

STAFF REPORT

TO: Environment & Planning Subcommittee

FROM: Jack Andrew, Coordinator Land Use Consents

REFERENCE: RM090063

SUBJECT: **NGATAHI HORTICULTURE LIMITED - REPORT EP09/10/11 -**
Report Prepared for 13 October 2009 Hearing

1. PROPOSED ACTIVITY

The application is seeking retrospective land use consent for existing coolstores, canopies and buildings that have been constructed on the property but which were beyond the scope of the Planning Tribunal's decisions W8/85 and W87/85 (refer attachments to consent application). Consent is also sought for building coverage of 3023 square metres which exceeds the zone permitted standard of 2000 m². It is proposed to continue utilising the existing access from Whakarewa Street.

The packhouse coolstore complex was initially granted consent by the Planning Tribunal to be used for fruit produce only. The Tribunal also agreed to the existing vehicle access subject to conditions (b) and (c) of decision W87/85 (refer attachments to consent application). The applicant proposes no change to the access. However they have advised that the packhouse and tray making operations no longer occur at the property and that the complex is now only used for cool storage of fruit.

The complex employs two full-time staff at present (increasing to three full time staff in 2010).

In addition to these full time staff 20 part time staff are employed when kiwi fruit are repacked in June and July each year.

There are also some visitors to the site although they are almost exclusively fruit inspectors and auditors. There is usually only one visitor present at any one time (pers. com. Mr Kerse Coolstore Manager 5/09/2009).

Most of the traffic generated by the coolstore's operation is staff vehicles and fruit trucks. The fruit truck movements are described on page 11 of the application. The busiest truck traffic days are in March for pip fruit and May for kiwi fruit. In the application one movement refers to a truck going in and coming out of the property.

Also in the application the coolstore complex's development over time is broken down and described as components. The various components are shown in Attachment 2. The present consent application covers components:

Component C - Number 2 Coolstore BC: FO18963(1987);
Component D - Canopy extension BC:980087 (1998); and
Component E - New Coolstore and Canopy BC:071627

2. SITE LOCATION

The property is located at 278 Whakarewa Street, Motueka (refer Photo 1)



Photograph 1: Explore Tasman aerial photograph of Ngatahi coolstores prior to building consent BC 071627 NEW COOLSTORE AND CANOPY (COMPONENT E)



Photograph 2: Ngatahi Coolstores 278 Whakarewa Street Motueka

The property is leased by the applicant Ngatahi Horticulture Limited from the Whakatu Incorporation.

3. LEGAL DESCRIPTION AND PLAN ATTRIBUTES

The application site is legally described as Lot 1 DP 11124 and Lot 1 DP 11632 being all of the land in CT Vol 7a folio 241 (Nelson Registry) with an area of 6.9305 hectares. This is exactly the same legal description and land area referred to on page 2 of the Planning Tribunals decision W 8/85 (refer attachments to the consent application)

Historically the bulk of the property has been used for kiwifruit and but is now used for hops.

Surrounding properties are either used for orchard, pastoral or rural-residential use.

3.1 Planning Map Zones / Notations

The land is zoned Rural 1 under the Tasman Resource Management Plan.

Because the coolstore operates as a facility for fruit produced off the subject site it is classified as a Rural Industrial activity which breaches permitted activity rule 17.5.2.1(b)(i) and cascades to a discretionary activity pursuant to rule 17.5.2.3.

In addition the amount of building coverage exceeds the Rural 1 zones permitted building coverage rule 17.5.3.1(l) which permits 2000m² of building coverage and cascades to a restricted discretionary building pursuant to rule 17.5.3.3.

Overall the retrospective consent application is considered to have the status of a Discretionary Activity.

The Council's hazard mapping data indicates that the property is within the flood hazard overlay. Flooding of the site is considered in Part 6.8 of this report.

4. CONSULTATION, APPROVALS AND SUBMISSIONS

4.1 Consultation and Limited Notification

When it was realised that retrospective consent was required an assessment of potentially affected persons was made and the following noted:

The rural industrial activity of packing and storage of fruit grown off site was consented to by the Planning Tribunal. The applicant wishes to continue that activity but with additional buildings that go beyond the building area consented to by the Planning Tribunal and also exceeding the building coverage provisions for the Rural 1 zone. The buildings are well setback from the property boundaries. Existing horticultural buildings will screen the proposed buildings and building extensions to a large degree. The effects of the additional building area on productive land are relatively minor and reverse sensitivity effects are not created for other productive land uses. With an enlarged building area it is expected that there will be some traffic effects that have the potential to affect two adjoining neighbours' properties with a parallel driveway and dwellings in reasonably close proximity.

The applicant consulted potentially affected persons but written approval was not obtained from all parties and so Limited Notification was proceeded with on 17 July 2009 to the landowners and occupiers of properties adjoining the subject sites vehicle access.

4.2 Submissions

Submissions to the application closed on 14 August 2009, four submissions were received one of which opposed the application and three supported the application.

4.2.1 Submission in opposition as follows:

Submitter	Reasons	Decision
Martin Joseph Whittaker	Effect on a historic property's amenity and fire risk. Full public notification sought	Decline Wishes to be heard at the hearing.

4.2.2 Submissions in support as follows

Submitter	Reasons	Decision / Wish to be heard
Ian Malcolm Wilde and Andrew Roy Fraser	Coolstore is long established and a valuable service to horticulture and regional economic improvement. Effects no more than minor.	To grant consent Did not wish to be heard
Gary Jamieson John	Supports the application no reasons given	To grant consent Does not wish to be heard.
Wakatu Incorporation	Supports building extension and increased site coverage	To grant consent Do wish to be heard.

4.2.4 Comments on Submissions

The submission opposing the application is concerned primarily with the impact of the coolstore expansion on the amenity and fire risk to an adjoining historic building and property. The submitter also sought full public notification of the application.

Amenity issues usually include adverse effects of noise, traffic and adverse effects on rural residential amenity and loss of general amenity through having an expanded rural-industrial activity in the neighbourhood. Noise is addressed in Council's Coordinator of Regulatory Services Mr Graham Caradus report which is attached as Appendix 2.

Traffic concerns relate to traffic movements from employees, visitors and delivery vehicles (described as submissions and deliveries in the application), on site parking and vehicle manoeuvring, and the safety of the site access. Traffic matters are addressed by Council's Development Engineer, Mr Dugald Ley whose report is attached as Appendix 1.

Fire concerns are addressed through the professional chartered engineers fire report submitted with the building consent as required by the Building Act 2004 and also through the NZ Fire Service Fire Risk management Officers.

In relation to the application having been limited notified only on the owners and occupiers of properties adjoining the site access and driveway this course was considered appropriate for the following reasons:

- the unusual situation of the Planning Tribunal having already granting consent to a substantial packhouse coolstore development on the subject property;
- The additional development for which consent is sought is sited further from the historic building than the building granted consent by the Planning Tribunal;
- an increase in the capacity of the coolstorage facilities could increase the volume and nature of truck traffic at the property and that might affect the site access of the subject property and the immediately adjacent access;
- changes in the nature of the traffic could affect the properties immediately adjoining the sites internal driveways.

Having regard to these factors it was considered that full public notification of the application was not warranted but notification on neighbours' adjoining the site access and driveway was warranted because of potential traffic impacts on them.

5. 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 Proposed 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.*

5.1 Resource Management Act 1991 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.

These principles underpin all relevant Plans and Policy Statements, which provide more specific guidance for assessing this application. The principles are considered in part 11 of this report.

5.2 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.

5.3 Tasman Resource Management Plan

The most relevant Objectives and Policies are contained in: Chapter 5 “Site Amenity Effects”, Chapter 7 “Rural Environment Effects” and 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 17.4 “Rural 1 Zone Rules” and Chapter 16.2 “Transport (Access, Parking and Traffic)”.

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 in part 9 of this report.

6. ASSESSMENT

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

6.1 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.

In the Rural 1 Zone rural industrial activities are not permitted unless they fall within the scope of a home occupation.

The proposed activity is well beyond the scale of a home occupation.

The development of a coolstore on Rural 1 land is permitted where the coolstore only receives fruit produced on that property and is not used for storage of fruit grown elsewhere.

6.2 Assessment of Actual and Potential Effects

Following site visits, reviewing the application and the matters raised by submitters, and experience with the effects of similar rural industrial developments it is considered that the adverse effects (both actual and potential) can be summarised into the following effects types:

1. Noise
2. Rural and rural residential amenity
3. Hazardous substances
4. Fire hazard
5. Building coverage and land productivity
6. Flood hazard
7. Odour
8. Traffic
9. Cumulative effects

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

6.3 Noise

Council's Regulatory Services Co-ordinator, Graham Caradus has undertaken initial noise readings. A full copy of Mr Caradus report dated 22 September 2009 is appended to this report as Appendix 2.

Mr Caradus recommends the current rural noise performance standard. Because his work was undertaken in the coolstore's off season he believes that an acoustic study should be taken at the busy time and that is likely to result in some acoustic fencing to meet the standard.

The duty imposed by Section 16 of the Resource Management Act 1991 to adopt the best practicable option to ensure that the emission of noise does not exceed a reasonable level also has to be satisfied. It is considered that the other noise conditions recommended in Mr Caradus's report will achieve this.

The expanded coolstore complex operation is expected to comply with the Rural 1 zone noise requirements.



Photograph 3: View of vehicle exit access on north side of packhouse looking east towards Mr Whittaker's property Shadehouse (BC940306)

6.4 Rural and Residential Amenity

The amenity issues include adverse effects on visual amenity and loss of general amenity through having an expanded 'rural industrial' site in the neighbourhood.

Currently the environment about the subject site is both special and typical of many of the intensive farming areas of the Tasman District being mainly a mixture of horticulture and rural residential 'lifestyle' activities and buildings. It is a special area because of the presence of Mr Whittaker's residence and its setting.



Photograph 4: Mr Whittakers residence. Heritage Building No 1668

The Rural 1 zone about Motueka and the subject site is essentially an intensive farming area with horticultural practices evolving to meet changing economic circumstances. At the subject site, while there is no fruit produced on the balance of the 6 hectares property which is presently used for growing hops, the coolstore complex exists. The coolstore complex is a resource in its own right and is important for the local horticultural industry. Some change in any coolstore can be expected over time to enable it to accommodate evolving fruit cool storage requirements.

The proposed building expansion is well set back from Whakarewa Street and does not detract from the streetscape.

Between Mr Whittaker's residence and the subject site are two protected trees being Tree "T490 *Agathis australis* a Kauri" and "T479 *Metrosideros excelsa* a Pohutukawa". Mr Whittaker's residence is a category II Historic building 1668 "The Grange" which was originally the home of Dr and Mrs Greenwood. It is a magnificent historic wooden building with a commanding setting which includes a huge old oak

tree. From an amenity perspective the Whittaker property is a gem that contributes greatly to the amenity of the Motueka area and Tasman District.

**T497 - *Metrosideros excelsa*
(pohutukawa)**



**T490 - *Agathis australis*
(kauri)**



Photograph 5 and 6 Protected Trees on Mr Whittaker's property

In the context of the present Ngatahi resource consent application however it must be noted that the buildings that were granted consent by the Planning Tribunal are those parts of the complex that are located closest to the protected trees and heritage building on Mr Whittaker's property. The proposed building extensions are further set back from both neighbouring residences and largely screened from them by the existing packhouse /coolstore buildings that were granted consent by the Planning Tribunal.

The building extensions will not dominate the existing buildings as viewed from adjoining properties or from Whakarewa Street.

6.5 Hazardous Substances

The applicant does not propose to store any hazardous substances within the expanded building complex. The Council's hazardous substances consultant, Paul Milsom was asked to comment on the refrigeration of the expanded building in case that triggered the TRMP rules for hazardous substances. Mr Milsom advised:

"The old and new coldstores are served by four refrigeration units which use the hydrofluorocarbon R404a mixture as the refrigerant gas. There is a total of 430 Kg of this gas in the four systems. As per my previous notes to Paul Gibson on this resource consent application, unlike the Ammonia refrigerant which is commonly

used in older coldstor's, the R404a used at the Ngatahi coldstore is very inert and not considered to be a hazardous substance under the Hazardous Facility Screening Procedure (HFSP).

Cooling of the stores is achieved by circulating cold R404a gas through pipes rather than using a glycol based heat exchange liquid, so there are no hazards in this regard.

As I suspected polystyrene "sandwich" material was used extensively throughout the construction of the new store and this can create problems in the event of a serious fire, unlikely as this may be. "

Mr Milsom's comment on the polystyrene building material falls within the scope of the buildings fire safety report and also because of Mr Whittaker's concern about fire the opinion of the New Zealand Fire Service's Risk Management Officers were approached for their advice (refer Attachment 1).

Overall it is noted that resource consent is not being sought to authorise the storage and use of hazardous substances so compliance with Council's permitted activity requirements is required.

6.6 Fire Hazard

The new coolstore building and canopy (refer component E BC: 071627) building consent application was accompanied by a Fire safety report prepared by Mr S King-Turner a chartered professional engineer.

Mr King-Turner's report noted the presence of the onsite residential building being 1.5metres from the proposed coolstore and set out requirements for the building expansion in order to meet the requirements of the New Zealand Building Code and the Building Act 2004. Mr King-Turner's conclusion was that with three additional items the building would comply with the fire safety provisions of the New Zealand building code.

I understand that the applicant will confirm that the three addition items were implemented in the construction of the building.

In view of Mr Whittaker's concerns about fire hazard and the presence of the protected trees and the historic wooden building on his property I thought it appropriate to also check with the NZ Fire Service who have practical experience in fighting coolstore fires. NZ Fire Service Risk Management officers have visited the site and advise:

"From a Fire Service operational point of view, in relation to either of the neighbouring structures being involved in fire, the separating distances are deemed sufficient to allow effective operations to be carried out." (refer Attachment 1)

Given the scrutiny of the building design by a Chartered Professional Engineer Mr King-Turner and the NZ Fire Services Risk Management Officers advice I consider that from both an academic and practical perspective the issue of fire hazard is addressed.

6.7 Building Coverage and Land Productivity

The buildings consented to by the Planning Tribunal were components A1 packhouse, A2 coolstore and B coolstore which were approximately 1515 m². Since then component C coolstore number 2 was added in 1987 being 576m², component D being the eastern canopy added in 1998 being 200 m² and component E the new canopy and coolstore added in 2008 being 732m². (refer Attachment 2).

While in 1987 and 1998 there wasn't a coverage breach by components C coolstore number 2 and component D eastern canopy by the time of component E new coolstore and canopy in 2008 the permitted site coverage of 2000 m² was exceeded. Because retrospective resource consent is now being sought it has to be related to the present coverage rules and the addition of component C's 576 m² brought the building area to 2091 m². Additions since then (components D and E) have further increased the building area to approximately 3023 m²

The usual effects arising from additional building coverage are increased stormwater runoff, the visual impact of an increased density of development and the loss of productive land.

All stormwater from the original consented buildings and the building expansion is accommodated on site and does not create cross boundary land use conflict.

Because of the size of the subject site coupled with the buildings being well set back from Whakarewa Street and adjoining properties the visual impact of the increased density on the general appearance of the rural neighbourhood is minor.

In relation to the loss of potentially productive land, components C and D being the number 2 coolstore and eastern canopy will have resulted in the loss of some potentially productive land. Most of the loss of land occurred with component C in 1987 and in my opinion it would be unreasonable to now overturn that development.

The development of the new western coolstore and canopy component "E" BC: 071627 covers 732 m² of Rural 1 land. Mr Kerse has advised that the canopy covers an area that was a sealed yard and car parking area while the coolstore is sited on land that was part of the residential garden. Because the land was effectively within the site building curtilage area the actual loss of potentially productive land is no more than minor.

6.8 Flood Hazard

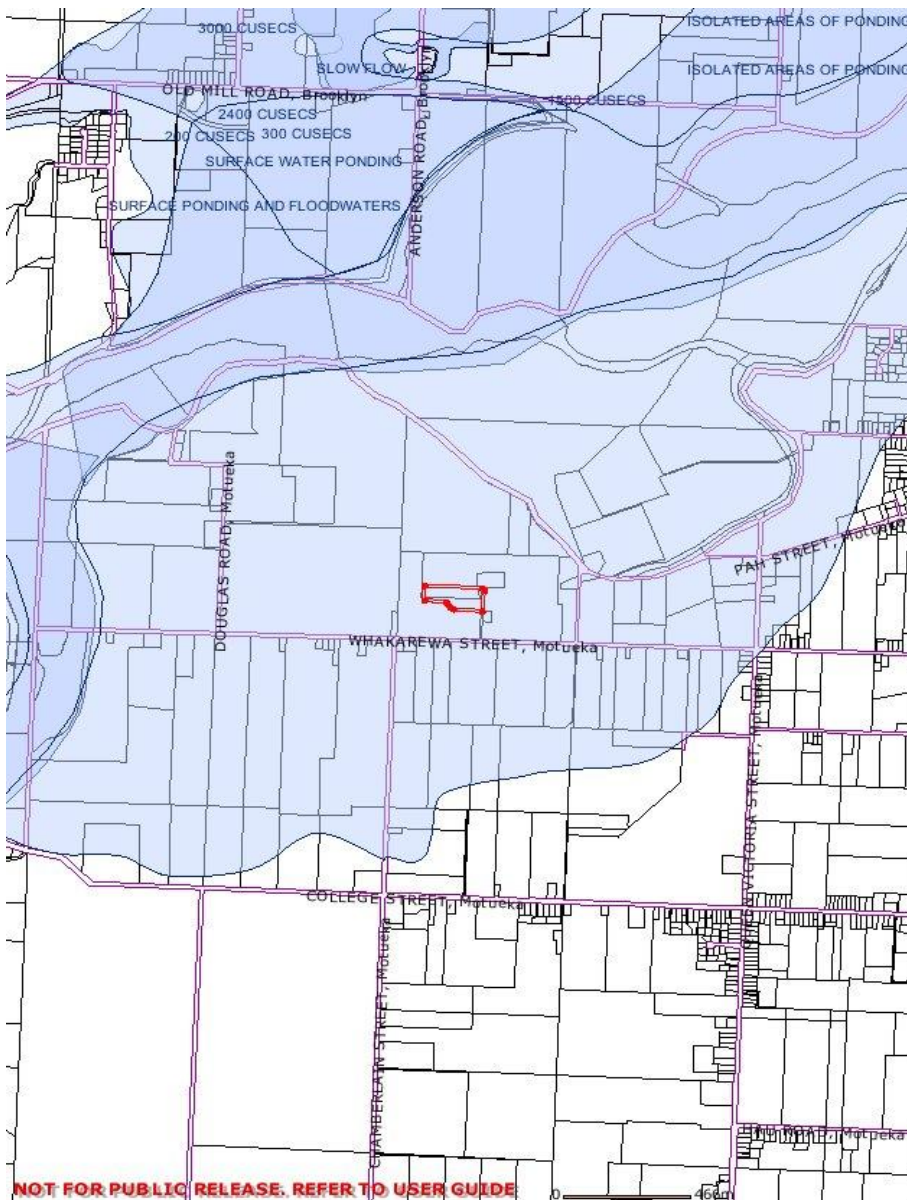
The subject site and land about it is within a flood hazard overlay area (see Explore Hazards aerial photo).

Council's scientist for flooding Mr Glenn Stevens has considered flooding and advised as follows:

"The existing cool store, and the hence the proposed extension, is located on the flood plain of the Motueka River. This flood plain is protected by the Motueka River stopbanks. These stopbanks were originally designed and constructed to contain a flood flow with an annual exceedence probability of 2% (i.e. a return period of 50 years on average) for the protection of agricultural land. Should a large flood

occur resulting in stopbank failure the local roading network and lower lying topography, particularly the old river channels west and north of the property, can be expected to act as floodways and the property itself may be affected by surface water ponding or overland flood flows. The site is sufficiently far enough away from the stopbanks such that high velocity flood flows (as can occur in close proximity to a stopbank failure) are not of concern in this instance. The sites location on the wider flood plain is such that it will not adversely affect flood flows. The construction of the cool store extension is subject to Building Consent BC071627.”

It is most unlikely that the expanded coolstore building complex would divert any additional floodwater onto the adjoining residences and increase the flood risk to them.



Flood Area as shown on Explore Hazards

6.9 Odour

The permitted activity standards for dust and odour (17.4.2 (c)) require that an activity shall not emit offensive and pervasive dust or odours that are discernible in a residential zone, while the subject location does not contain any nearby residential zoning, there are nearby properties that are residential in nature. Odour has not been raised as an issue by submitters and while it has been an issue with other storage facilities such as fish storage it has not been an issue in coolstores that are only used for fruit storage.

6.10 Traffic

Traffic safety concerns relate to truck movements at the site access and on site manoeuvring and parking.

The application explains that truck traffic has changed since consent was granted by the Planning Tribunal. They maintain there are now less truck movements with the trucks being quieter as exhaust emissions are now controlled through the regular warrant of fitness process.

Larger trucks are now allowed on New Zealand roads and the applicant acknowledged that:

“... trucks crossing the centre line could be a potential safety issue, however to our knowledge there is no record of any incidents.”

Council’s Development Engineer Mr Dugald Ley has considered the application and submissions on behalf of Councils engineering staff. He has visited the site and his report is attached as Appendix 1.

Mr Ley considers that the expanded coolstore development proposal can be adequately catered for from its existing access from Whakarewa Street subject to four recommended improvements. Those four matters are included as conditions should Council grant consent to the application. They are in addition to the original access conditions imposed by the Planning Tribunal. It is necessary to carry over the Planning Tribunal’s conditions into any additional consent were they are still relevant and to change others to reflect the changes in operation such as the cessation of the tray building. Some wording of the Tribunal’s conditions need to be changed to reflect the present situation. For example the longest truck length has changed from 19 metres to 20 metres under present transport legislation and the County Construction Engineer position has evolved. Turning back to the site access overall the access conditions are a mixture of the original Planning Tribunal conditions (albeit updated) and Mr Leys recommended conditions. Overall the access conditions could be as follows:

“(b) That an accessway to be used by all vehicles using the facility be formed across the applicants own property adjacent to and to the west of the existing right of way shown on D.P. 9672 (being the access as proposed by the applicant and shown on the plan submitted with the application).

(c (ii) All access and manoeuvring areas shall at all times be kept dust free.

- (i) *the proposed access is to be redesigned to accommodate 20-19m(long)vehicles. The design to be to the satisfaction of the Councils Engineering Manager County Construction Engineer. The right of way is not to be used by commercial vehicles associated with the packhouse and a physical obstacle to such as a post must be placed to prevent vehicles using any part of the right of way to facilitate entry to or exit from the separate access."*
- "a) *Seal widening on the south side of Whakarewa Street from the centreline of the entrance to the applicant's site for a distance of 50 metres to the east the seal widening shall be to a width of 1.0 metres wide from the existing sealed carriageway.*
- b) *Side drains to be formed at either side of the entrance to the applicant's property to aid disposal of stormwater from the sealed pavement.*
- c) *Removal of plants/shrubs on road reserve to the east of the Whittaker entrance.*
- d) *"Stop" limit lines to be painted on the sealed pavement on the applicant's access just inside the boundary line."*
- e) *That the works outlined in conditions a) to d) be undertaken to the satisfaction of Council's Engineering Manager who is to be given two weeks prior advice of such works being undertaken. All works are to be completed within six months of the date of this consent becoming effective.*

Note:

The works within the Whakarewa Street road reserve would require the applicant to work with the Tasman District Council Engineering Department and once the works in road reserve were completed they would then be subject to ongoing scrutiny by Council's compliance monitoring staff and engineering staff.

The location and effect of Mr Ley's conditions have been superimposed onto the Explore Tasman aerial photo contained in Attachment 3 of this report (refer Attachment 3).

Within the site the existing vehicle circulation is proposed to be retained. The circulation of trucks moving out of the new canopy and then proceeding along the northern side of the packhouse could be further screened as part of the building screening volunteered by the applicant:

"If necessary, the applicants are prepared to erect further layers of shade cloth and/or solid timber screens on the existing shade cloth structure to further reduce the "visibility" of the extensions from Mr Whittaker's property"

In relation to car parking I understand that there has not been a problem in the past as there has been ample car parking available on site for all full and part time staff vehicles. Full time staff and visitor car parking is provided on the south end of the new coolstore.



Photograph 7: Main car parking area at south end of coolstore

When 40 part time staff were employed car parking was provided at the site of the new coolstore and shadehouse down to the pump shed on the Whittaker's boundary. Part time staff numbers are not now expected to be more than 20 at any one time and they are likely to be far fewer than this. For instance this year there were only four part time staff employed at any one time in the June and July peak period. Retaining parking for part time staff in the area between the relocated shed (BC:080163) and the pump shed adjoining the Whittaker's boundary is a practical proposition as this area is sealed and staff parking here should not adversely affect the two nearby residences.



Photo Eight: Overflow car park from pump shed back to ward green shed. Traffic signs. Packhouse and original coolstore at centre left.

6.11 Precedent Effects

The granting of a resource consent does not necessarily create a precedent by itself but it is a long established legal principle that similar resource consents should be dealt with consistently and not in an ad hoc manner. 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 similiar 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 packhouse/coolstore building was granted consent by the Planning Tribunal. At that time the application was for a Specified Departure application and one of the three tests that the Planning Tribunal had to satisfy itself on was that its consent would in fact not create a precedent for others and that the District Plan can remain without change.

While the subject property does not at present have any fruit growing on it I do not consider that granting consent to the proposed coolstore building expansion will serve as a precedent for others. What is proposed is an expansion of an unusual existing situation which is unlikely to serve as a precedent for new Rural Industrial activities to locate out of zone.

7. RELEVANT NATIONAL POLICIES

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

8. RELEVANT REGIONAL POLICY STATEMENTS

The Tasman Regional Policy Statement has been designed to be incorporated in the Plan so an assessment of the plan suffices as an assessment of both documents.

9. TASMAN RESOURCE MANAGEMENT PLAN - POLICIES AND OBJECTIVES

Objectives in the TRMP which are relevant to this matter are numerous and cover areas such as site amenity, urban and rural land issues and land transport effects.

The following Policies and Objectives have been considered relevant for this proposal:

Chapter 5: Site Amenity Effects
Chapter 6: Urban Environment Effects
Chapter 7: Rural Environment Effects
Chapter 11: Land Transport Effects

9.1 Chapter 5: Site Amenity Effects

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.

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.

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.

“Hazardous substances present a variety of risks to people’s health and safety, and to natural resources. They need to be contained, used in prescribed ways, and any accidental spillage or release remedied according to an approved contingency plan.”

“Contaminated sites should not be used for any purpose which might release contaminants from the site, except the removal of contaminated material for disposal by approved methods. Further investigation may reveal additional contaminated sites”.

In rural areas, adverse effects are particularly apparent between residential activities with urban amenity expectations, and the range of possible rural land uses. Some localities exhibit special characteristics which people wish to retain.”

5.1.2 Objective

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

Policies

5.1.3.1 To ensure that any adverse effects of subdivision and development on site amenity, natural and built heritage and landscape values, and contamination and natural hazard risks are avoided, remedied, or mitigated.

5.1.3.9 To avoid, remedy, or mitigate effects of:

- a) Noise and vibration;
- b) Dust and other particulate emissions;
- c) Contaminant discharges;
- d) Odour and fumes;
- e) Glare;
- f) Electrical interference;
- g) Vehicles;
- h) Buildings and structures;
- i) Temporary activities;

beyond the boundaries of the site generating the effect.

5.1.3.14 to provide sufficient flexibility in standards, terms and methods for rural sites to allow for the wide range of effects on amenities which are typically associated with rural activities, and which may vary considerably in the short or long term.

5.2.2 Objective
Maintenance and enhancement of amenity values on site and within communities throughout the District.

Policies

5.2.3.1 To maintain privacy in residential properties, and for rural dwelling sites.

5.2.3.6 To maintain and enhance natural and heritage features on individual sites.

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

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

5.3.2 Objective
Maintenance and enhancement of the special visual and aesthetic character of localities.

Policies

5.3.3.3 To avoid, remedy or mitigate the adverse effects of the location, design and appearance of buildings, signs and incompatible land uses in areas of significant natural or scenic, cultural, historic or other special value.

5.3.3.4 To maintain and enhance features which contribute to the identity and visual and aesthetic character of localities, including:

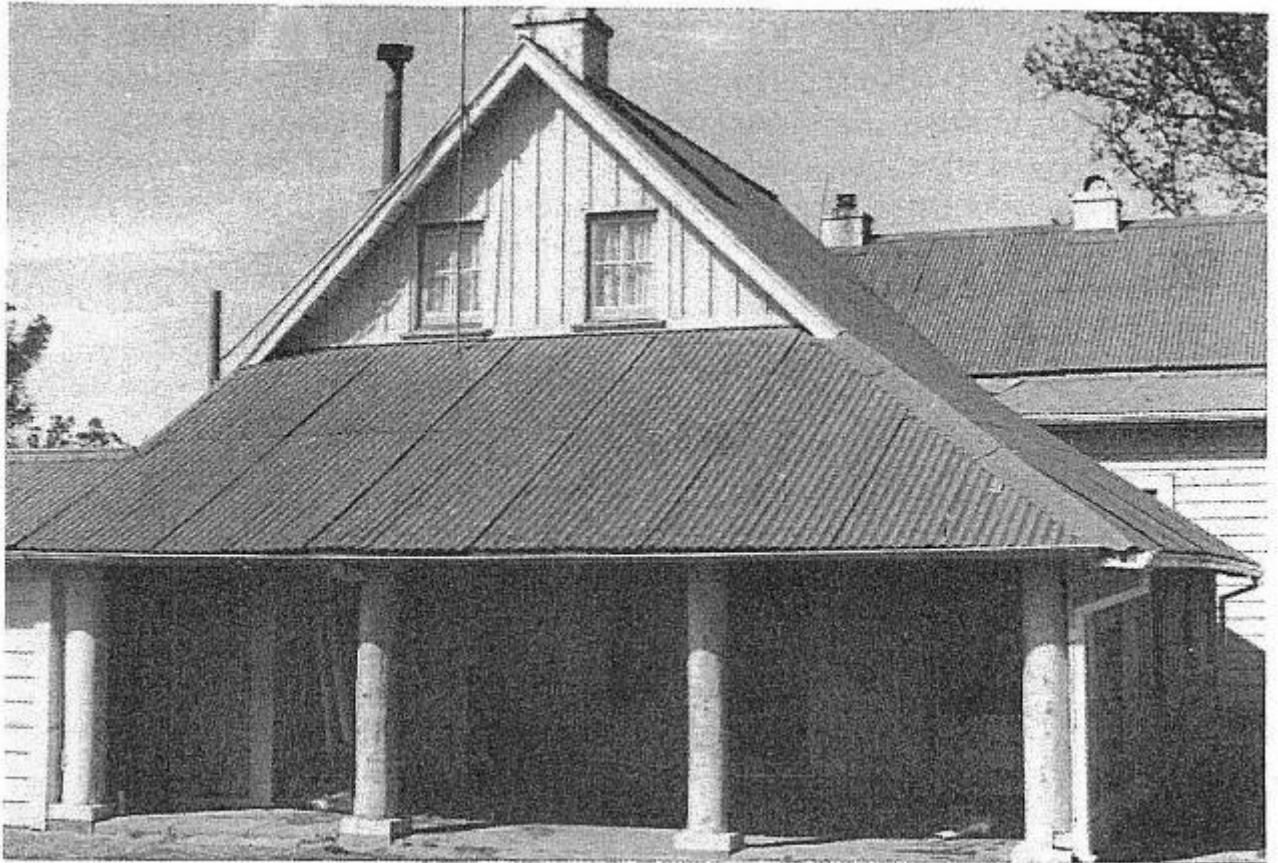
- a) heritage sites and buildings;
- b) vegetation

9.1.1 Comment

The above objectives and policies confirm the need to protect and enhance the amenity values of sites and localities generally and heritage sites and special vegetation particularly.

In relation to the general amenity of sites and in my opinion the site amenity factors including visual amenity, noise and fire impacts as experienced and perceived from Whakarewa Street, and the two nearby neighbouring dwellings and Whakarewa Street will not change significantly as a result of granting consent to the expanded buildings.

In relation to **special amenity values** this locality does have special amenity value because of the **presence of the heritage building and protected trees on Mr Whittaker's property**. While a rural-industrial activity in my opinion does not enhance special amenity values, this issue was one that the Planning Tribunal addressed and clearly it considered that the packhouse/coolstore development was on balance able to be consented to despite the special amenity value of Mr Whittaker's property. This being the case then in my opinion expanding the coolstore/ packhouse building in a direction that is generally away from Mr Whittaker's property is unlikely to further undermine the special amenity values of his property.



"The Grange" 1984 showing original totara verandah at the rear of the house.

C.V. Neale

9.2 Chapter 6: Urban Environment Effects

The following extracts from the introduction, principal reasons and explanations for Chapter 6 are considered relevant:

"Industrial land is a scarce resource. Industry has specific locational requirements and the following criteria are indicative of general industry needs:

- (a) Proximity to main access roads.*
- (b) Adequate roading for heavy vehicles.*
- (c) Proximity to labour force.*
- (d) Separation from sensitive environments, including residential areas, rivers, streams, the coast and aquifer recharge areas.*
- (e) Services such as sewer and water.*
- (f) Flat land.*

Specific areas have been set aside for industry and this would be advantageous for industry because these needs have been taken into account.

The Council has had a wide variety of industrial zones, with some recognising specific industries - especially resource processing industries in the rural area. This Plan continues with that approach where there is a community benefit from the industry remaining in the rural area. Small-scale rural service businesses may be

able to be permitted through the resource consent process in appropriate circumstances”.

“There are many sites in the rural area which contain rural industries which have had a resource processing zoning in the previous District Plan. Many are wood or gravel based industries with elements of noxiousness such as noise, dust and heavy traffic generation, which would not fit comfortably into a general industrial zone. However, the Council still wishes to maintain a minimum standard of environmental quality, so minimum standards in relation to noise, dust and landscaping apply. There are also former depots and workshops which are a physical resource that could be put to good use”.

6.5.2.0 Objective

Accommodation of a wide range of industrial activities in locations where adverse effects on other values and activities are avoided, remedied or mitigated

Policies

6.5.3.1 To promote a form of settlement that identifies areas where industry can operate with the required services and without adverse effects on or from other activities

6.5.3.3 To identify areas where light industry can operate with convenient access to the transport system and without adverse effects on or from other activities.

6.5.3.6 To avoid the adverse effects of industrial activities that are unrelated to the rural environment on the amenity and character of rural areas.

9.2.1 Comment

The objectives and policies regarding urban environment effects are generally in opposition to the development proposal. If it were a new coolstore development that had no direct relationship to the productive use of the rural land on which it is proposed then I believe it would not be supported. However it is not a new coolstore development but one that was established with the consent of a higher planning authority than the Council (The Planning Tribunal). With this unusual history the expansion of an existing facility should also be judged on its merits.

9.3 Chapter 7: Rural Environment Effects

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. Because of the variety of rural character and landscape types in the district’s rural areas, derived from natural features overlain by decades of cultural change, effects on rural character and amenity landscape values beyond those provided for by the Plans rules, need to be assessed on a case by case basis in a local or sometimes regional context.”

7.2.2 Objective

Provision of opportunities to use rural land for activities other than soil-based production, including papakainga, tourist services, rural residential and rural industrial activities in restricted locations, while avoiding the loss of land of high productive value.

Policies

7.2.3.1 To enable activities which are not dependant on soil productivity to be located on land which is not of high productive value.

7.4.2 Objective

Avoidance, remedying or mitigation of the adverse effects of a wide range of existing and potential future activities, including effects on rural character and amenity values.

Policies

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

7.4.3.2 To provide for rural activities which may involve levels and types of effects, including noise, dust, smoke and odour, that may be permanent, temporary or seasonal, and that may not meet standards typically expected in urban areas.

9.3.1 Comment

Council has acknowledged the pressures and diverse use 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. Generally it has done this by encouraging land uses that are not dependant on the small area of the highly productive rural land resource of the district to locate on poorer land or within the districts network of urban settlements.

Coolstores have an important role in the economy of the Tasman District. They are a part of the coolchain concept that has enabled the District's horticultural produce to maintain high quality standards and thereby achieve maximum prices on international markets. Coolstores are able to be constructed on orchards as of right where they are used for the produce grown on the property. Coolstore complexes have also been developed in Industrial and Rural Industrial zones in the settlements of Tasman, Mapua, Richmond and Motueka. While the proposed coolstore expansion will result in a small loss of potentially very good land for food production that land was essentially already within the curtilage area of the consented packhouse/coolstore complex and the dwelling. In this situation provided the expansion of the existing coolstore does not lead to further land fragmentation through subdivision and does not create adverse cross boundary effects for adjoining properties then in my opinion such expansion does not undermine the intent of the rural objectives and policies.

9.4 Chapter 11: Land Transport Effects

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

Increases in traffic volumes from adjacent land use activities that generate vehicle trips may put pressure on particular 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.

11.1.2 Objective

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

Policies

11.1.3.2 To ensure that land uses generating significant traffic volume:

- (a) are located so that the traffic has access to classes of roads that are able to receive the increase in traffic volume without reducing safety or efficiency;

- (b) are designed so that traffic access and egress points avoid or mitigate adverse effects on the safety and efficiency of the road network.

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

9.4.1 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 the existing rural roading network, providing a safe site access and making provision for adequate off road parking.

Since the Planning Tribunal granted consent to the packhouse coolstore proposal there have been changes in both the volume and nature of traffic using the property. This change is outlined in the application but in summary it appears that there are now fewer but larger trucks visiting the property and less part time workers employed on site.

Council's engineering staff who have considered the traffic generated by the expanded coolstore do not consider that any significant road network improvement is required except for an up grade of the site access with Whakarewa Street. The recommended upgrading work has been discussed earlier in the traffic effects part of this report. The recommended works can be achieved by conditions and a timeframe for doing that work is also specified.

In addition it is considered that off road parking for each member of staff (three as from 2010) and two visitor car parks should be provided by the new coolstore. Part time staff numbers vary greatly and at the time of writing this report I understand that the current part time staff parking areas between the relocated shed and the pump shed has been satisfactory. Given that, this area should continue to be available for part time staff parking whenever it is required.

The existing on site signage provides useful clarification of traffic directions and it should be retained and updated.

Overall given conditions to address the access upgrade and on site car parking then we are satisfied that the proposed expansion to the packhouse /coolstore will meet councils transport objectives and policies.



Photograph 9: Whakarewa Street looking westward. Access to Ngatahi coolstores on right with roadside vegetation.

10. PERMITTED RULES

Permitted activity rules in the Tasman Resource Management Plan that need to be considered are those relating to building, transport, signage, and discharges, such rules being mostly operative.

In addition to the Plan rules development contributions are applicable to development under the terms of the Long Term Community Council Plan (LTCCP). These are payable through the building consent process required for building expansion.

The writer has checked the matters relevant to those rules and it appears that the proposal will meet the permitted activity criteria with the exception of site coverage, and signage rules

Transport and access issues have already been dealt with.

In the rural 1 zone one sign is permitted on the property to identify the property. At the subject site there is a second sign down the driveway that provides traffic circulation directions for visitors. Council has not required consent for similar internal on site directional signs.

Effluent discharges are not considered to be increased by the activity and can therefore be considered as an existing use for the purposes of discharge.

11. 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.

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

In relation to section 5 it is considered that a new rural industrial coolstore on the property that bore no relationship to the productive use of the property would be quite contrary to the principles of sustainable rural development. However there is an unusual historical situation created prior to the Resource Management Act 1991 that legally established a large coolstore /packhouse development and that is now a resource in its own right that can benefit fruit growers. In this regard allowing expansion of that existing complex is not fundamentally contrary to sustainable development.

It is considered that there are no Section 6 matters of national importance that are relevant to this application.

In the terms of section 7, the following is considered relevant:

(b) The efficient use and development of natural and physical resources:

The soil resource of the Motueka Plains is an important physical resource that needs to be managed sustainably to provide for the needs of future generations. With this application it is clear that some land will be taken up and thereby the long term productive potential of the site will be reduced. However this is more theoretical than practical given the past use of the land to which the building expansion relates for vehicle manoeuvring and parking and as part of the dwelling's curtilage area.

The proposed building expansion is closely associated with storing fruit produced in the district in a coolstorage facility that helps provide for the economic well being of its workers, owners and suppliers.

(c) the maintenance and enhancement of amenity values:

It is clear that because of the siting of the building expansion on the existing complex and generally away from two adjoining residences and well back from Whakarewa Street it will have only a very minor effect on the existing rural amenity of the site.

(f) maintenance and enhancement of the quality of the environment:

The proposed industrial development has the potential to adversely affect the quality of the rural environment. However in the context of the existing rural industrial development on the subject site that was granted planning consent by the Planning Tribunal, it is considered that the actual and potential adverse effects of the building expansion are not significant.

Overall, it is considered that the proposed building expansion is not contrary to the matters in Part II of the Act.

12. 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.

12.1 Part II matters - In this case an unusual historical situation exists where a large packhouse/coolstore building was consented to by the Planning Tribunal prior to the Resource Management Act 1991. That large coolstore /packhouse development is now a resource in its own right that can benefit local fruit growers who utilise the highly productive land of the Motueka and Riwaka plains and local irrigation water. In this regard allowing expansion of the existing complex is not fundamentally contrary to sustainable development of important local land and water resources and section 5 of the Act.

The efficient use and development of a natural and physical resource depends on the extent of adverse effects arising from the proposal. While the building expansion will take up some potentially highly productive land this is more of a theoretical than practical proposition because the land occupied by the building expansion was used for purposes that were either ancillary to the coolstore or to the adjoining residence.

Overall it is considered that located none of the matters of national importance are compromised by the proposed building expansion.

12.2 Objectives and Policies of the Tasman Resource Management Plan - The establishment of a rural industrial building in a Rural 1 zone environment and with two rural-residential properties nearby is considered to be contrary to the objectives and policies of the TRMP. However in this instance the a rural industrial activity involving substantial buildings was granted consent by the Planning Tribunal. Expansion of an existing building complex is different proposition to one requiring an initial consent. The relevant objectives and policies of the TRMP do not totally inhibit expansion of existing rural land uses and buildings but they do seek to mitigate as far as is practical the potential adverse cross boundary effects of such change on both the rural environment and on existing rural residences.

12.3 Adverse Environmental Effects – The main potential adverse effects are traffic and amenity effects.

The traffic effects which relate to larger vehicles have an impact on the original access requirements imposed by the Planning Tribunal's conditions. Council's Development Engineer advises that these effects can be mitigated by conditions that up grade the site access at Whakarewa Street.

The general amenity effects have been considered with specialist advice being sought in respect of noise, fire, hazardous substances and flood effects. No adverse cross boundary adverse effects are expected to arise from these matters. Other potential amenity effects such as odour, building coverage and land loss are also considered to be no more than minor.

The presence of the heritage building and protected trees on Mr Whittaker's adjoining property was a matter that the Planning Tribunal had to consider when the packhouse/coolstore complex was first consented. The Planning Tribunal has a higher legal status than the Council. It was noted that the parts of the existing building granted consent by the Planning Tribunal are located closest to the heritage building and the protected trees than the proposed building expansion. The Planning Tribunal consented buildings will, to a large degree, screen the large new canopy and coolstore building expansion and will not dominate the view or detract from the general amenity of the two nearby residences to the north east.

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.*

11. RECOMMENDATION

Subject to conditions of consent the proposal to expand the existing coolstore/ packhouse building complex and operation at Whakarewa Street, Motueka be **GRANTED**.

12. CONDITIONS

For the purposes of simplicity and to facilitate future monitoring the following conditions incorporate some of the Planning Tribunal's original conditions and modifies others so that they are up to date in terms of the current operations and Local Authority structure.

General

1. That approval be limited to the cool storage of fruit produce only and that no meat or fish produce is stored on site.
2. The consent is granted to building components C, D and E on Plan A attached dated 13 October 2009 and is to be undertaken in accordance with the documentation submitted with the application. The consent only applies to the portion of lot 1 DP11124 and Lot 1 DP 11632 in certificate of title NL7A/241 that is outlined on Plan A attached dated 13 October 2009

Noise

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

	Day	Night
L ₁₀	55 dBA	40 dBA
L _{max}		70 dBA

Note:

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

Night = all other times, including public holidays.

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

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

- (a) a line 20 metres from the facade of any rural dwelling that is most exposed to the noise source; or
- (b) the legal boundary of the site of the dwelling, where this is closer to the dwelling than

4. The consent holder shall commission a noise investigation report for the coolstores peak operating period in March, May and June 2010. This investigation shall cover the noise impact on the Whittakers residence and recommend mitigation measures that may include, but not be limited to, acoustic fencing, forklift, coolstore and vehicle management protocols. Council's Regulatory Services Coordinator shall be consulted during the investigation and forwarded a copy of the final report by 1 September 2010. **The consent holder shall keep a copy of the Noise Investigation Report on site at all times and shall make staff aware of the protocols that apply to their role. The consent holder shall comply with the recommendations in the Noise Investigation Report on an ongoing basis.**

Vehicles

5. Conditions (b) and(c) of the Planning Tribunal decision W87/85 shall apply as modified and as expanded by conditions i) to v) as follows:

“(b) That an accessway to be used by all vehicles using the facility be formed across the applicants own property adjacent to and to the west of the existing right of way shown on D.P. 9672 (being the access as proposed by the applicant and shown on the plan submitted with the application).

(c)(iii) the access is to be redesigned to accommodate 20m (long) vehicles. The design shall be to the satisfaction of the Council's Engineering Manager. The right of way is not to be used by commercial vehicles associated with the packhouse and a physical obstacle to such as a post must be placed and maintained at all times to prevent vehicles using any part of the right of way to facilitate entry to or exit from the separate access.”

“i) The seal shall be widened on the south side of Whakarewa Street from the centreline of the entrance to the applicant's site for a distance of 50 metres to the east. The seal widening shall be to a width of 1.0 metres wide from the existing sealed carriageway.

ii) Side drains shall be formed at either side of the entrance of the site to aid disposal of stormwater from the sealed pavement.

iii) The plants/shrubs on road reserve to the east of the Whittaker entrance shall be removed.

iv) “Stop” limit lines shall be painted on the sealed pavement on the site access just inside the boundary line.

- v) *That the works outlined in conditions 4i) to 4iv) be undertaken to the satisfaction of Council's Engineering Manager who is to be given two weeks prior written advice of such works being undertaken. All works are to be completed within six months of the date of this consent becoming effective.*

Planning Tribunal conditions (d) and (e)

6. Planning Tribunal decision W87/85 condition (d) is retained but to the satisfaction of the Councils Environment and Planning Manager as follows:

"That a two metre high wooden fence be constructed in the north-eastern corner of the property (ie on the boundary between the facility and the residence of M J Whittaker) to act as a visual and noise buffer. Such a fence to be of such a length so as to be to the satisfaction of the Councils Environment and Planning Manager and to not exceed 10 metres either side of that corner." The fence shall remain at all times.

7. There shall be no making of trays.

Advice Note:

No trays are now made at the site and Planning Tribunal decision W87/85 condition (e) allowing the making of trays by use of staple guns is unnecessary and is deleted.

Parking

8. The site access and all vehicle parking and manoeuvring areas shall be sealed.
9. A minimum of one car park shall be provided on site for each permanent employee and two visitor car parks shall be provided on site at the south end of the coolstore developed by Building consent BC071627 shown as component E on Plan B attached dated 13 October 2009. The car parks shall be sealed.
10. On site car parking shall be provided for all part time workers who drive to work on the sealed area between the relocated shed (BC080163) and the pump shed.

Waste

11. All solid waste material shall be contained initially internally on site and then transferred to a facility approved by Council's Coordinator Compliance for recycling and/or disposal
12. Domestic wastewater shall be discharged through the existing septic tank and wastewater disposal field. The Consent Holder shall maintain the wastewater treatment and disposal system.

Amenity

13. There shall be no outdoor storage of fruit, bins or waste.

Signage

14. The sign erected for identification of the business adjacent to the property access shall be erected and maintained in accordance with the TRMP rural zone signage rules. Onsite signs necessary for traffic direction and personnel safety shall be permitted.

Review

15. That pursuant to Section 128(1) (a) and 128(1) (c) of the Resource Management Act 1991, the Consent Authority may review any conditions of the consent within twelve months from the date of issue and annually thereafter for any of the following purposes:
 - a) to deal with any adverse effect on the environment which may arise from the exercise of the consent and which it is appropriate to deal with at a later stage; or
 - b) to deal with inaccuracies contained in the consent application that materially influenced the decision made on the application and are such that it is necessary to apply more appropriate conditions; or
 - c) to assess the appropriateness of imposed compliance standards, monitoring regimes and monitoring frequencies and to alter these accordingly;
 - d) To review the access conditions in the event of the permitted truck lengths on New Zealand roads being increased.

ADVICE NOTES

Council Regulations

1. The Consent Holder shall meet the requirements of Council with regard to all Building and Health Bylaws, Regulations and Acts.

Tasman Resource Management Plan

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

Monitoring

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

Jack Andrew
Coordinator Land use Consents



Nelson Station, Nelson Fire District

Gloucester Street
PO Box 7003
Nelson 7042
New Zealand

Phone +64 3 546 2100, Fax +64 3 546 2119

11 September 2009

Mr. Jack Andrew
Coordinator Land Use Consents
Tasman District Council
Pvt. Bag 4
Richmond
NELSON



Dear Mr. Andrew

NGATAHI COOLSTORE EXPANSION RM090063

Refer your E-mail request, 25 August 2009.

We have examined the site in question and taken the following measurements:-

1. The straight line distance between cool store canopy and dwelling in question is approximately 38M.
2. Distance between cool store canopy and relevant boundary is approximately 20M when measured at 90° to the boundary fence.

From a Fire Service operational point of view, in relation to either of the neighbouring structures being involved in fire, the separating distances are deemed sufficient to allow effective operations to be carried out.

Yours sincerely

A handwritten signature in black ink, appearing to read 'S.P. Wigzell'.

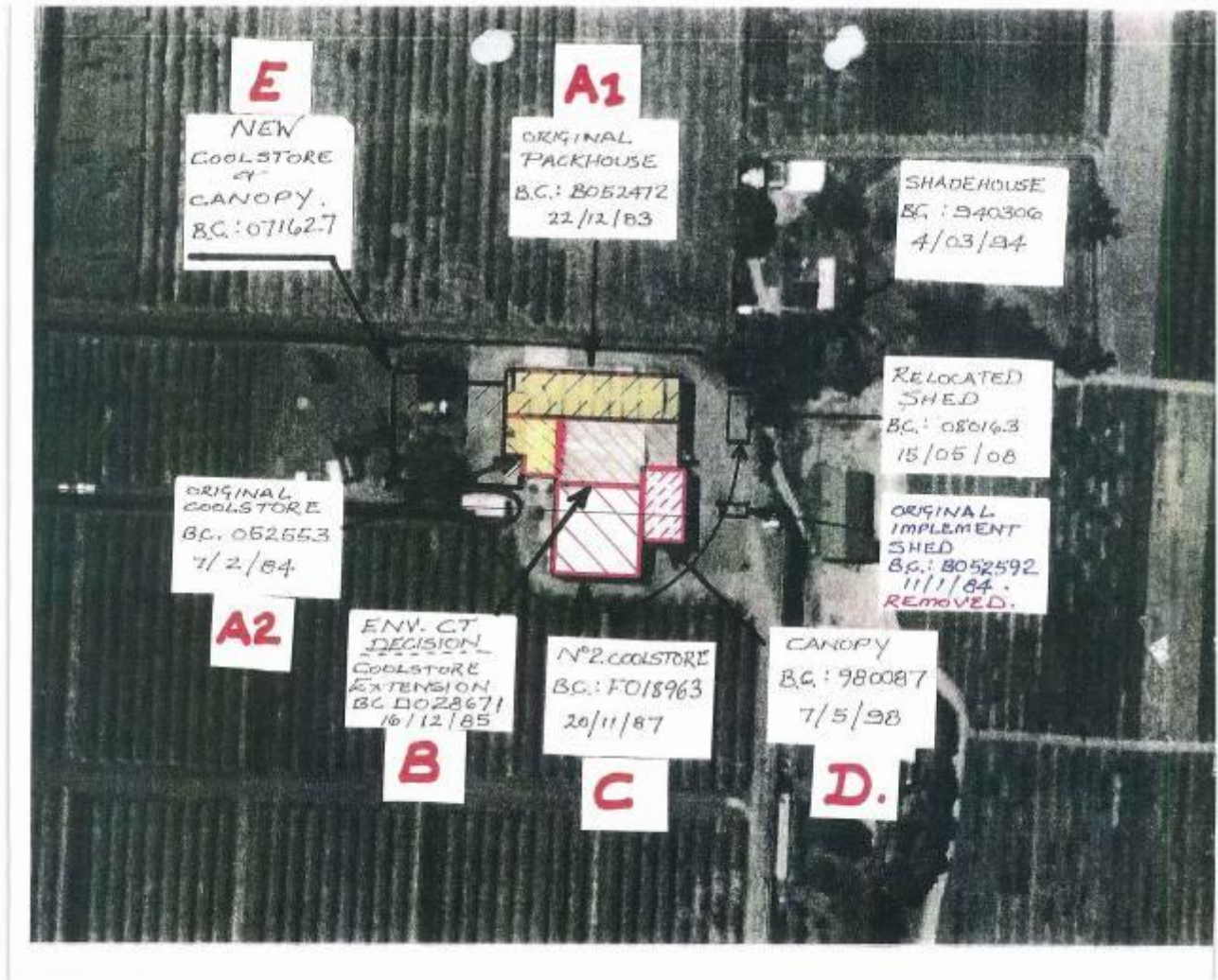
S.P. Wigzell
Fire Risk Management Officer
NELSON

Working with communities to protect what they value.
Te mahi tahi ki ngā hapori, ki te tiaki i a rātou taonga.

F 10-01-04

ATTACHMENT 2
Location Of Building Components and Building Consents

RM090063 Plan "A" 13 October 2009



ATTACHMENT 3
Whakarewa Street Access Upgrade



ExploreTasmanMap

16/9/2009 DISCLAIMER:

This map is derived from ExploreTasman and has generally been compiled from data generated by and supplied to the TDC. It has no legal status and is known to be incomplete. To ascertain the exact location of any item, TDC advises that the customer arrange onsite verification. TDC will not be liable for any damages or loss whatsoever suffered from the use of this information.
 Cadastre sourced from Land Information New Zealand data. Crown Copyright reserved.

- Side Drains to soak pit.
- Existing edge of seal.

NOTE 1
Buildings Requiring Resource Consent

The application is for a retrospective consent in respect of items (i) – (iii) below

- i) The coolstore extension constructed pursuant to a building consent FO: 18963 issued on 20 October 1987 required consent for a Specified Departure under the operative 1970 Waimea County District Plan No 3, and Review No 4.
- ii) The canopy extension constructed pursuant to a building consent BC: 980087 issued on 7 May 1998 may have required resource consent under the Motueka and Environs section of the transitional Tasman District Plan, although I am not able to be definite. If the area over which the canopy was constructed was used for unloading fruit at the time of the Planning Tribunal decision in 1985, then this use may have been authorised by that decision. Partially enclosing that fruit loading area by a canopy which complied with the applicable building setback requirements would not have any adverse environmental effects.



Photograph 10: No 2 Coolstore FO 18963 (component C) and canopy BC 980087(component D) with one way vehicle access to the left of the coolstore

- iii) The new coolstore and canopy constructed pursuant to building consent BC:071627 issued on 3 March 2008 requires a resource consent for a discretionary activity. A resource consent application was lodged with the Council on 29 January 2009 but was initially put on hold by agreement with Ngatahi pending the outcome of Mr Whittaker's application for declaration proceeding.



Photograph 11: Coolstore and canopy BC071627 (component E) with the main staff and visitor parking area on the left

TO: Environment & Planning Subcommittee
FROM: Dugald Ley, Development Engineer
REFERENCE: RM090063
DATE: 25 August 2009
SUBJECT: **NGATAHI COOLSTORE – WHAKAREWA STREET, MOTUEKA**

1. INTRODUCTION

This consent is to obtain a retrospective consent to construct an additional 732 m² cool store in addition to the existing 2291 m² pack house. These facilities are located on Rural 1 zoned land.

2. BACKGROUND

This application outlines that of a new coolstore plus additional buildings and is covered in the planners report (attached). The main coolstore to the west had a building consent 071627 which I believe was constructed in March 2008. Traffic movements associated with this and the type of vehicles can vary over the season depending on the product. The applicant has advised that this averages during the season on 4-8 truck movements per day for pip fruit and 6-10 truck movements for kiwifruit. This totals around 14 vehicles in and 14 vehicles out per day over the season and also includes staff vehicles.

It is also noted and confirmed by the site manager that staff numbers have reduced and the performance of trucks in regard to noise levels has also reduced over previous years.

Whakarewa Street is an access road on Council's hierarchy and carries some 1200 vehicles per day. The carriageway is 5.5 metres - 6.0 metres wide with no centreline.

Whakarewa Street to the west services other rural blocks and residential houses plus a gravel extraction plant at the end of Douglas Road.

At the entrance to the site visibility is adequate in both directions and the access is sealed from the carriageway right into the site. A low see-through fence denotes the boundary to the east of the site where the applicant's access and that of the neighbours run parallel.

A hedge plant (*ake ake*) just to the east of the neighbour's access could be removed to enhance visibility to the east which would benefit both of the above properties for visibility.

The above situation where two driveways in essence combine into one is not unusual and is the recommended way to have all vehicle movements concentrated at one point. This is preferred to having numerous entranceways along the highway and therefore the potential for several conflict points.

It is noted that the neighbour's (Whittaker) entrance (ie, legal boundary) is set back approximately 3.5 metres from the adjoining properties.

A site visit on 25 August shows a number of issues that are highlighted below and are also evident in the photos which are available on request.

- a) Ponding of water at the entranceways.
- b) Tracking of vehicles on to the grass berm (south side of Whakarewa Street) and potential edge break.
- c) Gravel starting to migrate from the Whittaker driveway on to Whakarewa Street carriageway.
- d) Shrubs to the east of the Whittaker driveway slightly obscure vision to the east.
- e) Speed signage on the applicant's access restricting speeds to 20 km/hour.
- f) Wide sealed throat at the entrance to the applicant's site.
- g) Directional signage/circulation/safety board on the applicant's property.

It is my opinion that this activity is not dissimilar to many which are located in the rural environment and the standard of access to the site from an access road is typical, albeit some slight improvements can be made as outlined below.

The site visit also shows that when truck and trailer vehicles exit the site on to Whakarewa Street, 90% of the time the truck and trailer unit will use most of the Whakarewa Street carriageway as part of the turning movement. There is no centreline painted therefore there is no "crossing of the centreline" which has been mentioned in past evidence held on file. However, all drivers need to take due care either turning off or turning on to the carriageway.

3. SUMMARY

It is my opinion that the additional traffic, if any, generated by this consent can be adequately catered for on Whakarewa Street subject to the following conditions being imposed:

- a) Seal widening on the south side of Whakarewa Street from the centreline of the entrance to the applicant's site for a distance of 50 metres to the east the seal widening shall be to a width of 1.0 metres wide from the existing sealed carriageway.
- b) Side drains to be formed at either side of the entrance to the applicant's property to aid disposal of stormwater from the sealed pavement.
- c) Removal of plants/shrubs on road reserve to the east of the Whittaker entrance.
- d) "Stop" limit lines to be painted on the sealed pavement on the applicant's access just inside the boundary line.

Dugald Ley
Development Engineer

MEMORANDUM
Environment & Planning Department

TO: Environment & Planning Subcommittee

FROM: Graham Caradus

DATE: 22 September 2009

FILE NO: RM090063

RE: **Ngatahi Horticulture Limited: Application for land use consent for existing Coolstore.**

1. VISIT TO LOCATION OF THE PROPOSED ACTIVITY

A site visit was undertaken on Monday 21 September 2009. Observations and measurements of sound levels were made of the current operation and staff on site were able to assist by providing information about the typical use of the site during the busy parts of the season when most activity is likely to occur.

This report deals with environmental noise considerations.

2. COMMENT ON LIKELY NOISE NUISANCE FROM THE PROPOSED ACTIVITY

The operation of the Coolstore on the site has the potential to generate noise which may cause nuisance to the one neighbour within close proximity of the site. There are in general two likely noise sources, and these are discussed as follows:

2.1

The first potential noise source is vehicles operating on the site. Two likely varieties of vehicles on the site are trucks delivering or removing produce and the fork lift trucks that are used for moving materials and produce about on the site.

2.1.1

Trucks making deliveries and receiving goods at the coolstore are expected to use the existing on site road which is close to the perimeter of the site nearest the Whittaker dwelling. That road is shown in the planners report, photo 3. The greatest risk of nuisance noise being generated is likely to be when vehicle movements occur on the north or east side of the site, where they will be close to the Whittaker property, and where there is no intervening structure to assist with reducing transmitted noise. It will be necessary for the operators of trucks to be mindful of the importance to limit noise emissions when operating in that part of the coolstore site that is in a direct line of sight with the Whittaker dwelling. Furthermore, it is very likely that some form of acoustic barrier along the north boundary would be desirable to achieve the aims of s16 the Resource Management Act 1991 (RMA) (discussed later in this report).

In particular, noise that should be avoided during the night when sleep may be disturbed is the short duration, high intensity compressed air discharges that are associated with heavy vehicle air powered brakes. Such discharges in any location near the Whittaker dwelling may breach the L_{Amax} noise standard (discussed later in this report). As well as appropriate acoustic fencing, the applicant should develop a management regime that will avoid such noise being unreasonable or excessive.

2.1.2

Forklift vehicles seen on site where electrically powered and consequently generated little noise from their motor operation. However the use of an audible reversing warning signal is noted on those fork lift vehicles and there is potential for that to cause annoyance at the adjacent residence. Electronically produced noise such as warning signals poses a challenge as it could be argued that the noise is not essential to the operation of the vehicle, and the best practicable option (as required by s16 RMA) may be turn them off and introduce other quieter safeguards. It could be argued that any transmission of that noise to the dwelling on the adjacent property would be considered excessive noise in terms of s 326 of the RMA. The obligations under the RMA will need to be carefully weighed against the need to use the current audible reversing warning signals, and at least, acoustic fencing, and a management regime that will avoid such noise being unreasonable or excessive should be developed.

2.1.3

The second general source of noise is the machinery associated with the running of the coolstore. The compressors, and fans associated with both the cooling of refrigerant on the outside of the structures, and the cooling of the interior of the coolstore structure all generate noise. The noise sources appear to come from two distinctive parts of the refrigeration equipment, as follows.

2.1.4

Noise is generated by the compressor and the associated cooling fans. The noise of the compressor unit appeared dominant, with associated fans not being obviously audible above the compressor noise while it was running. Subjective assessment at the time of the visit revealed that the compressor was not audible from the boundary adjacent to the nearby dwelling, but when other background noise such as birdsong and machinery noise from nearby rural activities ceases at night, it may be that the compressor unit will be audible from the Whittaker residence. If that is the case, the obligation imposed by s16 RMA would require some form of noise attenuation. It may be that a simple machinery enclosure is appropriate, but the applicant is encouraged to seek advice from an acoustic consultant if it was established that the compressor was audible from the neighbours dwelling at night.

2.1.5

Noise generated by the fans within the coolstore was significant, and additionally was considered to have an obvious tonal component. A short duration grab sample revealed a noise level of L_{Aeq} 85dB approximately, at the open door to the coolstore. That noise was transmitted off site and was clearly audible at the boundary to the Whittaker dwelling when the door was open. Shutting the sliding door substantially reduced the noise of the fans escaping from the coolstore, but these fans may remain audible from the Whittaker residence when background noise is reduced such as during the night. A number of variables exist and these include:

- the duty cycle that the refrigeration equipment will perform;
- the loading and degree of sound absorption provided by the contents of the coolstore;
- the varying ‘natural’ background noise that occur and which may mask the coolstore noise, with influences such as crickets chirping at night during warmer months.

As well as appropriate acoustic fencing, the applicant should have a management regime (e.g. can fans be turned off when the door is open?) and also should ensure that the door to the coolstore is kept shut to prevent fan noise escaping other than when necessary for loading or unloading produce.

3. GENERAL OBLIGATIONS IN RELATION TO NOISE

3.1 The operation is obliged generally to meet three standards in relation to noise as follows:

3.1.1

The first obligation would be to meet the specific standard prescribed in the TRMP for Noise, Zone Rural 1. This establishes a “Day” and “Night” L₁₀ and L_{max} level at the notional boundary to any dwelling. The hours of operation of the activity are identified in the application as those hours which are defined both as “Day” and “Night” in the TRMP Rural 1 noise standard by virtue of the intended operation on Sundays and some public holidays and overnight. The special audible characteristics (identifiable tonal components etc) are likely to be applicable due to the distinctive hum from the fans within the coolstore. If those noises are audible at the notional boundary of the neighbouring property, it is expected that the 5dBA penalty would apply and the L₁₀ levels detailed below would be effectively reduced by a further 5 dBA. The (unadjusted) noise levels imposed by the TRMP are:

	Day	Night
L ₁₀	55 dBA	40 dBA
L _{max}		70 dBA

No question exists about whether the activity may be considered an intermittent or temporary rural activity so the activity would be not be exempt from TRMP imposed noise controls.

3.1.2

The second obligation in relation to noise is to comply with s16 of the RMA. This places a duty on occupiers of land to “*adopt the best practicable option to ensure that the emission of noise....does not exceed a reasonable level.*” This requirement places additional obligations over and above any need to comply with the TRMP noise standards.

3.1.3

In association with the obligations imposed above, the applicant is also obliged to ensure that “excessive noise” is not generated. Section 326 of the RMA says:

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), the term "excessive noise" may include any noise emitted by any—*

(a) Musical instrument; or

(b) Electrical appliance; or

(c) Machine, however powered; or

(d) Person or group of persons; or

(e) Explosion or vibration.

4. ASSESSMENT OF THE PROPOSED SITE IN RELATION TO POTENTIAL NOISE NUISANCE

Sound level Measurements were undertaken as follows:

4.1 Sound Level Assessment

Location of measurement: Two sites adjacent to the boundary. See aerial photos

Weather Conditions: Fine and clear. Near calm.

Time of measurements: 10.15 am to 10.48am Monday, 21 September 2009

EQUIPMENT USED

Meter used: Rion NL-18 Precision Integrating Sound Level Meter (SLM), serial number 00360034.

Calibration due date: 8 April 2011 (last completed by ECS Ltd)

Acoustic Calibrator: Bruel & Kjaer type 4230, serial number 1206832.

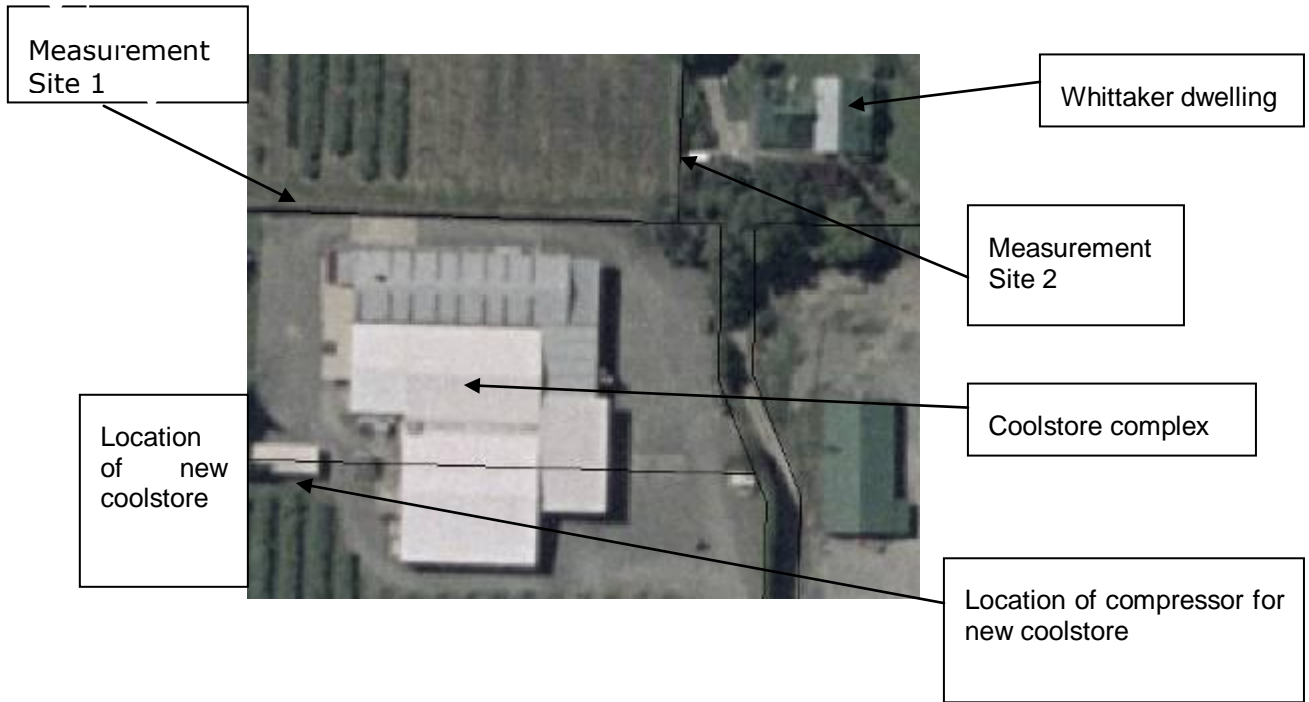
Calibration due date: 9 April 2010 (last completed by ECS Ltd).

SLM operator: Graham Caradus

A microphone wind screen was used for the duration of the survey for each environmental measurement. For each result recorded, the SLM was hand held at about 1.5 metres above ground. The SLM was initially calibrated, and not shut down until re-calibrated at the end of the sequence of measurements. Calibration level limits were within 0.5 of 93.8 dBC and therefore within the required tolerance.

4.2 Sound Level Measurement Sites

Both measurement sites and other relevant positions are marked on the aerial photograph below.



4.3 Sound Level Measurement Results

	Site 1: Adjacent to speed limit sign	Site 2: Boundary to Whittaker dwelling
Measurement time	3 minutes	5minutes 30 seconds
L_{Aeq}	61dB	51dB
L_{Amax}	71dB	60dB
L_{Amin}	60dB	46dB
L_{A10}	62dB	53dB
L_{A95}	60dB	47dB

The results that have been **bolded** are those that are of relevance to TRMP compliance, but the remaining data is also included as it contributes useful information about the noise climate.

4.4 Comment on results of Sound Level Measurements

4.4.1

Site 1 was established adjacent to the boundary near the speed restriction sign. The door to the coolstore was open, but the flexible strip door remained in place. With the exception of the L_{Amax} all results from this site are within 2dB. This is typical of a steady mechanical noise and suggests that other intrusive noise has not been part of the sound measured. The measurement period is shorter than necessary to meet evidential standards, but is sufficient for the purpose of obtaining a general appreciation of the sound environment.

4.4.2 Site 2 was established on the boundary of the Whittaker property as shown in the photograph. It was intended that this location would give some indication of the background noise environment. However, agricultural machinery working nearby dominated the noise environment. The observation was made that the sound of the refrigerator fans could still be heard and this would be of real relevance when the background sound level reduces as could reasonably be expected at night.

5. RECOMMENDED CONDITIONS FOR ANY CONSENT GRANTED FOR THE PROPOSED ACTIVITY

5.1 The TRMP imposed rural noise performance standard levels should be set as performance standards in the consent, that is:

	Day	Night
L ₁₀	55 dBA	40 dBA
L _{max}		70 dBA

Those measurement locations shall be at the notional boundary of the rural dwelling of interest. Those standards should be measured and assessed in accordance with NZS 6801 1991 and NZS 6802 1991. This will have the effect of including correction factors such as those for special audible characteristics. The net result of that would be to establish a night time performance standard of L_{A10} 35dB for the fan noise.

5.2 The applicant should be required to construct such acoustic fencing required and of such size necessary to achieve the necessary noise mitigation, and to meet the general requirement of “best practicable option” to limit noise imposed by s16 RMA.

5.3 Management systems or controls should be developed to ensure that reversing signals on forklift vehicles do not constitute excessive noise as defined by s326 RMA.

5.4 Management systems and protocols should be established for the operation of trucks on the site to ensure that noise nuisance is not caused.

Graham Caradus
Regulatory Services Coordinator