



Te Kaunihera-ā-Rohe o Ngāmotu

# NEW PLYMOUTH DISTRICT COUNCIL

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**To:** The Independent Commissioner  
**From:** Cate Southworth (Consultant Planner to NPDC)  
**Subject:** Resource consent application to vary the conditions of Land Use Consent LUC17/47070 pursuant to section 127 of the Resource Management Act 1991.  
**Meeting Date:** 27 May 2021  
**File Reference:** LUC17/47070.01

<b>Applicant:</b>	Winton Stock Feed Limited
<b>Site Address:</b>	93 Manutahi Road, Tarurutangi, New Plymouth
<b>Legal Description:</b>	Lot 1 DP 344340 held in RT 182038 issued on 27 May 2005
<b>Site Area:</b>	9.2548 hectares more or less
<b>Zone:</b>	Operative District Plan: Rural Environment Proposed District Plan: Rural Production
<b>District Plan Overlays:</b>	None
<b>Other Notations:</b>	HAIL site (Site 0637-0)
<b>Proposal:</b>	Application to vary the conditions of Land Use Consent LUC17/47070 pursuant to section 127 of the Resource Management Act 1991
<b>Activity Status:</b>	A change or cancellation of consent conditions is a fully discretionary activity under s.127 of the Resource Management Act 1991 (RMA).
<b>Date Lodged:</b>	7.10.20

**Note:** This report sets out the advice of the reporting planner to the Independent Commissioner. This report has yet to be considered by the Commissioner, and the recommendation contained within the report is not the decision on the application. A decision will only be made after the Commissioner has considered the application and heard the Applicant and any Submitters.

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Appendix A	Copy of the Existing Resource Consent Decision
Appendix B	Traffic and Roading Assessment prepared by Mr Andrew Skerrett, AMTANZ Limited
Appendix C	Council Monitoring Comments (Memo from Kate Keegan dated 21.04.21)

## **PART A – INTRODUCTION**

### **1.0 INTRODUCTION**

#### **1.1 Purpose of this Report**

1. This report has been prepared by Cate Southworth (Consultant Planner to NPDC), in accordance with Section 42A of the Resource Management Act 1991 (“RMA”) to provide a planning assessment and a recommendation to the Independent Commissioner on the above resource consent application (s.127 amendments). This report is to provide a recommendation as to whether the resource consent be granted or refused and if granted what conditions it should be subject to. It is not a decision, and the recommendation should not be construed as such.
2. The report has been prepared on behalf of the New Plymouth District Council by Cate Southworth (Consultant Planner, Mitchell Daysh Limited) and has been reviewed and approved by Richard Watkins, NPDC Planning Lead.

#### **1.2 My Qualifications and Experience**

3. I, Cate Southworth, reside in Hamilton and am employed by Mitchell Daysh Limited as a Consultant Planner. I hold a Bachelor of Social Sciences Degree in Resources and Environmental Planning and a Post Graduate Diploma in Resources and Environmental Planning, both from the University of Waikato. I am a Full Member of the New Zealand Planning Institute, and have approximately 20 years’ experience as a practising planner, working within both local government and private planning consultancies. My experience includes resource consent preparation and processing and decision making on resource consents under delegated authority; as well as district plan preparation and general policy planning work.

#### **1.3 Report Structure**

4. This report has been prepared to assess the activities proposed as required under section 42A of the Resource Management Act 1991 (“**RMA**”). Specifically:
  - **Part A** provides an Introduction and a description of the site and the existing resource consent.
  - **Part B** describes the proposal.
  - **Part C** outlines the amendments proposed to the existing resource consent, the notification assessment and the submissions received for the s.127 application.
  - **Part D** provides an assessment of the proposed amendments against the relevant provisions of the Operative and Proposed New Plymouth District Plans.
  - **Part E** provides an assessment against the relevant provisions of the Resource Management Act 1991, including an assessment of potential environmental effects, the relevant policy framework and the matters raised in the submissions.
  - **Part F** sets out the key conclusions, recommendation, and suggested conditions (should the Commissioner grant consent to the application).

## 2.0 SITE DESCRIPTION AND CONSENT HISTORY

### 2.1 Site Description

5. The application site and the surrounding area are described in the original resource consent application, and in the Notification Assessment for the original resource consent application. I concur with these descriptions.
6. To summarise, the application site is described as follows:
  - A single allotment legally described as Lot 1 DP 344340 and with an area of approximately 9.2548 hectares.
  - Adjoining a private access strip to the west (Lot 4 DP 13554) that is owned in three equal shares by the application site (Lot 1 DP 13555) and Lots 2 and 3 DP 13555.
  - Zoned 'Rural Environment Area' in the Operative District Plan and the 'Rural Production Zone' in the Proposed District Plan.
  - Located on the northern side of Manutahi Road, and to the east of the intersection of Manutahi and Lower King Roads.
  - Identified as a HAIL site due to the previous landfill and quarrying land use activities.
  - Development on the property is existing (and includes the existing stock feed storage and distribution buildings and associated facilities).
  - Access is via the existing shared right of way on to Manutahi Road, located along the eastern boundary of the subject property.
7. The property is located within an existing and established rural environment and the predominant land use activities in the immediate area are rural farming and rural industrial activities, including a poultry farm (located approximately 90m to the west, at 51 Manutahi Road) and a rural contracting/excavation business (located immediately to the east of the application site, and utilising the same vehicle entrance and right of way as the consent holder).
8. The Taranaki Regional Council (TRC) website identifies the subject property as a Selected Land Use (HAIL) site. The property is listed as 'Site 0637-0' and the status is recorded as 'Category 1(b) Haz Subs Present – Risk acceptable for land use'.
9. The location of the application site is denoted in **Figure 1**.



Figure 1 Aerial Photo of the site and the surrounding area (Source PDP online maps)

## 2.2 Consent History

### **Existing Land Use Consent (Resource Consent LUC17/47070):**

10. In December 2017 the New Plymouth District Council granted Winton Stock Feeds Limited resource consent approval to establish and operate a stock feed storage and distribution operation at the property at 93 Manutahi Road, New Plymouth.
11. The consent was granted under delegated authority and is subject to 22 resource consent conditions.
12. The consent holder has given effect to the existing resource consent, and the stock feed storage and distribution facility is now well established and operational at the subject property.
13. Existing (consented) land use activities and operations comprise:
  - A covered 50m by 50m, lined storage pond surrounded by a 2m high bund, and planted in native tussock along the eastern portion. Molasses is transferred to and from the pond by way of a hose and pump. The pond area stays covered at all times.
  - The stock feed activities comprise of two distinct phases; normal operations and bulk importing.
    - **Normal operations** involve 2 to 3 staff working on site between 7am – 9pm. The molasses is collected and distributed throughout the region by way of 2-3 truck and trailers daily. This equates to an average of 21 Vehicle Equivalent Movements (VEM) per day. Light vehicles associated with staff equate to an additional 6 VEM per day. The existing agricultural contracting yard and dwelling also generate additional traffic onsite. Cumulatively, the existing resource consent estimated the VEM to the site during normal operations to be a maximum of 86 per day with an average of 57 per day.

- **Bulk importing** takes place up to eight times per year and involves the transportation of molasses from Port Taranaki to the subject property. The bulk importing occurs over a 48 hour period (24 hours a day). During this period 178 truck and trailer movements take place, which equates to 890 VEM over a 24 hour period. In conjunction with the existing activities on site, this cumulatively equates to 646 WEM over a 24 hour period during bulk importing.
- Access to the site is via an existing shared right of way on to Manutahi Road. The existing right of way is shared by five users in total and was upgraded to a Diagram E standard as a requirement of the existing resource consent decision (Condition 12).
- All heavy vehicles exiting the property are currently required to exit via a left turn only under the existing resource consent decision (Condition 20). Specifically, heavy vehicles are required to turn left on to Manutahi Road and then turn left onto SH 3A and continue along the State Highway network to the Port during the bulk importing periods. No right turn exit is permitted.

14. A copy of the existing resource consent decision is attached as Appendix A.

#### **Notification Assessment for Resource Consent LUC17/47070:**

15. The notification assessment for the original resource consent application deemed the following five properties to be potentially affected by the proposal:
- **97 Manutahi Road** (sharing the right of way with the application site)
  - **95A Manutahi Road** (sharing the right of way with the application site)
  - **95 Manutahi Road** (sharing the right of way with the application site)
  - **53 Manutahi Road** (sharing the right of way with the application site); and
  - **94 Manutahi Road** (located directly opposite the application site and the existing right of way).
16. Written approvals were obtained from two of the above properties (**97 Manutahi Road and 94 Manutahi Road**); and the application was limited notified to the remaining three properties (**95, 95A and 53 Manutahi Road**).

#### **Submissions for Resource Consent LUC17/47070:**

17. Council received two submissions to the original resource consent application. Both submissions were in opposition to the proposal. Submissions were received from the owners of **95 and 53 Manutahi Road**.
18. A Pre-Hearing Meeting was held, and specific conditions were discussed/agreed to by the parties present (Council, the Applicant and the Submitters).
19. The Planners Report for the original resource consent decision confirms that both submitters withdrew their wish to be heard following the Pre-Hearing Meeting. Paragraph 23 of the Planners Report states: *'Both parties initially indicated that they wished to be heard in support of their submissions. However, following a pre-hearing meeting and further consultation between the application and submitters, both submitters withdrew their wish to be heard'*.

20. Paragraph 29 further states: *'Consultation between the applicant and submitters following the pre-hearing meeting resulted in the applicant offering several conditions of consent in relation to the submitters concerns. It is understood that on the basis of these conditions being offered, the two submitters withdrew their wish to be heard'*.
21. Council staff were unable to locate a copy of the Pre Hearing Minutes, the conditions requested by the submitters or the conditions agreed to at the Pre Hearing Meeting at the time this notification assessment was prepared. It is therefore not known whether the decision to restrict vehicles exiting the property to a 'left out only' formed part of the agreed conditions and/or either submitters decision to withdraw their wish to be heard.
22. However, it is clear from the submissions that at least one of the submitters (Mr Bruce Candy) raised concerns with respect to traffic effects.

## **PART B – SUMMARY OF THE PROPOSAL**

### **3.0 DESCRIPTION OF THE PROPOSAL**

23. The application seeks to amend the designated traffic route for the existing stock feed storage and distribution facility at the subject property.
24. Specifically, amendments are proposed to the existing resource consent conditions to change the designated traffic route during the bulk importing periods to enable right turn movements out of the site. The changes will enable trucks to return to the Port via a more direct route.
25. The existing resource consent restricts vehicles to 'left in' and 'left out' only movement during the bulk importing periods.
26. No other changes are proposed to the consented land use activities and operation onsite.
27. The changes are sought pursuant to section 127 of the Resource Management Act 1991.

## PART C – THE S.127 APPLICATION

### 4.0 APPLICATION TO VARY CONDITIONS OF THE EXISTING RESOURCE CONSENT

#### 4.1 Resource Consent Application LUC17/47070.01:

28. The consent holder (Winton Stock Feed Limited) is applying to vary Conditions (1), (20) and (21) of the existing land use consent for the consented stock feed storage and distribution operation at the subject property (Resource Consent LUC17/47070).
29. The proposed changes relate solely to the designated traffic route consented for the bulk importing periods (whereby trucks are required to enter and exit the property via a 'left only' arrangement).
30. **Figure 2** below (taken from the application) denotes the consented and proposed traffic routes:



Figure 3.1: Consented traffic route

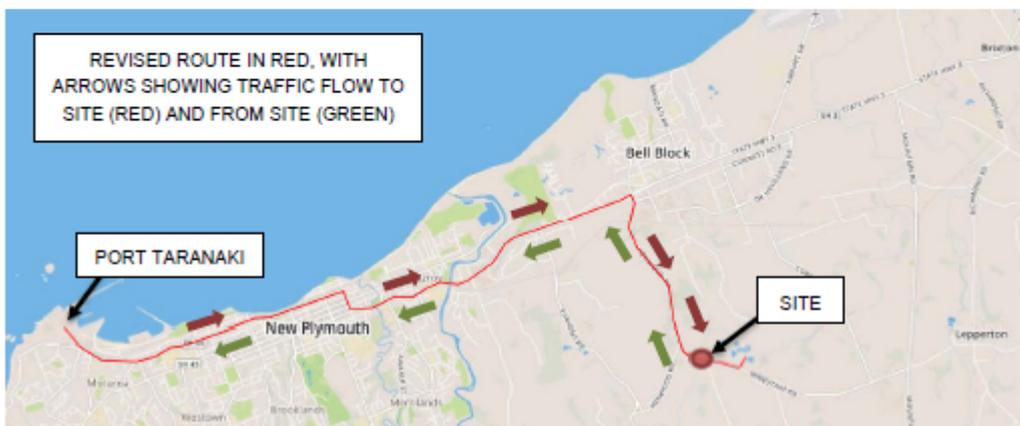


Figure 3.2: Proposed additional traffic route

*Figure 2 Existing (consented) and Proposed Traffic Routes*

#### 4.2 Type of Application and Activity Status

31. The amendments are proposed pursuant to section 127 of the Resource Management Act (RMA) – being an application to change consent conditions by the consent holder.
32. Amendments are proposed to Conditions (1), (20) and (22) of resource consent LUC17/47070.

33. An additional (new) Condition (Condition 23) has also been agreed to by the consent holder (since the application was lodged) to address the mitigation measures that have subsequently been agreed to by the consent holder (the addition of permanent roadside signage and clearance of the roadside vegetation to improve sightlines, as discussed within the Traffic and Roading Assessment in Section 4.6 below).

34. The activity status of the application is **Discretionary**.

### 4.3 Amendments Proposed to the Existing Resource Consent Conditions

35. **Table 1** below sets out the existing wording, the changes proposed, and the reasons for the proposed changes to Conditions (1), (20) and (22) of Land Use Consent LUC17/47070. The proposed wording for the additional condition (Condition 23) is also included:

*Table 1 S.127 Amendments to Resource Consent LUC17/47070:*

<b>Existing Wording</b>	<b>Proposed Amendments</b> (Deletions are shown as <del>struckthrough</del> and additions <b><i>bold and underlined</i></b> ):
<b>Condition (1):</b>	
<p>Condition (1) reads:</p> <p>1. Except as to meet further conditions of this consent, the use and development of the site shall be as described within the application and shall be substantially in accordance with the following information, plans and assessment of environmental effects submitted with the application LUC17/47070:</p> <ul style="list-style-type: none"> <li>• Resource Consent Application: prepared by BTW Company Ltd, titled 'Stock Feed Depot at 93 Manutahi Road, Bell Block' and dated 4 August 2017.</li> <li>• Traffic Impact Assessment prepared by BTW Company Ltd, titled 'Traffic Impact Assessment – 93 Manutahi Road' and dated 4 August 2017.</li> <li>• Noise Prediction Report prepared by Marshall Day Acoustics, titled 'Molasses Storage Facility: Noise Prediction, Doc Refer RP 001 20170407 and dated 31 May 2017.</li> </ul>	<p>The following amendments are proposed to Condition (1):</p> <p>1. Except as to meet further conditions of this consent, the use and development of the site shall be as described within the application <b><i>except as varied by the section 127 application under LUC17/47070.01</i></b> and shall be substantially in accordance with the following information, plans and assessment of environmental effects submitted with the application LUC17/47070:</p> <ul style="list-style-type: none"> <li>• Resource Consent Application: prepared by BTW Company Ltd, titled 'Stock Feed Depot at 93 Manutahi Road, Bell Block' and dated 4 August 2017.</li> <li>• Traffic Impact Assessment prepared by BTW Company Ltd, titled 'Traffic Impact Assessment – 93 Manutahi Road' and dated 4 August 2017.</li> <li>• Noise Prediction Report prepared by Marshall Day Acoustics, titled 'Molasses Storage Facility: Noise Prediction, Doc Refer RP 001 20170407 and dated 31 May 2017.</li> <li>• <b><i><u>Resource Consent Application Consent Variation prepared by BTW Company Ltd, titled 'Resource Consent Application</u></i></b></li> </ul>

	<p><u>and Assessment of Environmental Effects: Consent Variation - Stock Feed Depot at 93 Manutahi Road, Bell Block' and dated 23 September 2020.</u></p> <ul style="list-style-type: none"> <li>• <u>The updated Traffic Impact Assessment prepared by BTW Company Ltd, titled 'Traffic Impact Assessment – 93 Manutahi Road' and dated 20<sup>th</sup> May 2020.</u></li> <li>• <u>The additional information received as further information dated 5 January 2021.</u></li> </ul>
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**Reason for the Proposed Amendments**  
Condition (1) requires amending to record that there has been a variation to the original resource consent, and to refer to the updated Application and Traffic Impact Assessment prepared for the s.127 application.

**Condition (20):**

<p><b>Condition (20)</b> reads:</p> <p>20. A Traffic and Noise Management Plan (TNMP) shall be submitted to the Council’s Monitoring Officer for approval a minimum of one month prior to the commencement of the stock feed distribution activity on the site. 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. The TNMP is to include, but not be limited to the following:</p> <p>a) Route definition:</p> <ul style="list-style-type: none"> <li>i. Designated primary route requiring all heavy vehicles to turn left in and left out of the site only (outside of park traffic periods);</li> <li>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;</li> </ul>	<p><b>Condition (20)</b> reads:</p> <p>21. A Traffic and Noise Management Plan (TNMP) shall be submitted to the Council’s Monitoring Officer for approval <u>within ten working days of the s.127 application being granted a minimum of one month prior to the commencement of the stock feed distribution activity on the site.</u> 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. The TNMP is to include, but not be limited to the following:</p> <p>a) Route definition:</p> <ul style="list-style-type: none"> <li>iii. Designated primary route requiring all heavy vehicles to turn left in and left out of the site only (outside of park traffic periods);</li> <li><del>iv.</del> Designated secondary route enabling heavy vehicles to approach the site from either the east or west along Manutahi Road (during peak traffic periods only) <del>but still being restricted to exit the site via left turn only;</del></li> </ul>
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<p>b) Driver Education:</p> <ul style="list-style-type: none"> <li>i. No engine braking when approaching the site vehicle access point and avoiding noisy acceleration and braking on and off the site;</li> <li>ii. Speed limits: Heavy vehicle speed limit of 20km/h at all times on the site (to include the use of the shared right of way);</li> <li>iii. Dipped headlights only to be used during night-time hours on the site (to include use of the shared right of way);</li> <li>iv. Management of night-time noise on the site to include no slamming of vehicle gates/doors and driver noise education.</li> </ul> <p>c) Notification protocols for neighbours in advance of bulk import operations.</p>	<p>d) Driver Education:</p> <ul style="list-style-type: none"> <li>i. No engine braking when approaching the site vehicle access point and avoiding noisy acceleration and braking on and off the site;</li> <li>ii. Speed limits: Heavy vehicle speed limit of 20km/h at all times on the site (to include the use of the shared right of way);</li> <li>iii. Dipped headlights only to be used during night-time hours on the site (to include use of the shared right of way);</li> <li>iv. Management of night-time noise on the site to include no slamming of vehicle gates/doors and driver noise education.</li> </ul> <p>c) Notification protocols for neighbours in advance of bulk import operations.</p>
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**Reason for the Proposed Amendments**

Condition (20) requires amending to require the consent holder to provide an updated TNMP for the amended proposal. Further amendments are also required to ensure the updated TNMP is provided within a suitable timeframe (the existing condition states 'prior to the commencement of the stock feed distribution activity on the site' and is therefore no longer applicable given the activities are now well established onsite).

**Condition (22):**

**Condition (22)** reads:

22. The consent holder shall provide a copy of the approved TNMP to all truck and trailer unit operators to be adhered to at all times during bulk importing operations.

Condition (22) reads:

22 The consent holder shall provide a copy of **the any updated** approved TNMP to all truck and trailer unit operators to be adhered to at all times during bulk importing operations.

**Reason for the Proposed Amendments**

Condition (22) requires amending to refer to the updated TNMP approved as part of the s.127 application.

**The following new condition is recommended:**

**Condition (23):**

**Condition (23):**

23 Heavy vehicles shall not exit the site via a right turn until the following mitigation measures are in place to the satisfaction of the Planning Lead, New Plymouth District Council:

	<p><b>Roadside Signage:</b></p> <p>(a) Permanent roadside signage is erected on the approaches to the existing vehicle access, in the locations agreed to with Councils engineering officer, and to the satisfaction of Council.</p> <p>(b) The signage shall be in accordance with the recommendations of the traffic assessment prepared by AMTANZ, dated 4<sup>th</sup> 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).</p> <p>(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.</p> <p><b>Roadside Vegetation:</b></p> <p>(d) Vegetation clearance works are 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 west of the access shall be trimmed back to the legal boundary and to a maximum height of 6m.</p>
<p><b>Reason for the Proposed Amendments</b></p> <p>Condition (23) is recommended to ensure that the mitigation works agreed to by the consent holder (and as recommended by Councils Consultant Traffic Engineer) are undertaken to the satisfaction of Council prior to any vehicles exiting the site via a right turn; and are maintained in perpetuity.</p>	

#### 4.4 Notification Assessment

36. A separate Notification Assessment has been undertaken for the s.127 application.
37. The notification assessment determined that all of the parties who either provided their written approvals; or made a submission on the original application are also considered to be potentially affected parties with respect to the current s.127 application.
38. All these properties either share the existing right of way and vehicle entrance with the consent holder; or are located directly opposite the existing right of way and vehicle entrance; and as such are considered to be potentially affected by any changes to the consented access arrangements onsite.
39. The owners and occupiers of the following properties were considered potentially affected parties with respect to the change of conditions application:

*Table 2 Potentially Affected Parties*

<b>Property No.</b> (on Figure 3)	<b>Property Address Details</b>
<b>1</b>	<b>53 Manutahi Road</b> (sharing the right of way with the application site)
<b>2</b>	<b>95 Manutahi Road</b> (sharing the right of way with the application site)
<b>3</b>	<b>95A Manutahi Road</b> (sharing the right of way with the application site)
<b>4</b>	<b>97 Manutahi Road</b> (sharing the right of way with the application site)
<b>5</b>	<b>93 Manutahi Road</b> (the application site)
<b>6</b>	<b>94 Manutahi Road</b> (located directly opposite the application site and the existing right of way).

40. **Figure 3** identifies the locations of each of these properties relative to the application site.
41. The effects on the owners of the two properties that have given written approval to the s.127 application (Jeremy & Rachael Cottam at **94 Manutahi Road** and Murray & Janet Gush at **97 Manutahi Road**), along with the owner of the subject Site, were disregarded.
42. Only the persons associated with the remaining three properties (the properties identified as 1, 2 and 3 in **Figure 3**) were therefore deemed to be affected persons.
43. The notification assessment determined that the application be limited notified to the following three properties:

*Table 3 Parties to whom the application was limited notified*

<b>Property No.</b> (on Figure 3)	<b>Address Details</b>	<b>Legal Description</b>	<b>Owner Details</b>
<b>1</b>	53 Manutahi Road	Lot 2 DP 344340	Carol Wilson & VBW Trustees No 1 Ltd
<b>2</b>	95 Manutahi Road	Lot 3 DP 344340	Rex & Suzanne Cowley & Tim Coleman
<b>3</b>	95A Manutahi Road	Lot 2 DP 492503	Matthew Hareb & MCH Trustee Company Ltd



Figure 3 Adjoining Landowners (Identified in Table 2 above)

#### 4.5 Submissions Received

44. Submissions were received from all three parties that were limited notified (two in opposition, and one in support/neutral). **Table 4** below provides a summary of the submissions received:

Submission No.	Submitter Details	Address	Support/Oppose	Wish to be Heard
1	Bruce Candy	53 Manutahi Road (Property No. 1 in Figure 3)	<b>Oppose</b>	<b>Yes</b>
2	Rex Cowley	95 Manutahi Road (Property No. 2 in Figure 3)	<b>Support/ Neutral</b>	<b>No</b>
3	Matthew Hareb	95A Manutahi Road (Property No. 3 in Figure 3)	<b>Oppose</b>	<b>Yes</b>

#### 4.6 Staff, Consultant and Agency Comments

##### Traffic and Rooding Comments:

45. The application was forwarded to Andrew Skerrett (Traffic Engineer at AMTANZ Limited) to peer review the traffic impact assessment and provide traffic and roading comments on behalf of Council.
46. Councils Network Management Lead – Transportation, Mr John Eagles has also provided internal comments on matters relating to traffic safety.
47. A copy of Mr Skerrett's Traffic and Rooding Assessment is attached as **Appendix B**.

## PART D –ASSESSMENT OF THE APPLICATION

### 5.0 STATUTORY PROVISIONS

#### 5.1 Section 127 of the Resource Management Act 1991

48. An application can be made by a consent holder to a territorial authority to change or cancel a condition of a resource consent under section 127 of the Resource Management Act 1991 (RMA).
49. The Applicant (Winton Stock Feed Limited) is also the consent holder with respect to the original resource consent. The amendments proposed do not relate to the duration of the consent.
50. Section 127(3) of the RMA sets out the activity status of applications for a change of consent conditions and the scope of the matters that must be considered as follows:

*Sections 88 to 121 apply, with all necessary modifications, as if—*

  - (a) the application were an application for a resource consent for a discretionary activity;*
  - and*
  - (b) the references to a resource consent and to the activity were references only to the change or cancellation of a condition and the effects of the change or cancellation respectively.*
51. This application for a change of conditions must therefore be considered under section 127 as a fully **Discretionary Activity** with the assessment being against the effects of the changes to the conditions.
52. It is considered appropriate to consider this application for a change of existing conditions of LUC17/47070 under section 127 rather than as a new application because the intent and scope of the activities remains the same. The application confirms that the nature and scale of the consented stock feed storage and distribution operation remains unchanged and is exactly the same as approved in the original application. It is only the connected vehicle access arrangements (being the direction of traffic, as opposed to the number and frequency of vehicles) that is changing as a result of the s.127 amendments.
53. The application for a change of conditions can therefore be assessed under section 127 as a fully **Discretionary Activity**.
54. Processing and determination of the application is required to be carried out under s88 – 121 of the RMA as per a resource consent application, however only the effects of the changes are considered, rather than the activity as a whole.

## 5.2 District Plan Assessment

55. The existing resource consent decision was granted in December 2017, which is prior to the notification of the Proposed District Plan ("PDP") on 23 September 2019.
56. The existing resource consent was therefore approved under the Operative District Plan ("ODP") provisions.
57. However, the current s.127 amendments require assessment against the relevant provisions in both the Operative and Proposed District Plans.

### 5.2.1 Operative District Plan

58. Although this assessment is only required to focus on the effects of the condition changes applied for, the following sets out the relevant ODP rules that triggered resource consent for the original application:

*Table 4 Resource Consent Required*

<b>ODP Rule</b>	<b>Description</b>	<b>Activity Status</b>
<b>Rur 101</b>	<p><b>Traffic Generation over a 24 hour period</b> Under Rule Rur 101 a maximum daily trip generation (measured in vehicle equivalent movements) of up to 50 vehicles per day is provided for as a permitted activity where the relevant requirements in Appendix 27 are met. More than 50 per day is Restricted Discretionary.</p> <p>The application stated that the proposed activities would generate a maximum of 946 VEM's over a 24 hour period during the bulk importing periods, and therefore required resource consent approval as a Restricted Discretionary Activity.</p>	<b><u>Restricted Discretionary</u></b>
<b>Rur 102</b>	<p><b>Traffic Generation over a seven day period</b> Under Rule Rur 102 an average traffic generation of 30 per day is provided for as a permitted activity where the relevant requirements in Appendix 27 are met. More than 30 per day is Restricted Discretionary.</p> <p>The application stated that the proposed activities would generate a maximum average of 311 vehicle equivalent movements over a seven-day period during the bulk importing periods, and therefore required resource consent approval as a Restricted Discretionary Activity.</p>	<b><u>Restricted Discretionary</u></b>

59. The original proposal therefore required resource consent approval as a **Restricted Discretionary Activity** under the provisions of the ODP.

## 5.2.2 Proposed District Plan

60. Although this assessment is only required to focus on the effects of the condition changes applied for (and relates to activities that were consented prior to the notification of the Proposed District Plan), the following sets out the relevant PDP for the proposal:

*Table 5 Resource Consent Required*

<b>PDP Rule</b>	<b>Description</b>	<b>Activity Status</b>
<b>TRAN-R8</b>	<p><b>Traffic Generation over a 24 hour period</b></p> <p>Under Rule TRAN-R8 the activity is Restricted Discretionary where:</p> <ol style="list-style-type: none"> <li>1. Any of the activities listed in TRAN – Table 1 exceed the stated thresholds; and</li> <li>2. All Transport Effects Standards are complied with.</li> </ol> <p>Where compliance is not achieved, the activity status is Discretionary.</p> <p>With respect to Item (1) above, the activities are required to comply with Table 1 – High Trip Generator Thresholds.</p> <p>The proposal does not comply with Item 20 in Table 1 which stipulates a maximum of '200 vehicle movements per day', and would therefore require resource consent approval as a Restricted Discretionary Activity.</p> <p>With respect to Item (2) above, Mr Skerrett has reviewed the proposal and has confirmed that the existing access complies with the relevant provisions in the Transport Effects Standards.</p> <p>The existing activities would therefore require resource consent as a <b>Restricted Discretionary Activity</b> in accordance with Rule TRAN-R8.</p>	<b><u>Restricted Discretionary</u></b>

## **PART E –RESOURCE MANAGEMENT ACT 1991**

### **6.0 SECTION 104 ASSESSMENT**

61. A consent authority must have regard to a number of matters under section 104 of the Resource Management Act when considering an application for resource consent and any submissions received. Those considerations include the actual and potential effects of an activity on the environment, the relevant and proposed and / or operative district plan, regional plan or other relevant statutory document, and any other matter the consent authority considers relevant and reasonably necessary to determine the application.
62. The following sections include an assessment of all of the relevant considerations under s104 of the RMA under the following headings:
- Assessment of Environmental Effects;
  - Matters Raised in the Submissions; and
  - Relevant Statutory Documents.

### **6.1 Assessment of Environmental Effects**

63. The following assessment of the environmental effects of the proposed activity includes matters that are relevant to the s.127 amendments that are being sought.
64. Those effects requiring further examination are discussed under the following headings:
- Positive Effects
  - Rural Character and Amenity Effects
  - Transportation Effects

#### **6.1.1 Positive Effects**

##### Application

65. The s.127 application includes a specific section on positive effects (section 4.2 of the application report). They are identified as '*improving the efficiency of the consented activity*'.

##### Assessment

66. I concur that the proposal has the potential to result in positive effects insofar as it will enable vehicles exiting the property to turn right out of the entrance and travel the more direct route back to Taranaki Port. However, Council must also be satisfied that any changes to the designated traffic route do not result in adverse traffic safety issues, particularly with respect to other vehicles travelling along Manutahi Road in the vicinity of the site access. The associated traffic safety and roading effects are discussed below.

##### Summary

67. In summary, the proposal does have the potential to have positive effects on both the consent holder and the wider community. It will enable the consent holder to travel the more direct route to and from Taranaki Port during the bulk importing periods (resulting in less fuel being consumed, and potentially one less truck) thereby providing for their economic and social wellbeing. The changes to the designated traffic route do not affect the nature and scale of the consented stock feed storage and distribution activities onsite (which will continue to

operate in accordance with the existing land use consent). The proposal will have positive effects on the wider community insofar as it will reduce the number of trucks travelling along the alternative route to the port, and reduce the overall travel times for the trucks transporting molasses to and from the Port.

## 6.1.2 Rural Character and Amenity Effects

### Application

68. The s.127 application includes a specific section on rural amenity and character effects (section 4.3 of the application report). The application states:

- *'Overall, it is considered there will be no adverse effects on adjoining properties from whom written approval has not been provided when compared to the consented activity...*
- *In terms of amenity and character effects in the wider environment, the change does not result in any fundamental change in effects experienced by private and public receptors.*

*With regard to noise effects, ODP noise standards concern noise generated on site. The proposed change does not result in any change in noise generated on site.*

*In terms of visual effects, the movements are associated with a consented rural based industry activity which the ODP identifies as one of the defining elements of rural character. Heavy vehicle movements within the rural zone utilising collector, arterial and State Highway networks are anticipated. Whether exiting left or right, the proposed use of the rural collector road network will not increase the use of Henwood Road or Manutahi Road beyond their status. Any visual effects from truck and trailer movements exiting the site are considered to be less than minor.*

*Overall, any rural amenity and character effects on the wider environment are considered to be less than minor when compared to the consented activity'.*

### Assessment

69. The Act defines amenity values as "*those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes*".

70. The ODP identifies the importance of spaciousness, low density, working environment and rural based industry as aspects of rural character.

71. The character of the surrounding area is predominantly rural and exhibits a mixture of small rural lifestyle blocks (utilised predominantly for residential and lifestyle activities) and larger rural landholdings utilised for general farming activities, including chicken broiler sheds and an excavating business.

72. Two of the submitters have identified the potential effects on rural character and amenity as a potential concern. For example, Bruce Candy of 53 Manutahi Road has identified noise, landscaping, lighting and vehicle movements and traffic as potential concerns, all of which have the potential to impact on rural character and amenity. Matthew Hareb of 95a Manutahi Road has also raised concerns with respect to traffic safety and roading effects. However it is important to note that the s.127 application relates solely to the changes proposed to the designated traffic route (not the consented activities onsite), and Councils assessment of the s.127 should therefore be limited to the effects associated only with the amended traffic route.

73. The submitters concerns relating to potential adverse noise, landscaping and lighting effects fall outside of the scope of the current section 127 application. They are matters relating to the existing (consented) land use activities on site, as opposed to the s.127 amendments that are currently being sought.
74. These concerns are potentially still valid and have therefore been forwarded to Councils Monitoring Team to investigate further, as part of the monitoring of the existing resource consent decision, and to ensure that the appropriate conditions have been complied with, particularly those relating to landscape planting and screening. A Council Monitoring Officer has subsequently visited the site (refer to the discussion in **Section 6.2** below).
75. The Applicants have confirmed that the proposal to change the conditions of the existing land use consent to enable vehicles to enter and exit the subject property in either direction will not result in any increase in traffic movements or any change in the existing loading patterns during the bulk importing periods. For this reason, I am satisfied that the proposed amendments will not adversely impact upon the existing rural character and amenity values.
76. The Commissioner may wish to impose an additional condition (or reason) clarifying that the changes relate solely to the direction of access/egress; and that no changes to the frequency or number of vehicle movements is proposed. This is discussed further in **Section 6.2** below.

#### Summary

77. In summary, no adverse effects on rural character and amenity are anticipated with respect to the proposal.

### **6.1.3 Transportation Effects**

#### The Application

78. The s.127 application includes a specific section on transport safety and efficiency effects (section 4.4 of the application report). An updated TIA is also included within the s.127 application.
79. The TIA concludes as follows (page 11):

*'The site has been operating successfully over the past 18 months for both bulk and delivery operations. Amendment to the Primary route to allow right turn movements out of the site is considered to be acceptable, on the basis that the site and network can accommodate the proposed amendment.*

*In conclusion, based on the mitigation methods employed and evaluated impacts above, the molasses storage facility development proposal as described in the report will have no more than minor effects on the safety and efficiency of the NPDC road network'.*
80. Further, Section 4.4 of the application report states:

*'The activity will continue to be managed in accordance with an approved Traffic Noise and Management Plan as required by condition 20 of LUC17/47070.*

*Overall, any transport safety and efficiency effects are considered to be no more than minor when compared to the consented activity'.*

### Assessment

81. Councils Consultant Traffic Engineer has assessed the transportation related effects associated with the s.127 amendments and has made the following recommendations and conclusions:

### Recommendations

82. We recommend that the additional permanent warning signage is manufactured by an approved manufacturer and installed by an approved council contract on each approach to the site as shown in **Figure 4** below:



Figure 4 Recommended Signage and approximate positioning

83. We also recommend that the removal of the vegetation on the inside of the bend to be undertaken by a council approved contractor.

### Conclusion

84. The change in the consent conditions to permit trucks to turn right out of the access during the bulk loading operation will change the risk profile for the access. However given the available sight distance, seal widening opposite the access and the proposed installation of signage, this keeps the change in risk at acceptable levels.

### Summary

85. For the reasons outlined above, and relying on the expertise of the Transport Engineer, no adverse traffic and roading effects are anticipated with respect to the proposal. The number of traffic movements are already consented under the existing resource consent decision, and it is only the designated traffic route for vehicles travelling to and from the Port this is changing. The Transport Engineer is satisfied that the changes to the designated traffic route will not adversely impact upon the safety and efficiency of the existing roading network, and the proposed signage will effectively mitigate any potential traffic concerns during the bulk importing periods.

## 6.2 Matters Raised in the Submissions

86. A total of three submissions were received (two in opposition and one neutral/in support of the proposal). Submissions were received from Bruce Candy of 53 Manutahi Road, Rex Cowley of 95 Manutahi Road and Matthew Hareb of 95A Manutahi Road.

87. **Table 6** below summarises the matters raised in each of the submissions:

*Table 6 Summary of Submissions*

<b>Support/ Oppose</b>	<b>Address Details</b>	<b>Submitter Details</b>	<b>Matters Raised in their submission</b>
<b>Oppose</b>	53 Manutahi Road  (identified as Property No. 1 in Figure 3)	Bruce Candy	<p>The submitter is opposed to the application for the following reasons:</p> <p><b>Noise:</b></p> <ul style="list-style-type: none"> <li>- Noise is a problem with this operation (drivers talking at night, trucks going up the fill when leaving and travelling along Manutahi Road).</li> <li>- Marshall Day Acoustics should be made to set up and record data for the next shipment. The existing report is over 4 years old.</li> <li>- Engine braking occurs all the time when trucks approach the site.</li> </ul> <p><b>Consultation with Neighbours:</b></p> <ul style="list-style-type: none"> <li>- No one has been to see the submitter since the original resource consent was granted in 2017.</li> <li>- The 36 hours notice given before a molasses shipment arriving is noted.</li> </ul> <p><b>Landscaping:</b></p> <ul style="list-style-type: none"> <li>- The landscaping that was a requirement of the existing resource consent has not grown. Query whether Council have checked this. Seeks to have the plant shut down.</li> <li>- The trees should be over 2m metres tall after 3 1/2 years, but are 400mm.</li> </ul> <p><b>Lighting:</b></p> <ul style="list-style-type: none"> <li>- The lights are still not screened from the submitters property and are very bright at night.</li> </ul> <p><b>Traffic Safety and Roding:</b></p> <ul style="list-style-type: none"> <li>- Trucks started going back along Henwood – Manutahi Road last year, in violation of the existing resource consent.</li> </ul> <p><b>Duration of the Consent:</b></p> <ul style="list-style-type: none"> <li>- The Submitter queries whether the consent holder is planning on extending the consent past 22 December 2022</li> </ul>
<b>Support/ Neutral</b>	95 Manutahi Road  (identified as Property No. 2 in Figure 3)	Rex Cowley	<p>The submitter has ticked the boxes for supporting and being neutral to the application and has sought that Council grant the resource consent.</p>

			No further detail is provided with the submission.
<b>Oppose</b>	95A Manutahi Road  (identified as Property No. 3 in Figure 3)	Matthew Hareb  (c/- Helen Duncan, Senior Planner, Landpro)	The submitter is opposed to the proposed changes for the following reasons:  <b>Traffic Safety and Roding:</b> <ul style="list-style-type: none"> <li>- The posted speed limit of Manutahi Road remains 100km/hr;</li> <li>- Manutahi Road is a busy road and near misses have been observed when trucks exit or enter the driveway when turning right. Vehicles have been observed having to slow down, swerve or brake hard when a truck exits from the right.</li> <li>- There have been near misses on the shared right of way / driveway, with trucks carrying molasses sitting in the middle of the drive to turn onto Manutahi Road. A change to the traffic route may exacerbate this safety issue.</li> <li>- Trucks require momentum to achieve speed onto a 100km/hr road. A truck turning right onto a 100km/hr road is potentially extremely hazardous. Travelling speeds combined with human error and/or poor judgement could result in serious accidents.</li> </ul> <p>The submitter seeks that the application to vary conditions 1 and 20 be declined; and the existing conditions remain (and all heavy vehicles enter and exit to the left at all times).</p>

### Assessment

#### Traffic and Roding Related Matters:

88. The submitters concerns relating to traffic and roading matters are considered to be within the scope of the existing s.127 application, and have therefore been afforded appropriate consideration and assessment by Council. Specifically, the Consultant Traffic Engineer has assessed the potential traffic and roading effects associated with the changes to the designated traffic route. He has also reviewed the submissions received for the s.127 application. Mr Skerrett has concluded that the proposed changes will not result in any adverse traffic and roading effects that are more than minor. Relying on the expertise of Mr Skerrett, I am satisfied that the changes to the designated traffic route (including the adoption of the recommended roadside signage and vegetation clearance as mitigation measures) will adequately address the concerns raised by the submitters.
89. The concerns regarding noise, lighting and landscaping fall outside of the scope of the current application, but have been investigated separately by Councils monitoring staff (Kate Keegan, Environmental Planner – Monitoring) as part of the routine monitoring of the existing land use consent), and are commented on in the sections below.

Landscape Planting Related Matters:

90. Ms Keegan has checked the existing landscape planting onsite against the Landscaping and Screening Plan prepared by BTW job no. 17363 dated 15/11/2017 – detailed under LUC17/47070 Condition 3 (refer Memo dated 21 April 2021 attached as **Appendix C**).
91. Her findings are summarised below:
- *Grisilinia hedge on eastern side of site is well established. Evidence this is been well maintained. There are several other species within the hedge, which are higher than the grisilinia. This species was to be 1.5m at the time of planting. Only one plant in the hedge line lower than this – appears to be a replacement, recently planted.*
  - *Additional planting (not documented on the landscaping plan) has been completed south of the grisilinia hedge. A good addition considering this completes planting along this boundary line.*
  - *All four sides of bund has been planted in native tussock, as per landscape plan. Well established, with some still growing as this particular species (*Carex buchananii*) is 75cm x 75cm at maturity.*
  - *Horticultural screening in place on north western corner of site. I didn't measure this but visually it looks to meet the 34m distance in either direction and fits well into the space (\*i.e no large gaps at either end).*
  - *Planting required on the outer of the horticultural screening has been done, but **plants are struggling to establish themselves along the exterior of the horticultural shelter belt. The area is filled with gorse and not well maintained.** Noted one plant growing sideways and a few dead seedlings. This species is *Cryptomeria Japonica* and at full height should reach a size of about 10m and be an effective screening/shelter belt. The landscape plan does not specify a PB size at planting, stating they are to be 'seedlings'.*
92. Ms Keegan discussed the effectiveness and suitability of the existing japonica hedge with the property owners (Trevor and Linda) while onsite. The owners advised:
- *When the plants went in they were each planted in a batch of topsoil, but the surrounding earth is particularly rocky.*
  - *At the time consent was processed they had indicated this area was rocky and that the preference was to plant the japonica on the inside of the horticultural screening. They advised the ground on the inside of the fence has previously been quarried and would provide better growing conditions. Advised they had routinely been replacing seedlings that die off and there has been no improvement in plant growth.*
  - *Trevor and Linda expressed they were keen to explore other options for landscaping in this area – at the top of this list would be permission to plant on the inside of the horticultural screening to see if the plants can better establish themselves.*
  - *Trevor and Linda also advised that at the time of consent they told Council and BTW that soil on the outer of the place proposed for screening was not suitable for planting.*
93. Whilst the proposal to replace the existing (failing) japonica hedge with a similar hedge located on the inside of the horticultural screen does not form part of the existing s.127 application, the Commissioner may wish to consider these amendments at the Hearing, in discussion with the consent holder and the submitters, if they so wish. I do not foresee any adverse effects associated with amending the existing resource consent to allow the required landscape planting to be undertaken in this location. I would therefore support a proposal to amend the landscape conditions (affecting Conditions (1), (3), (4) and (5)) as necessary.

Lighting Related Matters:

94. Ms Keegan has also observed the existing lighting onsite (albeit during daylight hours). There are no specific conditions about lighting in LUC17/47070. Further, there are no complaints on record about light issues at the site. The Submitters may wish to elaborate on their lighting concerns at the Hearing. However, it not evident that there is any non-compliance with the applicable lighting standard (Rule Rur87 – 10 lux).

Noise and Amenity Related Matters:

95. The proposal to allow vehicles to exit the property and travel the more direct route back to the Port does (in theory) have the potential to increase the frequency of vehicles arriving on site, and reduce the overall duration of each bulk importing period (ie the trucks could potentially unload the molasses over a shorter period of time).
96. Any changes to the frequency of vehicles arriving onsite, or the duration of the bulk importing period has the potential to affect existing noise levels and amenity values. That is, the noise and amenity effects associated with trucks spread throughout the day differ to those associated with the same number of trucks arriving and departing the site over a shorter time period (particularly during the nighttime hours).
97. The traffic information submitted with the application refers only to daily traffic movements. There is no specific detail regarding the peak traffic movements / variations within each bulk importing period.
98. The Commissioner may wish to clarify whether the truck arrival and departure times are evenly spread throughout each bulk importing period with the consent holder, and how the changes to the consented traffic routes will affect the truck arrival and departure times at both the Port and the subject site.
99. Whilst the s.127 application states that there will be no changes to the frequency or number of vehicle movements as a result of the changes to the access arrangements, there are no existing conditions to manage traffic movements during the bulk importing periods.
100. The Commissioner may wish to consider imposing a condition specifying a maximum number and frequency of trucks arriving on site during the bulk importing periods (including a maximum number per hour during the night time period). This would potentially address the noise and amenity related effects raised by one of the submitters (Mr Candy); and ensure that the s.127 amendments do not affect the frequency or number of vehicle movements.

Duration of the Consent:

93. Mr Candy has queried whether the consent holder is planning on extending the consent past 22 December 2022. His reference to 22 December 2022 appears to refer to the consent lapse date specified in the resource consent decision. This is the date by which the consent holder is required to 'give effect to' the resource consent (ie the consent holder has until 22 December 2022 to establish the stock feed operation and distribution operation onsite). The consent holder has complied with the aforementioned consent lapse date. The activities are now well established onsite and operate in accordance with the existing resource consent. There is no requirement for the consented land use activities to cease at a particular date.

## Summary

101. For the reasons outlined above, the amendments proposed to the existing resource consent will not adversely impact upon the existing rural character and amenity values. The consent holder has advised that the revised traffic route will not result in any increase in traffic movements, and relates solely to the direction of travel once vehicles depart the site.

## 6.3 Relevant Statutory Documents

### 6.3.1 Operative District Plan Policy Framework

102. The proposal to enable vehicles accessing the property during the bulk importing periods to enter or exit the property in both directions does not affect the original assessment of the District Plan objectives and policies undertaken as part of the s42A assessment for the original resource consent application.
103. The s42A report for the original resource consent application considered the following objectives and policies to be relevant (and they are still relevant to the s.127 amendments):
- *Objective 1; Policy 1.1 regarding character and amenity.*
  - *Objective 4; Policy 4.8 regarding maintaining the elements of rural character, particularly traffic effects.*
  - *Objective 20; Policy 20.3 regarding the safe and efficient operation of the road transportation network.*

#### Amenity, Health and Safety

***Objective 1*** *To ensure activities do not adversely affect the environmental and amenity values of areas within the district or adversely affect existing activities.*

***Policy 1.1*** *Activities should be located in areas where their effects are compatible with the character of the area.*

#### Assessment

104. The application to vary the existing resource consent conditions is consistent with the above objective and policy framework. The application seeks to amend the designated traffic routes for the consented land use activities at the subject property. No changes are proposed to the nature and scale of the activities onsite. For this reason, the proposed amendments will not adversely impact on existing rural activities and character.

***Objective 4*** *To ensure the subdivision, use and development of land maintains the elements of Rural Character.*

***RURAL CHARACTER*** *is the combination of elements that make an area 'rural' rather than 'urban'. Rural areas are typically distinguished by a dominance of openness and rural practices over man made structures not related to the primary use. RURAL CHARACTER includes the key elements of Spaciousness, Low density, Vegetated, Production Orientated, Working Environment, Rural Based Industry and Rural INFRASTRUCTURE. The elements of RURAL CHARACTER are further defined under these categories in the reasons to Issue 4.*

***Policy 4.8*** *Activities within the rural environment should not generate traffic effects that will adversely affect RURAL CHARACTER and the intensity of traffic generation should be of a scale that maintains RURAL CHARACTER.*

#### Assessment

105. The application is consistent with the above objective and policy. Policy 4.8 seeks to control traffic effects that will adversely affect rural character. The application seeks to amend the consented access arrangements at the subject property. However, no changes are proposed to consented land use activities onsite. The facility will continue to utilise the existing shared right of way and vehicle entrance for access, although access and egress will no longer be restricted to a 'left in' and 'left out' only. Councils Consultant Traffic Engineer has assessed the traffic and roading effects associated with the proposed changes and concludes that any traffic effects associated with the proposed changes are still in keeping with the original resource consent, and as such will not adversely impact upon the existing rural character.

Conditions will be imposed to ensure that appropriate signage is erected along the Manutahi Road frontage to manage potential traffic safety concerns during the bulk importing periods. The proposed signage will help to ensure consistency with Objective 4 and its associated policy.

**Objective 20** *To ensure that the road transportation network will be able to operate safely and efficiently.*

**Policy 20.3** *Potential conflict between VEHICLES, pedestrians and cyclists moving on the ROAD TRANSPORTATION NETWORK should be minimised to protect the safety and efficiency of ROAD and footpath users.*

Assessment

88. Policy 20.3 seeks to control potential conflicts between vehicles, pedestrians and cyclists. The proposal utilises the existing shared right of way and access. The installation of appropriate road safety signage along Manutahi Road will mitigate potential conflicts between vehicles travelling along Manuntahi Road and trucks exiting the application site and turning right onto Manutahi Road. The application is therefore consistent with the above objective and policy.

**Summary**

106. Overall, I consider the proposal to be generally consistent with the ODP policy framework for the rural environment.

**6.3.2 Operative District Plan Assessment Criteria**

107. Assessment of the proposal against the relevant Assessment Criteria for Rules Rur 101 and Rur 102 in the Rural Environment Chapter of the ODP is provided in **Table 7**:
108. The proposal is generally consistent with the applicable Assessment Criteria.

*Table 7 Assessment Criteria*

<p><b>Rule Rur 101</b> <i>Traffic Generation</i></p> <p><b>Rule Rue 102</b> <i>Traffic Generation</i></p>	<ol style="list-style-type: none"> <li>1. The ability to mitigate the adverse effects of extra traffic generation to and within the SITE.</li> <li>2. The extent to which any increase in the number or pattern of traffic movements will affect the safety or convenience of any ROAD or RIGHT OF WAY, including the time of day/ night that the additional traffic movements occur and/or their concentration at any particular point.</li> <li>3. The extent to which any increase in the number or pattern of traffic movements is likely to adversely affect the amenity values of nearby residential properties and in particular the likelihood for</li> </ol>	<p>Councils Consultant Traffic Engineer has assessed the changes proposed to the designated traffic route and is satisfied, subject to the imposition of conditions on the consent, that the relevant assessment criteria are complied with.</p>
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	<p>increased noise resulting in sleep disturbance.</p> <ol style="list-style-type: none"> <li>4. The extent to which the increase in the pattern of traffic movements is not in keeping with RURAL CHARACTER and whether the use is in an appropriate location and of an appropriate scale for the area.</li> <li>5. Any adverse effects on the safety and efficiency of the ROAD TRANSPORTATION NETWORK and ROAD users.</li> <li>6. The type and intensity of increased vehicles using the ROAD and how this may adversely impact on the quality and maintenance requirements of the ROAD pavement, taking into consideration the need for a ROAD maintenance agreement to address matters such extraordinary repair work, widening or resurfacing to and within the SITE.</li> <li>7. The effect on the rural ROAD HIERARCHY and whether additional traffic generation increases the use of the road beyond what is expected for its status.</li> <li>8. Where the use of a SITE is for RENEWABLE ELECTRICITY GENERATION ACTIVITIES, the alternative locations and methods that have been considered to avoid, remedy or mitigate any adverse effects, recognising: <ul style="list-style-type: none"> <li>- the practical constraints associated with RENEWABLE ELECTRICITY GENERATION ACTIVITIES; and</li> <li>- the environmental benefits of RENEWABLE ELECTRICITY GENERATION ACTIVITIES.</li> </ul> </li> </ol>	
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109. Overall, the proposal is considered to be in accordance with the applicable ODP assessment criteria.

### 6.3.3 Proposed District Plan

110. Under the Proposed District Plan the application site is zoned 'Rural Production Zone', and Manutahi Road is identified as a Collector Road.

111. The Proposed District Plan describes the Rural Production Zone as:

*"The Rural Production Zone provides for primary production, such as pastoral farming, livestock, horticulture and forestry. It also provides for resource extraction, such as quarrying and oil and gas activities, and intensive indoor farming, such as indoor poultry and pig farms. These activities have the potential to generate adverse effects beyond the boundaries of a site, for example: noises from farm animals and farm machinery; smells from dairy-sheds, silage storage and topdressing fertiliser; light overspill; and traffic effects from milk tankers and animal transporters. The effects of rural production activities therefore need to be appropriately managed and mitigated, while recognising that the Rural Production Zone is a production-oriented working environment that is characterised by these activities.*

*The Rural Production Zone is also characterised by an open, vegetated landscape that is interspersed with low density buildings and structures that are predominantly used for rural activities, such as barns and sheds, or larger, more numerous buildings of industrial scale and appearance used for intensive primary production or rural industry.*

*...  
The District Plan seeks to maintain rural character."*

112. The policy framework for the Rural Production Zone is generally consistent with the policy framework for the Rural Environment Area in the Operative District Plan. The objectives and policies relate to the efficient use of productive land and resources to support a range of production orientated and resource dependent activities; and maintain rural character and amenity.

113. The following objectives and policies are relevant to the consideration of the application:

- *Objectives RPROZ-03, RPROZ-04, RPROZ-05, RPROZ-06 and RPROZ-07 and Policies RPROZ-P01, RPROZ-P03, RPROZ-P4, RPROZ-P06, RPROZ-P07, regarding the Rural Production Zone; and*
- *Objectives TRAN-O3 and TRAN-O4 and Policies TRAN-P17, TRAN-P18 and TRAN-P19 regarding Transport.*

#### Rural Production Zone Objectives and Policies

114. The proposal is generally consistent with the applicable objectives and policies for the Rural Production Zone insofar as the role, function and predominant character of the Rural Production Zone will not be compromised as a result of the proposed amendments to the consented access arrangements for the existing stock feed facility.

115. The proposed changes do not affect the nature or scale of the existing (consented) landuse activities onsite. No adverse effects on rural character and amenity are therefore anticipated, and the proposal is consistent with the above Rural Production Zone Objectives.

#### Transport Objectives and Policies

116. Councils Consultant Traffic Engineer has reviewed the proposal and is satisfied that the changes to the access arrangements will not adversely impact upon the safety and efficiency of the adjacent transport corridor. The proposal is therefore consistent with the applicable transport related objectives and policies.

### *Summary*

117. The proposal is consistent with the objectives and policies of the Proposed Plan.

### *Summary – s127 Amendments*

118. In summary the proposed changes to conditions (1)(20) and (21) sought by this application are still consistent with the original assessment of the relevant objectives and policies of the Operative District Plan (copied above). The proposal is also consistent with the relevant objectives and policies of the Proposed District Plan.
119. Further, based on the above assessment and the updated Traffic and Roading Assessment, it is considered that the proposed amendment will not affect the nature or scale of the consented land use consent. There are no significant adverse effects likely to result from the proposed condition changes. The relevant matters and assessment criteria of both the operative and proposed District Plans are not compromised, and the Policies and Objectives will be met. The effects of the variation to the consent will not result in actual or potential effects on the environment that will be contrary to promoting sustainable management of natural and physical resources. Accordingly, the proposal will meet the sustainable management purpose of the RMA.

## **6.3.4 Taranaki Regional Policy Statement**

120. The proposal is considered to be consistent with the relevant provisions in the Regional Policy Statement for Taranaki. Specifically, the changes to the designated traffic routes will not affect the existing consented land use activities onsite, or impact upon existing amenity values.

## **6.3.5 National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NESCS)**

121. The application site is identified as a HAIL site on the Taranaki Regional Council's Register of Selected Land Uses (RSLU), and the provisions in the NESCS are therefore applicable to the subject property. However, the proposal to amend the conditions of the existing land use consent relate solely to the designated traffic routes for vehicles travelling to and from the property. No changes to the nature or scale of the consented land use activities already occurring onsite are proposed, nor are any soil disturbance activities proposed. Accordingly, the proposal is permitted in terms of the NESCS.

## **6.3.6 S104 Summary**

### **Effects (s104(1)(a))**

122. Actual and potential effects on the environment have been outlined in the sections above of this report. Conditions of consent can be imposed under s108 of the RMA as required to avoid, remedy or mitigate adverse effects.

### **Relevant District Plan Provisions (s104(1)(b)(vi))**

#### **Operative District Plan**

123. The proposal to amend the existing resource consent conditions pursuant to section 127 of the RMA is a discretionary activity. In my opinion the information and plans submitted with the application and review of that information on behalf of the NPDC confirms that it meets

the intent of the objectives and policies of the Operative District Plan and can be considered to be promoting sustainable management under Part 2 of the RMA.

124. The applicable assessment criteria listed under the Rural Environment section of the Operative District Plan are assessed within the application and discussed above. My assessment concludes that the proposal is overall, consistent with the relevant assessment criteria for the Rural Environment.
125. An assessment of the proposal against the relevant objectives and policies is provided above. My assessment concludes that the proposal is overall, consistent with the Rural Environment policy framework.

## **PART F –CONCLUSION AND RECOMMENDATION**

### **7.1 Conclusion**

126. The application seeks to amend Conditions (1), (20) and (22) of LUC17/47070.01 to enable the consent holders (Winton Stock Feeds Limited) to vary the designated traffic route for vehicles associated with the consented stock feed storage and distribution on the property located at 93 Manutahi Road, Tarurutangi.
127. The amendments are proposed pursuant to section 127 of the Resource Management Act 1991, and are a Discretionary Activity.
128. My assessment of the environmental effects of the proposal has concluded that (with the mitigation measures proposed) any actual and potential effects of the proposal will be minor in terms of rural character and amenity.
129. The recommended mitigation signage will ensure that other road users are aware of the likelihood of trucks entering and exiting the subject property in this location. The proposed mitigation will, in my opinion (and relying on the expertise of the Traffic Engineer) provide appropriate mitigation with respect to traffic safety.
130. No changes are proposed to the nature or scale of the consented land use activities onsite. The proposal can therefore be considered as an amendment to the existing resource consent (as opposed to requiring a new consent). The proposal is also consistent with the objectives and policies in both the Operative and Proposed District Plans.
131. In accordance with Section 104B of the RMA, Council may grant or refuse the application, and if it grants the application, may impose conditions under section 108.
132. Should the commissioner choose to grant the application, I recommend conditions be imposed as set out below.

### **7.2 Recommendation**

133. That:
- a) The report of Cate Southworth – Consultant Planner, be received; and
  - b) Pursuant to Section 127 of the Resource Management Act 1991, the New Plymouth District Council approves the application by Winton Stock Feeds Limited to vary Conditions (1), (20) and (22) of LUC17/47071 for the existing stock feed storage and distribution facility at 93 Manutahi Road, New Plymouth.



Report and Recommendation by: \_\_\_\_\_

Cate Southworth  
*Consultant Planner for New Plymouth District Council*

Date: 4 May 2021