

# Report on an application for resource consent

under section 88 of the Resource Management Act 1991



**TO:** Resource Consent Hearings Commissioner

**FROM:** Stewart Fletcher

**DATE:** 1 November 2023

**NOTE: This report sets out the advice of the reporting planner. This report has yet to be considered by the Panel of Commissioners delegated by the Council to determine this application. The recommendation is not the decision on this application. A decision will only be made after the Commissioners have considered the application and heard the applicant and any submitters.**

## 1.0 APPLICATION DESCRIPTION

### 1.1 Application and Property Details

<b>Application number(s):</b>	LUC22/0107
<b>Reporting officer:</b>	Stewart Fletcher
<b>Site address:</b>	49 Mitcham Road, ASHBURTON
<b>Applicant's name:</b>	Daniel Drummond
<b>Lodgement date:</b>	14 September 2022
<b>Notification date:</b>	18 April 2023
<b>Submissions closed date:</b>	18 May 2023
<b>Number of submissions received:</b>	2 support 1 opposition

## 1.2 Locality Plan



Figure 1: Location Plan



Figure 2: Aerial Photograph of Site

### **1.3 Application Documents (Plans and Reference Documents)**

The list of application documents and plans is set out in Appendix 1 of this report.

### **1.4 Adequacy of Information**

It is considered that the information submitted by the applicant is sufficiently comprehensive to enable the consideration of the following matters on an informed basis:

- a) The nature and scope of the proposed activity as it relates to the national environmental standards, regional plans and district plans.
- b) The extent and scale of any adverse effects on the environment.
- c) Persons who may be adversely affected.
- d) The requirements of the relevant legislation.

## **2.0 EXECUTIVE SUMMARY**

Daniel Drummond (the Applicant) has sought resource consent to establish and operate a rural contracting business at 49 Mitcham Road, Ashburton. The application site is 10.1 hectares and the proposed business would operate within an area of approximately 6,347m<sup>2</sup> within the property. The activity will consist of the storage and maintenance of tractors and equipment used for the harvesting of hay and baleage in the local area. Ancillary to this will be the sale of some hay and baleage on a limited scale. A combination of existing buildings will be utilised and two new sheds are proposed to be erected. A new vehicle crossing / access will be constructed as part of the proposed activity.

A discretionary activity land use consent is required. The Ashburton District Plan provides for rural service activities as a fully Discretionary activity, resource consent for a non-compliance with acoustic standards is also sought.

It has been assessed that, on the basis of the revised proposal, the potential effects of the proposed activity will be minor but that ongoing compliance and suitable controls will be required. This will necessitate a suite of suitable conditions of consent. It has also been assessed that the proposal will be consistent with the objectives and policies of the Ashburton District Plan.

Subject to new or contrary evidence, it is recommended that resource consent is granted, on the basis of the imposition of conditions.

## **3.0 THE PROPOSAL, SITE AND LOCALITY DESCRIPTION**

### **3.1 Proposal**

In understanding the proposed activity it is important to note the process the application has been through up until this point. The application was received, further information provided and then was notified on a limited basis. Following the closure of the notification process a prehearing meeting was held and an opportunity was made available for the applicant to

revise the application and for the submitter to provide comment. Accordingly, the application has been updated and the below description reflects the updated proposal.

Resource consent is sought to establish and operate a rural contracting business at 49 Mitcham Road, Ashburton. It is noted that some aspects of the activity are already operating from the site such that the resource consent application is, in part, retrospective.

The application site is a rural property of approximately 10.1 hectares in area. It is proposed to operate the activity on part of the site which will include the following:

#### Proposed Activity

- The contracting business is limited to making hay and baleage for clients and the storage and sale of some of the hay / baleage.
- Limited volumes of hay and baleage and brought to and stored on site.
- The applicant lives, and will continue to live, on site as part of the activity.
- An application plan has been submitted which identifies that part of the site occupied by the activity.
- The activity will occupy approximately 6,400m<sup>2</sup> of the site.
- Approval for the activity includes the seeking of a non-compliance with District Plan acoustic standards primarily to allow the activity to operate at times during night time hours.

#### Equipment and Buildings

- Equipment stored on site is limited to up to eight tractors, two loaders plus hay mowers, hay rakes, balers, baleage wrappers and carting trailers.
- The majority of hay and baleage will be stored on clients properties but some storage will occur on the application site and some will be available for sale to the public. Baleage will be stored in individually wrapped bales and hay will be stored in a covered stack or within a shed. The updated site plan specifies those areas where storage can occur.
- The baleage bale stacks will consist of individually wrapped bales which are stacked a maximum of 3 bales high (total of 4 metres in height). The hay/straw bales are stacked a maximum of 6 bales high (total of 6 metres in height). The stacks are temporary until the material is removed from site during the year as required by clients or sold.
- The applicant has also noted there will be baleage and haystacks within the storage area which belong to the property owners which is for their own on-property use over the winter period.
- Two new buildings are proposed to be erected. Each of the two buildings will be a three walled shed 20 metres in length, 9 metres in depth and 4.2 metres high. The sheds will be clad in corrugated iron in the colour new denim blue or similar.
- The activity will also utilise an existing four bay shed, which includes a workshop. The combined area of the shed and workshop is approximately 230m<sup>2</sup>.
- Lighting is proposed to be limited to security lighting.

#### Hours of Operation

- The majority of activities primarily occur the summer months during the harvest season from October to April each year.
- Hours of operation during summer months are proposed to be between 7am and midnight, seven days a week. Except that the maximum number of heavy vehicle movements between 10pm and midnight will be limited to a maximum of four movements.
- Hours of operation outside of the summer months (October to April) will be between 7am and 7pm and will be limited to tractors and trailers delivering hay and baleage with a maximum of four vehicle movements per day.

### Staff & Facilities

- A total of five staff will be employed as part of the proposed activity including the applicant. Staff movements to and from the site will vary, depending on whether tractors etc have been parked on other properties overnight.
- Subcontractors may also be required during peak periods. They will not be based from the site but may from time to time visit the site to collect or drop off equipment.
- Any office, staff and toilet facilities will be provided within the existing dwelling on the property which the applicant also resides within.
- Diesel will be stored on site as part of the proposed activity. Up to 5,000 litres will be stored on site in a tank within a bunded area. A spill kit and fire extinguishers will also be held on site.
- Tractors will be predominantly serviced on site by specialist servicing companies.
- It is not proposed to seal the driveway, yard or storage areas and instead dust suppressants will be utilised.
- Plans have been provided as part of the resource consent application which identify the location of buildings, parking and storage areas.

### Vehicle Movements

- Access to the activity will be via a new vehicle crossing and driveway approximately 80 metres west of the existing vehicle crossing for the site. The vehicle crossing will be formed and sealed with a minimum turning radius of 15 metres and any gate will be recessed a minimum of 12 metres into the site.
- The existing vehicle crossing for the property will also remain but this crossing will not be used as part of the proposed activity.
- The applicant anticipates that during the summer period that most tractors and equipment will leave the yard in the morning and return in the evening which will generate up to twelve vehicle movements per day.
- Depending on the location of the work, some machinery will not return to site for several days, depending on the scale of work being undertaken.
- It is estimated that the activity will generate up to a maximum of 26 vehicle movements per day during the summer period including tractors, staff, servicing and deliveries.
- Outside of the summer period the activity will generate up to 8 vehicle movements per day.
- The applicant has volunteered that the maximum number of heavy vehicle movements between 10pm and midnight will be 4.

### Landscaping

- Existing shelterbelts on all internal boundaries will be maintained as part of the activity. A shelterbelt is proposed to be established along the roadside boundary.
- No additional fencing is proposed to be established as part of the proposed activity.

### Irrigation Channel

- An irrigation channel passes through the site which is designated for irrigation purposes. The applicant has advised that the irrigation channel is being replaced with a pipeline which will be protected by way of easement. No buildings or permanent structures will be placed over the top of the pipeline.

### Consultation

- The written approval of five landowners has been submitted as part of the application.



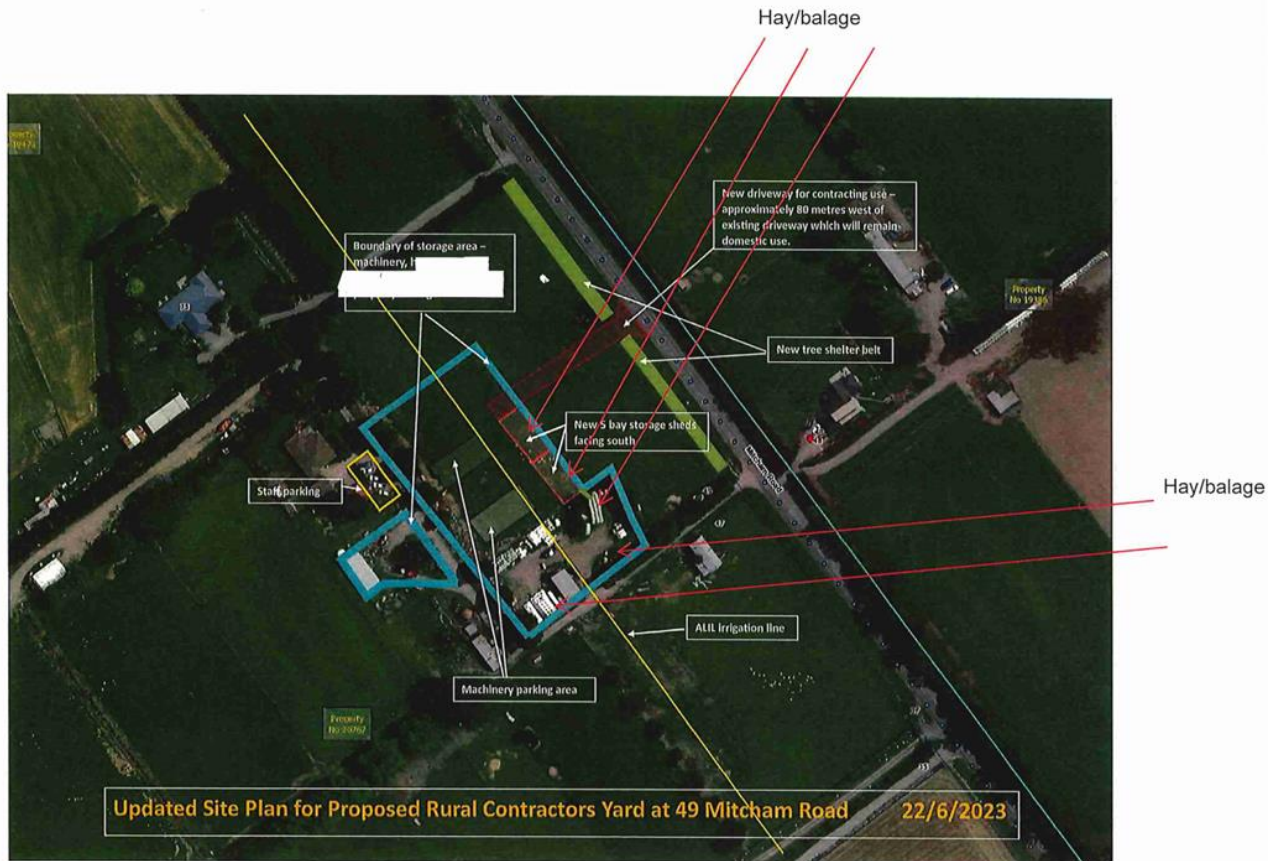


Figure 3: Application Plan

A copy of the original application, updates and reports are appended to this report.

### 3.2 Site, Locality, Catchment and Environs Description

The application site is located at 49 Micham Road which is located on the fringe of Ashburton township. The site is located approximately 450 metres west of the intersection of Mitcham Road and State Highway 1. The site is approximately 10 hectares in area and contains a dwelling, outbuildings and a series of paddocks used for productive purposes. Access to the site is via a vehicle crossing at the midpoint of the sites road frontage.

The site has not been identified as potentially contaminated in the Environment Canterbury Listed Land Use Register.

Activities in the local area are rural and rural lifestyle in nature with the majority of local properties similar in size to the application site.

### 3.3 Other Consents

No other resource consents are required or sought as part of the proposed activity.

## 4.0 REASONS FOR THE APPLICATION

Resource consent is required under the provisions of the following District Plan.

### 4.1 Ashburton Operative District Plan 2014

The application site is zoned Rural A under the Ashburton District Plan. The proposed activity is considered to fall within the District Plan definition of Rural Service Activity which is defined as follows:

*“means any activity that provides a commercial service to a rural activity such as seed cleaning, rural contractors and grain drying.”*

Resource consent is required for the following reasons.

- Rule 3.8.5(f) (Discretionary Activities) specifies that a rural service activity is a Discretionary Activity. The proposed activity is considered to fall within the definition for Rural Service Activity.
- Noise Standard 11.8.1(a) specifies noise standards for the Rural A zone including night time noise limits of 45 dB (LAeq(1hr)) and 70dB (LAF,max). In order for the activity to operate during night time noise hours the applicant is seeking a non-compliance with these noise standards. Pursuant to Rule 11.6.2 an activity not meeting this standard is provided for as a Restricted Discretionary Activities with respect to noise, with the exercise of the Council’s discretion being restricted to the matter(s) specified in assessment matter in 11.9.

In determining the above, it is also noted that the applicant has not sought resource consent for non-compliances with transport rules and as such the applicant will remain needing to comply with these rules. The proposal also complies with hazardous substance requirements which permit the storage of up to 5,000 litres of diesel in a rural zone.

A designation has been identified as passing through the application site (Designation D85). The designation is for the distribution of water through the Ashburton Lyndhurst Irrigation scheme.



The applicant will require approval from the requiring authority to undertake the proposed activity pursuant to section 176 of the Resource Management Act 1991.

It is also noted that the site has not been identified as within a flood management area and the site has not been identified in the Environment Canterbury Listed Landuse Register.

In addition to the above, consideration has been previously given to when the sale of baleage and hay from the site constitutes a retail activity. A copy of a memorandum I previously prepared dated 24 July 2023 is attached as an appendices to this report, which includes the following:

*My preliminary opinion is that the selling of a product is different from providing a service, but the District Plan does provide overlap between the two types of activities, such as in the example of a service station. This then leads on to the notion that a service activity could potentially include a retail component. It is then necessary to examine the proposal as a whole and determine the dominant versus secondary parts of the activity. In this instance it is considered the sale of straw and hay will be a secondary component to the activity provided necessary provisions are in place to ensure this remains the case. Later, comment is provided around the scale of straw and hay storage on the site and ensuring the scale of the activity is defined. On the assumption that the applicant suitably addresses that question it is considered that the sale of hay and straw could potentially fit within the scope, and activity status, of the application as notified.*

On the basis of the above it is not considered the sale of hay etc from the site triggers a further need for resource consent but this is an issue that, it is suggested, the Hearings Commissioner should be mindful of.

## **4.2 Status of the Application**

Overall, the application is considered to be a discretionary activity.

## **5.0 NOTIFICATION AND SUBMISSIONS**

### **5.1 Notification**

The application was limited notified on 18 April 2023 following the determination on notification in accordance with s95A(2)(a) of the RMA 1991. All matters required to be assessed in terms of sections 95 to 95F, of the RMA have been addressed in the notification determination report.

### **5.2 Submissions**

At the close of the submission period, 3 submissions were received. Two submissions were in support and one in opposition.

A summary of the issues raised in submissions together with the relief sought by the submitters is set out below. Please note the application has been updated since the closure of the submission period, including the holding of a prehearing meeting. As such some of the submission points summarised below may be out of date.



Name	Address & Heard at Hearing	Submission Points	Relief Sought
John & Sarah Smith	87 Mitcham Road, Ashburton  Does not wish to be heard.	Supports Proposal  Applicant has a proven track record of delivering a high quality service.  Applicant maintains high standards, is efficient and professional. Applicant is dedicated to environmental sustainability and uses environmentally friendly practices.  Applicant has the skills to complete the commercial activity in a way that benefits the community and environment.	Not stated but as per submission points it is assumed that it is sought that resource consent is granted.
Murray and Marion Cornwall	37 Mitcham Road, Ashburton  Does not wish to be heard.	Supports Proposal  The activity is a rural activity in a rural area.  The applicant provides an essential service in a professional manner.	Not stated but as per submission points it is assumed that it is sought that resource consent is granted.
Martyn Fisher	48 Mitcham Road, Ashburton  Wishes to be Heard.	Concerns regarding the proposed driveway access arrangement including impacts on the driveway opposite the site, noise of vehicles using access and road including speeding up and slowing down, headlights shining on to property and dirt tracking on to the road.  The activity can generate noise issues including from vehicles associated with the activity.  There is concerns that the number of vehicle movements could be greater than what resource consent is sought for.  Would prefer the activity to be located behind the existing buildings and workshop.	Negotiate a solution.

		<p>Concerned that height of bales at six metres is not appropriate and that buildings will be too high at 5.5m high.</p> <p>Submitter would prefer that the 'summer months' referred to in the application should be December to February only.</p> <p>The submitter questions how hours of operation and days operated will be policed.</p> <p>The submitter is concerned that the operation of the activity from 7am to midnight for seven months of the year is excessive.</p> <p>The volume of bales could present a fire risk and increase risk of rodents / vermin.</p>	
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Please note that the above table and summary is only a summary of the key issues raised in the submissions. Please refer to the full submissions as required.

### 5.3 Written Approvals

A total of five written approvals have been submitted as part of the resource consent application. It is noted that four written approvals were provided prior to the notification of the resource consent application. After the closure of the notification period a prehearing meeting was held and this resulted in a revision to the location of the vehicle crossing, shifting it further to the west. The applicant subsequently obtained an updated written approval from 70 Mitcham Road and a new written approval from 75 Mitcham Road (who previously had not provided written approval).

On this basis, the applicant has submitted the written approval of the following parties:

Address	Legal Description
29 Mitcham Road	Lot 1 DP 563991
37 Mitcham Road	Lot 2 DP 403730
70 Mitcham Road	Lot 1 DP 1395
75 Mitcham Road	Lot 2 DP 347628
87 Mitcham Road	Lot 1 DP 360842

The location of those parties who originally provided written approval is identified below with yellow star. Those parties who provided written approval after the closure of the notification period are identified with a blue star. It is noted that the northern property identified by a blue

star (70 Mitcham Road) provided written approval both originally and updated approval after the notification period.



## 6.0 CONSIDERATION OF APPLICATION

### 6.1 Statutory Considerations

When considering an application for a discretionary activity the consent authority must have regard to Part 2 of the RMA (“Purposes and Principles” – sections 5 to 8), and sections 104, 104B, and where relevant section 108 of the RMA.

Subject to Part 2 of the RMA, when considering an application for resource consent and any submissions received a council must, in accordance with s104(1) of the RMA have regard to:

- any actual and potential effects on the environment of allowing the activity;
- any relevant provisions of a NES, other regulations, national policy statement, a New Zealand Coastal Policy Statement; a regional policy statement or proposed regional policy statement; a plan or proposed plan; and
- any other matter a council considers relevant and reasonably necessary to determine the application.

Section 104(2) allows any effects that may arise from permitted activities set out in a NES or a plan to be excluded from the assessment of effects related to the resource consent. This is

known as the permitted baseline test. The 'baseline' constitutes the existing environment (excluding existing use rights) against which a proposed activity's degree of adverse effect is assessed. Generally it is only the adverse effects over and above those forming the baseline that are relevant when considering whether the effects are minor. It is at the Council's discretion whether to apply the assessment of the permitted baseline to any proposal. Essentially, the consent authority may disregard an adverse effect of any activity on the environment if a NES or an operative plan (or an operative rule in a proposed plan) permits an activity with that effect.

When considering an application for resource consent, the consent authority must not have regard to trade competition or the effects of trade competition [s104(3)(a)(i)] or any effect on a person who has given their written approval to the application [s104(3)(a)(ii)].

Under s104B a consent authority may grant or refuse consent for a discretionary activity or non complying activity and, if it grants the application, may impose conditions under s108 of the RMA.

Section 108 provides for consent to be granted subject to conditions and sets out the kind of conditions that may be imposed.

All considerations are subject to Part 2 of the RMA, which sets out the purpose and principles that guide this legislation. This means the matters in Part 2 prevail over other provisions of the RMA or provisions in planning instruments (e.g. regional plans) in the event of a conflict. S5 states the purpose of the RMA and sections 6, 7 and 8 are principles intended to provide additional guidance as to the way in which the purpose is to be achieved.

The application of s5 involves an overall broad judgement of whether a proposal will promote the sustainable management of natural and physical resources. The RMA's use of the terms "*use, development and protection*" are a general indication that all resources are to be managed in a sustainable way, or at a rate which enables people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, while sustaining the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations, safeguarding the life-supporting capacity of air, water, soil and ecosystems, and avoiding, remedying and mitigating any adverse effects of activities on the environment. The enabling and management functions found in s5(2) should be considered of equal importance and taken as a whole.

Sections 6, 7 and 8 of the RMA provide further context and guidance to the constraints found in s5(2)(a),(b) and (c). The commencing words to these sections differ, thereby laying down the relative weight to be given to each section.

Section 7 of the RMA requires the consent authority to give particular regard to those matters listed in the section. Section 7 matters are not expressly ranked in order of priority. Therefore, all aspects of this section are to be considered equally. In the case of this particular proposal the maintenance and enhancement of amenity values, intrinsic values of ecosystems, maintenance and enhancement of the quality of the environment and any finite characteristics of natural and physical resources are considered relevant. Relevant matters are considered in the evaluation section of this report.

## **6.2 Section 104(1)(a) Actual and Potential Effects on the Environment**

### **6.2.1 Effects that must be disregarded**

#### Any effect on a person who has given written approval to the application

Pursuant to section 104(3)(a)(ii), when forming an opinion for the purposes of section 104B a council must not have regard to any effect on a person who has given written approval to the proposal. As identified earlier, the written approval of five property owners has been submitted as part of the resource consent application.

### **6.2.2 Effects that may be disregarded – Permitted Baseline Assessment**

Section 104(2) of the Resource Management Act 1991 specifies that when forming an opinion of any actual and potential effects on the environment of allowing the activity a consent authority may disregard an adverse effect of the activity on the environment if a national environmental standard or the District Plan permits an activity with that effect.

The permitted baseline refers to permitted activities on the subject site. In this case it is considered that it is permitted to undertake farming activities on the application site which could realistically include the erection of farm buildings, storage of hay and or baleage and the storage / operation of farm machinery to service the site. This would be of a scale based on the size of the application site and would accordingly be of a smaller scale than the proposal, for example one tractor would be required rather than six.

### **6.2.3 Assessment of Effects**

Having regard to the above and after analysis of the application (including any proposed mitigation measures), undertaking a site visit, reviewing Council records and reviewing the submissions received and reviewing expert reports the following effects that require specific consideration in respect to this application have been identified.

As a discretionary activity, the full range of adverse effects must be considered.

#### **Amenity / Character**

Resource consent is sought to establish a rural service activity which is provided for as a discretionary activity in the Ashburton District Plan. This suggests that a rural service activity may be considered appropriate in some instances but will depend on the specific situation. In this instance the application site is in a rural area on the fringe of Ashburton township. The site itself includes various buildings and shelterbelts such that there is a rural character to the site, including a sense of openness, but there are more enclosed spaces to the site as well.

The proposed activity will be located approximately 45 metres back from the roadside boundary, 45 metres from the western side boundary, 115 metres from the eastern side boundary and 220 metres from the southern rear boundary. There are shelterbelts on three sides of the activity which will assist in enclosing or shielding the proposed activity from the side and rear boundaries and the applicant proposes to establish landscaping along the front boundary which will also assist in reducing visibility from the roadside boundary. The proposed sheds will also have the effect of enclosing the activity within the site.



The activity will house and undertake activities not dissimilar to rural properties including the storage of farm machinery and hay / baleage but at a greater scale. On the basis of the position of the activity back from the road, plantings and the nature of the activity it is considered that the potential effects of the activity on the wider environment will be no more than minor and that a rural character to the site and surrounding area will be maintained.

With regards to neighbouring properties it is first noted that of those parties notified of the proposal, only one party submitted in opposition. Consequent processes also led to the provision of written approval of all other adjoining or adjacent landowners.

Potential effects on those parties who have provided written approval are required to be disregarded pursuant to the provisions of the Resource Management Act 1991. In addition, it is considered that the other parties, who were notified but did not submit in opposition are less likely to be effected by the proposal by a combination of factors including distance (minimum 180 metres between the site and nearest dwelling) and existing shelterbelt plantings which are proposed to be retained. For these reasons it is considered the greater focus should be on the potential effects on the amenity and character of the party at 48 Mitcham Road.

This property is directly adjacent to the application site and is located on the opposite side of Mitcham Road, being to the north of the application site. The property is approximately 10 hectares in area and contains a dwelling which is setback approximately 20 metres from Mitcham Road. The primary vehicular access to the property is directly opposite the existing access to the application site and there is a mature shelterbelt along the roadside boundary of the property.

Potential amenity related effects include a change in character and appearance of the application site, increased vehicle movements, differences in noise and a frequency of persons on site. It is also noted that these activities will occur during night time hours which will accentuate the impacts of the proposed activity on surrounding landowners.

In consideration of these potential effects, it is noted that the combination of roadside planting on the application site, the setting back of the activity from the roadside boundary, proposed sheds being positioned to partially shield the activity and the majority of the application site remaining rural in use will assist in reducing visual and amenity related effects such that they are considered to be no more than minor. With regards to the impact of vehicle movements, including from an amenity perspective, the applicant has relocated the position of the vehicle crossing, for the proposed activity, such that it will be approximately 75 metres northwest of the submitters dwelling as opposed to directly opposite. This will assist in reducing potential effects but more critically the applicant has also volunteered controls as to the number of heavy vehicle movements between 10pm and midnight to a total of four movements. This is considered important as it is more likely that vehicle movements and their effects will be accentuated during nighttime noise hours. Generally, it is considered that there will be some level of effect on the adjoining landowner but provided the various controls proposed by the applicant are adhered to, any potential effects are likely to be no more than minor.

The applicant also proposes other measures, such as the length of vehicle running time, which will further assist but a key factor in ensuring the effects are as intended, will be the ongoing compliance of the activity, as proposed in the resource consent. Accordingly, a robust set of conditions will be required if the Hearings Commissioner is of a mind that resource consent should be granted.

## Noise

The applicant has sought resource consent for a non-compliance with District Plan acoustic rules. As part of this an acoustic assessment has been provided by the applicant which identifies that the activity will not comply with nighttime acoustic requirements due to vehicle movements. It is noted that since the production of the acoustic report the applicant has proposed a new vehicle crossing for the proposed activity further away from the sensitive receiver where a non-compliance was likely to arise.

The acoustic report determines that, on the basis of the original proposal, the proposed activity would not comply with acoustic requirements as follows:

*“Our analysis therefore indicates that there is a level of activity in both the daytime and night-time periods that would comply with the District Plan LAeq(1 hour) and LAFmax noise limits at all properties except 48 Mitcham Road (site reference 3) which is opposite the access. At the notional boundary of this dwelling both the day and night-time LAFmax limits and night-time LAeq(1 hour) limit would be exceeded. The night-time dB LAFmax limit would also be exceeded at the site boundary of this property. We have discussed the associated noise effects relating to this non-compliance in section 3.7 below, including the “off-site” contribution of vehicle movements on the access.”*

The analysis of the effects of this are then commented on by the acoustic consultant as follows:

*“When including the off-site component of the heavy vehicle movements on Mitcham Road, noise levels of 49 dB LAeq(1 hour) during the daytime period are expected at the façade of the residential dwelling located at 48 Mitcham Road (site reference 3). Noise levels of 44 dB LAeq(1 hour) and 76 dB LAFmax are expected during the night-time period at the façade of the dwelling located at 48 Mitcham Road.*

*The predicted LAeq noise levels are consistent with the criteria recommended in section 2.5, and the maximum (dB LAFmax) levels are of a similar order at this dwelling façade to those from vehicles travelling on Mitcham Road (74 dB LAFmax). A 2 dB increase in LAFmax noise levels is typically considered imperceptible and so, provided the number of night-time vehicle movements is low, and generally occurs at times when there is likely to be other traffic on the road, then the noise effects associated with the assessed level of activity will be acceptable.”*

The overall, conclusion of the consultant is that provided the number of nighttime vehicle movements is low then any acoustic effects should be minor.

In reviewing the acoustic assessment, I note that a conservative approach has been taken in modelling noise generated by the proposed activity. For example, no physical barriers have been considered in modelling potential noise levels. The assessment is now considered to be further conservative due to changes to the proposal including the inclusion of sheds and the shifting of the vehicle crossing. This suggests that generally, acoustic effects are likely to be minor.

In my opinion the period of greatest potential effect is considered to be when vehicles are travelling on the driveway and subsequently accelerating on Mitcham Road in their departure from the site and likewise in their braking as they approach the site on Mitcham Road. These are periods when engine noise is more likely to be noticeable. Controls are proposed, and are

available, to reduce these potential effects, particularly regarding the limitation in the number of vehicle movements after 10pm. In addition, it is recognised that vehicles will at times remain on a site overnight where a harvest is occurring and for large portions of the year there will be few vehicle movements. Regarding the issue of hours of operation, questions have been raised as to whether the activity needs to operate until midnight for seven months of the year (October to April). It is recognised that harvesting, at its peak, can run late into the night but it is considered a fair question as to whether provision for such hours is actually required for seven months of the year. Unless further information is provided to demonstrate such a need it is suggested the hours of operation are restricted further being to 10pm at night in October and April, until midnight during November to March and 7pm at all other times of the year.

Recognition also needs to be given to the existing environment which includes other vehicles travelling on Mitcham Road including that the intersection of Mitcham Road and State Highway 1 is approximately 500 metres to the east of the site. It can be expected that some acceleration, or deceleration, of other vehicles on Mitcham Road will be occurring such that the difference between vehicles for the proposed activity and other road users will be reduced. It is also recognised that the acoustic requirements in the District Plan do not apply to vehicles on public roads, as per the exemptions under standard 11.8.1 in the District Plan.

Overall, it is my opinion that acoustic effects are likely to be minor but, as per earlier in this assessment, it is reliant on the activity operating as proposed, including adherence with the consent and any conditions that may be imposed. This also includes an ability to undertake monitoring to easily demonstrate compliance with consent conditions. Accordingly, if the Commissioner is of a mind that resource consent can be granted, a robust suite of conditions will be required.

### **Nature of Activities**

As per earlier in this assessment, questions have arisen as to whether certain activities can form part of the consented activity on the basis of the application as notified. In particular, this includes the sale of hay and baleage from the site.

It has been determined that the sale of hay and baleage can occur, provided it is of a controlled scale so as to be secondary or ancillary to the consented activity.

If activities were to change or go beyond what is reasonably anticipated this may lead to different or greater effects than anticipated. On this basis, and like previously discussed, it is important that a clear suite of conditions is developed which includes specifications as to what activities can be carried out on the site as part of the consented activity.

### **Transport**

Mitcham Road is classified as a Collector Road. In assessing the potential transport related effects of the proposal it is noted that there is no District Plan requirement as to minimum distance between vehicle crossings and it is also permitted for the application site to have up to a total of three vehicle crossings.

The application as notified originally sought to utilise an existing vehicle crossing which provides access to the dwelling on the property. This was subsequently revised and access to the proposed activity is now proposed to be via a new purpose designed vehicle crossing which will be compliant with District Plan requirements. The new vehicle crossing will be

approximately 80 metres west of the existing crossing and it is noted that the existing vehicle crossing will remain in providing access to the dwelling and remainder of the property.

The proposed vehicle crossing will have a minimum width at the mouth of the crossing and a turning radius of 15 metres on each side of the crossing. Having the larger crossing is necessary to accommodate the larger vehicles accommodated within the site, including that they will be able to enter and exit the site without going beyond the formed edge of the crossing and road, including on the opposite side of the road. The crossing will be sealed for a suitable length into the site and any gate will also be recessed into the site by a minimum of twelve metres. The proposed crossing is considered appropriate in servicing the proposed activity and addressing any potential effects.

The location of the proposed vehicle crossing will be approximately 80 metres from any other vehicle crossing which minimises the risk of conflicts. It is further noted that while the vehicle crossing for the proposed activity has been shifted, and this brings the entrance closer to the adjoining property to the west, the applicant has supplied the written approval of the adjoining landowner which addresses any potential effects on this party.

Generally, Mitcham Road opposite the application site is straight such that good visibility is available in either direction, which further addresses potential traffic effects. There is a gentle bend in the road to the west but the distance between the proposed vehicle crossing and the bend is approximately 330 metres such that adequate visibility is available to ensure traffic safety is maintained.

On the basis of the proposed vehicle crossing design, and the location of the crossing not giving rise to effects such as safe entry / exit (including visibility) it is considered any transport related effects the effects of the proposed activity will be less than minor.

### **Designation**

A designation runs through the site for irrigation purposes, this includes that the designation passes through the area where the activity will operate from. The applicant has advised that the irrigation system is being upgraded, including the establishment of a pipeline rather than channel, and no buildings or structures will be erected over the pipeline. They consider this will address potential impacts on the designation.

It is considered that the position of the designation and nature of the activity, including the operation of heavy machinery, has the potential to impact the designated irrigation network. On this basis the operator of the irrigation network was considered to be potentially affected by the proposed activity. The irrigation network operator was notified of the proposal and did not submit and it is understood the applicant has been in ongoing communication with the operator and that they have not expressed concerns with the proposal.

In addition to the above it is noted that the applicant will be required to comply with the requirements of section 176 of the Resource Management Act 1991 in obtaining the written consent of the requiring authority that the proposed activity will not prevent or hinder the designated activity.

### **Hazardous Substances**

As part of the proposed activity up to 5,000 litres of diesel will be stored on site in a tank contained within a bunded area. The volume of diesel is compliant with District Plan

requirements. That said, as part of the proposed activity vehicles will be frequently refuelled and serviced and as such there is the potential for fuel spills and contamination to occur. On this basis it is considered necessary to ensure hazard management procedures are put in place to manage and mitigate any hazard related effects from the proposed activity.

### **Summary**

In summary, having assessed the adverse effects of the activity on the environment, I consider that the activity will overall have a minor adverse effect on the environment but a robust suite of conditions will be required in order to ensure potential effects will be actively managed and regularly monitored.

### **6.3 Section 104(1)(b)(i) and (ii) Relevant Provisions of National Environmental Standards and Other Regulations**

Consideration has been given to the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health.

It is first noted that the site has not been identified as potentially contaminated in the Environment Canterbury Listed Land Use Register. Consideration has also been given to whether any HAIL listed activities are occurring on the site. In this instance it is proposed to include fuel storage as part of the proposed activity. This is considered to be part of the proposed activity requiring resource consent and is accordingly less relevant in considering the intentions of the National Environmental Standard but it is noted that measures are proposed by the applicant to ensure fuel storage is appropriately managed and these will be reinforced by way of conditions of consent.

There are no other standards or regulations considered relevant in assessing the application.

### **6.4 Section 104(1)(b)(iii) Relevant Provisions of National Policy Statements**

Consideration has been given to the National Policy Statement for Highly Productive Land (NPS-HPL).

The site is classified as containing LUC Class 3 soils and accordingly contains Highly Productive Land. As such the NPS-HPL is considered relevant and, in particular, Clause 3.9 which reads as follows:

#### ***3.9 Protecting highly productive land from inappropriate use and development***

- (1) *Territorial authorities must avoid the inappropriate use or development of highly productive land that is not land-based primary production.*
- (2) *A use or development of highly productive land is inappropriate except where at least one of the following applies to the use or development, and the measures in subclause (3) are applied:*
  - (a) *it provides for supporting activities on the land:*
  - (b) *it addresses a high risk to public health and safety:*
  - (c) *it is, or is for a purpose associated with, a matter of national importance under section 6 of the Act:*
  - (d) *it is on specified Māori land:*



- (e) *it is for the purpose of protecting, maintaining, restoring, or enhancing indigenous biodiversity:*
  - (f) *it provides for the retirement of land from land-based primary production for the purpose of improving water quality:*
  - (g) *it is a small-scale or temporary land-use activity that has no impact on the productive capacity of the land:*
  - (h) *it is for an activity by a requiring authority in relation to a designation or notice of requirement under the Act:*
  - (i) *it provides for public access:*
  - (j) *it is associated with one of the following, and there is a functional or operational need for the use or development to be on the highly productive land:*
    - (i) *the maintenance, operation, upgrade, or expansion of specified infrastructure:*
    - (ii) *the maintenance, operation, upgrade, or expansion of defence facilities operated by the New Zealand Defence Force to meet its obligations under the Defence Act 1990:*
    - (iii) *mineral extraction that provides significant national public benefit that could not otherwise be achieved using resources within New Zealand:*
    - (iv) *aggregate extraction that provides significant national or regional public benefit that could not otherwise be achieved using resources within New Zealand.*
- (3) *Territorial authorities must take measures to ensure that any use or development on highly productive land:*
- (a) *minimises or mitigates any actual loss or potential cumulative loss of the availability and productive capacity of highly productive land in their district; and*
  - (b) *avoids if possible, or otherwise mitigates, any actual or potential reverse sensitivity effects on land-based primary production activities from the use or development.*
- (4) *Territorial authorities must include objectives, policies, and rules in their district plans to give effect to this clause.*

In consideration of the above it is recognised that generally the inappropriate use or development of highly productive land, that is not land based primary production is to be avoided unless an exception is met. In this instance the proposed activity is not considered to fall within the definition of land based primary production and therefore further analysis of the exceptions is required.

Clause 3.9(2)(a) provides an exception for activities that provide for supporting activities on the land. In understanding whether this exception would apply guidance has been taken from the Ministry for the Environment Guide to Implementation which includes the following statement in Table 2 on page 28 of the document:

*The intention of this clause is that activities that support land-based primary production on surrounding HPL or as part of a landholding where the production is occurring, have a pathway to occur on HPL. Activities such as residential accommodation for the landowner and/or farm staff, seasonal worker accommodation, sheds for farm machinery, workshops for repairing and maintaining equipment and roadside sales of goods produced on site would all be anticipated under this clause where these support land-based primary production. This clause could also cover on-site processing and manufacturing of goods that were produced on HPL, packing produce, or installing a water reservoir to support the land-based primary production activity. However, the purpose of these activities must be to directly support land-based primary production. For example, a water reservoir would not be appropriate on HPL if it was used to irrigate a golf course. The support provided by these activities must be reasonably necessary in order to be considered appropriate under this clause.*

On the basis of the above an activity that supports land based primary production on surrounding Highly Productive Land, like the proposed activity, is anticipated to fall within this clause and accordingly the proposed activity is not considered to be an inappropriate use.

Following on from this, Clause 3.9(3) still requires consideration of the impacts of the activity and in this instance it is considered the activity is small and does not impact the long term use of the land such that the actual loss or cumulative loss of the capacity of the land is minimised. The proposal will also not give rise to potential reverse sensitivity effects on local land based primary production in the area.

On the basis of the above it is considered that the proposed activity is provided for in the NPS-HPL and will not give rise to conflicts or intentions of the NPS-HPL.

There are no other National Policy Statements relevant to this application.

#### **6.5 Section 104(1)(b)(iv) Relevant Provisions of the New Zealand Coastal Policy Statement (NZCPS)**

The NZCPS is not applicable to this application.

#### **6.6 Section 104(1)(b)(v) Relevant Provisions of the Canterbury Regional Policy Statement**

The Canterbury Regional Policy Statement ("**CRPS**") is a strategic document which sets out the direction of managing the use, development and protection of the natural and physical resources of the Canterbury region. This document became operative in 2013.

The strategic objectives and policies of the CRPS provide a framework to achieve the integrated, consistent and co-ordinated management of the Region's resources.

Under the CRPS, matters related to environmental protection, such as the coastal environment, water quality, water conservation and allocation and air quality have specific objectives, policies and methods to achieve sustainable and integrated management of major natural and physical resources in the Region.

The relevant provisions of the CRPS have been considered and generally it is considered the provisions of the Ashburton District Plan align with the CRPS. As such further analysis of the provisions of the CRPS has not been undertaken as part of this assessment and instead a reliance is placed on the provisions of the Ashburton District Plan.

## **6.7 Section 104(1)(b)(vi) Relevant Provisions of the District Plan Objectives, Policies and Rules**

Previously the relevant rules of the Ashburton District Plan have considered and the reasons for resource consent being required have been identified. An analysis of the Ashburton District Plan objectives and policies is also required.

The site is located within a Rural A zone which the District Plan describes as follows:

*The Rural A Zone surrounds the settlements of Methven, Mt Somers, Rakaia, Mayfield (Te Puke Tai), Hinds (Hekeao), Tinwald, Ashburton (Kapuka) and Chertsey. The Zone also applies to the Ashburton (Hakaterere) River as it flows through Ashburton.*

*This Rural Zone typically adjoins residential developments and has been under pressure from those seeking to create lifestyle blocks. As such, the Rural A Zone is characterised by residential properties alongside a wide range of agricultural activities such as pastoral farming and cropping as well as horticultural practices such as bulb growing.*

*The purpose of the Zone is to provide for existing and future farming activities, and associated buildings including residential units. Due to the close proximity of residential activities, this zone is not intended to provide for intensive farming and related effluent disposal. The zone will also act as a buffer between residential activities and the Rural B Zone.*

Relevant objectives and policies in the District Plan, in assessing the proposed activity are as follows:

### **Objective 3.1: Rural Primary Production**

*To enable primary production to function efficiently and effectively in the Rural A and B Zones, through the protection and use of highly versatile and/or productive soils and the management of potential adverse effects.*

#### **Policy 3.1A**

*Provide for the continued productive use through farming activities and protection of highly productive and/or versatile soils, and their associated irrigation resources, by ensuring that such land is not developed for intensive residential activity and/or non-rural activities and the extent of coverage by structures or hard surfaces is limited.*

#### **Policy 3.1B**

*Provide for growth in the existing Residential Zones and identified areas of the District to reduce pressure in the Rural A and B Zones for residential development, minimise the loss of productive soils, and to avoid the potential for conflict between rural and residential activities.*

#### **Policy 3.1C**

*Avoid the establishment or expansion of intensive farming or other rural activities in close proximity to settlement boundaries and residential activities; to manage any adverse effects created by such activities for example noise, odour and dust.*

**Policy 3.1D**

*Avoid the establishment of residential activities or the expansion of urban boundaries in close proximity to intensive farming or other rural activities, to manage reverse sensitivity effects that can be created by such activities i.e. noise, odour and dust.*

**Policy 3.1E**

*Protect highly productive and/or versatile soils by discouraging activities such as earthworks and extractive processes that significantly deplete the topsoil or the subsoil.*

In assessing the proposal against the above provisions there is an interesting balance in that the provisions enable primary production, which is a key component of the proposed activity, but the protection of productive soils is also sought. The provisions discourage the development of non-rural activities and seeks to limit the extent of structures and hard surfaces. It is noted that policies regarding residential activities, settlement boundaries and intensive farming are considered less relevant in the assessment of the proposed activity.

In this instance it is considered that the proposed activity is classified as a rural service activity and accordingly better falls within the term of a rural activity rather than non-rural but in doing so it is recognised that the scope of the activity needs to be suitably managed to ensure this is the case. For example, the proposal seeks to harvest hay and baleage with some limited sales of the product also. This is considered quite limited in scope and provision is not made for other activities which might not fall within the same scope or definition of a rural activity, such as the retailing of farm equipment.

In addition, it has been previously assessed that the proposal is provided for in the NPS-HPL and one of the reasons for this is the small scale of the activity and that the land would remain available for productive activities in the future, should the proposed activity cease. On this basis, and aligning with the earlier findings, it is considered that the proposed activity will not have a more than minor effect on the soil resource of the site and local area. For these reasons it is considered that the proposed activity is consistent with the above objective and associated policies.

The following objective and policies are also considered relevant:

**Objective 3.5: Rural Character and Amenity**

*To protect and maintain the character and amenity values of the District's rural areas, considering its productive uses whilst providing for non-rural activities that meet the needs of local and regional communities and the nation.*

**Policy 3.5A**

*Maintain clear distinctions between the urban and rural areas and avoid the dispersal of residential activities throughout the rural areas that anticipate a higher standard of amenity than rural activities.*

**Policy 3.5B**

*Provide for the establishment of non-rural activities in the rural areas, whilst managing any potential adverse effects on the character and amenity of the rural environment and rural productive activities.*

**Policy 3.5D**

*Protect the visual qualities of the surrounding environment from any adverse effects of night lighting of recreational and business activities.*

**Policy 3.5E**

*Retain an open and spacious character to the rural areas of the District, with a dominance of open space and plantings over buildings by ensuring that the scale and siting of development is such that:*

- *it will not unreasonably detract from the privacy or outlook of neighbouring properties;*
- *sites remain open and with a rural character as viewed from roads and other publicly accessible places;*
- *the character and scale of buildings is compatible with existing development within the surrounding rural area;*
- *the probability of residential units being exposed to significant adverse effects from an activity on a neighbouring property is reduced.*

In consideration of the above provisions there is a general theme of maintaining the character and amenity of an area whilst reflecting on the productive use of rural areas and some provision for non-rural activities. Earlier, the activity was assessed as being more aligned to that of a rural activity, particularly due to the nature of the activity and its limited scope to extend beyond this. That said it is considered that the objective and policies do give some provision for non-rural activities and as such this suggests that there is increased provision for an activity like the proposed regardless of whether it was assessed as being rural or not.

It has also been previously assessed that the proposed activity will not adversely impact the amenity and character of the area including through the use of planting, buildings which are rural in character and limiting the scale of the activity. Lighting for the proposed activity is limited to sensor lighting and generally the open and spacious character of the site will be retained (including compliance with site coverage provisions). The proposal is not considered to detract from privacy and outlook, an open character will be retained and the character and scale of the activity / buildings is compatible with development in the surrounding rural area.

Specific consideration has been given to effects on neighbouring properties and it has been determined that provided the scale of the operation, particularly including nighttime vehicle movements, and suitable controls are put in place to manage the activity then potential effects will be no more than minor.

For the above reasons it is considered that the proposed activity is consistent with the above objective and policies.



## **Summary**

Overall, it is concluded that the proposal is consistent with key relevant provisions of the Ashburton District Plan but a key component of this is that the nature and scale of the activity, and its potential effects are suitably controlled.

### **6.8 Section 104(1)(c): Any Other Matters Considered Relevant and Reasonably Necessary to Determine the Application**

No other matters are considered relevant in the determination of the application.

### **6.9 Consideration of Part 2 (Purpose and Principles) of the RMA**

The purpose of the RMA under section 5 is the sustainable management of natural and physical resources. This means managing the use of natural and physical resources in a way that enables people and communities to provide for their social, cultural and economic well-being while sustaining those resources for future generations, protecting the life supporting capacity of ecosystems, and avoiding, remedying or mitigating adverse effects on the environment.

Section 6 of the Act sets out a number of matters of national importance which need to be recognised and provided for. In this instance it is not considered that the site and local area includes any matters of national importance which require consideration in assessing the proposed activity.

Section 7 identifies a number of “other matters” to be given particular regard by a council in the consideration of any assessment for resource consent and includes the efficient use of natural and physical resources, and the maintenance and enhancement of amenity values, maintenance and enhancement of the quality of the environment and any finite characteristics of natural and physical resources..

Section 8 requires the taking into account the principles of the Treaty of Waitangi.

With reference to section 7 it is considered that the amenity and character of the area will be maintained, as will the quality of the environment and the finite soil resource of the area will not be adversely impacted.

For these reasons it is considered that the purpose of the Act would be better given effect to by granting resource consent.

Overall, the application is considered to meet the relevant provisions of Part 2 of the RMA as the proposal achieves the purpose of the RMA being sustainable management of natural and physical resources.

### **6.10 Lapsing of Consent**

Section 125 of the RMA provides that if a resource consent is not given effect to within five years of the date of the commencement (or any other time as specified) it automatically lapses unless the consent authority has granted an extension. In this case, it is considered five years is an appropriate period for the consent holder to implement the consent due to the nature and scale of the proposal.

## 6.11 Review of Consent Conditions

Section 128 of the RMA provides for the Council to review the conditions of a resource consent at any time specified for that purpose in the consent. A consent may specify a time for review of the conditions of a consent for the following purposes.

- to deal with any adverse effects on the environment which may arise from the exercise of consent and which are appropriate to deal with at a later stage, or
- to require holders of discharge permits or coastal permits which could otherwise contravene ss15 or 15B of the Act to adopt the best practicable option to remove or reduce any adverse effect on the environment, or
- for any other purpose

## 6.12 Duration of Consent

It is considered appropriate to set a standard term of 5 years for the resource consent to be given effect to as there are no unique reasons for a different period to be applied.

## 6.13 Conclusion

Overall, resource consent is sought to establish a rural contractors yard on a 10.1 hectare rural property at 49 Mitcham Road, Ashburton. The proposal will operate within an area of approximately 6,400m<sup>2</sup> and will include the storage and operation of up to eight tractors and associated equipment and the storage and sale of hay, straw and baleage. It is considered that any potential effects from the proposed activity will be no more than minor and that the proposal will not be contrary to the Objectives and Policies of the Ashburton District Plan provided the activity is operated within the scope of the proposed activity and a comprehensive suite of conditions is imposed. In assessing the proposal it is considered that the purpose of the Resource Management Act 1991 would be better given effect to through the granting of the resource consent application.

# 7.0 RECOMMENDATION AND CONDITIONS

## 7.1 Recommendation

Subject to new or contrary evidence being presented, it is recommended that under sections 104, 104B and 108 of the RMA, consent is **granted** to the discretionary activity application by Daniel Drummond to establish and operate a rural contracting business at 49 Mitcham Road, Ashburton (Resource Consent LUC22/0107) subject to conditions.

The reasons for this decision are as follows:

- a) The proposal has been assessed as not being contrary to the objectives and policies of the Ashburton District Plan and the adverse effects are deemed to be minor.
- b) The application merits granting of a resource consent pursuant to Sections 104 and 104B of the Resource Management Act 1991.

## 7.2 Conditions

For the assistance of the Commissioner, I have prepared the following conditions which in my opinion would adequately address the potential adverse effects of the proposal:

- The applicant lives, and will continue to live, on site as part of the activity.
- An application plan has been submitted which identifies that part of the site occupied by the activity.

### General

1. The activity shall be carried out in accordance with the plans and all information submitted with the application, being:
  - Original application form and assessment of effects prepared by Daniel Drummond;
  - Application Form and Assessment of Effects prepared by David Harford Consulting Ltd, Reference 22 - 272 and dated March 2023;
  - Acoustic report received from applicant dated 26 May 2023;
  - Further information received from the applicant dated 23 June 2023;
  - Further information received from the applicant dated 10 September 2023;
  - The site plan and shed plans and referenced by Council as LUC22/0107 Sheets 1-4;

It is noted that as part of the resource consent process, information has been updated and plans refined. Accordingly, resource consent has been granted on the basis of the most recent documentation referred to as part of the above.

2. Resource consent has been granted on the basis of the following activities only being undertaken as part of the consented activity:
  - (i) The contracting business is limited to making hay and baleage for clients and the storage and sale of some of that hay / baleage (being that hay and baleage which is transferred to the application site).
  - (ii) The activity shall occupy and be contained within a maximum area of 6,400m<sup>2</sup> of the site as per the approved application plans.
  - (iii) Equipment stored and or operated on site shall be limited to a maximum of the following:
    - eight tractors;
    - two loaders;
    - two hay mower sets
    - five hay rakes;
    - six balers (incl 2 x medium square, 2 x round and 2 x conventional)
    - three balage wrappers; and
    - three carting trailers.
  - (iv) Baleage, hay and straw shall be stored in individually wrapped bales and hay will be stored in a covered stack or within a shed. Baleage, hay and straw shall only be stored within those areas identified on the approved application plan and the area of storage shall not exceed an area of 1200m<sup>2</sup>.
  - (v) Baleage bale stacks shall consist of individually wrapped bales which are stacked no higher than 3 bales high, or a total of 4 metres in height above natural ground level, whichever is the lesser.

- (vi) Hay/straw bales shall be stacked a maximum of 6 bales high, or 6 metres in height above natural ground level, whichever is the lesser.
- (vii) The two new buildings shall be located as per the approved activity and building plans. Each of the two buildings shall be a three walled shed 20 metres in length, 9 metres in depth and 4.2 metres high. The sheds will be clad in corrugated iron in the colour new denim blue or similar.
- (viii) The activity is permitted to utilise the existing four bay shed, which includes a workshop. The combined area of the shed and workshop shall be no greater than 230m<sup>2</sup>.
- (ix) A maximum of five staff shall be employed and on site at any one time, as part of the proposed activity (including the applicant).
- (x) As part of the consented activity the consent holder shall reside on site.

#### Hours of Operation

- 3. Between, and including, the months of October to April each year the hours of operation shall be limited to between 7am and midnight, seven days a week.
- 4. During, and including, the months of October and April each year the hours of operation shall be limited to between 7am and 10pm, seven days a week.
- 5. Hours of operation at all other times of the year (May to September inclusive) the hours of operation of the consented activity shall be limited to between 7am and 7pm.

#### Lighting

- 6. Any lighting established as part of the consented activity shall be limited to sensor operated security lighting. All lighting shall be orientated away from the boundaries of the property.

#### Vehicle Movements

- 7. Between, and including, the months of November to March each year the maximum number of vehicle movements shall be limited to 16 heavy vehicles per day (including tractors, loaders and trucks) and 10 light vehicles per day (including cars and trucks) except that during the hours of 10pm to midnight the maximum number of heavy vehicle movements shall be limited to four.
- 8. During and including, the months of October and April each year the maximum number of vehicle movements shall be limited to 16 heavy vehicles per day (including tractors, loaders and trucks) and 10 light vehicles per day (including cars and trucks).
- 9. Between, and including, the months of May to September April each year the maximum number of vehicle movements shall be limited to 4 heavy vehicles per day (including tractors, loaders and trucks) and 4 light vehicles per day (including cars and trucks).
- 10. The maximum speed of all vehicles on the driveway into the site, and within the yard area, shall not exceed ten kilometres per hour.
- 11. For heavy vehicle operations after 10pm at night, Heavy Vehicle idling within the site shall not occur for longer than 90 seconds once a vehicle becomes stationary within the site after 10pm.
- 12. A register of vehicles and machinery stored and / or operated on site as part of the consented activity shall be maintained, and updated as appropriate, by the consent holder and made available to Council on request.

#### Fuel Storage

13. The maximum permitted volume of fuel to be stored on site shall be limited to a maximum of 5,000 litres of diesel fuel.
14. Fuel shall be stored in an approved containment device which is either double skinned or contained within a bunded area.
15. A fuel spill kit and fire extinguishers shall also be held on site at all times of sufficient capability and capacity based on the scale of the consented activity.

#### Nuisance

16. Dust control measures shall be employed and maintained at all times for the vehicular access and yard area. This shall include the use of suppressants where necessary.
17. Within three months of the granting of resource consent all staff shall be given an induction process advising of expected behaviours for staff and the requirements of the resource consent including conditions of consent and appropriate measures to avoid nuisance effects or the potential for complaints including the acceleration and / or deceleration of vehicle from or towards the site. Any new staff shall be taken through the induction information and a copy of induction documentation shall be made available to Council upon request.

#### Vehicle Crossing

18. Within three months of the granting of resource consent the approved vehicle crossing for the consented activity shall be fully formed, sealed and operational.
19. The vehicle crossing shall be sealed for its' entire width for a minimum length of 20 metres, as measured from the sealed edge of Mitcham Road.
20. The vehicle crossing shall be formed so as to have a 15 metre turning radius and the minimum sealed width of the crossing, as measured at the gateway, shall be six metres.
21. Any gateway shall be setback a minimum of twelve metres from the sealed edge of Mitcham Road.
22. All vehicles associated with the consented activity shall only use the approved vehicle crossing and not the vehicle crossing to the east which services the remainder of the property.

#### Landscaping

23. Within the first planting season of resource consent being granted the consent holder shall establish the shelter belt planting along the Mitcham Road frontage.
24. Landscaping shall be maintained and, if necessary irrigated, to ensure ongoing plant growth. If any tree should become diseased or die it shall be replaced within the next planting season with a tree of the same or similar species.

#### Monitoring

25. All tractors, loaders and trucks operated as part of the consented activity shall be fitted with a GPS tracking device / navigation system for the purpose of monitoring vehicle movements to and from the site.
26. Information detailing vehicle movements, as recorded in accordance with Condition 20 shall be available to Council on request and shall detail the following:
  - Number of vehicle movements undertaken per day,

- The specific vehicle operated,
- Time of vehicle movements,
- Speed of vehicles
- Direction / route of each vehicle.

Information shall be available based on total and individual vehicle movements.

### Compliance / Complaints

27. All conditions of consent shall be complied with on an ongoing basis and the consent holder shall maintain all necessary documentation to demonstrate compliance with consent conditions.
28. All adjoining and adjacent landowners of the application site (29, 35, 37, 48, 70, 75 and 87 Mitcham Road) shall be provided with the contact telephone number(s) of the Operations Manager/consent holder, that will be available 24hours a day for the purpose of advising of any issues or concerns regarding the operation of the consented activity.
29. If a complaint is received by the consent holder, or referred to the consent holder by Council, within 24 hours of receiving the complaint the consent holder shall log the complaint (including time, date, name, address and details of complaint), investigate the cause of the complaint, whether any non-compliances with conditions have arisen and advise Council of receipt of the complaint and the reason for the complaint.
30. Within 48 hours of receiving the complaint the consent holder shall advise Council of what actions have been taken to rectify the issue.
31. If it is identified that the issue has not been resolved Council shall investigate the issue and in doing so, may instruct the Consent Holder to cease activities on site until the issue has been resolved. This condition can only be enforced if Council identifies that the activity is not operating in accordance with the resource consent and conditions of consent.
32. A log of records of all complaints and remedial actions as required in conditions 29 and 30 which have been received over the preceding 12 months shall be kept onsite and made available to Council officers upon request.

### Review

33. Pursuant to section 128 of the RMA the conditions of this consent may be reviewed by the Council at the consent holder's cost at any time to
  - a. To deal with any adverse effect on the environment which may arise or potentially arise from the exercise of the consent and which it is appropriate to deal with at a later stage.
  - b. At any time, if it is found that the information made available to council in the application contained inaccuracies which materially influenced the decision and the effects of the exercise of the consent are such that it is necessary to apply more appropriate conditions.

## **ADVICE NOTES**

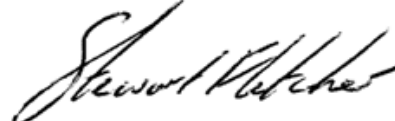
- 1) Pursuant to section 125 of the Resource Management Act 1991, if not given effect to, this resource consent shall lapse five years after the date of this decision unless a longer period is specified by the Council upon application under Section 125 of the Act.
- 2) An irrigation channel passes through the site which is designated for irrigation purposes. There is understood to be an easement specifying that no buildings or permanent structures will be placed over the top of the pipeline. The channel is also designated such that the applicant is required to obtain the written consent of the requiring authority prior to commencing the consented activity.
- 3) Please read the conditions of this resource consent carefully and make sure that you understand all the conditions that have been imposed before commencing the development.
- 4) This consent does not constitute authority to build or undertake private drainage works and it may be necessary for you to apply for a Project Information Memorandum and Building Consent if you have not already done so.
- 5) A copy of this consent and the associated approved drawings should accompany your application for a Project Information Memorandum and Building Consent. If not supplied unnecessary delay may occur in the processing of your application.
- 6) The consent holder is requested to notify Council, in writing, of their intention to begin works, a minimum of seven days prior to commencement. Such notification should be sent to [info@adc.govt.nz](mailto:info@adc.govt.nz) and include the following details:
  - i. Name and telephone number of the project manager and the site owner;
  - ii. Site address to which the consent relates;
  - iii. Activity to which the consent relates; and
  - iv. Expected duration of works
- 7) The consent holder is requested to notify Council, in writing, once they have completed the works authorised by this resource consent. Such notification should be sent to [info@adc.govt.nz](mailto:info@adc.govt.nz) including the following details:
  - i. Resource consent number
  - ii. Site address to which the consent relates
  - iii. Statement outlining how the applicant has complied with each of the conditions

**Report prepared by:**

Stewart Fletcher

Consultant Planner

**Signed:**



**Date:**

1 November 2023

## **Section E Definitions**

COUNCIL:	means The Ashburton District Council
DISTRICT PLAN:	means the Ashburton Operative District Plan 2014.
CRPS:	means Canterbury Regional Policy Statement
Manager:	means an Ashburton District Council Manager or nominated Ashburton District Council staff acting on the Manager's behalf
RMA:	means Resource Management Act 1991 and all amendments

## **Appendices**

Appendix 1	Original Resource Consent Application
Appendix 2	Updated Resource Consent Application
Appendix 3	Acoustic Assessment
Appendix 4	Notification Assessment
Appendix 5	Prehearing Facilitators Notes
Appendix 6	Applicants Response to Prehearing Meeting
Appendix 7	Memorandum to Information Received
Appendix 8	Further Information from Applicant