

**UNDER**

The Resource Management Act  
1991

**IN THE MATTER OF**

Resource consent application by  
**WINTON STOCK FEED LIMITED**  
to vary the conditions of Land Use  
Consent LUC17/47070 pursuant  
to section 127 of the Resource  
Management Act 1991.

Council Reference:  
LUC17/47070.01

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**JOINT WITNESS STATEMENT**

**PLANNING**

**CATE SOUTHWORTH**

**AARON EDWARDS**

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**31 May 2021**

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## **1. INTRODUCTION**

- 1.1 This signed Joint Witness Statement (**JWS**) is written in response to a direction from the Commissioner dated 27 May 2021 (Directions/Minute of the Commissioner #2) to conference on the revised set of conditions as tabled by Ms Southworth at the hearing.
- 1.2 Conferencing was held via telephone on 31 May 2021.
- 1.3 The participants were (in alphabetical order):
  - a. Aaron Edwards, Senior Planner, BTW Company, engaged by Winton Stock Feed Limited (as the applicant);
  - b. Cate Southworth, Senior Consultant, Mitchell Daysh, engaged by New Plymouth District Council as the reporting planning officer and author of the S42A report on the resource consent.
- 1.4 The experts have read and agree to abide by the Environment Court's Code of Conduct for Expert Witnesses as specified in the Environment Court's Consolidation Practice Note 2014.

## 2. REVISED SET OF CONDITIONS

- 2.1 A revised set of conditions dated 31 May 2021 is attached as Appendix A to this JWS. The revised set of conditions consolidates the conditions as tabled by Ms Southworth at the hearing and the direction set out in Directions/Minute of the Commissioner #2.
- 2.2 The **experts agree** with the wording of the revised condition set attached as Appendix A which are recommended for consideration as conditions of consent should the Commissioner be of a mind to grant consent.

Signed on Monday 31<sup>st</sup> May 2021 by:

	
.....	.....
<b>Aaron Edwards</b>	<b>Cate Southworth</b>

## **APPENDIX A:**

**REVISED SET OF CONDITIONS, 31 MAY 2021**

## RESOURCE CONSENT CONDITIONS FOR LUC17/47070

The following is a full set of revised conditions for Resource Consent LUC17/47070 (incorporating the amendments sought pursuant to s.127 of the RMA to Conditions (1), (20) and (21) of the existing resource consent; and new Conditions (22) - (26)).

The changes are set out as follows: ~~strikethrough~~ indicates deletion, **bold underline** indicates insertion; and the **red** font represent the amendments sought by the Commissioner, in his Directions/Minute of the Commissioner #2:

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In accordance with Section 104 and 104C of the Resource Management Act 1991, consent is granted to ~~construct a new dwelling within 1.5m of the southern side boundary~~ **establish and operate a stock feed storage and distribution operation.**

Subject to the following conditions imposed under Section 108 of the Resource Management Act 1991:

1. Except as to meet further conditions of this consent, the use and development of the site shall be as described within the application **except as varied by the section 127 application under LUC17/47070.01** and shall be substantially in accordance with the following information, plans and assessment of environmental effects submitted with the application LUCI 7/47070:
  - Resource Consent Application: prepared by BTW Company Ltd, titled 'Stock Feed Depot at 93 Manutahi Road, Bell Block' and dated 4 August 2017.
  - Traffic Impact Assessment prepared by BTW Company Ltd, titled 'Traffic Impact Assessment - 93 Manutahi Road' and dated 4 August 2017.
  - Noise Prediction Report prepared by Marshall Day Acoustics, titled 'Molasses Storage Facility: Noise Prediction, Doc Ref RP 001 20170407 and dated 31 May 2017.
  - **Resource Consent Application Consent Variation prepared by BTW Company Ltd, titled 'Resource Consent Application and Assessment of Environmental Effects: Consent Variation - Stock Feed Depot at 93 Manutahi Road, Bell Block' and dated 23 September 2020.**
  - **The updated Traffic Impact Assessment prepared by BTW Company Ltd, titled 'Traffic Impact Assessment – 93 Manutahi Road' and dated 20th May 2020.**
  - **The additional information received as further information dated 5 January 2021.**

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Recommended amendments to the conditions of resource consent LUC17/47070 for the existing stock feed storage and distribution facility at 93 Manutahi Road, New Plymouth, in accordance with the Directions/Minute of the Commissioner #2 dated 31.05.21 at 1.30pm

- **The evidence submitted for the Hearing held Thursday 27<sup>th</sup> May 2021.**
2. The consent holder shall advise the Council's Planning Lead, or nominee, at least ten (10) working days prior to the activity commencing on the site.
  3. Landscaping and screening shall be established and maintained in accordance with the plan endorsed by LUCI 7/47070, entitled 'Landscaping and Screening Plan' prepared by BTW Company Ltd, job number 17363 and dated 15/11/2017.
  4. The landscaping required by Condition 3 of this consent shall be implemented within the first planting season following the construction of the storage pond.
  5. The horticultural screening required by Condition 3 shall be erected prior to the commencement of bulk importing activity on the site.
  6. On completion of landscaping and screening, the consent holder shall certify that these works have been completed and provide this certification to the Council's Planning Lead.
  7. For the duration of this consent, the consent holder shall maintain all planting in a good and healthy condition at a minimum height of 3m. Any planting not in a good and healthy condition shall be replaced so as to be in accordance with the Landscape and Screening Plan referenced in Condition 3 of this consent.
  8. The storage pond shall be set back a minimum of 10m from the side boundary adjoining 95 Manutahi Road (Lot 3 DP 344340).
  9. Water sprinklers shall be installed and made operational prior to the commencement of the stock feed distribution facility on the site. Sprinklers shall be installed so as to provide coverage of all non-sealed access areas on the site over which truck and trailer units associated with the stock feed distribution facility traverse. Sprinkler use shall be undertaken as follows:
    - a. Sprinklers are to be in operation at all times during bulk importing operations (meaning in use as required to dampen access areas to suppress dust and not running continuously);
    - b. Sprinklers are to be used during normal operations as required to suppress dust generation from truck and trailer units associated with the stock feed distribution facility

during dry and windy weather conditions; and

- c. During normal operations, the consent holder shall actively manage sprinkler use during dry and windy conditions to mitigate adverse dust nuisance effects on adjoining properties.

The purpose of the sprinklers is to mitigate adverse dust nuisance effects on adjoining properties by suppressing dust generation from truck and trailer units associated with the stock feed distribution facility traversing over non-sealed access areas on the subject site.

10. The two steel pipe gates located opposite the existing dwelling on 93 Manutahi Road are to be open at all times or removed.
11. No vehicles associated with the stock feed distribution activity shall park on the Right of Way.
12. The existing access shall be upgraded to a 'Diagram E' type access way as per Appendix 5B of the NZTA Planning policy Manual incorporating road widening to the south side of Manutahi Road. All costs associated with the access upgrade shall be met by the consent holder.
13. An engineering plan and specification for the roading shall be submitted to and approved by the Council prior to the commencement of work.
14. All work shall be constructed under the supervision of a suitably qualified person who shall also certify that the work has been constructed to the approved Engineering Plan requirements.
15. An "As Built" Plan shall be provided.
16. A Council engineering plan approval shall apply at cost.
17. A schedule of assets vested in the Council shall be provided.
18. The consent holder shall maintain the ROW from the Manutahi Road entrance (including the widened entrance) to the end of the legal ROW including, without limitation, all maintenance or repair and costs of forming the ROW from curb to curb for the duration of the consent except where the damage has been directly caused by the neglect or misuse of the ROW by the owners or occupiers of the adjoining properties.

19. The consent holder shall prune any vegetation or branches protruding over the curb line of the ROW.
20. **No less than ten working days of the s.127 application LUC17/47070/01 being granted the Consent Holder shall provide** a Traffic and Noise Management Plan (TNMP) to Council's **Monitoring Officer Planning Lead, or nominee** for **approval certification, and: a minimum of one month prior to the commencement of the stock feed distribution activity on the site.**
  - a) The purpose of the TNMP is to set out how the activity will be managed during bulk importing operations to mitigate adverse noise and traffic safety and efficiency effects from truck and trailer units associated with the stock feed distribution facility, **including vehicles turning into and out of Manutahi Road and travelling along the shared right of way;** and
  - b) The TNMP **shall be prepared by a suitably qualified person.**
21. **The TNMP as required by Condition 20 shall, as a minimum,** ~~is to include,~~ but not be limited to the following:
  - a. Route definition:
    - i. Designated primary route requiring all heavy vehicles to turn left in ~~and left out of to~~ the site only (outside of peak traffic periods). **There is no restriction with respect to vehicles exiting the property (i.e. they may exit via a left turn or right turn on to Manutahi Road);**
    - ii. Designated secondary route enabling heavy vehicles to approach the site from either the east or west along Manutahi Road (during peak traffic periods only) ~~but still being restricted to exit the site via left turn only;~~ **There is no restriction with respect to vehicles exiting the property (i.e. they may exit via a left turn or right turn on to Manutahi Road)**
  - b. Driver Education:
    - i. No engine braking when approaching the site vehicle access point and avoiding noisy acceleration and braking on and off the site;
    - ii. Speed limits: Heavy vehicle speed limit of 20km/h at all times on the site (to include use of the shared right of way);
    - iii. Dipped headlights only to be used during night-time hours on the site (to include use of the shared right of way);



- iv. Management of night-time noise on the site to include no slamming of vehicle gates/doors and driver noise education.
  - c. Notification protocols for neighbours in advance of bulk import operations.
22. **The TNMP may be varied by the Consent Holder at any time. Any amendments thereto shall be in accordance with the conditions of this consent and shall be provided to Council's Planning Lead, or nominee for certification prior to replacing the previously approved TNMP.**
  23. **Should certification for the TNMP be withheld, the Consent Holder shall submit a revised plan to Council's Planning Lead, or nominee, for certification as soon as is practicable. Should certification of the revised plan be again withheld then the Consent Holder shall engage a suitably qualified mutually acceptable independent person for resolution of the matters of dispute and his or her decision on those matters shall be final. The costs of dispute resolution shall be met by the Consent Holder.**
  24. **Activities subject to the TNMP shall not commence until the TNMP has received certification.**
  25. The consent holder shall provide a copy of the **an updated most recently certified** ~~approved~~ TNMP **prepared and updated in accordance with Condition (20)** to all truck and trailer unit operators to be **complied with** ~~adhered to~~ at all times during bulk importing operations.
  26. **Heavy vehicles shall not exit the site via a right turn until the following mitigation measures are in place as certified by Council's Planning Lead, or nominee to the satisfaction of the Planning Lead, New Plymouth District Council:**

**Roadside Signage:**

- (a) **Permanent roadside signage is erected on the approaches to the existing vehicle access, in the locations agreed to with Council's Engineering Officer, ~~and to the satisfaction of Council.~~**
- (b) **The signage shall be in accordance with the recommendations of the traffic assessment prepared by AMTANZ, dated 4th May 2021 and shall comprise of two permanent 'Trucks Crossing' signs (of PW50 and amended TW2-7 design as specified in the Manual of Traffic Signs and Markings).**

- (c) The roadside signage shall be manufactured by a council approved supplier and erected in accordance with council standards by a council approved contractor. The signs shall be vested in Council.**

**Roadside Vegetation:**

- ~~(d) Within six months of the s.127 application LUC17/47070/01 being granted the consent holder shall arrange for vegetation clearance works are to be undertaken by a council approved contractor to maximise sight lines either side of the existing vehicle access. The vegetation on the inside of the corner to the south east of the access shall be trimmed back to the legal boundary and to a maximum height of 6.0 metres. ~~and maintained in perpetuity.~~~~**
- ~~(e) The maintenance of the vehicle sightlines shall be the responsibility of the consent holder.~~**

27. The conditions of this consent may be reviewed by the Council in accordance with Section 128(1) of the Resource Management Act 1991 by serving notice within a period of three (3) months commencing on each anniversary of the date of notification being received under Condition 2 of this consent for any of the following purposes:
- i. In order to deal with any adverse effects on the environment which may arise from the exercise of this consent that were not foreseen at the granting of the consent. Such effects may include (but not limited to) the frequency of vehicles to, from and within the site and noise; or
  - ii. To deal with inaccuracies contained in the consent application that materially influenced the decision made on the application and is such that it is necessary to apply more appropriate conditions.

Advice notes:

1. Consent Lapse Date

This consent lapses on 22 December 2022 unless the consent is given effect to before that date; or unless an application is made before the expiry of that date/or the Council to grant an extension of time for establishment of the use. An application for an extension of time will be subject to the provisions of section 125 of the Resource Management Act 1991.

This consent is subject to the right of objection as set out in section 357A of the Resource Management Act 1991.