

Application for Resource Consent

Operation of industrial activity within the Rural 1 Zone
at 54 Green Lane, Motueka

Applicant: Ruru Building Ltd



Application Form

APPLICATION FOR RESOURCE CONSENT UNDER SECTION 88 OF THE RESOURCE MANAGEMENT ACT 1991

To: Tasman District Council
189 Queen Street
Private Bag 4
Richmond, 7050

From: Ruru Building Ltd

Fran Huelsmeyer - hello@ruru-building.co.nz

(Please use the above contact details for invoicing purposes only)

1. Ruru Building Ltd apply for the following type of resource consent:

RMA	Consent Type	Activity
Section 9	Land Use	Undertake an industrial activity which is the construction of relocatable homes.
Section 15	Discharge permit	Discharge of domestic wastewater exceeding 2,000 litres per day.
NESCS	Change of Use	Change of use of HAIL site.

2. A detailed description of the activities to which the application relates is provided within Section 3.0 of the attached Assessment of Environmental Effects.
3. The site names and addresses of the owners of the land to which the application relates are as follows:

Franziska Constanze Huelsmeyer, Daniel-Rene Huelsmeyer and Huelsmeyer Trustees Ltd
54 Green Lane, Motueka
4. No additional resource consents are required in relation to this proposal.
5. An assessment of the potential and / or actual effects the proposed activity may have on the environment, in accordance with Section 88 and Schedule 4 of the Resource Management Act 1991, is attached.
6. An assessment of the proposed activity against the matters set out in Part 2 and against any relevant provisions of a document referred to in Section 104(1)(b) of the Resource Management Act 1991 is attached.
7. No other information is required to be included in the application by the regional plan, the Resource Management Act 1991 or any regulations made under the Act.



Victoria Woodbridge

Signed on behalf of the Applicant

Dated: 24 August 2021

Address for Service:

Ruru Building Ltd
C/- Landmark Lile Limited
Po Box 343
Nelson 7040
Attn: Victoria Woodbridge

victoria@landmarklile.co.nz

Tel: (03) 928-0622

Mob: 027-2443366

Application Contents

1.0 Executive Summary	6
2.0 Site Information	8
2.1 Site Details	8
3.0 Description of the Proposal	11
3.1 Overview	11
3.2 Industrial Activity	12
3.3 Buildings	15
3.4 Servicing and Access	16
3.5 HAIL	19
3.6 Consultation / Affected Parties	20
3.7 Lapse Date and Duration	20
3.8 Summary of Mitigation Measures	20
4.0 Activity Status	21
4.1 Resource Management Plan	21
4.2 Relevant Rules	21
4.3 Required Consents	23
5.0 Assessment of Environmental Effects	25
5.1 Introduction and Scope	25
5.2 Permitted Baseline	25
5.3 Effects of Industrial Activity	25
5.4 Effects on Productive Land Values	27
5.5 Effects of building coverage and setbacks	27
5.6 Effect of Airport Height Limits within Schedule 16.11A	28
5.7 Transportation Effects	30
5.8 Servicing	31
5.9 HAIL	32
5.10 Cultural Heritage Values	32
5.11 Positive Effects	32
6.0 Statutory Assessment	35
6.1 Introduction	35
6.2 Tasman Regional Policy Statement	35
6.3 Tasman Resource Management Plan	35
6.4 Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011	37

6.5	Statutory Acknowledgments	37
6.8	Conclusion.....	38
7.0	Resource Management Act 1991	39
7.1	Notification Requirements.....	39
7.2	Sections 104, 104B, 104D and 108 of the RMA.....	39
7.3	Overall Assessment and Part 2 of the RMA	39

Supporting Information

- | | |
|---------------|---|
| Attachment A. | Record of Title |
| Attachment B. | Site Plan (Allure Architectural) |
| Attachment C. | Traffic Assessment (Traffic Concepts Ltd) |
| Attachment D. | Noise Assessment (Marshall Day Ltd) |
| Attachment E. | Obstacle Surface Limitation Survey Plans (Newton Survey) |
| Attachment F. | Servicing Assessment (Gary Stevens Consulting Ltd) |

1.0 Executive Summary

Ruru Building Ltd (“the applicant”) applies for resource consent to undertake an industrial activity which is the construction of relocatable homes for sale and transport off site. It is intended that no more than 18 homes will be constructed onsite at any one time with production line style construction being undertaken to ensure efficient use of trades personnel. The activity is an industrial activity which is not permitted on the site under the Rural 1 zone rules.

The activity will result in a non-compliance with the TRMP permitted activity noise levels due to outdoor use of machinery and equipment which generates noise. Bunding and landscaping is proposed along the site boundary, the bunds will be landscaped. This bunding will have a dual benefit of providing noise mitigation and visual screening.

The applicant has already commenced the activity onsite and so the consent is, partially, retrospective. It is intended to stage the proposal so that within the first stage the relocatable homes are constructed within the north eastern corner of the site, as they are currently. Next year the activity will be increased (through stage 2) to include relocatable home construction within the north western corner of the site. Stage 2 will also involve construction of a large shed to provide storage facilities and potentially office accommodation. The proposed shed will result in a breach of building coverage and a breach of the height restrictions within TRMP Schedule 16.11A which relates to the nearby airport.

Other minor non-compliances associated with the activity include a breach of Nelson Tasman Land Development Manual Standard 4.10.2.3 (more than one access). Onsite parking will be provided to serve visitors and staff.

A sign will be erected along the frontage of the property, however, it will comply with permitted activity standards and so does not require resource consent.

As there are no reticulated connections available to the site all servicing will be managed onsite. Water can be provided for staff usages via rainwater tanks. Stormwater will be discharged to new onsite soakpits in accordance with the recommendation within Gary Stevens report. A discharge permit is required for onsite wastewater discharge as volumes of discharge will exceed 2,000 litres. An onsite discharge system has been designed by Mr. Stevens within his report, the system will be positioned adjacent to the future shed building and comply with required setbacks and discharge conditions.

At present the existing dwelling is used for a caretaker residence and also for office facilities associated with the activity. In the future the applicant may relocate the office into the shed.

The subject site is located on the northern side of Green Lane opposite 77 Queen Victoria Street which is utilised for a large coolstore operation. The site is also close to Motueka Aerodrome.

This application is supported by a comprehensive assessment of environmental effects and the following expert technical plans and reports:

- Site Plan (**Allure Architectural**)
- Traffic Assessment (**Traffic Concepts Ltd**)
- Noise Assessment (**Marshall Day Ltd**)
- Obstacle Surface Limitation Survey Plans (**Newton Survey**)
- Servicing Assessment

Resource consent is sought for the following:

TABLE 3			
RMA	Consent Type	Activity	Status
Section 9	Land Use	Undertake an industrial activity which is the construction of relocatable homes	Discretionary
Section 9	Land Use	Construction of buildings within the setback and exceeding building coverage	Restricted Discretionary
Section 9	Land Use	Construction of more than one vehicle access	Restricted Discretionary
Section 9	Land Use	Construction of a building which breaches the height allowance within the Obstacle Surface Limitation Area.	Restricted Discretionary Activity
Section 15	Discharge permit	Discharge of domestic wastewater exceeding 2,000 litres per day	Discretionary Activity
NESCS	Change of Use	Change of use of productive land to industrial activity	Discretionary Activity
The applications are bundled and so the overall activity status is Discretionary			

When considered against the relevant provisions of the Tasman Resource Management Plan, Tasman Regional Policy Statement and Part 2 of the Resource Management Act the adverse effects of the proposal are considered to be no more than minor.

2.0 Site Information

2.1 Site Details

This application for resource consent relates to the land located at 54 Green Lane, Motueka. A summary of the key site information and characteristics is provided in **Table 1** below.

Table 1	Site information
Title	NL3D/643 (Refer to Attachment A)
Legal Description	Lot 12 DP 1512 (Refer to Attachment A)
Area (m ²)	1.3170ha (Refer to Attachment A)
Consent Notices	None (Refer to Attachment A)
Land Covenants	None (Refer to Attachment A)
Owner	Franziska Constanze Huelsmeyer, Daniel-Rene Huelsmeyer and Huelsmeyer Trustees Ltd (Refer to Attachment A)
Existing Activities	Residential dwelling and outbuilding
Resource Consents	Nothing relevant
Hail Activities	The site has been used for market gardening in the past. However, there was no persistent prolonged use of pesticides and as such the site is not considered to be a piece of land under the NESCS.
Planning Maps – Zoning and Areas	<ul style="list-style-type: none">• Rural 1 Zone• Land Disturbance Area 1• Obstacle Surface Limitation (Refer to Planning Maps 52 (Tasman Resource Management Plan))
Services	The site is not serviced.
Topography	The land is predominantly flat.
Hazards	No identified hazards
Heritage	There are no listed buildings, items or sites on the site.

Aerial photos of the subject site are provided in **Figure 1 & 2** below.

The site is a large, relatively flat piece of land located on the northern side of Green Lane close to the intersection with Queen Victoria Street. The land is zoned Rural 1 and has previously been used for market gardening, however, despite the rural zoning the surrounding environment is a mix of land uses. The area has the feel of being within the urban periphery rather than strictly within a rural environment, this is further confirmed by the mix of deferred zones surrounding the site leaving the property one of a small group located to the east of Queen Victoria Street which would remain zoned Rural 1 (refer to Figure 3).

Immediately to the west of the site are medium density residential properties fronting Queen Victoria Street. To the north and east of the site the land is used more exclusively for productive activities although the section sizes are relatively small for any significant productive activities. Land further north and east has deferred residential zoning.

To the south of the application site the land has a deferred Light Industrial zoning and the recent construction of a large coolstore activity (authorised through RM170024V1) has changed the character of the environment. Given the extent of the deferred zoning it is reasonable to assume that the character of this area will further change from rural to urban in the near future. The coolstore is largely screened from public view along Green Lane by a large hedge which does assist in maintaining a less urban character along Green Lane.

To the south west of the application site is Motueka Aerodrome which is covered by Designation D209 and subject to Schedule 16.11A under the TRMP. A number of small scale commercial aviation companies and flight schools operate from the airport. The flight path of aircrafts extends over the application site and aircraft noise is a common feature within the surrounding environment.

Although the activity has commenced onsite already, the application site has a lawfully established dwelling and several ancillary buildings including a detached storage shed. Two site accesses were already established when the applicant took ownership of the site, one access to provide access to the rear of the dwelling and to serve the previous rural activities and the other access a more informal access to provide parking at the front of the dwelling.

There is some landscaping along the property frontage which provides a level of screening along Green Lane, although some of this will be removed to provide visibility splays for the new access.

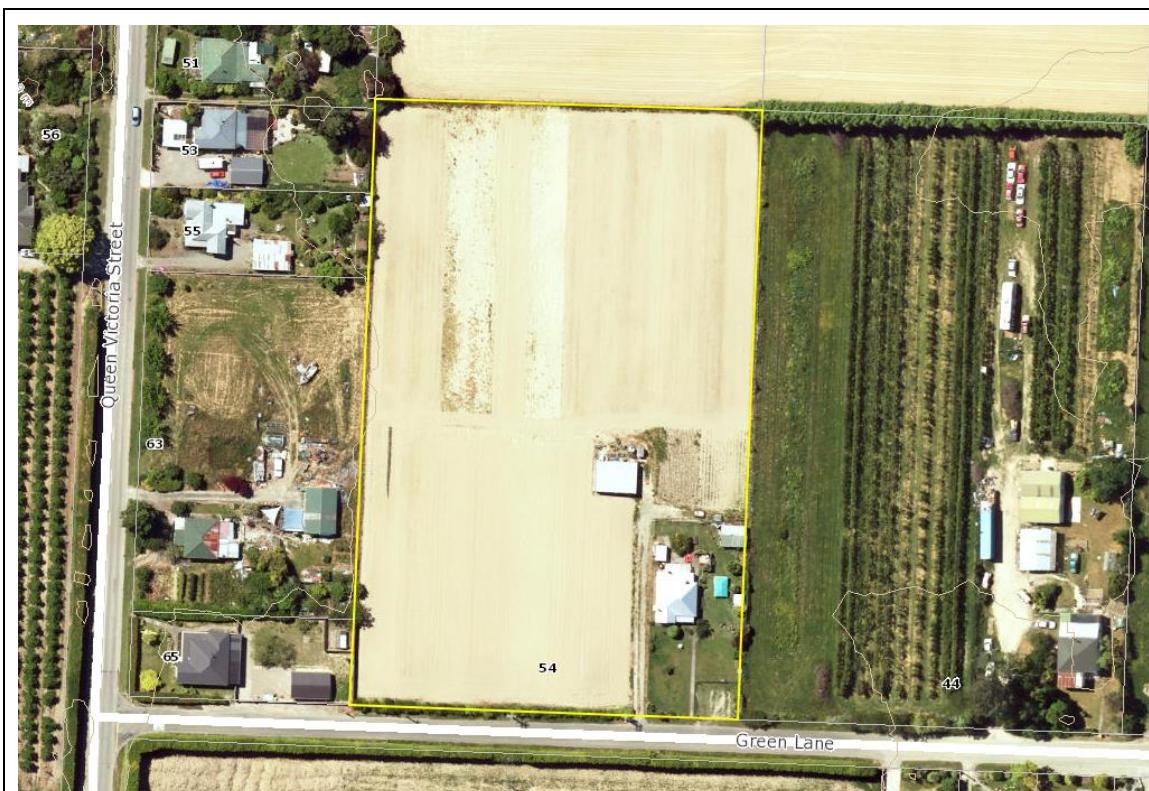


Figure 1: Aerial photograph of site (Top of the South Maps)



Figure 2: Aerial photograph of site in wider context (Google Maps)



Figure 3: Surrounding Zoning (Top of the South Maps)

3.0 Description of the Proposal

3.1 Overview

The applicant operates an industrial activity which is the construction of relocatable homes. The homes are constructed on the application site and then shipped off site to a site specified by the purchaser, these sites may be within the Tasman District or elsewhere in New Zealand.

This application seeks to authorise the industrial activity which has already commenced on site due to the high demand already experienced for the homes. The application will also authorise the further expansion of the activity.

At present the applicant is operating 'stage 1' of the activity which involves construction of approximately 9 relocatable homes at any one time. It is intended that over the next couple of years production levels will double into the 'stage 2' operation which will see a maximum of 18 relocatable homes under construction on the site at any one time. Stage 2 also involves construction of a large shed to provide storage for equipment and materials associated with the activity.

The activity, which is undertaken outside and involves use of machinery and equipment generates noise which will, at the boundary of certain residential dwellings, exceed permitted activity levels. Consent is therefore sought for a breach of permitted noise levels, however, bunding around the perimeter of the site will assist with mitigating the effects of this noise.

At present the existing dwelling is utilised as a caretaker's residence as well as for offices associated with the activity. Once the shed is constructed the applicant would like the option to relocate the offices into the shed.

Parking is provided onsite for tradespeople, office staff and visitors to the site. In order to facilitate the activity a further access has been constructed which results in there being a total of three accesses onsite. Stormwater will be managed onsite and discharged to a number of soakpits positioned around the properties, the soakpits have been sized and designed to account for the full extent of the future activity which includes the proposed shed, parking and access area and all weather surface for building construction. The existing dwelling has a wastewater discharge system and it has been calculated that with the use of the dwelling for residential accommodation and office facilities the discharge will be approx. 600 litres per day. However, once the activity is fully established with a maximum of 60 staff onsite and new toilet facilities within the proposed shed the volume of discharge will increase by 3,000 litres per day. A new onsite system is therefore proposed to cater for this level of discharge and a discharge permit is required as the volume exceeds the permitted activity level of 2,000 litres per day.

The site is located close to the Motueka Aerodrome and therefore subject to height restrictions within Schedule 16.11A of the TRMP. These requirements limit the height of structures and landscaping to ensure safe passage for aircrafts land and taking off from the airport. The applicant seeks a dispensation from the height restriction within the TRMP on the basis of more recent survey information which provides more accurate measurements for safe height of structures and landscaping on the site.

As the site has previously been used for market gardening consideration must also be given to whether the National Environmental Standard – Contaminated Soil is applicable and whether there is any risk to human health as a result of the activity.

3.2 Industrial Activity

The TRMP defines 'industrial activity' as:

Industrial activity – means the use of land and buildings for the primary purpose of manufacturing, fabricating, processing, packing, storage, maintenance, or repair of goods, but does not include home occupations.

The applicant undertakes a construction operation (manufacturing of relocatable homes) which constitutes an industrial activity in accordance with the TRMP definition. The homes are also sold from the site with purchasers making online and phone enquiries and then purchasing a home.

The TRMP defines commercial activity as:

Commercial activity – means the use of land and buildings for the primary purpose of display, offering, provision or the sale or hire of goods, equipment or services. A commercial activity includes shops, markets, showrooms, restaurants, takeaway food bars, professional, commercial and administrative offices, service stations, motor vehicle sales, tourist accommodation, the sale of liquor and associated parking areas, but excludes community activities and home occupations.

The primary use of the land and buildings is for an industrial activity not a commercial activity, therefore the commercial element (sale of relocatable homes) is ancillary to that industrial activity and not a separate land use. The applicant does not have any completed homes for use as show homes, purchasers view information and images online and make purchases and choices accordingly. Customers do not come to the site to browse products or view products for sale, they make purchases and view options online. A purchaser or other person may, however, come to the site to meet with the applicant, view their home being constructed or for other reasons. However, again this is ancillary to the industrial activity.

Each home is constructed from scratch and internally fitted out to form a complete 'home' ready to be shipped off site to wherever the purchaser has instructed. Purchasers are advised to check Council requirements to establish if any resource consent would be required before they relocated their home.

There are currently three different home styles in construction on the site, The Ruru, The Little Ruru and The Ruru's nest. The Ruru has two mezzanine floors to provide two bedrooms and a floor area of 30m², these homes have a height of 5m. These units vary between 12m² to 45m² and have a height of 3m (Ruru's Nest and Little Ruru) and 4m (The Ruru).

The homes are generally constructed on trailers, although purchasers can request a home which is not on a trailer. Advice from Paul Gibson, Senior Consent Planner, confirms that as the homes are the result of a construction activity on the site they are not buildings and so by default they would not be considered dwellings.

The construction of these relocatable homes is undertaken outside on the application site. At present the applicant has the capacity to construct a maximum of 9 homes at any one time, employing 32 staff onsite. In coming years, it is intended to expand the operation to allow for

construction of a maximum of 18 homes at any one time. This would involve an increase in staffing levels up to a maximum of 60 staff (trades and office staff) onsite at any one time. As the applicant seeks flexibility in terms of timing for moving to stage 2 it is proposed to obtain consent for both stages at this time. Stage 1 (currently being undertaken) will involve construction of relocatable homes in the north east half of the site and stage 2 will see the activity spread into the north west half of the site as shown in Figure 4.

It is likely some completed homes awaiting transport off site will be stored in the south west portion of the site. It is anticipated that approximately one home per week would be transported off the site by a ute and trailer.

Construction of the homes is undertaken in a production line manner with houses in variation stages of construction as trades personnel rotate in an efficient and effective manner.

The hours of operation on site for the activity would be:

- Monday – Friday 7.00am-5.00pm
- Saturday 7.00am – 3.00pm

Although on all days noise generating activities would not commence until 7.30am.

There may be office staff and visitors onsite on Sunday, however, no construction activities will be undertaken on a Sunday.

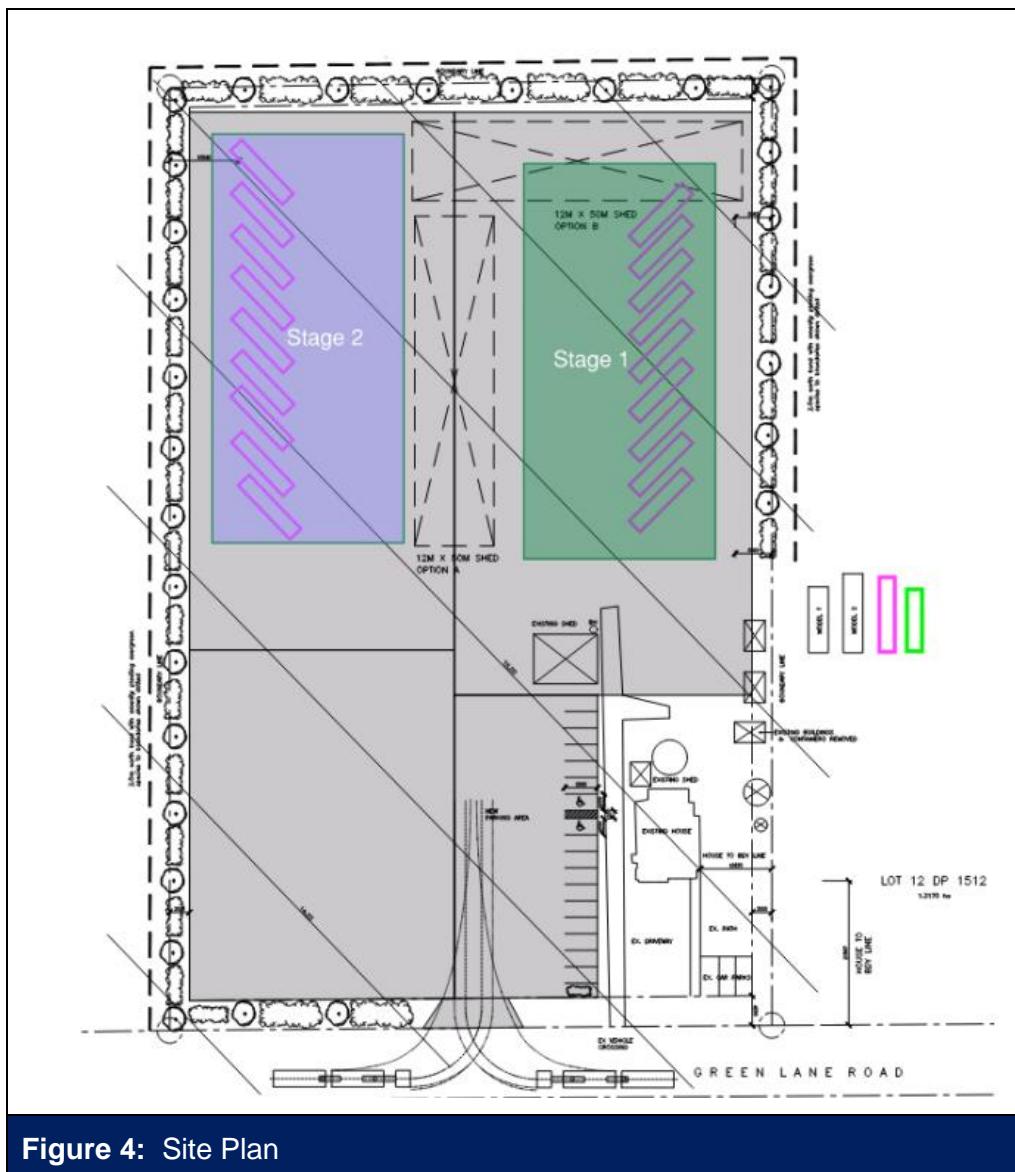


Figure 4: Site Plan

Due to the nature of the activity, there will be some noise generation as a result of use of construction machinery and equipment. The applicant proposes to construct a 2m high bund around the perimeter of the site (northern, eastern and western, boundary) to provide some noise mitigation from the proposed activity. In order to enhance amenity values the bunds will be landscaped (grassed and then planted with evergreen species).

The application is supported by a Noise Assessment from Marshall Day Acoustics which has identified the following non-compliances with noise received at nearby residential dwellings. These noise levels take account of the proposed mitigation and are broken down into the two stages of activity:

Table 4: Mitigated noise rating

Assessment location	TRMP noise Limit (dB)	Mitigated noise rating L _r	Mitigated noise rating L _r
		Stage 1 (dB)	Stage 2 (dB)
Lot 1 DP 7957	55	54	55
Lot 5 DP 1512	55	54	57
Lot 6 DP 1512	55	54	59
Lot 7 DP 1512	55	54	60
Lot 8 DP 1512	55	56	61
Lot 9 DP 1512	55	54	60
Lot 10 DP 1512	55	55	58
Lot 14 DP 1512	55	56	57
Lot 20 DP 1512	55	54	54

Figure 5: Noise levels

It is also proposed to erect a sign on the property frontage to advertise the business and direct visitors. The sign will comply with all permitted activity conditions under TRMP Rule 16.1.5.1 and therefore does not need resource consent. The final location of the sign is not yet determined but the position of the sign will not restrict visibility of motorists exiting the site accesses (16.1.5.1(d)).

3.3 Buildings

There are a number of existing buildings on site including an existing storage shed, dwelling and some temporary containers. The storage shed and dwelling will remain with the temporary containers and buildings less than 5m from the eastern boundary removed.

The existing dwelling will remain physically unchanged but will be used for offices associated with the activity as well as a caretaker residence as required. The existing storage shed will be used for storage of materials and equipment associated with the activity.

As the relocatable homes are not considered buildings they are not subject to the bulk and location standards relating to buildings within the TRMP.

As part of stage 2 of the activity the applicant proposes to construct a large detached shed building. The site plan proposes two options for the location of this shed, in both cases the building will comply with relevant boundary setback requirements. However, flexibility is sought as to the future location depending on how the activity evolves into stage 2 and most practical work options. It is only proposed to construct one shed though and so a condition of consent can be imposed to require construction in either one location but not both.

As a result of the proposed shed and presence of multiple relocatable homes on site there will be an exceedance of permitted building coverage levels. The total area of buildings (existing and the proposed shed) will be approx. 1488m² which equates to 10.5% of the site area, higher than the permitted 5%.

The proposed shed would comply with the maximum height limit of 7.5m, however, as the site is within the area identified in Schedule 16.11A as being subject to Airport Height Controls there is a greater height restriction and TRMP Rule 16.11.2.1 is applicable.

The application is supported by more recent survey information which has been accepted by the Airport as part of their recent investigation into structures within the OLS height limits. The survey plans provide different measurements for height limits within the OLS area and the proposal complies with these more recent measurements. This revised data is based on survey information commissioned by the Council and accepted by the Airport.

In addition to the above, technically the earth bunds are considered buildings under the TRMP definition of building and as the bunds are positioned less than 5m from the boundaries resource consent is required for a reduced setback for these bunds.

3.4 Servicing and Access

Access

The applicant has constructed a new access to serve the activity, this access is in addition to the two existing accesses which have historically served the property. This additional access results in a non-compliance with the NTLD standards as it means the property has three vehicle access crossings when only one crossing is permitted. The access will be upgraded to ensure compliance with the requirements of Table 4-13. Vegetation either side of the new access will be trimmed or removed as needed to ensure compliance with the required visibility splays.

Sufficient onsite parking is to be provided to meet the needs of the activity, however, the parking area will not be sealed and spaces not marked as this is not considered necessary for the scale of the activity and considering the character of the surrounding environment. The new access will be sealed 10m into the site and this will be sufficient to prevent gravel tracking onto the road.

The planning maps indicate there is a designation along the frontage of the property (D214), however, there is no designation within the TRMP for this location. Clarification was sought from Council's Development Engineer, Dugald Ley, who confirmed that designation D214 was removed from the TRMP in 2018 but not removed from the planning maps. This designation is therefore not considered applicable to the application site and no road widening is required. The activity should not, therefore, trigger any requirement for vesting of roading along Green Lane. The proposed activity does not represent any increase in activity or traffic generation which would be above levels associated with a permitted rural activity and as such there is no justification for requiring the applicant to upgrade Green Lane to mitigate the effects of this activity.

The indicative road shown on the planning maps crosses a small section of the south east of the property, this area will remain unchanged by any proposed activity should future development on adjoining sites be undertaken which require this area to be formed as a road that matter can be assessed and discussed with the landowner at that stage.

Water

The activity itself does not require water, however, staff onsite will require water and this will be provided via rainwater harvesting tanks taking roof water from the dwelling and in the future the shed roof.

Stormwater

New stormwater discharges within the Rural 1 zone are a permitted activity subject to conditions. The proposal will involve construction of a new building, new access and all weather pads for construction activities. The stormwater run off from these areas must be managed to ensure post development flow levels do not exceed pre-development levels.

The application is supported by an assessment of stormwater volumes and proposed management system from Gary Stevens Consultant. Mr Stevens states:

- d) *The proposed development increases the modified catchment surface water flow being roof & paved areas discharging to the stormwater outfall. The increase is from 5.07 l/s or 0.00507 m³/s to 63.33 l/s or 0.06333 m³/s being a total of 58.26 l/s or 0.05826m³/s.*
- e) *Off set from the increase of modified development there is a decrease in overland surface water flow. The decrease is from 42.51 l/s or 0.04251 m³/s to 12.84 l/s or 0.01284 m³/s being a total of 29.67 l/s or 0.02967m³/s.*
- f) *The total catchment surface water flow increasing from 47.58 /s or 0.04758 m³/s to 76.17 l/s or 0.07617m³/s therefore an increase of surface water flow across the catchment of 28.59 l/s or 0.02859m³/s.*
- g) *Percolation testing carried out confirms that due to basal and lateral ground water movement, soakage is appropriate outfall for surface water control of this development.*
- h) *It is proposed that 11 gravel pits are installed at regular intervals around the perimeter of the unsealed areas to provide the storage volume required. Each gravel pit to be 2.5m x 2.5m x 3m deep (7.5m³ storage volume) will also provide surface water entry to the underlying gravels.*
- i) *Surface water channelling around the edge of the unsealed hardstand area will direct flow to the gravel pits. The location of the pits and channelling is shown on GS-01A Surface Water Overlay at Appendix A.*

The recommended management system design is shown in Figure 6 below and provided within Attachment F as part of Mr. Stevens overall assessment.

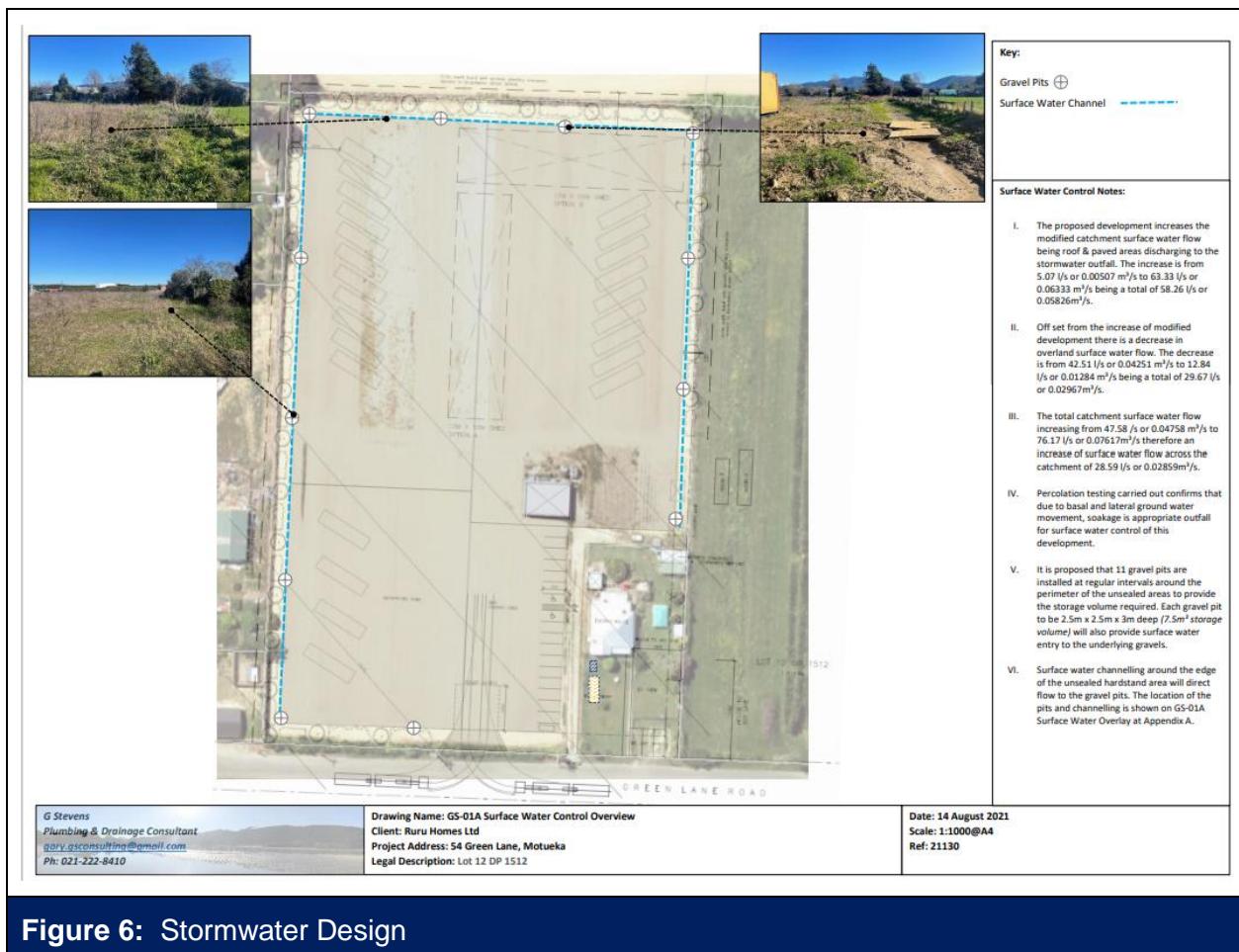


Figure 6: Stormwater Design

Wastewater

At present wastewater from the existing dwelling (used for offices and caretaker accommodation) discharges to an existing system with discharge volumes estimated to be approx. 600 litres per day.

The full activity involves a maximum of 60 staff onsite and so an increased wastewater system is required to allow for increase discharges associated with this number of staff onsite. It is estimated that there would be an increase in discharge of approx. 3000 litres per day.

The applicant has engaged Gary Stevens to undertake an assessment of soil conditions and propose an appropriate system to cater for this increased demand, Mr. Steven's report is provided within Attachment F.

A new land application system is proposed which will provide secondary treatment through an AES single pass sand filter. The discharge fields will be located close to the proposed shed with the final location confirmed through building consent for the detailed design of the system. As the proposed volume of discharge on the site would be approx. 3,600 litres per day resource consent is required for a discharge permit as this level exceeds the permitted activity level of 2,000 litres per day. The quality of discharge will comply with other relevant permitted activity conditions.

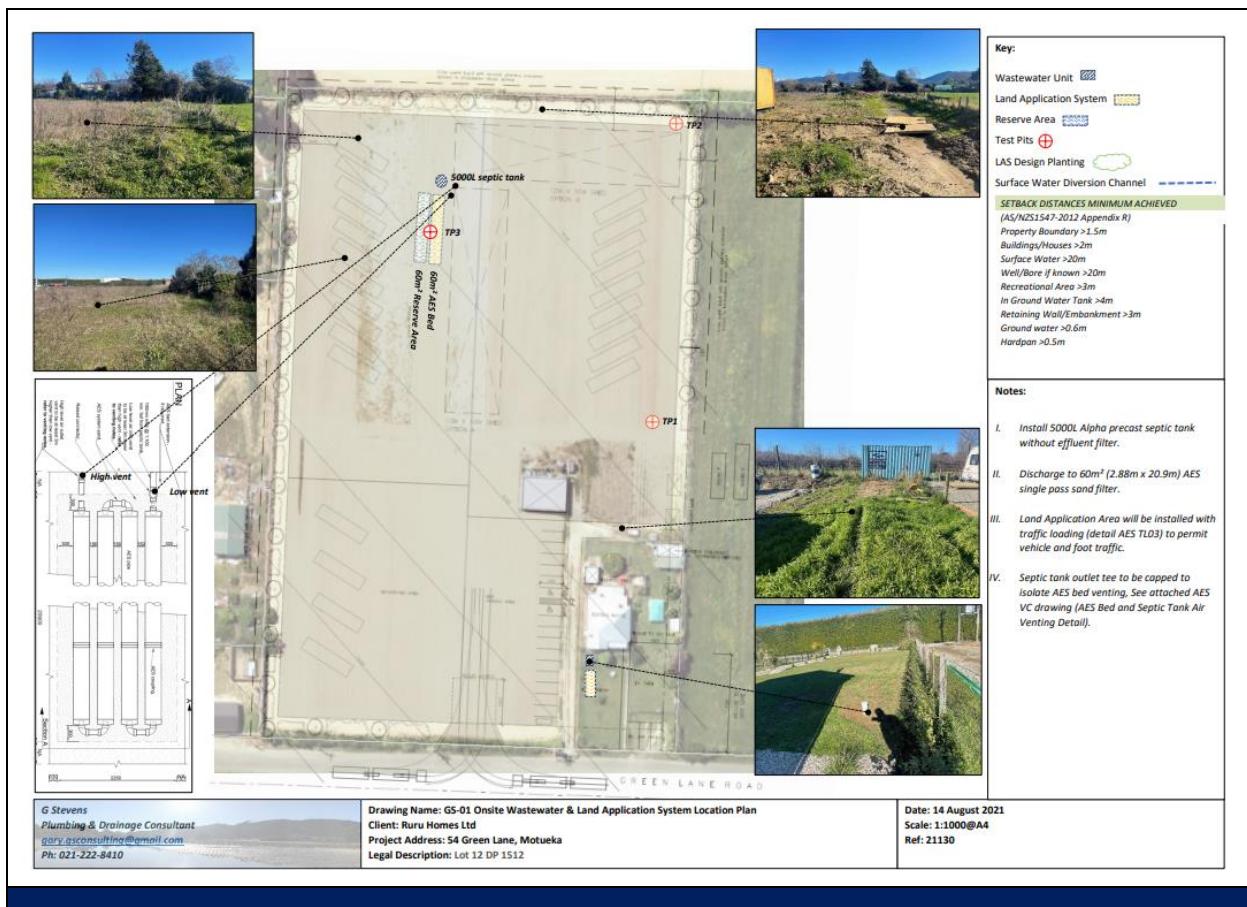


Figure 7: Wastewater Design

3.5 HAIL

The site is not listed on Council's HAIL register at present, however, Anna MacKenzie (Council's Resource Scientist - Contaminants) has indicated that the site appears to have been previously used for a market garden and so consideration must be given to whether there is any risk to human health in accordance with the NESCS.

The Ministry for the Environment website contains a list of HAIL activities which includes “*persistent pesticide bulk storage or use including sport turfs, market gardens, orchards, glass houses or spray sheds.*”

The key then is to determine whether there has been persistent use of pesticides associated with the market garden activity previously undertaken on the site. The previous landowner has confirmed that there were never any chemicals mixed or stored onsite, the shed on the property was used only for storage of farm equipment, not chemicals. The only chemical used was Orthene which was mixed on the landowners other site in Riwaka and then sprayed onsite intermittently via a 15 litre backpack spray container.

Ms MacKenzie has commented that “*the chemicals used on the market garden (Orthene) has an active ingredient of acephate which is an organophosphate, which is not classed as persistent, given the short half-life in soils.*”

The activity involves a change of use of the land from horticultural activities to industrial activities. However, considering the facts, which include previous low levels use pesticide use and the fact that the chemical used is not classed as persistent, coupled with the fact the site is not listed on Council's HAIL register there is not considered a need to obtain a Preliminary Site Investigation (PSI) report, instead consent is sought for the change of use as a Discretionary Activity on the basis.

Given there was no persistent use or storage of chemicals onsite the previous use of the site for market garden purposes is not considered to result in any risk to human health, particularly as the proposal is for an industrial activity which has a lower level of sensitivity than residential activities.

Some scraping of the topsoil will occur to form all weather pads which will be used for construction activities, however, the volume of soil disturbed within a 12 month period will comply with the permitted activity limits and no soil will be taken off site.

3.6 Consultation / Affected Parties

The applicant has undertaken pre-application consultation with Council. This included a meeting onsite with Paul Gibson (Senior Consent Planner) and Katrina Lee (Team Leader Land Use) and written feedback. The advice provided within the feedback letter dated 16 June 2021 has all been considered and appropriately addressed within this application.

The applicant has also undertaken consultation with Tim King (Mayor) and Barry Dowler (Councillor Motueka Ward) regarding the activity, both have indicated a high level of support and enthusiasm for the activity which actively seeks to help reduce housing supply shortage within the Tasman region and therefore provides significant positive benefits for the community.

3.7 Lapse Date and Duration

A lapse date of 5 years is accepted.

3.8 Summary of Mitigation Measures

There are a number of mitigating factors to be considered in relation to the proposal:

- a. Bunding and landscaping around the perimeter of the site will provide visual and amenity mitigation, including noise mitigation.
- b. The activity will only be undertaken during normal daytime hours and result in traffic generation comparable to a permitted rural activity.
- c. Considering the site size and nature of the activity the proposal is not considered to adversely affect the productive land availability, noting that the site could, in the future return to productive land uses.
- d. The activity provides relocatable homes which assist with reducing the housing supply shortfall and provide high quality affordable housing options.

4.0 Activity Status

4.1 Resource Management Plan

The site is located within the Rural 1 Zone and Land Disturbance Area 1 as shown in Figures 8 & 9 below.



Figure 8: Zoning

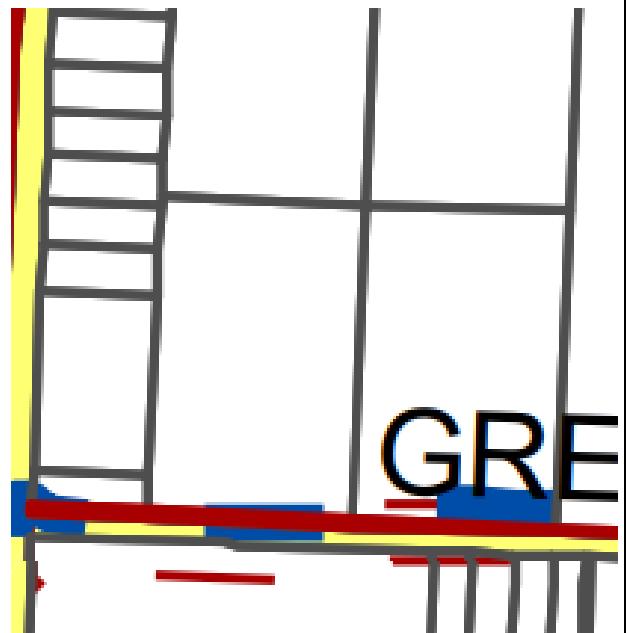


Figure 9: Overlays / Areas

4.2 Relevant Rules

Table 2 assesses the proposal against the relevant rules within the Tasman Resource Management Plan.

TABLE 2		
Rule	Status	Reason
17.5.2 Land Use - Rural 1 Zone		
17.5.2.1(a) Activities	Does not comply	The proposed activity constitutes an 'industrial activity'. Although homes are sold from the site this activity is considered to be an ancillary commercial activity rather than a separate land use activity.
17.5.2.1(c)	Does not comply	The proposed activity will breach permitted activity noise levels in respect of a number of surrounding dwellings.
17.5.2.9	Discretionary Activities	Conditions (a)-(c) are not applicable. The proposal will comply with condition (d) as the activity will not operate between the hours of 10pm-6am. Resource consent is therefore required for a Discretionary Activity in accordance with rule 17.5.2.9 for the use of the site for an Industrial Activity.

17.5.3 Building Construction, Alteration or Use		
17.5.3.1(a)	Not applicable	No proposed buildings are located within 10m of an indicative road.
17.5.3.1(b)-(c) dwellings	Not applicable	The relocatable homes are not 'buildings' and so cannot be dwellings.
17.5.3.1(ca)-(ea) Sleepouts	Not applicable	No sleepouts are proposed
17.5.3.1(f)-(g) Height	Complies	The proposed shed will have a maximum build height of 7.5m
17.5.3.1(h)-(kc) Setbacks	Does not comply	<p>Either proposed location for the shed would comply with the required 5m setback to internal boundaries and 10m to the road boundary setback.</p> <p>As the relocatable homes are not 'buildings' they are not subject to setback requirements.</p> <p>The proposed bunds are technically 'buildings' as they meet the TRMP definition of 'building' and they will be situated less than 5m from internal boundaries.</p>
17.5.3.1(l) Building coverage	Does not comply	The proposed shed and existing buildings will result in a total building coverage which exceeds 5% but which is less than 2,000m ² .
17.5.3.1(m) Building Envelope	Not applicable	The site does not adjoin a residential zone
17.5.3.1(n) Stormwater	Complies	Discharge of stormwater will be to appropriately sized soak pits in accordance with Section 36.4 of the TRMP.
17.5.3.3	Restricted Discretionary Activity	Resource consent is required as a Restricted Discretionary Activity for buildings which do not comply with setbacks and coverage.
16.1.5.1 Outdoor Signs in the Rural 1 Zone		
(a)	Complies	The sign relates to the activity which is undertaken on the site
(b)	Complies	The sign will be no more than 2m high.
(c)	Complies	The sign will have a maximum area of 1m ²
(d)	Complies	The sign will be positioned so as not to interfere with the visibility from any of the site access points.
(e)	Complies	The sign will not be illuminated
(f)	Complies	The minimum lettering on the sign will be no less than 150mm.
(g)	Complies	Conditions (d) to (g) of rule 16.1.3.1 will be complied with.
16.2.2 Land Use - Transport		
16.2.2.1(a)	Does not comply	<p>Refer to Attachment C Traffic Assessment which contains a detailed assessment of compliance with the applicable NTLDM requirements.</p> <p>The proposal has more than one access and so compliance with NTLDM section 4.10.2.3 is not achieved.</p>
16.2.2.1(b)-(j)	Complies where relevant	Refer to Attachment C Traffic Assessment which contains a detailed assessment of compliance with the applicable NTLDM requirements.
16.2.2.3(c)	Complies	Sufficient parking to meet the TRMP requirements is provided.
16.2.2.6	Restricted Discretionary Activity	Resource consent is required as a Restricted Discretionary Activity for more than one access.

16.11.2 Airport Protection		
16.11.2.1	Does not comply	The proposed shed does not comply with the height limit required by Schedule 16.11A, however, additional information is provided to demonstrate a more accurate OLS requirement.
16.11.2.2	Restricted Discretionary activity	Resource consent is required for the increased building height as a Restricted Discretionary Activity in accordance with rule 16.11.2.2.
18.5.2 Land Disturbance Area 1		
18.5.2.1	Complies	The proposal will involve some earthworks and land disturbance which will constitute scraping of top soil to lay all weather surfaces and construction of the bunds. The earthworks would be undertaken in stages as the activity expands. There would be no more than 1 hectare of land disturbance in any one year.
36.4.2.1 Discharge or Diversion of Stormwater or Drainage Water		
1.	Permitted Activity	The site is located within the Rural 1 zone and the proposal involves a new stormwater discharge from the proposed building, parking and accessway and construction areas. The attached report from Gary Stevens Consultant proposes construction of soakpits which stormwater will be discharged into. The discharge will meet all conditions under Rule 36.4.2.1 and is therefore a permitted activity.
36.1.2.4 Discharge of Domestic Wastewater		
36.1.2.4	Does not comply	More than 2,000 litres of wastewater will be discharged daily once the activity is fully operational into stage 2.
36.1.5.2	Discretionary Activity	As discharge volumes will exceed 2,000 litres per day and the discharge is not from a dwelling on a site larger than 2 hectares, compliance with Rule 36.1.3.2 is not achieved and resource consent is required for the discharge of wastewater as a Discretionary Activity.
NES Contaminated Land		
Regulation 8(3)	Permitted	Soil Disturbance will be less than the permitted volume. Any soil removed offsite will be less than the permitted volume. All soil disturbance will be undertaken in accordance with the requirements of Regulation 8(3).
Regulation 8(4)	Discretionary	A change of use is proposed as the site will be used for an industrial activity as opposed to productive land uses.

4.3 Required Consents

In summary, the following resource consents are required:

TABLE 3			
RMA	Consent Type	Activity	Status
Section 9	Land Use	Undertake an industrial activity which is the construction of relocatable homes	Discretionary
Section 9	Land Use	Construction of buildings within the setback and exceeding building coverage	Restricted Discretionary
Section 9	Land Use	Construction of more than one vehicle access	Restricted Discretionary
Section 9	Land Use	Construction of a building which breaches the height restriction under TRMP Schedule 16.11A.	Restricted Discretionary Activity

Section 15	Discharge permit	Discharge of domestic wastewater exceeding 2,000 litres per day	Discretionary Activity
NESCS	Change of Use	Change of use of productive land to industrial activity	Discretionary Activity
The applications are bundled and so the overall activity status is Discretionary			

5.0 Assessment of Environmental Effects

5.1 Introduction and Scope

The following assessment has been prepared after having regard to the scale and significance of the actual or potential effects (s88(2)(b)) and has been prepared in accordance with the Fourth Schedule to the Act. The ‘actual or potential effects’ have been identified from the relevant assessment criteria of the Plan.

5.2 Permitted Baseline

Pursuant to Section 95D(b) of the Resource Management Act 1991, the permitted baseline provides guidance as to the effects of the proposal, with three relevant considerations:

- The effects of activities that are permitted by the District Plan;
- The effects of existing lawfully established activities on the site;
- The effects of unimplemented resource consents.

There are no unimplemented resource consents which are relevant to the proposed activity. Limited construction activities could be undertaken on the site as a home occupation, however, it is acknowledged that the activity exceeds what would be permitted as a home occupation.

5.3 Effects of Industrial Activity

The applicant has already commenced an industrial activity onsite which is the construction of relocatable homes for sale and transportation off site. This application seeks consent for the existing activity and an increase in the scale of the activity. The activity is primarily undertaken outdoors, although there is associated office facilities and in the future a storage shed is proposed.

The primary effects of the industrial activity relate to the actual and potential effects on rural character and amenity and on amenity values surrounding landowners can reasonably expect from an activity on this site. In considering these potential effects it is important to consider the specific characteristics and existing amenity values of the surrounding environment.

Rural Character and Amenity Values

The site, although zoned Rural 1 is within close proximity of Motueka township as well as other existing urban (residential, industrial etc) activities. The TRMP planning maps provide a clear picture of an expansion of Motueka out towards Queen Victoria Street (refer to Figure 3 above). The application site, along with limited land to the east and between Whakarewa Street to the north does not have a deferred zoning and so is likely to become a limited pocket of rurally zoned land. Chapter 7 – Rural Environment Effects states:

“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.” (Chapter 7, 7.0 pg 7/2)

Given the anticipated future changes to the surrounding environment, which, due to the deferred zoning will inevitably become more urban the effects of the activity on rural character must be

assessed within this context. The creeping urbanisation referred to in the TRMP as quoted above is already occurring and will occur as a result of the deferred zonings.

There is an existing large coolstore activity undertaken directly opposite the application site, the airport is located to the south east of the site and these activities influence the character and amenity values of the receiving environment.

The proposed activity involves limited permanent structures, the proposed large, detached shed being the only new permanent structure and this is not an uncommon addition within the rural environment. The relocatable homes are all temporary structures which are not considered to unduly affect the character, appearance and openness of the rural environment. The proposal includes construction of landscaped bunds around the perimeter of the site, this will assist with maintaining the rural character of the surrounding environment where high hedges such as shelter and spray belts are a common feature.

Considering the character of the surrounding environment, the nature of the activity and the mitigating bunding and landscaping the activity is not considered to have a more than minor effect on the amenity values and rural character of the environment.

Noise

There is a degree of noise generation associated with the activity from the construction of the relocatable homes which involves use of power tools such as saws, sanders, nail guns and other similar equipment.

The application is supported by an assessment of noise effects at the boundary by Marshall Day (refer to Attachment D). The proposed bunding along the perimeter of the site will provide some level of noise mitigation and reduce the noise received at surrounding residential properties. The Marshall Day report considers the level of noise received under stage 1 and stage 2 of the activity and then with the proposed mitigation measures. With the mitigation measures proposed there is a minor breach of the permitted activity noise levels at 7 dwellings for stage 2 of the activity, refer to Figure 4 in section 3.2. In respect of these non-compliances Marshall Day states:

With the included noise mitigation, during stage 1, a marginal exceedance of up to 1 dB is predicted for Lot 8 DP 1512 & Lot 14 DP 1512 only, all other receivers are compliant. During stage 2, exceedances of up to 4 dB are predicted for Lot 5, 6, 10 & 14 DP 1512.

Receivers experiencing noise levels exceeding the district plan by up to 2 dB would typically observe an imperceptible difference in level when compared to a noise source generating at the noise limit, while an exceedance of 3-4 dB would typically just be perceptible.

Exceedances of up to 5 – 6 dB are predicted at Lot 7, 8, 9 DP 1512. This is likely to be a noticeable difference in level when compared to a source generating at the noise limit.

Dust and discharges

The activity will not result in any discharge of dust which would cause adverse effects beyond the site boundaries. Although use of saws, planes and other similar equipment can result in dust generation the applicant will employ practice to ensure that dust is contained. This would involve use of vacuum cleaners attached to equipment and damping down of dusty surfaces as quickly as possible.

The landscaped bunds will also serve to assist in prevent dust migrating across boundaries as the landscaping, once mature will reach a height of between 6-7m. The proposed landscaping will be relatively dense and as evergreen species are proposed the trees will be in leaf year round to provide mitigation.

There will be no spray painting undertaken on the site and the activity will not involve the discharge of any other contaminant or odour to air.

5.4 Effects on Productive Land Values

The site is 1.371 hectares in area which is too small for any meaningful profitable productive activities. The proposal does not involve subdivision and other than the proposed shed the activity does not involve any permanent structures which would render the site unsuitable for future productive land uses.

The proposed activity is not considered to result in any fragmentation of land and given the size of the site and nature of the activity is not considered to have an adverse effect on the availability of productive land to meet the future needs of the community.

The applicant engaged in pre-application consultation with Council and feedback from Mirka Langford, Resource Scientist – Land & Soil sates:

*I have had a look at the pre application and from my point of view do not have too many concerns. The Lot size is only 1.3 hectares and although being Class A soil is not currently used productively. The construction of the shed on the site is to one end along the boundary leaving the main part for all weather pads.
I assume that if in future any one would like to use the site for food production these all-weather pads would be able to be removed again.*

The activity for which consent is sought is the same as that proposed at pre-application stage, although some slight changes to the site plan have been made to provide clarification, allow for an efficient use of land and account for servicing needs. However, these comments are still considered relevant as it is acknowledged the all weather pads could be removed in the future and the land reverted back to productive use.

5.5 Effects of building coverage and setbacks

The proposed new shed will result in a breach of overall building coverage on the site. Coverage is limited to 5% of the site and the proposed shed result in a coverage level of 10.5%. Although the relocatable homes are temporary structures they may still be considered buildings for the purposes of building coverage once they are fully or even partially complete. If all relocatable homes were considered buildings then the total site coverage would be approx. 16.3%.

When considered in the context of the surrounding environment, which is relatively highly developed for a rural environment, the increased building coverage is not considered to have an adverse effect on the amenity values or character of the environment. Despite the additional building coverage the site will still maintain a sense of openness which is consistent with the surrounding rural character and expected amenity values in this environment. Furthermore, the proposed boundary bunds and landscaping will provide visual screening to mitigate the effects of increased buildings.

The proposed bunds are technically considered buildings under the TRMP definition of building and would not be setback 5m from the internal boundaries, the reduced setback is a practical proposal to allow for efficient use of land within the site. Given the bunds will be landscaped they will not appear as 'buildings' in the traditional sense but as an amenity feature which has positive benefits of providing screening of the activity undertaken on the site. Therefore, they are not considered to have any adverse effect on amenity values or rural character, particularly considering shelter and spray belt hedges are a common feature of the surrounding environment.

5.6 Effect of Airport Height Limits within Schedule 16.11A

Chapter 16.11 of the TRMP relates to Airport Protection and is relevant to the application site which is close to the Motueka Airport. Schedule 16.11A provides an indication of height controls for sites to the north east and south west of the airport, however, the plan is not to scale and so more accurate surveying must be undertaken to determine the exact height restrictions.

A basic desktop assessment of the site relative to Schedule 16.11A indicates that heights of approx. 5m would be permitted in the north eastern corner of the site. However, more in depth accurate analysis is needed to fully determine the actual height restriction and so the applicant engaged Newton Survey to undertake this assessment.

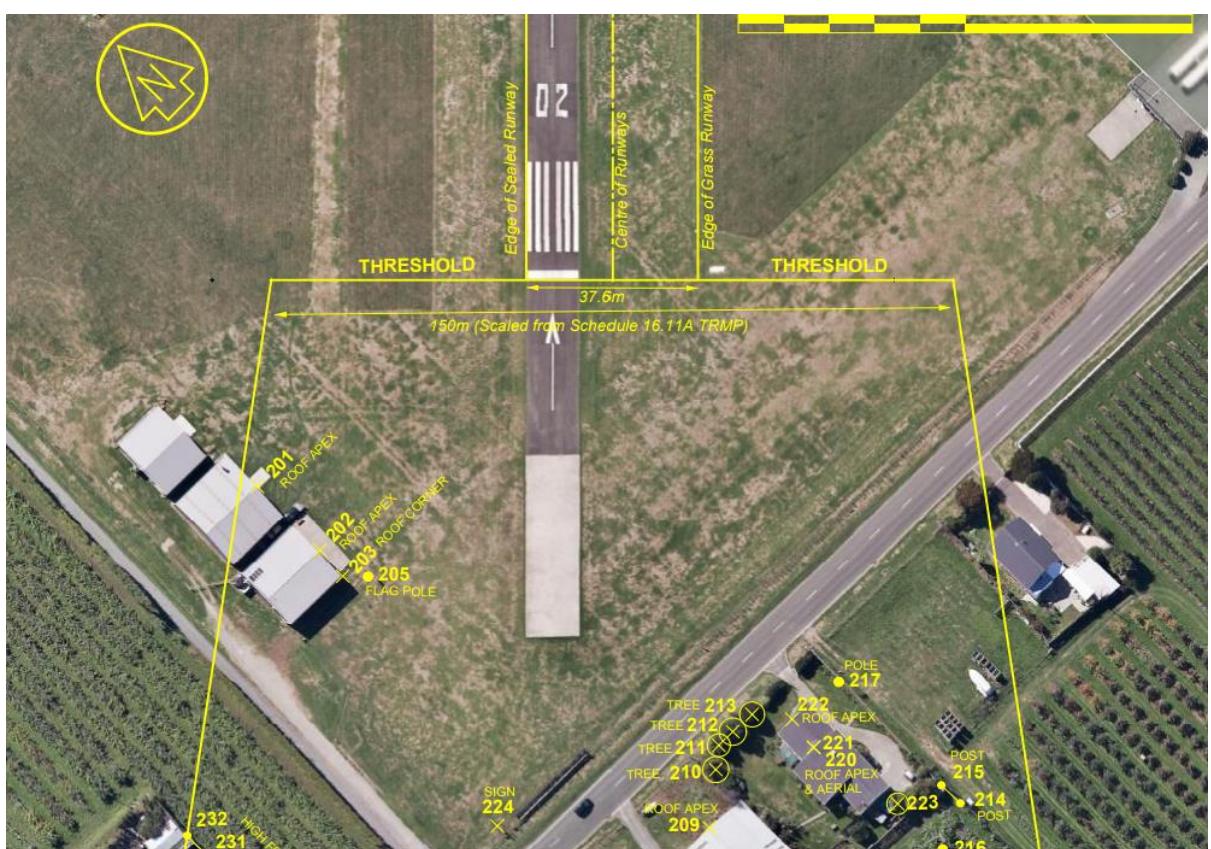
Newton Survey were also engaged by Tasman District Council to provide some revised parameters to calculate the Obstacle Limitation Surface (OLS) restrictions as the Airport had determined that the parameters within Schedule 16.11A were no longer appropriate. In essence the restrictions shown on the plan within Schedule 16.11A would create issues with cars and trucks using Green Lane and Queen Victoria Street as well as with existing essential infrastructure such power poles and buildings.

The Minutes of the Motueka Aerodrome Advisory Group (which includes Council staff) dated 11 March 2020 confirm that the OLS encroachment plans were updated based on the new parameters (from Newton Survey). A copy of these minutes and the revised survey information from Newton Survey is provided within Attachment E.

This revision resulted in far few existing encroachments within the restrictions and this was considered a positive benefit. This revised survey data effectively supersedes the restrictions within Schedule 16.11A. However, as Schedule 16.11A has not yet been amended through a Plan Change process to the TRMP consent is required for non-compliance with rule 16.11.2.1 which requires compliance with the height limits shown on Schedule 16.11A.

The discrepancy between the Schedule 16.11A allowable levels and the existing obstacles is apparent from table of survey data points provided within Attachment E. Based on Schedule 16.11A even buildings, a flag and sign at the airport would be in non-compliance with the TRMP OLS restrictions.

For example, point 201 (shown in Figure 10 below) has a height of 17.2m (NVD2016) whereas the allowable height at that location under Schedule 16.11A is 11.8m, an encroachment of 5.4m. This is a building at the airport and so constructed by the airport within parameters they deem acceptable to safeguard planes taking off and landing over this area.



MOTUEKA AERODROME OBSTACLE LIMITATION SURFACE SURVEY - SEPTEMBER 2017
See attached plots for Obstacle Limitation Surface Definition and Location of Surveyed Points

Point Number (see plots)	Obstacle Description	Reduced Levels - TDC Datum (NZVD2016)			Encroachment (m)	Height Above Ground (m)	
		Top of Obstacle	Max Allowable	Ground RL		Obstacle Ht	Max Allowable Ht
201	ROOF	17.2	11.8	11.2	5.4	6.0	0.6
202	ROOF	17.6	12.1	11.2	5.5	6.4	0.9
203	ROOF	16.0	12.2	11.1	3.8	4.9	1.1
204	TREE	29.9	14.5	11.4	15.4	18.5	3.1
205	FLAG POLE	15.4	12.2	10.9	3.2	4.5	1.3
206	POWER POLE	19.6	15.1	10.7	4.5	8.9	4.4
207	POWER POLE	16.9	14.7	10.7	2.2	6.2	4.0
208	ROOF	16.6	13.9	11.1	2.8	5.5	2.8
209	ROOF	15.8	13.3	11.0	2.4	4.8	2.3
210	TREE	17.2	13.1	10.9	4.2	6.4	2.2
211	TREE	17.0	12.9	10.8	4.1	6.2	2.1
212	TREE	16.9	12.9	10.7	4.0	6.1	2.1
213	TREE	16.3	12.8	10.8	3.5	5.5	2.1
214	POST	16.8	13.2	10.4	3.6	6.3	2.8
215	POST	17.0	13.1	10.6	3.9	6.4	2.6
216	POWER POLE	18.9	13.4	10.5	5.5	8.5	2.9
217	POLE	16.1	12.7	10.5	3.4	5.6	2.2
218	POWER POLE	19.7	14.1	10.8	5.6	8.9	3.4
219	POWER POLE	19.8	14.6	10.9	5.2	8.9	3.7
220	ROOF	15.6	13.0	10.9	2.7	4.7	2.1
221	TV AERIAL	17.2	13.0	10.9	4.2	6.3	2.1
222	ROOF	14.8	12.8	10.9	1.9	3.9	2.0
223	TREE	16.3	13.2	10.7	3.1	5.6	2.5
224	SIGN	13.9	13.3	10.9	0.6	3.1	2.4

Figure 10: Revised OLS survey data for Motueka Airport

The revised parameters surveyed by Newton Survey and accepted by the Airport then allow for increased building height on the application site, however, as Schedule 16.11A remains unchanged there is a technical breach of rule 16.11.2.1.

However, in reality all proposed structures on the site will be within the height restrictions allowed by the revised parameters (refer to Figure 11 below) and so will not pose any risk to aircrafts using the airport. No structure onsite will be greater than 7.5m in height and therefore within the allowable OLS restrictions based on revised survey data which has been accepted by the Motueka Airport. As such there are not considered to be any adverse safety risks to airport users.



Figure 11: Revised OLS survey data on application site

5.7 Transportation Effects

There is an identified non-compliance with the number of accesses into the site and this, along with traffic effects generally from the activity have been assessed within the Traffic Assessment Report by Traffic Concepts Ltd (refer to Attachment C). The activity will involve limited heavy vehicle movements to the site associated with the delivery of raw materials. However, the relocatable homes themselves can be transported off the site via a ute and trailer (in a similar manner to a large caravan or trailer). Therefore, as there will be no oversized vehicles entering and exiting the site there is no requirement for special traffic management provisions. The trucks used to bring materials to the site are no larger than trucks which might access any site, such as trucks associated with a permitted rural activity (market garden, horticulture or stock grazing).

The traffic volume levels are comparable to a permitted rural activity undertaken on the site.

The Traffic Concepts report concludes:

"The proposed development provides a purpose-built facility for the construction of relocatable homes. The development complies with the various TRMP requirements including the NTLD 2020 provisions, except for the number of vehicle crossings."

"The assessment shows that the effects of the proposed three vehicle crossings will have no noticeable impacts on other road users. Any effects are less than minor."

All vehicles can enter and exit the site in a forward direction with on-site parking provided within the development. While the individual spaces are proposed not to be marked, there are large areas available on the site to accommodate the parking needs.

Overall, the proposed development will have no adverse impacts on other road users or the adjacent road network, with any effects being less than minor.”

5.8 Servicing

Stormwater will be managed onsite through construction of 11 gravel pits installed at regular intervals around the perimeter of the site, these pits will provide appropriate storage volume for stormwater. Surface water channelling around the edge of the all weather pads for construction activities will direct overland flows into the gravel pits. The proposed management system will ensure that post development flow levels do not exceed pre-development levels.

A wastewater discharge permit is sought to allow for discharge of wastewater exceeding 2,000 litres. An assessment of this discharge is provided from Gary Stevens Consultant within Attachment F. Mr Stevens assesses the effects as:

A description of the sensitivity of the receiving environment, in particular the potential for the proposed system to have any impact on ground and surface water and/or Identify the location of any downstream bores and any potential adverse effects coastal water quality.

The effects of discharging domestic wastewater to land will be no more than minor given the wastewater management system has been designed to comply with the requirements of AS/NZS 1547:2012. The no waterbody is within 100 metres, no bore identified within 20 metres of LAS area and groundwater at >1.9 metres. The soil depth and characteristics are sufficient to allow for the breakdown of the wastewater without actual or potential accumulated adverse effects.

Details of seasonal fluctuations in flows and how this may affect the seasonal or long term performance or capacity of the system.

Normal seasonal fluctuations will be experienced with visitors more frequent in warmer months. The system as designed is capable with coping with these varying flows and conditions and will maintain design parameters in regard to effluent treatment and quality.

Details of any proposed mitigation/contingency measures to be undertaken to help prevent or reduce the actual or potential effect.

NO mitigation measures considered necessary as no actual or potential issues identified as part of site and soil investigation.

Any possible alternative methods of discharge, including discharge into any other receiving environment

No alternative methods considered as best land application for the land has been identified.

Where the scale or significance of the activities effect are such that monitoring is required a description of how, once the proposal is approved effects will be monitored and by whom.

This system only requires an annual health check though should be checked at 3 month & 6 month intervals in it's first year of operation to ensure steady bio-mass growth on any installed effluent filter and any odour or surface ponding issues. These checks can be completed by the owner (as directed by designer) or the owner's contractor.

5.9 HAIL

The site has a history of being used for market gardens since the late 1970s (approx. 1978). The activity was a relatively small scale operation undertaken by the former landowner, Mr Smith. There was very little spray used on the site with the former landowner confirming only the use of Orthene via a 15 litre backpack sprayer. Council's Resource Scientist has confirmed that Orthene is not a persistent chemical. The applicant is not aware of any fuels or chemicals stored onsite with the existing shed being only used for the storage of farm equipment. All chemicals were mixed off site at the previous landowner's other property in Riwaka.

The use of the site for an industrial activity results in lesser sensitivity in terms of receptors than other activities such as residential. The activity will not involve any regular ground disturbance and although some limited scraping of topsoil will occur to lay basecourse for a more practical surface to facilitate the activity, all soil disturbance levels will be within permitted activity levels as the disturbance will be staged, with all material retained onsite.

Given Orthene is not considered a persistent chemical use and there have been no other chemicals used on site or fuel stored onsite the site is not actually considered to be a HAIL site. However, should Council consider the site to be a HAIL site resource consent would be required as a Discretionary Activity for a change of use as the land which will go from productive land use to industrial land use.

Having consulted with the previous landowner, Mr Phillip Smith, the applicant is comfortable that the site is not a HAIL site and as such there is unlikely to be any risk to human health.

5.10 Cultural Heritage Values

The site is not located within a cultural heritage precinct or within a Statutory Acknowledgement Area. The activity involves very little ground disturbance and is not considered to have any adverse effect on the special relationship of Iwi to the land or water.

However, to ensure that correct protocol is followed in the event of any discovery during earthworks or land disturbance the applicant volunteers an accidental protocol condition be attached to the resource consent approval.

5.11 Positive Effects

Section 3 of the Act provides the meaning of 'effect' which includes "*any positive or adverse effect*". Council must, therefore, take account of positive effects as well as adverse effects associated with the proposal.

The activity is for the construction of relocatable homes which provides a significant positive benefit for the local and wider community in a number of ways.

At present in Nelson Tasman there is a well documented housing supply shortfall which has contributed to a significant drop in affordable housing options, this in turn is having adverse effects on the needs of the community.

The Real Estate Institute New Zealand (REINZ) Monthly Property Report dated 12 August 2021 states that Tasman saw a 21.3% increase in the median house price year on year and Tasman properties have sold at the fastest rate of any region in New Zealand. The median house price in

Tasman is currently \$825,000. This figure is well above the level at which many people, particularly first time home buyers or those buying alone can reasonably afford. In order to provide for the social, economic and cultural well-being of the community it is therefore of fundamental importance that alternative housing options are considered. The applicant recognises this need and provides housing which is not only affordable but also housing options which are dry, warm and high quality.

The relocatable homes therefore make a significant positive benefit to the community and provide an excellent option for those who might otherwise struggle to find suitable accommodation.

In addition, the activity provides for sustainable long term job opportunities for the local community, providing employees with valuable trades skills and a living wage. The business is managed and operative in an ethical sustainable manner to bring positive benefits to the local community which enhances the local economy.

Furthermore, the careful choice of the application site for this activity was made when considering the character and amenity values as well as the anticipated future changes in the receiving environment. Industrially zoned land is generally heavily built up and also has a higher land value, both factors which would limit the scope of the activity and potentially push prices of the relocatable homes up which is contrary to the aim of the activity – to provide high quality affordable housing options. This site, therefore, was considered ideally suited for the proposed activity.

Increased local employment opportunities and affordable housing options is a significant benefit to Motueka. The applicant tried to find land which was appropriately zoned for the activity within Motueka and even Tasman, however, this land was not available and a commitment to keeping jobs within Tasman led to the use of the application site for this activity.

These significant positive benefits should be given weighting when considering the overall appropriateness of the activity on the application site and the benefits to the community which arise from this activity.

5.12 Summary of Actual and Potential Effects

TABLE 4	
Effect	Assessment
Effects of Industrial Activity (Section 5.3)	Considering the surrounding receiving environment the proposed activity is considered to have a minor effect on the rural character and amenity values of the area.
Effects on productive land use (Section 5.4)	The site is too small to be used on its own for profitable productive land uses, however, the nature of the proposed activity would not preclude future productive uses as the only permanent structure is the proposed storage shed. Therefore, the proposed activity is considered to have a less than minor effect on productive land uses.
Effects of building coverage and setbacks (Section 5.5)	Considering the character of the receiving environment the proposed increase in building coverage is considered to have a minor effect on the environment, the reduced setbacks are technical in nature as the bunds are more of a landscape and mitigation feature than what is commonly considered a building.
Effect of Airport Height Limits (Section 5.6)	Motueka Airport operator (TDC) has accepted revised survey data for height limits which allow for a greater height for structures than detailed within the TRMP. All proposed structures will be below these revised levels and so adverse effects on airport users are less than minor .
Transportation Effects (Section 5.7)	Considering the access arrangement, low traffic generation and formation of surrounding road network the adverse effects of the proposed activity are considered to be less than minor .
Servicing (Section 5.8)	All servicing can be managed onsite so that there are no adverse effects .
HAIL (Section 5.9)	Despite a change of use there is not considered to be any risk to human health associated with the activity and as such adverse effects are less than minor .
Cultural Heritage Values (Section 5.10)	The site is not within a cultural heritage precinct, ground disturbance is minimal and there are no discharges associated with the activity. Therefore, adverse effects on cultural heritage values are considered to be less than minor .
Positive effects (Section 5.11)	<p>The activity provides affordable high quality housing options which will actively assist in solving the regions growing housing crisis which adversely affects the social and economic well-being of the community.</p> <p>The activity provides for local employment opportunities.</p> <p>The design and finish of the new building will maintain existing rural character and amenity values.</p>

6.0 Statutory Assessment

6.1 Introduction

In accordance with the Fourth Schedule and Section 104 the following assesses the proposal against the relevant policies and objectives of the Tasman Resource Management Plan and Tasman Regional Policy Statement.

Section 104 requires that consideration is given to the relevant provisions of all Plan and Regional Policy Statement policies and objectives. Where relevant, these matters are addressed under this heading.

6.2 Tasman Regional Policy Statement

General Objective 1 requires ‘maintenance and enhancement of the quality of the Tasman District Council.’

General Objective 2 requires ‘maintenance of the biological diversity and healthy functioning of land, freshwater, coastal and marine ecosystems.’

General Objective 3 requires ‘avoidance, remedying or mitigation of the adverse effects on the environment and the community from use, development or protection of resources.’

General Objective 4 ‘efficient use and development of resources.’

These general objectives are subsumed in the more specific policies and objectives of both the Tasman Resource Management Plan and Tasman Regional Policy Statement.

Chapter 6 focuses on Land Resources, however, the site has limited productive capabilities due to its size. The proposal results in an efficient use of land and does not preclude future productive land uses. The use of this site allows other industrial sites to be used for industrial activities which have a greater need for locating close to other industrial activities or require higher levels of building coverage.

6.3 Tasman Resource Management Plan

Chapter 5 – Site Amenity Effects

Objective 5.1.2 ‘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.’

The proposing bunding and landscaping around the site perimeter will assist in providing visual screening and mitigation to maintain the existing landscape and rural character values of the environment. The site is not subject to natural hazards and the activity would not change this risk. Adverse effects on the surrounding rural character and amenity values would not be adverse effects as a result of the proposal (policy 5.1.3.1).

Policy 5.1.3.9 requires mitigation, avoidance or remedying of the following adverse effects:

- (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;

Consideration has been given to mitigating the adverse effects of these matters and the methods proposed are outlined in Section 5 of this AEE. The proposed activity will involve some generation of noise, however, the effects will be mitigated through proposed bunds to reduce noise levels received by surrounding residential dwellings. The proposed new storage building would have a consistent appearance with a storage building which might be expected on this rurally zoned site. There will be no discharges discernible beyond the site boundaries and the design and layout of the buildings coupled with the landscaping proposed ensure that the proposal is consistent with Policy 5.1.3.9.

Objective 5.2.2 '*maintenance and enhancement of amenity values on site and within communities throughout the district*' is implemented through policies 5.2.3.1-5.2.3.7. The surrounding environment has a mix of different activities and the rural environment is characterised by these activities. The environment will also change over time due to the deferred zoning status on surrounding land. The proposal is considered to maintain the amenity values of the site through landscaping (policy 5.2.3.4). The buildings have a number of minor non-compliances with bulk and location requirements, however, these are mitigated through landscaping, design and onsite layout (policy 5.2.3.1). The application is supported by a Transportation Impact Report which considered that traffic effects are not considered to create any adverse effects beyond those which could reasonably be anticipated on the site (policy 5.2.3.8).

Objective 5.3.2 seeks the '*maintenance and enhancement of the special visual and aesthetic character of localities*'. The site does not currently benefit from any special visual or aesthetic character as there are a mix of building styles and activities within the immediate locality of the site. The proposal is therefore not out of keeping with the wider range of activities within the immediate environment.

Chapter 7– Rural Environment Effects

Objectives 7.1.2.1-7.1.2.3 are for protecting, where appropriate, productive land values to meet the needs of future generations. These objectives are subsumed within policies 7.1.3.1-7.1.3.17.

Council's Resource Scientist has confirmed that she does not have concerns with the proposal. Other than the proposed building, which could be used ancillary to rural activities in the future, none of the other activities preclude future use of the site. Overall, considering the site size the proposed building and activity are not considered to result in a loss of productive land or result in land fragmentation but instead make efficient use of a currently underutilised piece of land.

Objective 7.2.2.1 allows for use of rural land for other opportunities where the loss of land with high productive values can be avoided. Given the site size it is not considered to have high productive values and so use this site for the proposed activity is not inconsistent with the relevant policies (policy 7.2.3.1).

Objective 7.4.1.1 seeks to ensure development is undertaken in a manner which maintains an appropriate level of rural character, ecosystems and amenity values. As noted elsewhere the surrounding environment is influenced by other existing non rural activities, furthermore, the character of the environment will reasonably change over time due to the deferred zoning status of surrounding land. The proposed bunding and landscaping will assist with maintaining existing amenity values and rural character given that high shelter belts are a fairly common feature of this environment. Overall, considering the mitigation measures proposed the activity is considered to maintain the current levels of rural character and amenity value (policy 7.4.3.3).

Chapter 11 – Land Transport Effects

Objective 11.1.2 requires that adverse effects of development on the transport system are avoided, remedied or mitigated.

The application is supported by a Traffic Assessment Report from Traffic Concepts Ltd. The assessment concludes that the additional site access point will not adversely affect the safe and efficient operation of the surrounding road network. All parking and onsite manoeuvring can be accommodated within the site and overall the proposal is considered to have a less than minor effect on the surrounding road network and other road users making the development consistent with Objective 11.1.2 and the relevant policies (11.1.3.1, 11.1.3.4, 11.1.3.6 and 11.1.3.7).

6.4 Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011

The site has previously been used for small scale market gardens but does not appear to have any historic use as an orchard or other intensive horticultural activity. The previous landowner has confirmed limited chemicals were used on site during the use of the site for market garden, only Orthene administered via a 15 litre backpack spray. No chemicals or fuels were stored onsite. As such it is unlikely the site is subject to any contamination which create a risk to human health given that the proposed activity is an industrial use of the site rather than residential.

6.5 Statutory Acknowledgments

The site is not located within a Statutory Acknowledgement Area, however, it is close to the Motueka River and its tributaries Statutory Acknowledgment Area. The modest nature of any earthworks would constitute a permitted activity and which, considering the location and modified nature of the site, are unlikely to have any adverse effect on the special relationship of Iwi to the land and water.

6.8 Conclusion

This application is considered to achieve the purpose of the RMA and be consistent with the principles of sustainable management also set out with Part 2.

The actual and potential adverse effects of this activity are assessed as being less than minor or no more than minor, with the actual and potential positive effects being significant, particularly in relation to addressing the housing crisis and providing for the needs of the community in a sustainable manner consistent with Section 5 of the RMA.

The Regional Policy Statement does not contain provisions that are of direct assistance to this assessment. The focus of the RPS is on the regionally significant issues.

This application has been assessment against the relevant provisions of the Tasman Resource Management Plan. No conflicts with the relevant provisions of the TRMP have been identified.

7.0 Resource Management Act 1991

7.1 Notification Requirements

Section 95 requires public notification only if the consent authority decides that the proposed activity will have or is likely to have adverse effects on the environment that are more than minor.

For the reasons outlined in sections 5.0 and 6.0, it is considered that there are no adverse effects which are more than minor and that any adverse effects can be appropriately mitigated within the site. Therefore, the proposal does not meet the threshold that would merit public notification.

Section 95E provides the methodology for determining whether a person is an affected party or not:

- (1) *For the purpose of giving limited notification of an application for a resource consent for an activity to a person under section 95B(4) and (9) (as applicable), a person is an affected person if the consent authority decides that the activity's adverse effects on the person are minor or more than minor (but are not less than minor).*

The applicant has volunteered reasonable operating hours for the activity and proposes mitigation which includes bunding and landscaping around the perimeter of the site. These measures are considered to reduce potential adverse effects on surrounding landowners. Considering the receiving environment which includes a large coolstore activity and airport the proposal is considered to have a less than minor effect on the overall levels of amenity value experienced by surrounding properties.

The predicted noise breaches are very minor and as noted in the Marshall Day will only be perceptible by three properties (53, 55 and 63 Queen Victoria Street). Considering the overall receiving environment and background noise levels received by these properties the adverse effects are considered less than minor.

7.2 Sections 104, 104B, 104D and 108 of the RMA

This application includes a full Assessment of Environmental Effects which includes an assessment of the actual and potential effects of the subdivision and provides appropriate mitigation measures.

This application also includes an assessment the proposal against the provisions of the Tasman Resource Management Plan and the Tasman Regional Policy Statement.

7.3 Overall Assessment and Part 2 of the RMA

Section 5 defines the purpose and principles of the Act.

- (1) *The purpose of this Act is to promote the sustainable management of natural and physical resources.*

- (2) In this Act, **sustainable management** means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—
- (a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and
 - (b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and
 - (c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.

The activity is an efficient use of the land which will not prevent future re-use of the land for rural activities. The activity itself provides for the social and economic well-being of the community through provision of affordable relocatable homes which help meet the housing demand shortfall and provide much needed affordable accommodation options for the community. Adverse effects have been avoided, remedied or mitigated through measures such as the bunding and manner in which the activity is undertaken.

Section 6 sets out the matters of national importance.

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to—

- (a) the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development;
- (b) the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development;
- (c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna;
- (d) the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers;
- (e) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga;
- (f) the protection of historic heritage from inappropriate subdivision, use, and development;
- (g) the protection of protected customary rights;
- (h) the management of significant risks from natural hazards.

There are no matters of national importance specifically relevant to the site or activity, however, the proposal is considered to be generally consistent with the matters outlined under section 6.

Section 7 sets out other matters for consideration:

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to—

- (a) Kaitiakitanga
- (aa) the ethic of stewardship
- (b) the efficient use and development of natural and physical resources
- (c) the maintenance and enhancement of amenity values
- (f) maintenance and enhancement of the quality of the environment

(g) *any finite characteristics of natural and physical resources:*

The proposal is an efficient and sustainable use of land which maintains the existing amenity values of the surrounding environment. Overall, the proposal is considered consistent with Section 7.

There are no inconsistencies with the Treaty of Waitangi principles as outlined in Section 8.