 Summary of Relevant Objectives and Policies

The proposal is consistent with the objectives and policies as above in that it is providing for a rural activity to operate in an efficient manner whilst avoiding adverse affects that, in my opinion, are no more than minor in terms of the rural environment. There will be seasonal traffic associated with the activity and whilst some submitters feel this will adversely affect their amenity in my opinion these effects are consistent with rural operations in the rural zone. With appropriate conditions in place to upgrade the accesses, protect any archaeological sites, minimise noise by placing compressors on the south side of the coolstore and ensure signage is appropriately placed for traffic safety the proposal will be consistent with the objectives and policies listed above.

7. SUMMARY

Overall my assessment is that the actual adverse effects on the environment are minor and the proposal is generally consistent with the objectives and policies, and matters of discretion in the Plan. In my opinion the proposal is consistent with an orchard activity in the rural zone.

8. RECOMMENDATION

Having considered the application in detail, having visited the site, and drawing on my experiences of rural issues, it is my view that the adverse environmental effects of the proposed activity will be no more than minor in that the effects are consistent with a relatively large scale orchard operation in the Rural 1 Zone. In respect to each application I recommend the following:

RM070718V1:

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

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

Delete Condition 7. I recommend granting the application.

Delete Condition 8. I recommend declining the application as this condition relates to mitigating effects in terms of effluent disposal. Without evidence that the disposal field has been designed to cater for more people it is my opinion that this condition should remain.

Delete Conditions 9 to 12. I recommend granting the applications.

Delete Condition 13 and replace with a new condition requiring a modified access construction as shown in Plan C Annexure 3. As part of resource consent RM080608 I have recommended a condition relating to the upgrade of the accesses as recommended by Council's Development Officer. If resource consent RM080608 is not acted on it is still appropriate to upgrade the eastern access under Resource Consent RM070718. The upgrade should be as per the diagram labelled 'Eastern

Entrance' in the memorandum from Council's Development Officer attached as Appendix One to this report. I recommend changing Condition 13 to reflect this.

The following is a complete list of the conditions of RM070718 with my recommended changes:

CONDITIONS

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.
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.
5. Any ventilation 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 8.00am to 5.00pm 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 30.

Access Upgrade

13. Prior to packhouse activities commencing in the new buildings, the easternmost access at 91 Umukuri Road on Lot 1 DP 10176 shall be upgraded to comply with the diagram labelled 'Eastern Entrance – Pack House Driveway Detail', dated June 2008, Ref: 1680-FAI, included in the Council's Development Officer's memorandum dated 21 July 2008, which forms Appendix One of this report.

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%
<p>Notes:</p> <p>(1) The financial contribution is GST inclusive.</p> <p>(2) The building consent value is GST exclusive.</p> <p>(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.</p> <p>(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.</p>	

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.

RM080608:

I recommend granting consent with the following conditions of consent and advice notes:

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.

3. Any ventilation from the new coolstore or compressors associated with the new coolstore shall be located on the southern side of the building.

Signage

4. The sign on the western side of 91 Umukuri Road entrance shall not incorporate retro-reflective material, flashing illumination, or aerial, animated or moving display.
5. All signage visible from Umukuri Road associated with this activity shall be located to the satisfaction of Council's Development Engineer to ensure the safety of road users.
6. The sign shall not restrict visibility of motorists at any intersection or access.
7. The minimum lettering height is on the sign is to be 200 millimetres.

Access

8. Within three months of the granting of this consent the two access points shall be upgraded to comply with the diagrams labelled 'eastern entrance' and 'western entrance' in Council's Development Officer's memorandum which forms Appendix One of this report.

Financial Contribution

9. 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

10. 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 is appropriate to deal with at a later stage; or
 - (b) to assess the appropriateness of imposed compliance standards and alter these accordingly.

ADVICE NOTES:

Council Regulations

1. This is not a building consent and the Consent Holder shall meet the requirements of 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.

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.

Monitoring

5. 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 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 Council’s Monitoring Officers upon request.

Interests Registered on Property Title

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

Katrina O’Connor
Resource Management Consultant
O’Connor Solutions Ltd

TO: Hearings Panel

FROM: Dugald Ley, Development Engineer

DATE: 21 July 2008

REFERENCE: RM070718V1

SUBJECT: **SITE FAIRFIELD ORCHARDS LTD – UMUKURI ROAD
VARIATION TO EXISTING CONSENT**

1. INTRODUCTION

The application has been previously explained by the applicants where certain conditions cannot be achieved (as claimed by the applicant) or are unrealistic to monitor. An amended application has therefore been submitted.

In relation to engineering, these relate to the limits to the type of vehicle and occupants using the two entranceways and the design of the entranceway (East) on to Umukuri Road.

2. BACKGROUND

The original application was to construct a packing shed/canopy of 1320 m² and a 100m² coolstore amongst buildings which were located and had access from the eastern entrance area. Hence Council's requirement to upgrade that entrance as shown on diagram 2 of Schedule 16.2c of the TRMP, ie "vehicle access crossing for a rural activity". What would transpire is that the applicant did not object to this condition and following partial construction did not wish to relocate two poles that existed along Umukuri Road (once these two poles were removed, compliance could be achieved).

The applicant chose not to immediately request an amended application but directly challenged the engineering department for an alternative lesser standard design that would be acceptable.

In respect to the comments made in the application that Council was unwilling to produce a "below standard" design due to the fact that other parties consents were obtained for a complying entrance. The applicant's professional advisers will be fully aware of the correct process where an amended application should be submitted with the consent of any affected parties. Instead the applicant tried to use the "back door" method for his amended application without fully consulting with effected parties.

The new application received by McFadden McMeeken and Phillip is now far more involved with additional buildings proposed at the western entrance of the property together with the ones at the eastern entrance.

Nevertheless the property has been used for horticultural purposes for many years and a number of buildings are located on the site. I understand that both coolstores and parking sheds have been in use together with the two entranceways for many years and as part of the application both coolstores and packing sheds at both

entrances will be upgraded and enlarged to accommodate produce that is grown in the adjacent locality.

Engineering concerns at the time of the previous consent related to traffic movements entering and exiting the entrances (known as the East and West entrances) and imposed measures such that conflicts with Umukuri Road traffic would be mitigated.

Umukuri Road is an 80 kmh speed zone and conditions such as edge pull-offs or tapers to allow trucks to leave or join the highway are required.

Generally diagram 2 of the TRMP Schedule 16.2 is the appropriate design for these types of traffic movements and was imposed as a condition of consent. This layout could have been constructed with the relocation of power poles. This was deemed by the applicant to be uneconomic and therefore they would not comply with the consent conditions.

The new application now involves new buildings at both locations, ie using the eastern and western entrances. The new western buildings are a 720m² coolstore and a 600m² covered loading area.

Engineering's original comments on this application were that only "one" upgraded intersection to the site was required as the two entranceways did not comply with clause 16.2.2.1 (iii) of the TRMP. However, the applicant could claim existing use rights.

The proposal before Council now will have increased traffic entering and exiting the site at both the eastern and western entrances with no real means to check compliance as to the type of vehicle, their direction and the time of these traffic movements.

It is therefore appropriate that upgrading of both the eastern and western entrances be required as a condition of consent.

Diagram 2 of schedule 16.2c of the TRMP remains appropriate albeit with some slight modification to allow for the poles to remain that the applicant has been reluctant to relocate.

The two attached diagrams shown as "Eastern Entrance" and "Western Entrance" are recommended to mitigate adverse effects due to the increased traffic movements generated by the new buildings to be erected at both locations. These diagrams should form part of the consent conditions if the application is approved.

3. SIGNAGE

No signs are to be erected on the road reserved. Any signs should be sufficient in size and wording to convey directional requirements for visitors to the site.

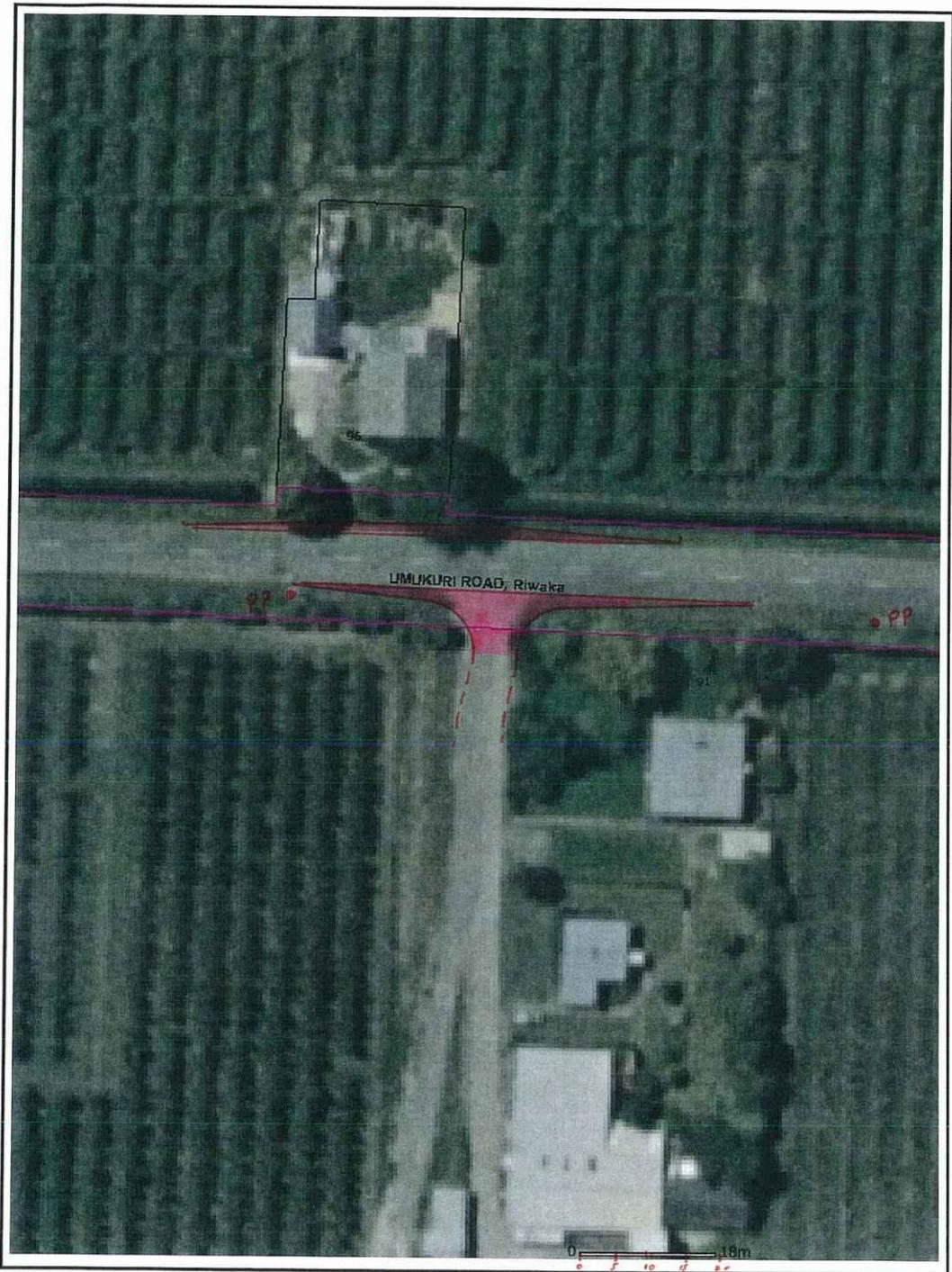
4. CULVERTS/DRAINS

Council-maintained culverts/drains shall not be compromised due to the access works and appropriate road opening/access crossing consents approved before works commence.

5. As Built Plans

As Council's assets will be altered , it is appropriate that "As Built" plans be submitted to Council for approval on the completion of the works.

Dugald Ley
Development Engineer

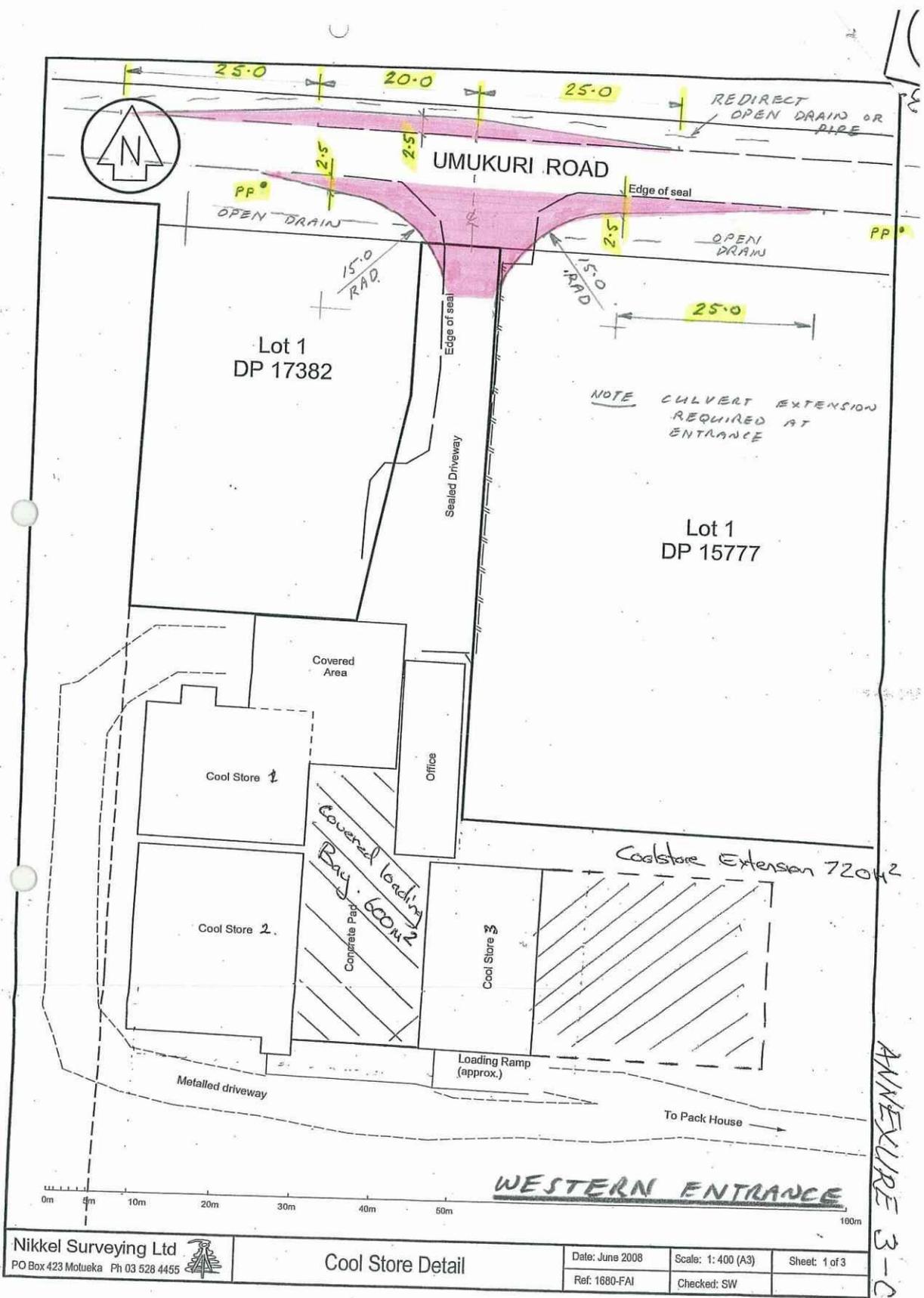


ExploreTasmanMap

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ANNEXURE 3-C

Nikkel Surveying Ltd
 PO Box 423 Motueka Ph 03 528 4455

Cool Store Detail

Date: June 2008	Scale: 1: 400 (A3)	Sheet: 1 of 3
Ref: 1680-FAI	Checked: SW	



ExploreTasmanMap

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