

STAFF REPORT

TO: Environment & Planning Subcommittee

FROM: Godwell Mahowa, Consent Planner

REFERENCE: RM090130

SUBJECT: **COMBINED RURAL TRADERS SOCIETY LIMITED - REPORT EP09/07/19** - Report prepared for hearing of 27 July 2009

1. PROPOSAL

CRT Society Ltd (the applicant) seeks resource consent to:

- Construct and operate a Rural Retail Outlet and erect a 14.4 m² signage on Rural 1 Zone sites.
- Discharge stormwater to land(RM090131)
- Storage of hazardous substances(RM090163)

The proposal is to relocate the CRT Society Ltd operation from McGlashen Avenue, Richmond, to the application site at 32 Main Road Hope on State Highway 6, next to the Network Tasman Site.

This involves constructing a new building entailing a farm centre retail, bulk store, offices, hazardous goods storage, drive through, yard display, car parks and manoeuvring area, landscaping and signage, all as shown on the application plans.

The application needs to be assessed as a Discretionary Activity, as explained in section 7 of this Report.

2. LOCATION, SITE CONFIGURATION

There are two application sites associated with this resource consent. The first application site is located at 32 Main Road Hope. It fronts onto State Highway 6 and part of Lot 1 DP 19931 which is currently used as an access road to the Network Tasman Depot and Substation facility. The main application is for the construction of the proposed retail outlet and real estate agent facility at 32 Main Road Hope, legally described within Certificate of Title 36885 as Lot 1 Deposited Plan 391931. This lot covers an area of 3069 square metres.

The other site of the proposed free standing combined signage is located at 20 Main Road Hope and is described within Certificate of Title NL 13B/292 as Lot 2 Deposited Plan 19931. The proposal also involves the construction of a 14.4 square metre sign.

2.1 32 Main Road, Hope

This application site is 3069 square metres in area and has a road frontage of approximately 35 metres. The topography of the site is generally flat. The site is occupied by an existing residential dwelling. The site is serviced by council sewer, water, and storm water infrastructure and is directly accessed from State Highway 6 on the western side of the site frontage.

A subdivision was recently approved by Council for this land (RM070731). This was for a boundary adjustment, and it involved two pieces of land with a combined area of 38 Square metres that were protruding from 32 Main Road Hope with the access way to 28 Main Road Hope.

2.2 20 Main Road Hope

The application site is 5.2722 hectares in area and has a road frontage of approximately 52 metres. The topography of the site is generally flat. The site is occupied by Network Tasman. There are a number of signs on this property and this proposal aims to combine all the signs into one single structure.

2.3 Surrounding Environment

The environment within the subject site is characterised by a mixture of land uses that contrast the underlying Rural 1 zoning. Land uses in the vicinity of the site include:

- Network Tasman owned land adjoining the north east and the north western boundaries of the site. This land has historically been part of the Network Tasman Hope electricity depot and substation. However over time as changes occurred in the electricity industry, some buildings on the site have become available for other unrelated industries. This land although zoned Rural 1 was given special dispensation through schedule 17.5A which allows for the storage of goods, offices, light manufacturing activities, trade workshops, retail outlets not exceeding 100 square metres, laboratories and transport depots as controlled activities. The schedule also allows for building coverage of 65% and building heights of 10 metres as controlled activities. In essence the Network Tasman land adjoining the subject site is a small industrial zone with a single access to State Highway 6. (See Appendix 1)
- There is a mixture of roading and Network Tasman designations around the subject site. The land on the eastern side of the access strip to 28 Main Road Hope is designated (D41) for the purpose “*Network Tasman network utility operations (depot, Workshop, administration, substation and stores) for electricity generation*”. To the south west of the (D41) is the state Highway designation (D120) and Hope Bypass designation (D127) is to the north. (See Appendix 3)
- Challenge Golf, an 18 hole golf putting facility with an associated refreshments outlet is located at 40 Main Road Hope and adjoins the south western boundary of the proposed site. The facility was established by resource consent RM980306 granted in 1998. (See Appendix 2)

- There are residential dwellings on the opposite side of the road, diagonally to the east of the site and four dwellings south-west of the property on the same side of the road. The dwellings have frontage to State Highway 6 and have set backs from the road ranging from 6-9 metres (See Appendix 2)
- There is a deferred residential zone pending the establishment of Council infrastructure, directly opposite the proposed site on the other side of Main Road Hope (See Appendix 1)

3. TRMP ZONING, AREAS AND RULES AFFECTED

The site is in the Rural 1 Zone of the Tasman Resource Management Plan (TRMP). Attached is an aerial photograph of the area showing the zone boundaries (see Appendix 1 and 3). The land is within the area of Land Disturbance 1. The site adjoins two designation areas, D120 being State Highway 6 and D41 being Network Tasman, no other overlays affect the subject title. The application is considered to be a Discretionary Activity under the relevant rules of the Tasman Resource Management Plan in the table below:

Activity	Relevant rules	Proposal	Status
17.5 Land use Rural 1 Zone-Commercial Activities-retailing and commercial offices	17.5.2.1 (b)(vi) commercial activities are not permitted ;	Not permitted	Discretionary Activities Pursuant to 17.5.2.3
17.5.3.1 Building height	17.5.3.1(g) the building height is less than 7.5 metres	All buildings have been designed to comply	Permitted
17.5.3.1 Building setbacks	17.5.3.1(i) <ul style="list-style-type: none"> • 10 m from road reserves – the proposed building is 1 m • 5 m boundary setback - the proposed building is 200mm from the south western boundary and 370mm from the north eastern boundary 	Not permitted	Discretionary – stormwater discharge does not comply with section 36.4
17.5.3.1 Building coverage	17.5.3.1(l) – the building covers an area of 1533 square metres and exceeds the permitted 200 square metres for sites less than 4000 square metres in area.	Not permitted	Restricted Discretionary Pursuant to 17.5.3.3
17.5.3.1 Building envelope	17.5.3.1(m)-daylight controls apply to properties adjacent to the residential zone	No residential zone adjoins the property	Permitted
16.1.5 Signs	16.1.5.1, - One free standing	Proposed sign is	Restricted

Activity	Relevant rules	Proposal	Status
	sign per site, max 1m ² and no higher than 3m	14.4 square metres and 6 metres high and does not comply with height and size	Discretionary Pursuant to 16.1.5.4
16.2.2 Access, Parking and Traffic	<ul style="list-style-type: none"> 16.2..3.1 (d) – TRMP requires 36 car parks to be provided – the applicant can only provide for 25 car parks 16.2.2.1(u) TRMP requires 105 metres in visibility from access point-the applicant proposes that visibility be provided by installation of no stopping lines. 	Te proposal does not comply with car parking and visibility from access point	Restricted Discretionary Pursuant to 16.2.6.1
16.7.2 Hazardous substances	16.7.2.2-The total quantity and ratio of hazardous substances(as calculated in Schedule 16.7A of the TRMP)exceeds the permitted and controlled activity standard	Not permitted	Restricted Discretionary Pursuant to 16.7.2.3
36.4.2 Discharge or diversion of stormwater	36.4.2 due to the storage of chemicals in the building, the discharge of stormwater is not a permitted activity	Not permitted	Restricted Discretionary Pursuant to 36.4.4

4. WRITTEN APPROVALS (s94 RMA)

Written approvals from the following people were supplied with the application and the signed forms are attached to the resource consent file.

- Stephen Russell Hensley 40 Main Road Hope
- Trevor Allen Sigglekow (34 Main Road Hope)
- Network Tasman Limited (24 Main Road Hope)

5. NOTIFICATION

Council processed this current application under the provisions of the Resource Management Act 1991 as a limited notified application, as there were neighbours that had been identified as “potentially affected parties” and Council considered the proposal had the potential to affect these people for a variety of reasons. Council also considered the proposal had some potential to create effects that may have been more than minor.

The application was limited notified on 30 March 2009 and the submission period closed on 30 April 2009. A total of five submissions were received all of which oppose the application. These submissions have been summarised into the table format below:

6. SUBMISSIONS

Name and Address of Submitter	Reasons	Decision
Mark Edwin John Sutton 45 Main Road Hope, Richmond	The submitter is concerned that the proposed development will increase traffic on the road and additional traffic on State Highway 6 would have an impact on the crash rate on that section of the road. He is also concerned that the no stopping zone suggested as a remedy to traffic congestion will have an impact on access to the planned reserve that Council proposes to establish in the deferred plan issued by council in 2007.	Opposes The submitter wishes to be heard at the hearing.
Geoff MacLauchlan 24 Main Road Hope, Richmond	The submitter is concerned that the proposed no stopping zone will affect the existing parking space on either side of the road with negative consequences to his tyre services business	Opposes The submitter wishes to be heard at the hearing.
Manfred and Gabriele Dickgiesser 25 Main Road Hope, Richmond	The submitters are concerned that the proposed development will increase traffic on the road and parked cars on both sides of their driveway. They suggest a no stopping sign on both sides of the road would be a solution to their concerns.	Opposes The submitter wishes to be heard at the hearing.
Alison Steward and Brent Giblin 21 Main Road Hope, Richmond	The submitter is concerned that the proposed development will increase traffic congestion and result in poor visibility when approaching State Highway 6 from the applicant's driveway. They suggest a no stopping sign would remedy the situation. They are also opposed to the storage of chemicals.	Opposes The submitter wishes to be heard at the hearing.
New Zealand Transport Agency	The submitter is concerned that: <ul style="list-style-type: none"> • The proposed development will increase traffic on the road and additional traffic on State Highway 6 would have an impact on noise levels and the crash rate on that section of the road. 	Opposes

Name and Address of Submitter	Reasons	Decision
	<ul style="list-style-type: none"> • The originally proposed setbacks of only one metre from State Highway 6 will obstruct sight distances at the access points and exacerbate safety problems and constrain future highway upgrade options. • There would be potential detraction of road users by the erection of an oversized and excessively worded sign • The proposed mitigation measures including a right turn bay and no stopping restrictions along the State Highway 6 do not adequately address the agency's concerns. 	<p>The submitter wishes to be heard at the hearing.</p>

The main issue raised by the submitters evolve around traffic and this will be dealt with in detail through the assessment of environmental effects in section 8.2.3 of this report

7. STATUTORY CONSIDERATIONS

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

The main matters for the Council to address in Section 104(B) are:

- Part II matters
- Objectives and Policies of the Tasman Resource Management Plan
- Adverse Environmental Effects
- Other Matters

Section 104B of the Resource Management Act 1991 (as amended) provides:

After considering an application for a resource consent for a discretionary activity or non-complying activity, a consent authority—

- (a) *may grant or refuse the application; and*
- (b) *if it grants the application, may impose conditions under section 108.*

7.1 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.

If consent is granted, the proposed activity must be deemed to represent the sustainable use and development of an existing resource and any adverse effects of the activity on the environment are avoided, remedied or mitigated. The critical issue of this consent is whether the proposal represents sustainable use of the rural zoned land resource and also the sustainable use of the State Highway resource, whereby traffic, noise, amenity and cumulative adverse effects of the proposed retail outlet and combined signage are no more than minor.

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

7.2 Tasman Regional Policy Statement

The Regional Policy Statement seeks to achieve the sustainable management of land 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 Tasman Resource Management Plan was developed to be consistent with the Regional Policy Statement, it is considered that an assessment under the Plan will satisfy an assessment against Policy Statement principles.

7.3 Tasman Resource Management Plan

The most relevant Objectives and Policies are contained in:

- Chapter 5 “Site Amenity Effects”
- Chapter 7 “Rural Environment Effects”
- Chapter 11 “Land Transport Effects”

These chapters articulate Council’s key objectives: To ensure land uses do not significantly adversely affect local character, to provide opportunities for a range of activities in rural areas and ensure land uses do not significantly adversely affect the safety and efficiency of the transport system.

The most relevant Rules which follow from these imperatives are contained in

- Chapter 17.5 “Rural 1 Zone Rules” and
- Chapter 16.2 “Transport (Access, Parking and Traffic)”.

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

8. ASSESSMENT

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

8.1 Permitted Baseline

Section 104(2) gives a consent authority the ability to disregard adverse effects on the environment of activities that the Plan permits, if it so wishes. This is the “permitted baseline” and can provide a yardstick for the effects that otherwise might arise. The land is zoned Rural 1 and the Tasman Resource Management Plan and the permitted baseline can be considered in relation to the buildings in a Rural 1 Zone, but not in relation to the commercial activity of operating a retail outlet.

The Rural 1 Zone Rules allow buildings, excluding dwellings and greenhouses up to 200 square metres to be erected as a Permitted Activity on sites that are less than 4000 square metres. Such a building is permitted to be 7.5 metres in height and located 10 metres from road boundaries and 5 metres from internal boundaries.

The proposed buildings will be considerably more than what can be permitted as of right on this Rural 1 block. In terms of “buildings” in rural areas, the proposal can be seen as being more than the permitted baseline and that has to be considered when the visual and other effects are taken into account.

The operation of a retail outlet centre does not have any real comparison with a rural activity that can be developed as of right and therefore the permitted baseline has no real relevance to this aspect of the proposed activity.

8.2 Assessment of Actual and Potential Effects

Comment on the effects of the activity in Section 9 of this report contains a discussion of the relevant objectives, policies and rules. The objectives, policies and rules are directly concerned with effects on the environment. It also includes discussion on the assessment criteria for discretionary activities in the Rural 1 Zone.

It is necessary to point out that, under section 104(3)(b) of the RMA, the Council must not have regard to any effect on a person who has given their written approval to the application. Therefore the assessment of the effects does not consider effects on the properties listed in Section 4 of this report.

Following lodgement of the application, a site visit and review of the applicant’s further information response and consideration of the matters raised by submitters, the adverse effects (both actual and potential) have been summarised into the following five groups:

1. Noise Effects
2. Rural and Future Residential Amenity
3. Traffic Safety
4. Land productivity and Fragmentation
5. Other Matters – Including Precedent/Cumulative Effects and Zoning

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

8.2.1 Noise Effects

Council's Co-ordinator Regulatory Services, Graham Caradus has provided a staff report in relation to noise from the proposed activities. A full copy of Mr Caradus's report dated 4 March 2009 is appended to this report as Appendix 5.

Mr Caradus concludes that while the applicant's AEE does not identify noise as a critical issue and while he concurs with the applicant that the noise that would be generated by the proposal will be comparable to the noise levels generated by traffic using Main Road Hope, he refers the applicant to Section 16 of the RMA 1991: Duty to avoid unreasonable noise

(1) *Every occupier of land (including any premises and any coastal marine area) and every person carrying out an activity in, on, or under a water body or the coastal marine area shall adopt the **best** practical option to ensure that the emission of noise from that land or water does not exceed a reasonable level.*

He highlights the land owner's responsibility to adopt the best practical options for noise control and to comply with the Rural 1 Zone noise standards as indicated in the Tasman Resource Management Plan. Overall the noise effects are anticipated to be no more than minor.

8.2.2 Amenity

None of the matters of national importance listed in section 6 of the RMA are relevant to the application or to this site. There are no coastal margins, wetlands, lakes or rivers, and there are no outstanding natural features, areas of significant indigenous vegetation or significant habitats of indigenous fauna. The site is highly modified from its natural state, as is the land surrounding it. It is considered that there are no known issues of significance to Maori, or any significant archaeological sites. Whilst it is considered that under Section 6 there are no matters of national importance relevant to this application, Section 7 of the Act provides for the following "Other Matters" to have particular regard to:

- The efficient use and development of natural and physical resources;
- The maintenance and enhancement of amenity values;
- Maintenance and enhancement of the quality of the environment;

Note in the above that "**Amenity Values**" means those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes. "**Environment**" means the social, economic, aesthetic, and cultural conditions which affect or which are affected by, amongst other things, ecosystems and their constituent parts, including people and communities, amenity values and all natural and physical resources.

So whilst the proposal involves an activity that is associated with farmers, and services that may have benefits to the local wider farming community, the activity should not be to the detriment of the environment and the amenity of the neighbourhood.

The extent to which the proposal represents efficient use and development of natural and physical resources will depend on the extent to which adverse effects arising from the proposal can be avoided, remedied or mitigated having regard to the general direction afforded by the Tasman Resource Management Plan.

8.2.2.1 Rural, residential and Future Residential Amenity

The amenity issues include adverse effects of noise, dust and odour and adverse effects on visual amenity and loss of general amenity through having a non-rural building and activity operating within the neighbourhood.

The mixed land use in the proximity of the proposal is characterised by some residential dwellings, land that is currently zoned as rural 1 but deferred residential zone and a variety of building bulk and location standards which deviate from the rural amenity values. Main Road Hope (SH6) runs through this area and carries approximately 12,500 vehicles per day, including significant numbers of heavy vehicles. A combination of these factors defines the amenity values of this site and compromises the expected rural outlook. The subject site has a residential dwelling on it. The dwelling, like most dwellings fronting Main Road Hope (SH6) are set back at least 6 metres from the road.

It can be seen that the Rural 1 Zone in this area is far from a coherent area, and is not at all typical of the wider Rural 1 Zone. It is however acknowledged that the south-eastern portion of the area across main Road Hope will for the most part; appear to a passer by as having somewhat of a rural character and appearance, because there is open rural agricultural land on this side of the street. While the referred portion appears rural it is deferred residential pending the installation of council services.

When one focuses on the application site itself, it is flanked on two sides by the Tasman Network land (17.5A Schedule in the TRMP) and across the access road by another designated Tasman Network lot. The two lots and the related developments at these sites occupy a very large portion of the respective sites with large bulky buildings, and extensive car parking areas. The proposed development at the subject lot will mimic these developments.

The overall assessment is that the area adjoining the proposed development has an amenity and quality of environment that has been compromised by the variety of land use developments and barely displays the amenity characteristics of the Rural 1 Zone. I consider that it is not an unreasonable expectation for activities other than purely rural to seek to establish in this area especially when the proposed development mimics the current environment of the area. However, when considering any non-rural activities, care must be taken to ensure that the existing rural and proposed residential activities in the area are not adversely affected.

It is considered that the proposed CRT activity can be compatible in this environment and this appears to be borne out by the written approvals from the adjacent landowners at 24, 34, and 40 Main Road Hope. The applicant has taken reasonable steps in terms of the design of buildings, site layout and proposed operation, to ensure that the effects on existing mixed developments will be no more than minor.

In the subject case there are some associated land productivity benefits and there is need for the activity to be carried out in a rural area as the main clients of the retail venture are rural farmers. However, the proposed commercial activities and their associated traffic effects within the site have potential nuisance effects on the rural amenity of the area. *Noise:* As assessed above in section 8.2.1, the applicants do not propose to exceed the permitted activity noise levels for the Rural 1 Zone. The screenings afforded by the planting, and the building wall, will mostly maintain privacy to the residents of the dwelling at 34 Main Road Hope. However the applicant considers more planting along the same boundary for more effective screening. It is noted that, effects on privacy or amenity of the owners/occupiers of the residential property on 34 Main Road Hope are not to be considered as written approval from the owner has been obtained, but in any event there is need for fairly extensive planting in this area to maintain amenity from State Highway 6.

Other mitigation measures offered by the applicants are prescribed hours of operation for the retail activities. This however does not include the possibility of delivery trucks beyond the operating hours. If consent was granted it would be my recommendation for a limit to be set on the number of deliveries between 11.00 pm and 7.00 am per week. This number would need to be set at a level that allows for a reasonable level of activity for the business owner without compromising the amenity of the area beyond a point that is more than minor. The applicants may be able to clarify or provide a figure in the hearing forum for further consideration in any consent conditions.

8.2.2.2 Visual Amenity

Other amenity matters include the “visual” amenity through the establishment of a new building and signage. However due to the fact that rural amenity values of this neighbourhood have been compromised by the diversity of development in the area, the construction of the proposed building will not be a big departure from the visual standards set in the area by existing developments. The visual amenity is going to be altered as viewed from any vantage point of Main Road Hope but the nature of the proposed building coupled with landscaping will enable the building to blend into the surrounding landscape.

The visual amenity of rural areas is considered to be high, however farm buildings can be quite large and occupy 5% of land in buildings (except dwelling and greenhouses which have no limitation) and up to a maximum 2000 m² of building footprint area can be built on sites larger than 4 hectares. On the subject site of 3069 m² the total area of restricted buildings (i.e. not dwellings or greenhouses) is limited to 200 m². The proposed 1533 m² building will cover 49.9% of the site which is well below the 60% site coverage allowed by schedule 17.5A as a controlled activity on the adjacent site. Note however that such buildings would need to meet permitted activity standards.

The applicant has proposed a setback of 4 metres from State Highway 6. This will be accompanied by a comprehensive landscape plan. This plan will show the extensive planting and design that will be incorporated onto the property. This plan will also show how existing plantings will be maintained as hedging together with additional hedge plantings along boundaries to ensure optimum privacy for adjoining properties. This landscape work will enhance the amenity within and beyond the site.

In summary although the amenity of the area is not typically rural, the amenity of the area is well established and defined by non rural structures and activities. Visually this will alter the area but is not considered to be out of character with the surrounding environment. Nuisance factors created by high numbers of traffic movements, and the general presence of non-rural activities operating from the site does have the ability to moderately affect the amenity of the site but the effects are considered to be no more than minor.

8.2.3 Traffic

Traffic safety concerns relate to increased vehicle movements on Main Road Hope (State Highway 6), as well as movements across the vehicles' access point of the site and crossing points on the opposite side of the proposed site. Two possible existing crossing places are located along Main Road Hope, the current access to the proposed site and the right of way at exit 57. The current access to the proposed site will be closed and access to the new development will be by the right of way to 28 Main Road Hope (exit 57). The closure of the current access to the site will be a positive development as it reduces the number of access sites on State Highway 6.

Based on the information supplied with the application it would be considered that compared to the current vehicle movements, the estimated vehicle movements post development would be considered to be higher. The applicant has provided an estimate of traffic movements in comparison to the current CRT site at McGlashen Avenue and this estimates increases in numbers from currently 250-274 average traffic movements per day to 400 average traffic movements which represents a 37% increase. Submitters that oppose the application anticipate higher traffic movements that could be in excess of these figures. This assessment is based on the projections presented by Urbis Traffic Planning and Development Limited traffic report commissioned on behalf of the applicant and forms part of the application. The applicant concludes that the effects of the proposal on the operation of State Highway 6 and crossing point 57 in particular will be minimal and suggested that the effects could be further mitigated if the layout at State Highway 6 and crossing point 57 was modified as follows:

- A no stopping sign restriction be imposed on either side of crossing point 57 to achieve a clear sight line of 113 metres in each direction along State Highway 6
- The existing painted median outside the site be widened to 2.8 metres and modified to include a right turn bay for crossing point 57

In the TRMP there are no rules relevant to this application to control vehicle movements to and from the site, unless the activity is defined as a Community Activity.

New Zealand Transport Agency (NZTA) who is responsible for the safe and efficient use of the State Highway network within New Zealand submitted in opposition to the application. NZTA have identified that traffic issues on the section of SH 6 adjacent top the proposal could be exacerbated by the increase in traffic proposed by the current application. NZTA have retracted their opposition to the proposal following amendments done by the applicant to the plans and the volunteering of conditions relating to signage.

Engineering matters have been assessed by Dugald Ley, Council's Development Engineer who has presented the following opinion on this matter in his accompanying report. Mr Ley concurs with the applicant that the no stopping sign and the widening of the right turning bay at exit 57 will address the traffic related concerns. A full copy of Mr Ley's report is attached to the rear of this report as Appendix 4

In Summary the current Engineering position in relation to traffic is:

- that the entrance at the intersection of State Highway 6 and the existing access be clearly defined with an access crossing;
- that no stopping restrictions on State Highway 6 either side of the private access be installed;
- that median widening and a right turning bay be provide;
- that the current access to the property be walled and grassed and
- that all access and car parking on the site be marked out and formed with permanent surface.

It is Engineering's opinion that subject to works as outlined above being implemented then any engineering adverse effects created by this application can be mitigated satisfactorily such that effects are no more than minor.

8.2.4 Land Productivity and Fragmentation

Although the underlying zone is Rural 1, the designation at 20 Main Road Hope (D41) to the north east of the proposal which is used by Network Tasman for industrial purposes and the provisions of schedule 17.5A to the north west of the site which allow the establishment of industrial and commercial activities as controlled activities coupled with some residential dwellings to the southwest of the proposed site have compromised the rural land use intention of this environment. Rural land has already been used in a fragmented manner for non-agricultural purposes on these properties and the proposed development would not be an exception. Other land uses further to the west include the 18 hole golf putting facility along with the sale of refreshment and a tyre servicing facility on the north eastern side of the proposal.

The site at 3068 square metres in area has limited productive capacity as a stand alone economic unit and it has not been used for 'typical productive rural use'. The current use of the site cannot be said to be "productive" as it is currently used as a residential site with no agricultural activities due to size limitations. Although the current application will intensify existing non-rural activities, no submitters have raised concerns about its impact on the future productive use and possible fragmentation of the site. The property sizes surrounding the application site range from 845 m² to 5550 m² which are clearly residential in nature to relatively larger blocks of 4-5 hectares that are used for commercial and industrial activities. The only property resembling a rural zone is the 2.6993 hectare block directly opposite the application site. However this particular site is deferred residential pending the establishment of services. The application site has been severely compromised by non rural development and this development will not jeopardise the productive

potential of the land, given its existing size and nature. The application's overall impact on rural productive and fragmentation can therefore not be said to be significant.

8.2.5 Other Matters

8.2.5.1 Precedent / Cumulative Effects

The granting of a resource consent does not necessarily create a precedent by itself but all resource consents must follow consistency in the application of legal principles. Whilst no two resource consents are ever identical it can be considered that granting of one consent may well have an influence on how another application should be dealt with. If a resource consent has aspects that can clearly distinguish it from the general such that its situation and or circumstances are unique or rare then precedent is unlikely to be able to be applied. In the subject case the writer considers that there are unique or rare circumstances that distinguish this application from say one that may follow after to establish another similar activity on bare or a more conventional rural site.

As far as the establishment of commercial activities in the neighbourhood, precedence has been set by a number of resource consents granted in the neighbourhood. The other cases where the Council has supported use of rural land for commercial/industrial activity have all been based on the fact that the neighbourhood is characterised by developments which are a departure from a conventional Rural 1 Zone. These include the following:

1. On 19 March 1998 consent was granted by Council for a water bottling plant at 45 Main Road Hope (RM980158), the property directly opposite the subject site.
2. On 21 October 1998 a resource consent for a commercial activity on 40 Main Road Hope (RM980306) was granted for the operation of an 18 hole golf putting facility and sale of refreshments to facility users.
3. On 9 September 1999 a resource consent was granted for the establishment and operation of an industrial diamond importing and distribution business at 51 main Road Hope (RM990203) Reason 5 of that resource consent reads in part:
*"Although the proposed activity will be located with the Rural A/Rural 1 Zone, it is not considered to be contrary to the objectives and policies in the Proposed Tasman Resource Management Plan. **The property is located in an area which already contains a mix of uses.**"*
4. 21 January 2008 a resource consent was granted for the establishment of a warehouse at 24 Main Road Hope (RM990365). The background to the proposed activity reads in part:
*"The applicant's proposal is zoned Rural 1 but subject to Schedule 17.4A because of its past development as an electricity utility depot. It is located in a **mixed land use area...**"*

In this case the proposed activity is not one considered to be intrinsically linked to the productivity of the land but it is land that has been so modified that the proposed activities utilise it and also complement the general service industry and the electricity depot developments that exist off the Network Tasman driveway. This proposal at

least has a relationship to and complements these other industrial activities in the rural zone. In this respect, the proposal is a rational use of an unusual site. The proposal has the ability to mitigate potential adverse affects from the activity proposed. As mentioned previously it is acknowledged that the limited productive potential of the title (3069 square metres) would inhibit most permitted productive uses of the site. The question that needs to be addressed is not whether or not the proposal should be established in a Rural 1 Zone but whether this proposal can continue to make effective use of this resource without generating adverse effects on the environment.

The unusual nature of this particular part of Rural 1 zone is formally recognised in the Plan by the reference to Schedule 17.5A. This schedule promotes uses that are not too dissimilar to the use proposed by the applicant. In this respect the applicant's proposal is not out of character with either the existing uses or the Plan.

9. RELEVANT NATIONAL POLICIES

There are no relevant national policy issues and the New Zealand Coastal Policy is not relevant to this application.

10. RELEVANT REGIONAL POLICY STATEMENTS

The operative Tasman Regional Policy Statement (TRPS) specifies the overriding policies of the Council when preparing other resource management plans and when considering applications for resource consent. The TRPS contains a number of policies and objectives relating to managing the natural and built environment of the Tasman District. These policies and objectives have been refined and expanded upon in the Tasman Resource Management Plan (TRMP). Most of the objectives and policies contained within the TRPS are mirrored in the TRMP. It is considered that if the policies, objectives and rules of the TRMP are met then so too are the policies and objectives of the TRPS.

11. TASMAN RESOURCE MANAGEMENT PLAN - POLICIES AND OBJECTIVES

The TRMP has reached the stage where most of its sections are operative. Therefore in terms of this application, the objectives, policies and rules of the TRMP apply.

Objectives and Policies

The objectives and policies seek to retain a compact identifiable grouping of business activities in defined areas. The zoning of specific areas for commercial and industrial activities is one method employed to achieve this. Through the provision of commercial and industrial zoned land, the TRMP seeks to separate these types of activities from rural areas so as to avoid adverse effects on the rural areas and to avoid reverse sensitivity effects from neighbouring rural areas.

However, the relocation of the CRT activity from the Richmond town centre to this site should have little impact on the vibrancy of the centre. It is currently located on McGlashen Avenue, which is not the main shop-front retail part of the centre. This is not an activity that generates significant pedestrian traffic, and it is best located at, or

near, the periphery of the urban area. There are four broad sets of objectives and policies in the TRMP relevant to this application. These relate to:

- effects of activities
- amenity values
- cumulative effects of land fragmentation on productive opportunities.
- effects on transport safety and efficiency

Effects of Activities

Objective 5.1.1 Provision for appropriate protection, use and development of the District's resources so that activities at one site do not adversely affect the use and enjoyment of another site or resource.

Objective 5.1.2 Avoidance, remedying or mitigation of adverse effects from the use of land and enjoyment of other land on the qualities of the natural and physical resources.

Policy 5.1.3.1 To ensure that any adverse effects of... development on site amenity... and landscape values ... are avoided, remedied or mitigated.

Policy 5.1.3.9 To avoid, remedy or mitigate effects (such as noise, vehicles, buildings and structures).

Policy 5.1.3.11 To avoid, remedy, or mitigate the likelihood and adverse effects of discharge of any contaminant beyond the property on which it is generated stored or used.

Policy 5.1.3.13 To avoid, remedy or mitigate adverse effects of urban use and development on rural activities at the interface between urban and rural areas.

The proposed development is clearly not a rural activity in appearance. However the potential visual effects are off-set to a degree by the design, which incorporates varied roof lines, the proposed 2 metre high wall and the fact that the proposed buildings will mimic existing buildings in the neighbourhood. The other mitigation of visual effects is the existing planting, on the north eastern boundary of the proposed site. Plantings on north eastern boundary are to be retained, and additional plantings are proposed on the front boundary of the site along the road boundary, and on other internal boundaries. A detailed landscape/planting plan will be required to be prepared and implemented should consent be granted to this application.

Potential noise effects, mainly from vehicles, should be seen in the context of the current ambient noise from vehicles using Main Road Hope, and from the commercial industrial activities that occupy adjacent properties. It is expected the CRT activity will operate in normal business hours, and it is not expected that day-time noise would be significantly greater than ambient noise levels in this area.

The most noise sensitive sites in this vicinity are the three residential dwellings west of the proposal. The residential dwellings front State Highway 1 and are exposed to some level of noise from traffic. The noise generated by the proposed activity will not

exceed the noise levels generated by traffic. It is noted that the affected property owner at 34 Main Road Hope has been consulted by the applicant and have submitted their written approval of the applicant's plans. In accordance with statutory requirements Council must disregard any effect on these persons. The noise effect on properties further west of the proposal would be modest and insignificant. The applicant proposed to plant some trees on the side boundary adjacent to the dwellings and also the walls of the proposed structure will help keep any noise generated by the activity to be contained within the proposed site.

The current CRT store operates 8.00 am – 5.00 pm weekdays, and 9.00 am - 12.00 Noon on Saturdays. There is nothing in the application to indicate extended hours are required for this proposal. A condition to this effect has been included, however some minor extension of hours may be acceptable if that is required. Accordingly, it is anticipated that the activity should not be operating at night-time, and therefore sleep of residents will not be disturbed.

Amenity Values

The following extracts from the introduction, principal reasons and explanations for Chapter 5 are considered relevant:

“Land use frequently has effects which cross property boundaries. Those effects may add to or detract from the use and enjoyment of neighbouring properties. They may also affect natural resource values, such as air and water quality, or common goods such as views or local character.

Adverse cross-boundary effects are commonly noise, dust, vibration, odour, contamination, shading and electrical interference. Amenity values such as privacy, outlook, views, landscape, character and spaciousness may also be affected.

Within a site, amenity may stem from the versatility of the site; the proportions of buildings, open space, and vegetation; provision for vehicles; the benefits of daylight and sunlight both indoors and outside.

The health and safety of people, communities and property is a significant part of site amenity, both within the site and between sites. Contaminants, including noise, and fire, hazardous substances and natural hazards, are factors in maintaining or enhancing amenity values.

The density of development influences the degree of some effects. In other cases it influences the perception of when an effect becomes adverse: for example, development at urban density produces different expectations of privacy than is achieved in rural areas.

In rural areas, adverse effects are particularly apparent between residential activities with urban amenity expectations, and the range of possible rural land uses. In urban areas, adverse effects can occur between all types of activities.”

“Subdivision and development commonly occurs at locations which share attributes valued by the community, such as sustainable management of land for rural activities and scenic or natural attractions. Continued urban development at these locations may reduce those values. Sometimes developments may provide an opportunity for

more formal protection of valued features and may include other mechanisms for enhancing the environment.

“Advertising in rural, recreation and residential areas is often a detraction from the amenity of these areas and in these areas, signs are restricted as to scale and positioning”.

Objective 5.2.0 Maintenance and enhancement of amenity values on-site and within communities, throughout the District

Policy 5.2.3.1 To maintain privacy in residential properties and rural dwelling sites

Policy 5.2.3.4 To promote amenity through vegetation, landscaping, street and park furniture and screening.

Policy 5.2.3.8 To avoid, remedy or mitigate the adverse effects of traffic on the amenity of residential, commercial and rural areas.

Policy 5.2.3.9 To avoid, remedy or mitigate the adverse effects of signs on amenity values.

Policy 5.2.3.10 To allow signs in residential, rural residential, recreation and rural areas that are necessary for information, direction or safety.

The above objectives and policies confirm the need to protect amenity values and whilst Chapter 5 policies and objectives cover all zones, it is clear that rural amenity values have to be safeguarded from adverse environmental effects.

The writer’s opinion is that while visual amenity will change, the boundary screenings afforded by the plantings, and the building wall, will mostly maintain privacy to the residents of the dwelling at 34 Main Road Hope. The applicant considers more planting along the same boundary for more effective screening. It is noted that, effects on privacy or amenity of the owners/occupiers of the residential property are not to be considered as written approval from the owner has been obtained, but in any event there is need for fairly extensive planting in this area.

There is a number of individual signage at 20 Main Road Hope. The proposal aims to consolidate these signs into one free standing signage that will provide better amenity values to the road frontage than the individual signage.

While an activity that contains a commercial element is not always compatible with rural site amenity policies and objectives, this proposal in this location can be managed inside the property boundaries and in such a way that general and neighbourhood amenities are not compromised.

Cumulative Effects of Land Fragmentation on Productive Opportunities

Tasman District’s land resource is largely rural. Rural character, amenity values, and the productive use of rural land underpin the social, economic and cultural well-being of the people of the District.

The fragmentation of rural land is the progressive breaking up of land parcels through subdivision in association with subsequent land use activities such as buildings, other structures and roads. Land fragmentation may occur for a variety of reasons. While fragmentation may allow for more intensive use of rural land for soil-based and other rural activities, with resulting social and economic benefits, the principal effect of land fragmentation in the Tasman District has been the cumulative reduction in opportunities for the productive potential of land to be taken up, either within sites or over larger areas.

As new structures or services are established, the range of soil-based production activities that can be physically or economically undertaken, progressively reduces in scope. The reduction in productive potential of any land, together with the physical coverage of productive land, may reinforce the demand for further fragmentation. This effect is particularly significant for the relatively small amount of land in the District with high productive value (approximately five percent). This land is a finite resource and its loss through fragmentation is effectively irreversible.

Industrial and commercial activities in rural areas remove land from soil-based production. To date, these activities have not affected the viability of soil-based production. However, their presence can affect rural character and amenity values.

Industrial, commercial and residential activities inevitably involve buildings and services development. This development brings with it effects which can detract from the environmental quality and rural character of the areas in which they are situated or through which they are serviced. The cumulative effects of such development can be the creeping "urbanisation" of rural areas.

An important aspect of managing rural environmental effects is recognising the qualities and character of rural areas, and the legitimacy of existing established activities and a range of potential future activities which involve the productive use of the land resource.

An issue Council has to consider is how to provide for non-soil-based production uses in rural areas, without diminishing the availability of the productive land resource and how to maintain an appropriate level of protection of rural character, ecosystems and amenity values. The productive opportunity for this site is diminished by the presence of surrounding non-rural activities. Consequently this proposal does not create additional loss of productive opportunities. This proposal does not take land out of production and to aims to put land that has already had its productive potential diminished to a more rational use.

Rural Environment

Objective 7.1.2 *Avoid the loss of potential for all land of existing potential productive value to meet the needs of future generations particularly land of high productive value.*

Policy 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.*

Policy 7.1.3.3 To avoid remedy or mitigate adverse actual, potential and cumulative effects on rural land resource.

The following extracts from the introduction, principal reasons and explanations for Chapter 7 are considered relevant:

“People and communities value rural locations for purposes other than soil-based production, and where these purposes can be achieved without compromising productive values, rural character and amenity values, provision can be made for them. This objective, and associated policies, establishes a framework within which Plan provisions such as rules and zones are developed, and consent applications can be evaluated. The policy is supported by methods to encourage responsible management by resource users”.

“Rural areas are working and living environments. They also provide much of the amenity value and character of the District as a whole.

If rural character is to be protected, it is essential that productive rural activities are not overly constrained by standards and conditions based on amenity value that are set at a much higher level than biophysical necessity. Nevertheless, activities in rural areas should not involve effects that significantly adversely impact on rural character and amenity values. This set of objectives and policies aims to provide a balanced approach.

Inevitably some activities, by their scale, intensity or other effect, have the potential, individually or cumulatively, to adversely affect the environmental qualities and other aspects of the environment that this section protects. Such potential effects can be identified on the basis of activity types, and the effects of individual proposals can be evaluated through the application process”.

“The District’s diverse rural landscape, including the working rural landscape, requires careful consideration in terms of this objective whenever an activity or development is proposed that requires consent”.

Comment

Council has acknowledged the pressures and diverse usages of rural land. The Council has to constantly maintain the balance between these uses and at the same time ensure that the fundamental purpose of the Act to promote the sustainable management of natural and physical resources.

The proposed activity meets objective 7.2.3.1-*To enable activities which are not dependent on soil productivity to be located on land which is not of high productive value* by being located on a small holding of 0.3069 hectares, which has already had the land taken out of production.

Where a non-soil-based activity is proposed its acceptance would depend on the effects of the activity. The proposed CRT outlet is an activity normally expected to locate in commercial zones, and the policy and objective above would not encourage this activity in a Rural 1 Zone. However, there are a number of non-rural activities in the area already. The area around the proposal is fragmented and has not been used for agricultural or soil based production purposes but is currently used for residential, commercial and industrial activities. This proposal will suit the land use

activities in the area and will not compromise any productive land. Therefore the application for a CRT outlet can be considered on its merits. In my opinion this development will not jeopardise the productive potential of the land, given its existing size and nature.

Effects on Transport Safety and Efficiency

Relevant Issues

The adverse effects on the safe and efficient provision and operation of the land transport system, from the location and form of development and carrying out of land use activities.

Increases in traffic volumes from adjacent land use activities that generate vehicle trips may put pressure on particular routes. Urban subdivision and development as well as rural development may increase the demand for upgrading routes, including attention to travel time and hazardous roading situations.

Policies in this section are not only about providing a safe driving environment, but also about ensuring safety for people in the environment through which vehicles are driven. Amenity in that environment is also a relevant issue.

Objective 11.1.2 A safe and efficient transport system, where any adverse effects of the use or development of land on the transport system are avoided, remedied or mitigated.

Policy 11.1.3.3 To avoid, remedy or mitigate adverse effects of high traffic-generating land use on the community cost of road network resource of the District.

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

The following extracts from the principal reasons and explanations for Chapter 11 are considered relevant:

“Intensive traffic-generating activities such as commercial and industrial activities need convenient access to major routes. Because access causes a reduction in the carrying capacity of roads and a potential conflict with passing vehicles, the location and detailed design of access is important. Accesses that are too wide or too narrow, at a position of impaired visibility or located too close to intersections, can cause traffic conflict”.

“Adequate on-site parking is required for activities to prevent the spread of on-street parking, which can interfere with the safe operation of the transport network and property access to the network”.

“Signs adjacent to roads have the potential to cause driver distraction. Traffic signs should be easily read. To achieve the highest degree of safety, roadside information directed at road users needs to be kept to a minimum, located in positions with adequate visibility and have clear and concise messages that can be rapidly read by road users”.

Comment

The above objectives and policies identify the need to avoid conflicts with traffic having particular regard to issues of traffic safety and efficiency, including the effects on existing roading, provision of adequate parking and amenity values.

The writer takes advice from Council's Engineering experts in regards to the proposed activities and their effects on traffic and roading. The development will generate in the order of 400 vehicle movements per day, which is not insignificant. However in terms of amenity effects, these traffic movements will be confined to normal day-time hours. Vehicles will use existing access to 28 Main Road Hope. There is already a substantial amount of traffic throughout the day using the Access to 28 main Road Hope. The effects of traffic generated by the proposal have been assed in detail in section 8.2.3 of this report.

Summary of Policies and Objectives

The policies that are considered relevant to this application are summarised above. The objectives and policies that relate to site amenity and the rural environment are particularly relevant to this application.

In particular Objective 5.1.2, supported by Policy 5.1.3.1 seeks to protect the amenity of an area.

By contrast, Objective 7.2.2 supported by Policies 7.2.3.2(c)(g) and (j) makes provision for activities other than soil based production and in particular tourist services on rural land.

Objective 11.1.2 is to provide a safe and efficient transport system, where any adverse effects of the use or development of land on the transport system are avoided, remedied or mitigated. Council's Engineering Staff are satisfied that the proposed activity is consistent with the land transport policies and objectives.

12. TASMAN RESOURCE MANAGEMENT PLAN – ZONE RULES

Rule 17.5.2.1(b) lists a number of activities that cannot be undertaken in the Rural 1 Zone as of right. Clause (vi) excludes commercial activities

The proposed CRT activity is a 'commercial activity' and therefore it would normally be considered as a Discretionary Activity under Rule 17.5.2.3.

Comment:

CRT has operated from its premises at McGlashen Avenue (in the Central Business Zone) for 13 years and has now outgrown the current premises. In June 2006 CRT applied for resource consent to establish a new purpose built facility at 349-355 Lower Queen Street, that could better provide for the needs of the applicant and those people who make use of the proposed rural retail outlet. That application was granted by council but subsequently overturned by the Environment Court. It was considered that the proposal would not maintain or enhance the amenity of the subject residential neighbourhood. In response to this judgement, CRT looked for an alternative site for the proposed development.

It is also necessary to consider the sustainability, in terms of the District's commercial land resource, of allowing commercial activity to spread into Rural zones. In the normal course of events, this may have the potential to undermine the efficient use of the land resources achieved by concentrating like development together in similarly zoned areas, and the separation of activities likely to have cross-boundary effects.

Another aspect to be considered is whether the proposed retail activity will give rise to potential adverse traffic, visual amenity and noise effects, which could, in particular, compromise the ability of the neighbouring rural land uses to meet their own needs.

In summary, the other rules not met are as follows:

- *Setbacks from boundaries (17.5.3.1(i)) – 10m from roads and 5 metres from internal boundaries, proposed building is located 4m from State Highway 6, 0.2 metres from the south western boundary and 0.37 metres from the north eastern boundary and nil setback for 2.0 metre high boundary fence on all boundaries.*
- *Building Coverage (17.5.3.1. (l)) permits coverage of 200 square metres; the proposed building is 1533 square metres.*
- *Signage (16.1.5.1) – Freestanding signs, 0.5m² display area, and 2m in height, permitted, proposed sign has an area of 14.4m² and a height of 6m.*
- *Access, parking and parking;-Rule 16.2.3.1.(d) would require 36 car parks for the size of the facility but the applicant can only provide 24 car parks. The plan also requires a visibility distance of 105metres from the access point, the proposal can only provide for the required visibility by installing no stopping lines*
- *Stormwater discharge-as the facility stores hazardous substances, the disposal of stormwater is not a permitted activity according to Rule 34.4.4 of the TRMP*
- *Hazardous Goods Storage (17.6) – Weed killers, pesticides, and other chemicals to be stored on site. Proper storage of hazardous substances is a requirement for any retail outlet involved in their sale and storage. A separate report will assess the storage of the chemicals.*

Assessment Criteria

Rule 17.5.1 contains a list of assessment criteria that serve as a useful guide in assessing the effects of this proposal. I will discuss these in broad topics as follows:

Minimum site areas and building coverage

The buildings on site exceed the permitted site coverage in the Rural 1 Zone. However, It is not considered that the buildings will dominate the site, or the area, particularly when viewed against the backdrop of the adjacent Network Tasman facilities and the adjacent tyre business with which it shares an access.

The particular buildings proposed are bulkier than one might expect of a purely rural development, but would not be too dissimilar to agricultural sheds and green houses that may be developed on the site as a permitted activity. Whilst the CRT development is definitely designed as commercial buildings, an attempt has been made to soften the appearance, by breaking the rooflines, and by planting the front and side boundaries of the site.

The building coverage requirement is also designed to maintain a sense of open space, or lower density, in the rural areas. This objective is perhaps less important in this locality which has already been compromised by commercial, Residential and industrial activities.

Setbacks from road and internal boundaries

The non-compliance with permitted building setbacks from Main Road Hope may look significant, given the fact that the building will only be 4 metre from the road reserve boundary. The actual separation distance of the proposed building from the road is approximately 10 metres and it's considered to be a sufficient separation for purposes of traffic safety. However a discussion with a TDC policy planner indicated that Council is anticipating amenity plantings along State Highway 6 as a way of beautifying the entrance to Richmond, the applicant might be asked to exercise flexibility with the front setbacks to accommodate Council's aspirations and improve visual amenity on State Highway 6.

The proposed building will be setback 0.37 from the north eastern boundary ,the dwelling on the adjacent property will be set back at list 3 metres from that boundary and the effects on the setback breach would be no different from the setbacks between the dwellings at 34 and 36 main Road Hope. The applicant has proposed to maintain and plant more trees along the boundary and will also erect a 2 metre wall that will screen the proposed development from the adjacent residential dwelling. The applicant has also consulted with the owners and occupiers of the affected dwelling and they have given their written approval. The main 2 metre wall has a nil set back from the north eastern boundary the wall resembles any ordinary fence except for the fact that it will be 0.2 metres above the permitted wall height. The increased height would be needed to screen the proposed development from the dwelling at 34 Main Road Hope and the grounds of the mini golf club at 40 Main Road Hope.

The south western wall of the proposed building will be set back 0.2 metres from the south western boundary. Although this is a significant breach, the wall is adjacent to a right of way and will not have significant effects on the adjacent buildings. This particular side yard intrusion is not significant when one considers that the site adjoins the current Network Tasman access way on one side, and there is dense planting along this boundary.

The use of the buildings for non-rural activities will not detract from the character of this locality, particularly given the nature of land use activities already present, and the traffic in and out of the Network Tasman site in particular.

Building Design and Appearance

As noted, the main building has some modulation in roofline and also in the wall facing the road. The site layout and proposed wall and planting achieve reasonable screening of the yard and drive-through areas. However it is considered that more planting could be established at the front to ensure that the development is screened from Main Road Hope.

Privacy

The block wall and existing and proposed planting will ensure the privacy of residents at 34 Main Road Hope and that of clients at the mini golf club at 40 min Road will be unaffected. The written approval from 34 Main Road Hope is an indication that those residents were satisfied with the proposal.

Hazardous Substances

A separate report on hazardous substances will accompany this report.

Roading, Traffic, Servicing and Related Issues

Separate comments on the proposal, covering roading, traffic and servicing issues will be provided by Council engineers.

Financial Contributions and Development Contributions

To clarify this, Rule 16.5.7 provides for the Council to require, as a condition on any resource consent, that a financial contribution of the amounts stated in Figure 16.5B be payable to the Council with respect to every development that requires a consent under the Building Act 1991. This contribution is for the provision of reserves and community services, and currently stands at 0.25% of the value of the works covered by the building consent for a large development such as this. For these reasons a condition is recommended to require that the Consent Holder will be required at the time of applying for a Building Consent to pay a financial contribution for reserves and community services (as specified above).

The amount to be paid for the “development contribution” can also be determined at that time, and the applicant may apply to waive or reduce that amount as part of the building consent process. A special committee is established to consider such requests.

Signage

The proposed free-standing sign is 14.4m² in area, 6 metres high, and it will be erected on 20 Main Road Hope. The proposed sign is large and significantly exceeds the permitted size of a free-standing sign in the Rural 1 Zone. There are a number of signs at 20 Main Road Hope and consolidating these signs into one would achieve a better outcome than the current situation. The combined signage is meant to advertise for 6 tenants in the same locality. The combined signage will be of the same scale and effect as the NZTA sign at the junction of Appleby and State Highway 6. The applicant may have to exercise some flexibility with signage if need be.

13. SUMMARY

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

- **Part II matters** - The efficient use and development of a natural and physical resource depends on the extent of adverse effects arising from the proposal. In this case adverse effects such as noise, parking and building design will be mitigated by limitations over hours of operation, drive through system, amenity plantings and building design. This will consequently allow the activity to use the existing resource sustainably.
- **Objectives and Policies of the Tasman Resource Management Plan (TRMP)** - The Tasman Resource Management Plan provides several objectives, policies and rules that do not support the establishment of similar activities in a rural zone unless the adverse effects can be mitigated so they are no more than minor. The assessment of the relevant adverse effects concludes that they can be maintained at a level that is no more than minor. The TRMP also provides opportunity for non-soil based activities where resources and landscapes are used efficiently and appropriately.
- **Adverse Environmental Effects** – The noise will meet the permitted standards of the TRMP. The amenity and traffic will not be altered by this proposal. While there are concerns over the frequency and total number of traffic movements on the site, it is considered appropriate to use conditions of consent to keep these movements to an acceptable level in order to maintain on and off site amenity. The status quo for the current site is that of a residential activity with limited value for alternative land based productivity.
- **Other Matters** – The breaches related to TRMP rules and standards have been assessed and found to be no more than minor. Annual review of the activity through conditions of consent will ensure the activity remains appropriate and operates inline with any consent approval.

14. CONCLUSIONS

Whilst this is a commercial activity not expressly permitted in the Rural 1 Zone, the unusual nature of the zoning pattern and the wide mix of activities in this area is such that the proposal can be assessed on its merits.

It is considered that the CRT activity on this site will result in no more than minor effects on the existing and likely future, environment. The design and layout of the development, and conceptual planting proposals, will mitigate any adverse visual, noise or traffic effects, in my opinion.

It is understood that all the five property owners in the immediate vicinity have raised concerns related to traffic movement and traffic safety associated with this application. Most of the concerns raised are current issues which would not necessarily be exacerbated by the proposed development. However the traffic concerns are dealt with in a separate report by the TDC roading engineer.

Whilst there may be reservations in general terms about commercial activities replacing rural uses in the Rural 1 Zones, in this instance It is considered that the proposal is not inconsistent with the objectives and policies of the zone given the already compromised nature of the site. Alison Steward and Brent Giblin also had some reservations about the storage of hazardous substances next to a residential activity. A report has been produced to address this aspect and has recommended some specific conditions to mitigate potential adverse effects. Most of the conditions were volunteered by the applicant.

While the area directly opposite the site is being considered for potential change of zoning, the zone change is deferred pending the development of services, and should not be given weight in the assessment of this proposal, other than to acknowledge the transitional nature of the area.

It is considered that consent will not set a precedent across the wider Rural 1 Zone for future applications for commercial activities, because this site has unusual characteristics which distinguish it from other sites in the wider Rural 1 Zone.

Despite some initial reservations about this proposal, on balance, I consider that both of the 'gateway tests' in Section 104D are met, and recommend that consent is granted, subject to conditions as outlined below.

15. RECOMMENDATION

Pursuant to Section 104B of the Resource Management Act 1991, I recommend the resource consent application by CRT Society Ltd to construct and operate a Rural Retail Outlet in an existing Rural 1 Zone on a 3,069 m² site located at 32 Main Road Hope (Lot 1 DP 191931) and erect a free standing signage at 20 main Road Hope (Lot 2 DP 19931), Richmond, be **GRANTED**, subject to the following conditions:

General

1. The proposal shall be undertaken in accordance with the documentation submitted with the application, and with the site plan attached to the consent prepared by Land Dimensions and Ultraspec Building Systems, labelled A, B, C, and D dated 14 July 2009 except otherwise altered to meet Landscape conditions 13 and 14.

Setbacks

2. The proposed building will be set back no less than 4 metres from the road boundary with State Highway 6, no less than 0.20 metres from the south western boundary and no less than 0.37 metres from the north eastern boundary.

Building Coverage

3. Building coverage for the proposed building shall not be no more than 1533 square metres in area

Hours of Operation

4. The business shall only operate during the hours of 8.00 am to 5.00 pm weekdays and 9.00 am – 12.00 Noon on Saturdays.

Access

5. The entrance at the intersection of State Highway 6 and the existing access road shall be clearly defined with an “access crossing” along the line of the existing State Highway 6 kerb and channel. This shall incorporate the extended pedestrian footpath to connect with each side and to the CRT complex.
6. No stopping restrictions on State Highway 6 either side of the CRT access shall be installed to give clear 113 metre site visibility in both directions from a stationary vehicle parked 2 metres back from the State Highway 6 extended kerb and channel.

Advice Note

Sight distances are to the centre of the respective oncoming lanes (See diagram on Dugald Ley’s report.

7. Median widening, right turn bays, lane tapers and paint markings shall be undertaken to meet the New Zealand Transport Agency standards.
8. The existing vehicle access (at the southern end of the site) shall be walled up on the State Highway 6 frontage and grassed.
9. All access and car parking on site shall be marked out and formed up with a permanent surface, i.e. minimum 2-coat seal
10. Prior to the activity commencing any works associated with this consent, a traffic management plan must be submitted to and approved by the Council’s Engineering manger. The traffic management plan must include, but not limited to:
 - a) Detailing all changes to the proposed access arrangements ensuring they comply with the TRMP and TDC engineering requirements
 - b) Detailing any changes to road markings required;
 - c) Detailing the existing and proposed location of parking and other directional signage that will be affected
 - d) Detailing the layout of all car parks
 - e) Detailing any proposed change to footpath layout ensuring such services are located in public road reserve
11. Prior to commencing any works, all redundant vehicle crossings shall be walled up and made good, and the new crossing shall comply with the TRMP standards and TDC engineering requirements.

Advice Note

Conditions 5-11 were proposed by the Council's Engineering department.

Car Parking

12. The registered proprietor of the lands referred in this application (Titles NL 13B/292 and 368850) shall register a covenant in favour of the consent authority made pursuant to Section 108(2)(d) of the Resource management Act 1991. Evidence of the successful registration of this covenant shall be presented to the Council within three months from the date of issue of this consent

This will ensure car parking areas, access and loading areas that are located on two separate titles continue to be provided while the activity is present on this site. In fact this means that the two titles subject of this application shall be encumbered

The operative part of the covenant shall state that the registered proprietor will at all times hereafter ensure that all car parks, access way and loading bays remain in accordance with the resource consent RM090130 Plan A dated 14 July 2009

The registered proprietors shall meet all costs of the preparation, execution and registration of the covenant.

Screen planting and landscaping

13. The Consent Holder shall submit a detailed landscape plan, prepared by a Landscape professional, to the Council's Environment and Planning Manager for approval at the time that the building consent for construction of buildings is applied for. The plan shall include:
 - Existing trees and shrubs along north-east boundary to be retained
 - Additional planting at the front of site, and on side boundary adjoining 34 Main Road Hope.
 - Show some taller trees in the road frontage strip to provide an attractive streetscape and amenity as viewed from State Highway 6.
14. The approved landscape plan shall be implemented to the satisfaction of the Council in the first planting season after the CRT business is open for business.
15. The consent holder shall maintain the plants, required to be planted in accordance with the requirements of Condition 13, in a healthy condition for the duration of this consent. All plants which die or are removed within the first five years following the implementation of the Landscape Proposal shall be replaced during the next planting season to the satisfaction of the Council.

Signage

16. The free-standing sign to be erected on the road frontage shall be no greater than 14.4m² in area.
17. The combined sign shall be no higher than 6 metres.
18. The combined sign shall have a clearance of at least 1.5 metres between ground level and the bottom panel to provide for vehicle visibility
19. There shall be no more than six sign panels and each panel will be separated by a gap of at least 100mm to provide for vehicle visibility between panels
20. The existing free standing signs shall be removed
21. The height of lettering shall be no less than 150mm
22. The sign shall not contain or incorporate retro-reflective materials, flashing illumination, or moving display.

Advice Note

The signage conditions 16-22 were volunteered by the applicant

Financial Contributions

23. 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.	

Services

24. All redundant connections shall be disconnected by appropriately trained personnel, and one new connection for each service applied for and shown on the building consent plans. The 100mm sewerage pipe shall be upgraded to 150mm.

Drainage

25. Due to the potential for vehicle contaminants discharging to waterways and estuary from paved surfaces, stormwater shall be disposed of onsite such that these systems shall cope with a 1 in 20 year storm event. Secondary flow paths shall be shown on the engineering plans out to Borck Creek. The systems shall comply with the condition of the stormwater discharge resource consent RM090131 (These are to be shown on the building consent plans).

Review

26. The Consent Authority may, for the duration of this resource consent and within the three month period following the 27 July each year, review the conditions of this resource consent pursuant to Section 128 of the Resource Management Act 1991 and/or for the following purposes:
 - i) To deal with any adverse effect on the environment which may arise from the exercise of this resource consent and which is appropriate to deal with at a later stage; and in particular:
 - Any adverse traffic effects, and
 - adverse effects from storage capacity of hazardous substances and stormwater discharge

Advice Notices

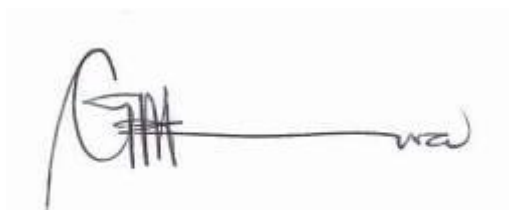
- a) Monitoring of this resource consent is required under Section 35 of the Resource Management Act 1991. Costs incurred may be recovered under Section 36 of the Resource Management Act 1991. A deposit fee is payable at this time and should monitoring costs exceed this initial fee, the Consent Authority will recover the additional amount from the Consent Holder. Monitoring costs can be minimised by consistently complying with the resource consent conditions.
- b) The consent holder is advised that any discharge of stormwater and any discharge of domestic wastewater at the site must meet the relevant permitted activity criteria of the Tasman Resource Management Plan unless otherwise authorised by resource consent.
- d) Development Contribution – The Consent Holder is advised that the Council will require the payment of a development contribution in accordance with Council's Development Contribution Policy under the Local Government Act 2002 for the development which is subject to this resource consent.

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

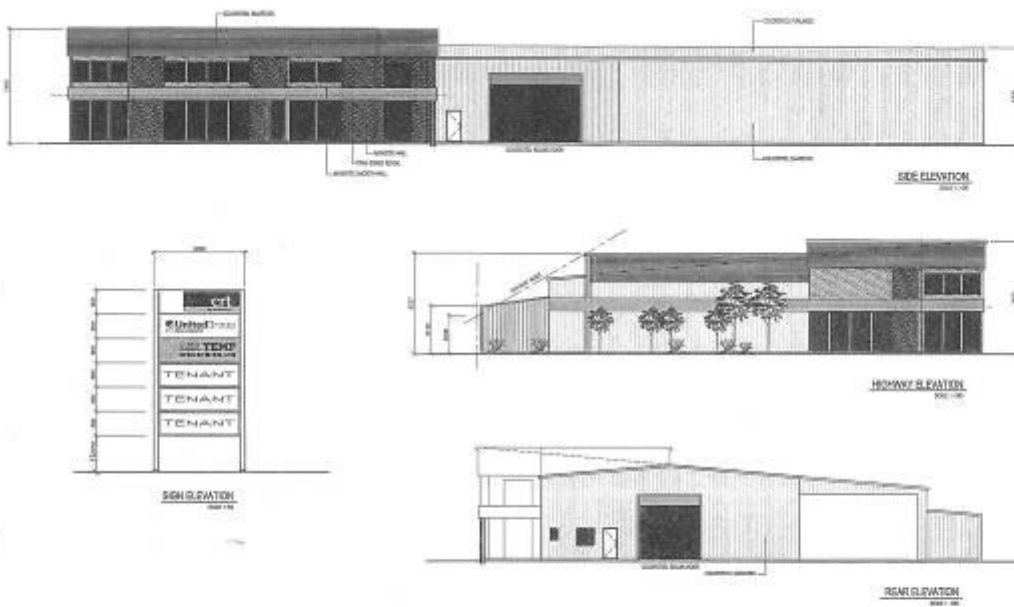
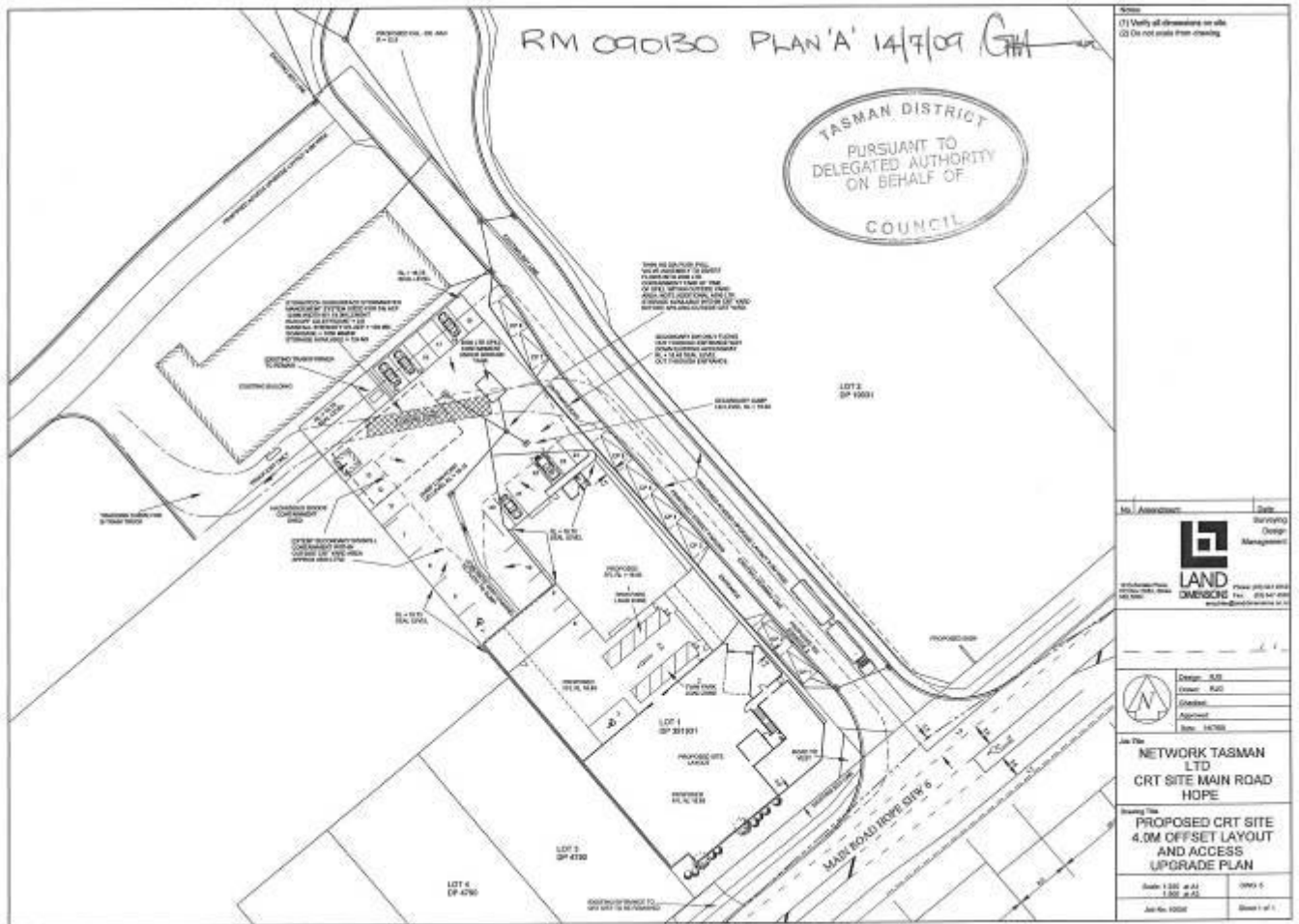
- e) The applicant is required to meet the requirements of Council with regard to all Building and Health Bylaws, Regulations and Acts.
- f) In the event of Maori archaeological sites being uncovered, the Consent Holder may be required by the NZHPT to commission a professional archaeological assessment of the site and this report to be submitted prior to building consent for the building being issued. This assessment is required to identify any archaeological sites in the area affected by the proposal and ways that the effects of the proposal can avoid, remedy or mitigate any adverse effects on known or unknown archaeological sites. The results of the consultation with NZHPT shall also be submitted to Council's Manager Resource Consents prior to any building consent being issued.

The archaeological assessment will provide an indication as to whether or not an archaeological authority from the NZHPT would be required to undertake the proposed activity on the site

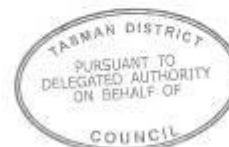
- g) Access by the Council or its officers or agents to the property is reserved pursuant to Section 332 of the Resource Management Act.
- h) Any matters not referred to in this application for resource consent, other applications for resource consent, or otherwise covered in any resource consent conditions must comply with the proposed Tasman Resource Management Plan and/or the Resource Management Act 1991.

A handwritten signature in black ink, appearing to read 'Godwell Mahowa', with a long horizontal line extending to the right.

Godwell Mahowa
Consent Planner – Land Use



RM 090130 PLAN 'B' 14/7/09 GTH



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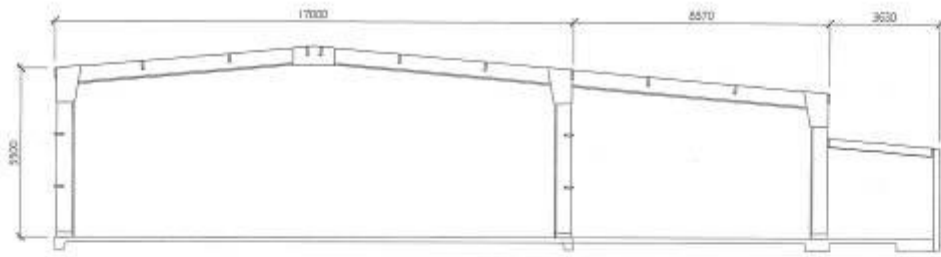
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PRELIMINARY DESIGN

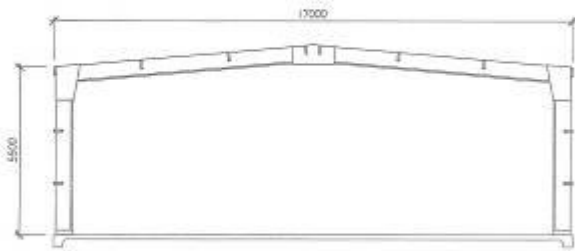
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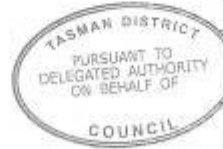


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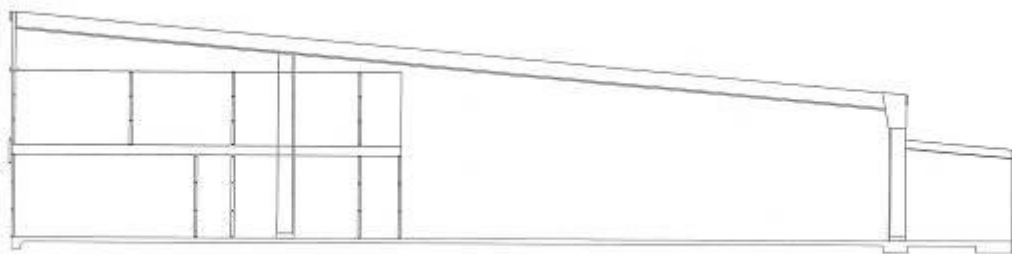


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Rm 090130 PLAN 'C' 14/7/09 *GM*

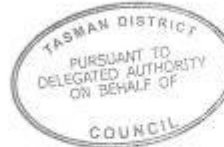


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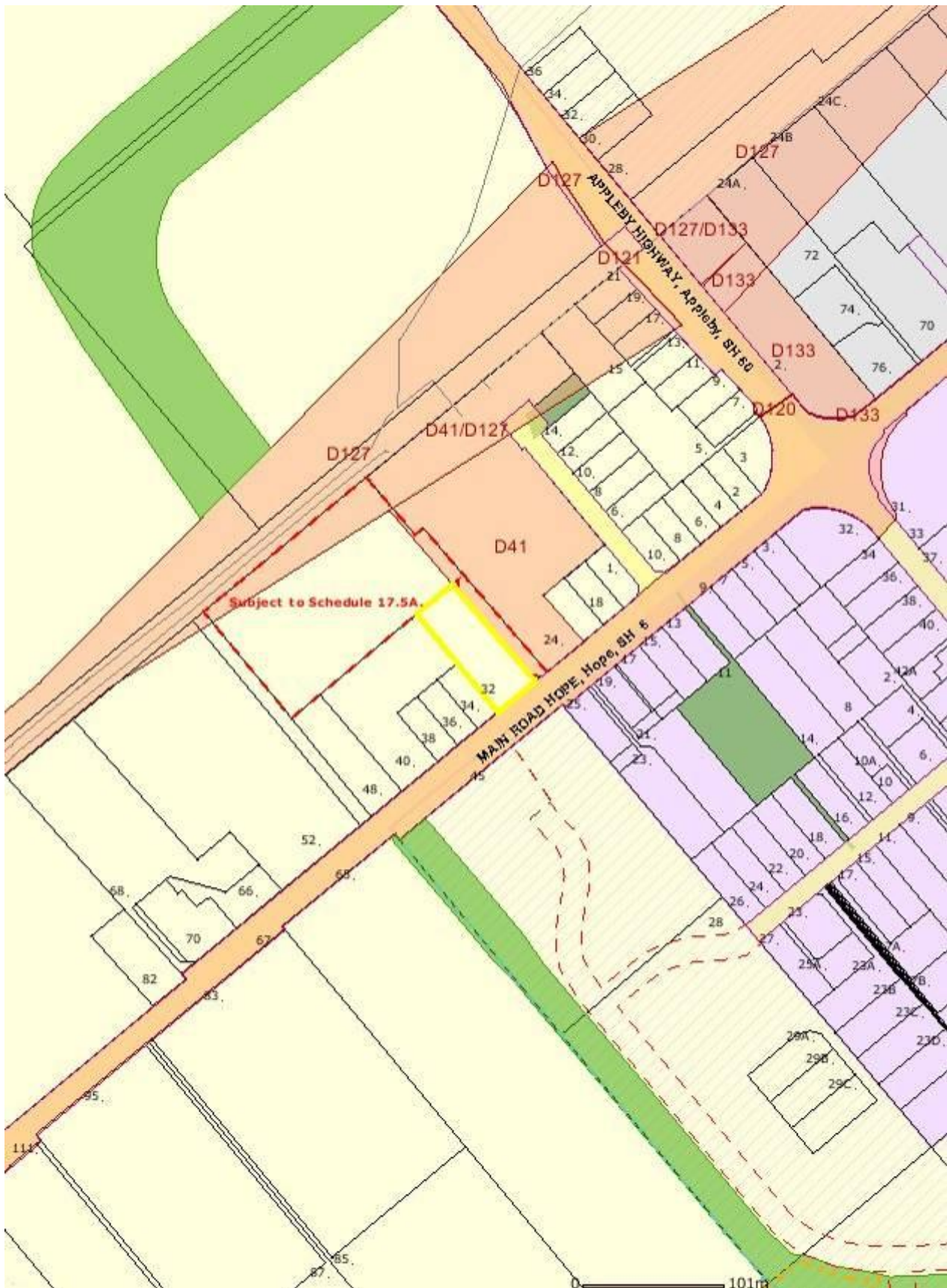


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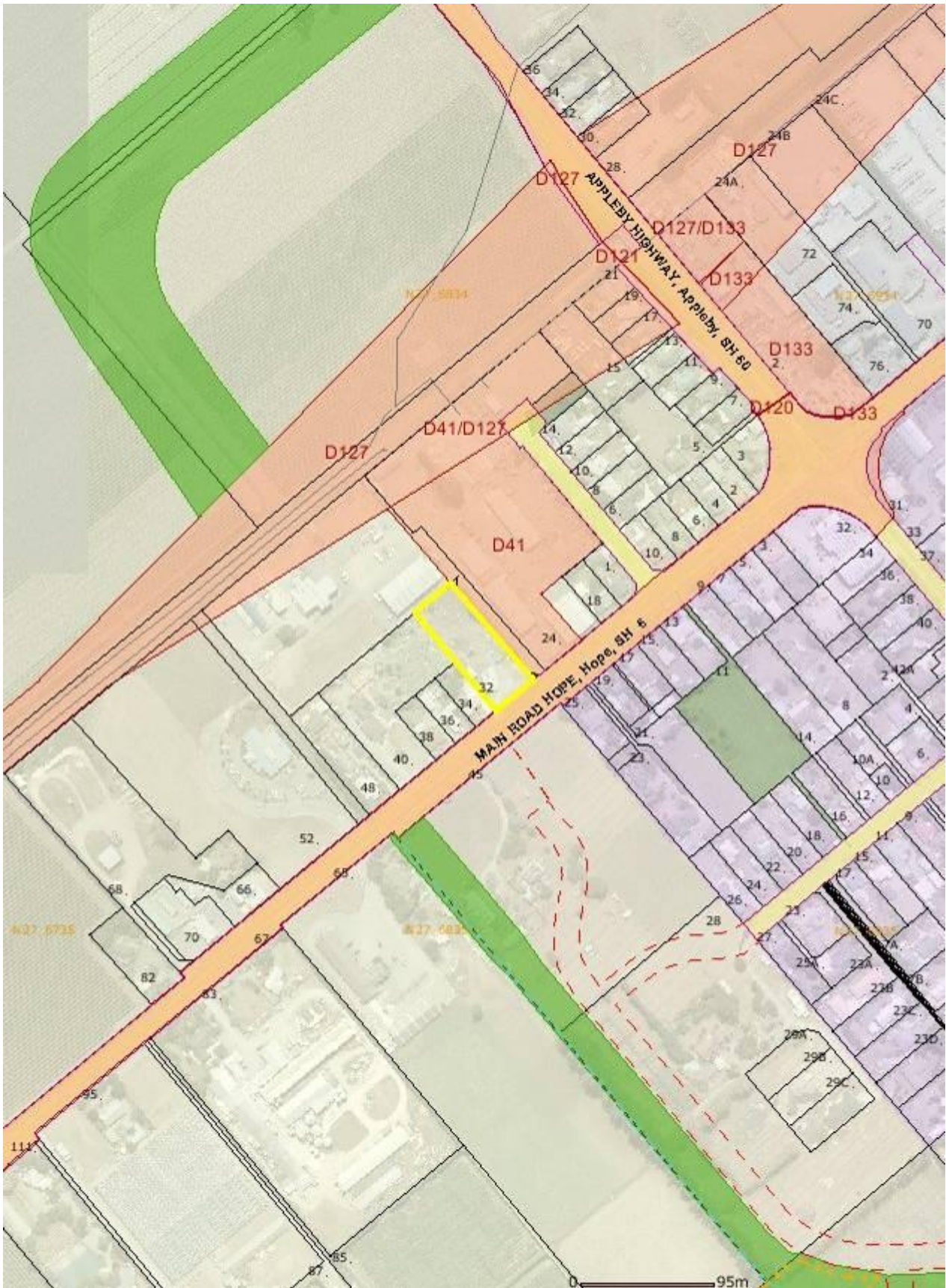
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STAFF REPORT

TO: Environment & Planning Subcommittee

FROM: Dugald Ley, Development Engineer

REFERENCE: RM090130

SUBJECT: **COMBINED RURAL TRADERS SOCIETY LIMITED - 32 MAIN ROAD, HOPE (State Highway 6)**

1. INTRODUCTION

This application is to establish and operate a retail office and real estate facility at 32 Main Road, Hope which replaces the existing residential dwelling on the site and which has access directly off the state highway.

2. BACKGROUND

The site (3069m²) is located some 260 metres south of the Three Brothers Corner roundabout on State Highway 6. The site is located within the 50 km/hour zone. Main Road, Hope is an arterial road administered by the NZ Transport Agency. It has two moving lanes plus a painted central medial. A footpath is located along the frontage of the site.

The site will be accessed off an existing private lane which serves a number of occupants. In essence the access looks like a legal road but is private and does not meet Council's standards if it was vested as road, i.e. the right-of-way is not defined by the usual access crossing demarcation line.

Access to the site will be via this private access where:

- a) One entry on to and one exit off the site on to the private right-of-way.
- b) Walking access to both the right-of-way and state highway from/to the CRT building entrance.

The applicant's traffic report adequately sets out the crash data over the last few years and within some 500 metres of the site. The traffic report suggests that 400 vehicles per day (or 60 peak hour trips) will be created by this application with the subsequent removal of ten vehicle movements per day from the existing residential use being curtailed.

The existing traffic on the private right-of-way (50 vehicles per day, peak hour) will in essence double with this new application. As mentioned the administration of the state highway carriageway comes under the jurisdiction of the NZ Transport Agency with Tasman District Council administering the area from the back of the kerb and channel.

I understand the NZ Transport Agency has submitted on the proposal and will be heard at the hearing.

Issues for Tasman District Council can be grouped into two scenarios:

- a) The access to/from the state highway remains as is being a private right-of-way/access.
- b) The access to/from the state highway is proposed as a potential “legal road to vest” in Council.

As mentioned above with the access being private the applicants can use the access for loading/unloading and parking. These issues will be a “private” matter between the users and rules within the “Right-of-Way Agreement which controls the activities.

Should b) above be the ultimate aim, then Engineering staff have some major concerns for the safety of pedestrians and the travelling public who may use this new road.

Once resource consent for the CRT site is approved the issues will include the logical next step to upgrade the right-of-way to a legal road and form it up.

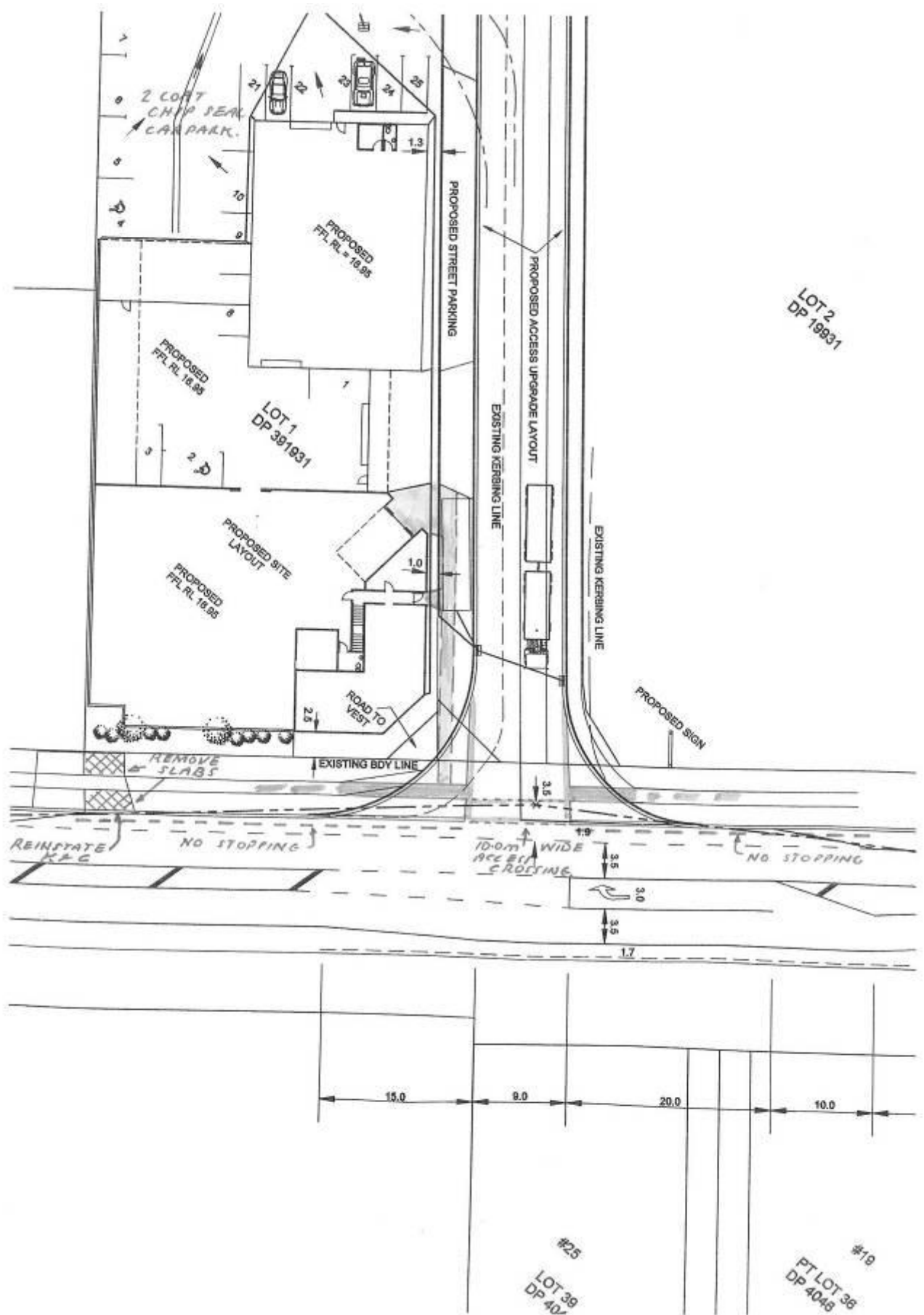
Requirements would be:

- a) A footpath along the new road to vest
- b) Provide a minimum 10metre x 10metre corner snipe at the intersection of the new road and State Highway 6.
- c) Construct carriageway widths on the new road.
- d) Verify pavement strength of the new road.

I highlight the above as the present owner of the site is Network Tasman and this development may well change how they intend to develop the rest of the adjoining sites in the future if not done correctly.

As the application stands, ie as a right-of-way as per the submitted plans I offer the following suggested condition should the committee decide to grant consent (right-f-way only).

- 2.1 The entrance at the intersection of State Highway 6 and the existing access road be clearly defined with an “access crossing” along the line of the existing State Highway 6 kerb and channel. This should also incorporate the extended pedestrian footpath to connect with each side and to the CRT complex.
- 2.2. No stopping restrictions on State Highway 6 either side of the private access road be installed to give clear 113metre site visibility in both directions from a stationary vehicle parked 2metres back from the State Highway 6 extended kerb and channel. Note – sight distances are to the centre of the respective oncoming lanes.



2.3 Median widening, right turn bays, lane tapers, paint markings at the discretion of the NZ Transport Agency.

- 2.4 The existing vehicle access (at the southern end of the site) shall be walled up on the state highway frontage and grassed.
- 2.5 All access and car parking on site shall be marked out and formed up with a permanent surface, i.e. minimum 2-coat chip seal.
- 2.6 Stormwater shall be disposed of on site such that these systems shall cope with a 1-in-20 year storm event. Secondary flow paths shall be shown on the engineering plans out to Borck Creek.
- 2.7 The present 100mm diameter wastewater sewer pipe located in State Highway 6 shall be upgraded to 150mm from the manhole north of the private access right-of-way to where the lateral serves the CRT site. The length of new sewer pipe is approximately 50metres. Note – at that point where the line reverts back to a 100mm diameter pipe a manhole shall be installed.
- 2.8 All services are to be laid underground.
- 2.9 Development contributions are payable on all services at time of building consent.
- 2.10 Engineering plans complying with the Tasman District Council Engineering Standards are required for the above works together with “as-built” plans on completion of the works.

Dugald Ley
Development Engineer

STAFF REPORT

TO: Environment & Planning Subcommittee

FROM: Graham Caradus, Co-ordinator Regulatory Services

REFERENCE: RM090130

SUBJECT: **COMBINED RURAL TRADERS SOCIETY LIMITED**

I provide comment on two specific issues:

1. Noise

The AEE does not identify noise as being a particular issue although (para 2.2.18) "...goods would also be loaded from and to B train trucks...On any given day...5 to 15 deliveries". I note that in comment on "Residential Amenity" (para 2.2.24) that there will be limited operating hours. Detail is not provided on whether such operational limits will be imposed only on the retail aspects of the proposed activity, or if it will apply to all activities on the site and capture heavy goods vehicles undertaking deliveries to or from the site.

I concur with the comments (para 3.3.2) comparing the noise associated with an already busy road and the potential noise effects generated by the proposed activity only if there is some limitation of operational hours for heavy goods vehicles on the site. That is, if heavy vehicles and fork lifts are likely to operate at 2.00 am there may well be environmental noise implications. I note that comment is also made of heavy goods vehicle operations in paragraphs 23 and 31 of the Urbis report.

Bearing the qualifying comments above in mind, the applicant should be aware of the implications of the general provisions of the RMA and the Tasman Resource Management Plan as those documents relate to noise. The following provisions are applicable:

S16 Resource Management Act 1991: Duty to avoid unreasonable noise—

- (1) *Every occupier of land (including any premises and any coastal marine area), and every person carrying out an activity in, on, or under a water body or . . . the coastal marine area, shall adopt the best practicable option to ensure that the emission of noise from that land or water does not exceed a reasonable level.*

This section of the RMA does not require that a land owner simply undertakes some means of controlling noise, but that the "best practicable option" is adopted to control noise.

In addition, provisions of the RMA relating to excessive noise are also applicable. Excessive noise is defined in the RMA as follows:

S326 Resource Management Act 1991: Excessive noise

326. Meaning of "excessive noise"—

(1) In this Act, the term "excessive noise" means any noise that is under human control and **of such a nature as to unreasonably interfere with the peace, comfort, and convenience of any person** (other than a person in or at the place from which the noise is being emitted), but does not include any noise emitted by any—

- (a) Aircraft being operated during, or immediately before or after, flight; or
- (b) Vehicle being driven on a road (within the meaning of section 2(1) of the [Land Transport Act 1998]); or
- [(c) Train, other than when being tested (when stationary), maintained, loaded, or unloaded.]

[(2) Without limiting subsection (1), "excessive noise"—

- (a) includes noise that exceeds a standard for noise prescribed by regulations made under section 43; and
- (b) may include noise emitted by**
 - (i) **a musical instrument; or**
 - (ii) **an electrical appliance; or**
 - (iii) **a machine, however powered; or**
 - (iv) **a person or group of persons; or**
 - (v) **an explosion or vibration.]**

I have bolded the sections above considered most relevant. That definition and subsequent related sections of the RMA allows for subjective assessment to be undertaken of noise, and in practice it is such subjective assessments that are generally used by Councils staff and Council contractors when taking any action in relation to excessive noise.

Tasman Resource Management Plan

Specific performance standards for noise are identified in the "Rural 1" zone rules for the site of the proposed activity as follows:

Noise

(d) Except in the Richmond West Development Area, noise generated by the activity,

when measured at or within the notional boundary of any dwelling in a Rural zone (other than any dwelling on the site from which the noise is being generated), Rural Residential, Papakainga or Tourist Services zone, or at or within any site within a Residential Zone, does not exceed:

Day Night

L_{10} 55 dBA 40 dBA

L_{max} 70 dBA

Except that this condition does not apply to all noise from any intermittent or temporary rural activity, including noise from:

- (i) *mobile horticultural and agricultural equipment;*
- (ii) *forest and tree harvesting activities;*
- (iii) *animals, except when associated with intensive livestock farming and animal boarding activities;*

(iv) bird scarers and hail cannons.

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

Night= All other times, plus public holidays.

The measurement and assessment of noise at the notional boundary of a dwelling applies whether the measurement location is within Tasman District or in an adjacent district.

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.

Similar provisions are contained in the residential zone rules, with the significant difference only being the measurement point for determining noise levels.

2. Food Premises to be Registered

The existing CRT operations in both Richmond and Motueka are registered as food premises. If food for human consumption is intended to be sold from the proposed operation, there is an obvious expectation that food premises registration will be sought from Council. This process falls outside of any issues being dealt with by way of the proposed consent, but the issue is raised to ensure there is no doubt about this matter.

Graham Caradus
Co-ordinator Regulatory Services