

**AGENDA FOR AN ORDINARY MEETING OF A HEARING BY COMMISSIONER TO BE HELD
IN THE CIVIC CENTRE, 6 WAIPAREIRA AVENUE, LINCOLN, WAITAKERE CITY, ON
WEDNESDAY, 3 NOVEMBER 2004 AND THURSDAY, 4 NOVEMBER 2004,
COMMENCING AT 9.30 AM.**

TABLE OF CONTENTS

<u>ITEM</u>	<u>PAGE NO.</u>
NOTIFIED APPLICATION FOR RESOURCE CONSENT UNDER SECTION 88 OF THE RESOURCE MANAGEMENT ACT 1991 BY SHEFCO NEW ZEALAND LIMITED TO OPERATE A NON RESIDENTIAL ACTIVITY AT 76-78 STATE HIGHWAY 16, MASSEY	1

**AGENDA FOR AN ORDINARY MEETING OF A HEARING BY COMMISSIONER TO BE HELD
IN THE CIVIC CENTRE, 6 WAIPAREIRA AVENUE, LINCOLN, WAITAKERE CITY, ON
WEDNESDAY, 3 NOVEMBER 2004 AND THURSDAY, 4 NOVEMBER 2004,
COMMENCING AT 9.30 AM.**

**NOTIFIED APPLICATION FOR RESOURCE CONSENT UNDER SECTION 88 OF THE
RESOURCE MANAGEMENT ACT 1991 BY SHEFCO NEW ZEALAND LIMITED TO OPERATE
A NON RESIDENTIAL ACTIVITY AT 76-78 STATE HIGHWAY 16, MASSEY**

MASSEY WARD

RMA 20030521

N.B. This report sets out the advice of Consent Services to the Hearings Committee on the environmental issues raised by the application for resource consent. It is not the decision of the Council. The decision will be made after consideration of the application by the Hearings Committee.

1.0 INTRODUCTION AND RECOMMENDATION

1.1 Nature of the Application

The applicant seeks consent to undertake a non residential activity (food processing and a bakery) on a contaminated site and erect one (1) freestanding double sided sign in conjunction with that activity.

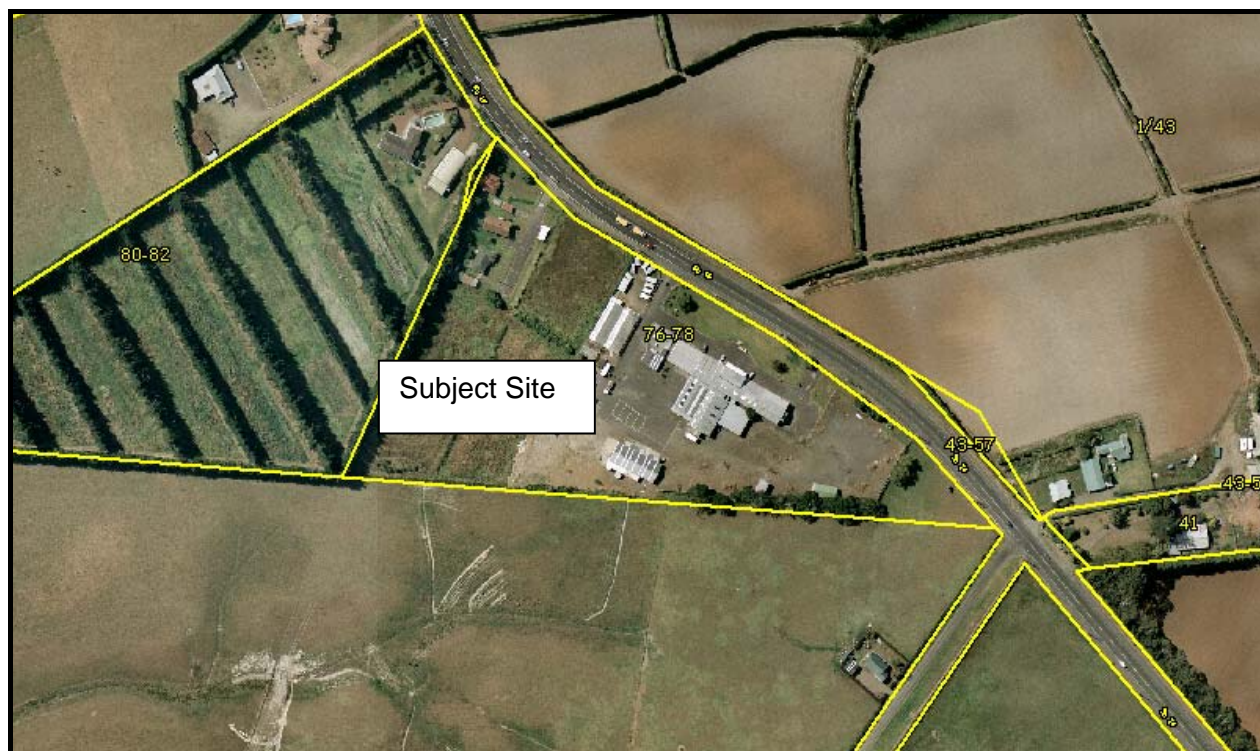
1.2 Resource Management Issues Raised

The Resource Management Act 1991 requires that, when considering an application for a resource consent, a consent authority shall have regard to the environmental effects of the proposed activity, together with any relevant objectives, policies and rules of the District Plan.

1.3 Planner's Recommendation

The planner who has prepared this report recommends that, subject to any contrary or additional evidence submitted at the Hearing, **consent be declined** to establish a non residential activity in the Countryside Environment. It is considered that the **on site** environmental effects that may be generated by the activity would be minor or could be adequately avoided, remedied or mitigated by the imposition of conditions. However, the applicant has not obtained the written agreement of Transit New Zealand (Transit) in terms of access to and from the site. Transit has stated that *'there is a significant traffic safety problem on this section of SH16, it is undesirable to increase the number of access related movements particularly where sight distances are not fully meet'*. Therefore the **off site** effects of the proposed activity are deemed to be more than minor in terms of traffic safety and the relevant objectives and policies of the District Plan that relate to traffic generation will be compromised. The application is also inconsistent with strategic direction of the Council which is to locate urban activities within the Metropolitan Urban Limits.

2.0 LOCATION PLAN



Legal description:	Lot 1 Deposited Plan 44747 and being part Section 1 Block X Waitemata Survey District as comprised in Certificate of Title 93D/864
Human Environment:	Countryside
Natural Area:	General

3.0 PROPOSAL

A1-A81 The applicant seeks consent to use existing buildings located at 76- 78 State Highway 16 (SH16) for the processing of wheat, baking a variety of bread products, the repackaging of Halal meat products, offices and the erection of one double sided free standing sign (Refer to Appendix One at pages A1 to A81 for full application).

In conjunction with this, the applicant also proposes to:

- Upgrade the interior of the main building (denoted as building 'A' on the site plan) to meet the needs of the activity;
- Upgrade the exterior of the main building by painting the roof and walls;
- Construct a new canopy over the central entrance to the main building;
- Erect a new stone fence with an aluminium balustrade along the front of the site;
- Remove Sheoak and Wattle trees from the eastern side of the proposed entry to the site; and
- Carryout out landscaping along the length of the road boundary.

The proposed hours of operation are:

- 8.00 am to 6.00 pm Monday to Friday for the repackaging of meat and wheat processing.
- 6.00 pm to 6.00 am Sunday night to Saturday morning inclusive for the operation of the bakery.

Two shifts will operate during the hours that the operation is open. The day shift will operate on site from 8.00 am to 6.00 pm with ten (10) employees and the night shift will operate on site from 6.00 pm to 6.00 am with four (4) employees.

There will be no retail sales from the site.

It is proposed to retain the 18 existing spaces located on site in front of the building. If required an additional 18 car parking spaces can be marked out at the rear of the building to meet the requirements of the Waitakere City Parking Guidelines. A parking layout plan will be required to be submitted to the Council's Transport Engineer for approval if the consent is granted.

Existing access to the site is from SH16. All traffic to and from the non residential activity will enter and exit through the north eastern entrance to the site. The north western entrance to the site (located approximately in the centre of the front boundary) will be permanently closed and fenced.

The four residential units and associated ancillary structures located along the western boundary of the site will be retained along with the existing entrance to the units from SH16.

The applicant stated that they consulted with the abutting neighbours and Transit prior to lodging the application. However, no details of the consultation undertaken or outcomes were appended to the application.

4.0 REASONS FOR THE APPLICATION

Consent is required under the following provisions of the District Plan for the following reasons:

- This site was identified as potentially having contaminated soils therefore the development is considered a discretionary activity under Rule 2.2 (Hazardous Facilities and Contaminated Sites).
- The proposed non residential activity would utilise existing buildings with a floor area of approximately 2080m². Non residential use exceeding 250m² is considered a discretionary activity under Rule 7.4 (Countryside Environment).
- The applicant proposes to erect one double sided free standing sign, supported by posts which would have a maximum height of 3.07 metres and a face area of 1.5m². A sign of this type and size is considered a limited discretionary activity under Rule 11.2 (Countryside Human Environment).
- The applicant proposed that 50 to 70 vehicle movements will occur per day. Ingress and egress onto the site is from a strategic road. A resource consent is therefore required for a discretionary activity under Rule 8.3 (Countryside Human Environment).

Overall, the application is considered to be a **discretionary activity**. The proposal complies with all other development controls under the District Plan.

Consent is also required from the Auckland Regional Council (ARC) for waste water and stormwater discharge.

5.0 THE SITE AND NEIGHBOURHOOD DESCRIPTION

This site is an irregular shaped section with an area of 3.64 hectares and frontage to SH16. The site maintains a relatively flat relief throughout.

The site has previously been designated and used as the County Council works depot. The majority of buildings on the site were lawfully established on the site as part of this use. The site was sold to the Waipareira Trust in 1994 and a training facility was operated from the site. It appears that the training centre ceased to operate at the end of 2002. The site has been vacant for approximately two years.

There are a variety of buildings located on the site. The main building (building 'A' on the site plan) is located approximately 27 metres from the front boundary and runs parallel to SH16 through the centre of the site. The building is surrounded by a large hardstand area. The hardstand area to the front of the building has been marked out into 18 car parking spaces with a 5 metre wide driveway connecting the spaces to the vehicular access (see image 1).



Image one - exterior of main building on subject site

There is a large loading area to the rear of the site (see image 2).



Image 2 - Loading area located at the rear of the main building on subject site

There are also a variety of other smaller buildings located on the site including two glasshouses, a caretakers hut, three sheds/storehouses, four residential units and associated garaging located along the northwest boundary of the site. As can be seen in image 3 below, the units are separated from the non residential buildings by a large grass area which has a pittosporum hedge running along the back of it. Access to the residential units is via an entranceway located on the western corner of the site.



Image 3 - Existing residential dwellings on the site and grass area which is located between the residential uses and non residential uses on the subject site

There are four specimen trees located on the grassed area in front of the main building on the site. These are as follows:

- A Birch;
- A Cedar;
- A Claret Ash; and a
- Fine sweet gum.

There are also a number of smaller trees located in this area including three small Pittosporum and two Rhododendrons. Wattle and Sheoak trees are located to the east of the buildings. There is an overgrown weedy hedge located on a portion of the southern boundary of the site.

Surrounding sites are rural in nature. The site directly across the road appears to be used for strawberry farming. The site to the rear is open paddocks with a residential unit located approximately 80 metres from the eastern end of the subject site. There also appears to be stables/accessory building on this site. A large shed and residential unit are located adjacent to the western boundary of the subject site.

6.0 ISSUES IDENTIFIED THROUGH THE SUBMISSION PROCESS

A82-A83 The application was publicly notified in July 2003. Notice of this application was served on all identified affected persons in Appendix Two of this report (attached at pages A82 to A83). The period for submissions closed on 1 August 2003.

A84-A136 Sixteen (16) submissions were received. Fifteen were in opposition to the application while one was in support. Please refer to Appendix Three of this report (attached at pages Axx to Axx) for copies of the submissions that were received. A map showing the location of the submitters is also attached as Appendix Three (attached at pages A84 to A136).

6.1 Submissions



1. SUMMARY OF SUBMISSIONS TO A NOTIFIED RESOURCE CONSENT

(1) In Support

Sub No.	Name	Relevant Site Address	Main Points of Submission	Decision Sought from Council	Appear at Hearing
16	Combined Submission with 32 signatories	Various.	Various.	Grant.	Yes.

(2) In Opposition

Sub No.	Name	Relevant Site Address	Main Points of Submission	Decision Sought from Council	Appear at Hearing
1	Hugh Green Limited		<p>The proposed (and previous uses) does not protect the rural or enhance the rural amenity or character of the Countryside Environment.</p> <p>Further intensification of the Countryside Living Environment should occur through the development of Structure Plans. It is premature to grant consent to an urban activity within the Countryside Living environment.</p> <p>The proposal is contrary to the ARPS as it is outside the Metropolitan Urban Limit.</p> <p>The application fails to provide sufficient information to enable a true and proper determination of potential adverse effects.</p>	Decline.	Yes.

Sub No.	Name	Relevant Site Address	Main Points of Submission	Decision Sought from Council	Appear at Hearing
2	Chin Juan Wen-yen Chueh	80 State Highway 16 Massey Auckland	<p>Adverse effects including smell, rubbish disposal, noise.</p> <p>Concerns relating to the occupants of the houses located on the subject site.</p> <p>Proposal will compromise the future development of the surrounding residential area.</p> <p>Factory should be located in industrial area.</p>	Decline.	Yes.
3	Haydn and Carol Evans	130 State Highway 16 Whenuapai Auckland	The land in our area in zoned rural (Countryside) not industrial.	Decline.	No.
4	M and O Nuich	2-4 Dunlop Road, Massey Auckland	Strongly oppose the meat processing aspect of the proposal. The issues of offensive smells and waste associated with meat processing have not been addressed in the proposal.	Decline.	No.
5	Sharenko Corporation Limited	43 State Highway 16 Massey	<p>Oppose the hours of operation, the storage and processing of meat on the site (including waste and odour), pollution and noise resulting from those activities.</p> <p>Traffic generation (both in and out) and in particular the 36 car parks on the site.</p> <p>The activity is not in keeping with surrounding residential, horticultural and agricultural purposes.</p> <p>Not enough information provided to make an adequate assessment of effects.</p> <p>Concerned that the meat processing aspect of the proposal will severely affect the surrounding area including their strawberry growing business.</p> <p>Storage of waste (including bones outside) and the potential for vermin and birds to be attracted to the site.</p> <p>Blood and fat disposal – will it be washed down the drain and affect the water supply?.</p> <p>Trucks will move to and from the site all hours of the night.</p> <p>Activity should be located in a zone which is more appropriate.</p>	Decline.	Yes.
6	Maurice and Maree Marinovic	41 State Highway 16 Whenuapai Auckland	See 5 above.	See 5 above.	Yes.

Sub No.	Name	Relevant Site Address	Main Points of Submission	Decision Sought from Council	Appear at Hearing
7	Josip Marinovic, Vica Marinovic and MGH Trustees Limited	61 State Highway 16 Massey	See 5 above.	See 5 above.	Yes.
8	Ivan and Milka Selak	70 State Highway 16 Massey Auckland	The proposal does not address the impact of smell noise and increased traffic congestion associated with the transport of meat to and from the site. Decrease in land values.	Decline.	No.
9	Neven Barbour	156 State Highway 16 Whenuapai Auckland	The activity is non-complying and contrary to the Objectives and Policies of the Plan. The adverse effects on the environment will be more than minor. The application does not satisfy the requirements of section 105(2)(a) of the Act. The application, if granted will set a precedent for other industrial development. There are more suitably zoned industrial sites available.	Decline.	Yes.
10	Auckland Regional Council		Activity is contrary to Policy 2.5.2.3 of the ARPS which states that urban activities should be contained in defined metropolitan limits (MUL). The proposal is located outside this limit. No stormwater details have been provided with the application to ensure that application not contrary to Policy 8.4.1 and 8.4.4.2 of the ARPS. A stormwater discharge consent is required. Accept the information contained in the contamination report. If the buildings are demolished, soil sampling should be undertaken. Noted that there is a hydrocarbon tank is located somewhere on the site and that this also has the potential to contaminate the ground and/or groundwater.	Decline	Yes.

Sub No.	Name	Relevant Site Address	Main Points of Submission	Decision Sought from Council	Appear at Hearing
11	Transit New Zealand		<p>The effects on the safety and efficiency of SH16 of the increased traffic anticipated from the two vehicle crossing places servicing the operation.</p> <p>The TIA did not adequately address the potential adverse effects of increased vehicle movements, truck movements or inadequate sight distances from both entranceways.</p> <p>The site within a crash reduction study area set up due to the high number of crashes along this length of the State Highway.</p> <p>There are significant traffic safety issues along this section of SH16 and it is undesirable to increase the number of access related movements.</p>	Decline.	Yes
12	Mate and Bozena Jnjnovich	84-86 State Highway 16 Massey Auckland	<p>The proposal does not address the use of offensive smell and adverse effects regarding waste.</p> <p>The proposal will affect future development and lower land value to surrounding properties.</p> <p>Increase in noise and traffic congestion.</p>	Decline.	No.
13	Wen-Yen Chueh	80 State Highway 16 Massey Auckland	<p>If the application is approved will the entire area become industrial?</p> <p>Doesn't want the peaceful area to become a 'killing field'.</p>	Decline.	No.
14	Chin Juan	80 State Highway 16 Massey Auckland	Traffic congestion accidents, security considerations (i.e. increase in burglaries).	Decline.	No.
15	John Garelja	63-65, 67-69 and 95A SH16 Massey	Concern about the potential conflict between horticultural production and the food processing/bakery operation immediately across the road for .5km in either direction are strawberry farms (area of approximately 40 hectares).	Decline.	Yes.

The main issues raised in the submissions are:

- Inappropriately locating 'urban uses' outside the Urban Metropolitan Limits;
- Odour;
- Storage of waste from the meat processing facility;
- Noise;
- Safety concerns;
- Traffic safety (particularly the movement of trucks to and from the site);
- Effects on surrounding horticultural uses (particularly the attraction of vermin and birds to the site and the effect that these will have on strawberry crops);
- Lowering of property values; and
- Stormwater.

7.0 STATUTORY REQUIREMENTS

7.1 Discretionary Activities

The relevant policies and criteria which apply under the District Plan and the Resource Management Act 1991 are set out in more detail in pages 12 to 17 of this report. This should be referred to as the legal framework within which the application should be addressed.

Section 104 of the Resource Management Act 1991 sets out those matters to be considered when assessing an application for resource consent. Amongst other things, these matters require consideration of any actual and potential effects on the environment arising from the proposal, together with an assessment as to whether the application is consistent with relevant objectives, policies and rules of the District Plan. All considerations are subject of the provisions of Part II of the Resource Management Act 1991, which sets out the purpose and principles that guide this legislation.

The District Plan has been prepared with an “effects based” emphasis, in keeping with the Resource Management Act 1991. As such, consideration of the application in relation to each of the assessment criteria relating to the various infringements would ensure that all the relevant matters contained in Section 104 of the Resource Management Act 1991 would have been addressed. In addition, a brief summary is presented below of the main effects on the environment generated by the application.

8.0 EVALUATION IN ACCORDANCE WITH SECTION 104 OF THE RESOURCE MANAGEMENT ACT 1991

In order to make a decision in terms of Section 104B of the Act it is necessary to undertake an analysis and assessment to determine whether the purpose and principles of the Act are being met (Part II) having regard to the matters set out in Sections 104, 104A - 104D as relevant, the Fourth Schedule and any other statutory considerations.

Section 104(1) of the Act requires that Council have regard to any actual or potential effects on the environment, any relevant objectives, policies, rules or other provisions of a plan or proposed plan and any relevant regional policy statement and regional plan or proposed plan, and any other matters the consent authority considers relevant and reasonably necessary to determine the application.

When considering an application Council must not have regard to any effect on a person who has given their written approval to the application (section 104 (3)(b)) and may disregard an adverse effect of an activity on the environment if the Operative Plan permits and activity with that effect (section 104(2)).

8.1 Assessment of Environmental Effects (104(1)(a)): Actual and Potential Effects on the Environment

8.1.2 Water Quality and Quantity

Issues relating to stormwater and wastewater have not been addressed in this report. The issue of waste water disposal and stormwater disposal is being dealt with by the ARC as the applicant has applied to the ARC for an on site wastewater disposal unit for the wastewater from the de boning process, the wastewater from the boiling of the wheat product on site, effluent from the kitchen and on site toilets and stormwater disposal from an industrial premise. These issues are being also being considered at this hearing.

8.1.3 Native Vegetation, Vegetation and Fauna Habitat

The applicants propose to remove Wattle and Sheoak trees to improve the visibility for vehicle exiting the site. The vegetation has been assessed by Council's Arborist it was agreed that the wattles could be removed. If possible, the Arborist would like to see the trunks of the Sheoaks thinned out and limbed up and retained, but only if it can be done in such a manner that does not compromise the sight lines to the site. To compensate for the vegetation removed and to improve the appearance of the site the applicants have submitted a landscape plan. The plan has peer reviewed and supported by Council's Landscape Architect with some minor amendments. Conditions of consent would require the landscaping to be implemented in accordance with the approved landscape plan and replacement planting shall be carried out as necessary in the subsequent planting season, and as necessary beyond this season, until the planting is established. The plants shall be regularly maintained and kept weed free.

8.1.4 Land / Soil and Contamination

This application does not involve earthworks (other than minor works involved with installing the wastewater lines and landscaping) as the activity would be using the existing buildings and hardstand surface.

This site is identified as having contaminated soils and the applicants were required to commission a contamination report to assess the condition of the soils and identify contaminated areas and remediation methods. That report was prepared by Soil and Earth Sciences.

A175-A185 The report was peer reviewed and supported by Councils Sustainability Engineer (refer Appendix Five attached at pages A175 to A185). The Sustainability Engineer advised that the report covers all relevant matters and that concurs that no remedial works are necessary. However, an advice note should be placed on the resource consent (if granted) stating the following:

"There is very little information available on the previously removed underground storage tank. If subsurface site works are to be conducted in the future a site management plan should be prepared and submitted to Council as part of the resource consent and/or building consent. The plan should include what steps should be taken if any residual contamination, strong hydrocarbon odours or visible contamination from the previous removed underground storage tank is encountered during construction, boring or trenching activities."

It is also noted that the Auckland Regional Council identified that their records indicate a hydrocarbon storage tank is located somewhere on the site and that this also has the potential to contaminate the ground and/or groundwater.

8.1.5 Ecosystem Stability

There are no issues associated with ecosystem stability associated with this site as it is highly modified with very little vegetation.

8.1.6 Amenity Values - Health and Safety, Landscapes, Local Areas and Neighbourhood Character

This site is highly visible from SH16 and the main building and the greenhouses are located approximately 27 metres from the front boundary of the site. The only screening of the site is via a wire fence and four specimen trees. It is recognised that that screening does not soften the appearance of the buildings and hardstand area on this site.

A137-A174 The applicant have provided a landscape plan, colour scheme and fencing details for the proposal (Melean Absolum Limited, Shefco Limited Landscape and Visual Impact assessment, September 2004) (refer Appendix Four attached at pages A137 to A174). The plan and associated photomontages illustrates the way planting, painting and fencing will be provided as mitigation to improve the appearance of the site and soften the appearance of the buildings for those travelling along SH16 and those persons residing and/or working upon surrounding sites.

This area is characterised by a mixture of residential and rural uses. Any development in the area is generally low density but there are several businesses that are prominent when viewed from SH16. This includes the Garelija Brothers Strawberry business located on SH16 approximately 250 metres to the northwest of the subject site and Freshworld located on SH16 approximately 310 metres to the southeast of the subject site. It is noted that these businesses are some what different to the proposal as are both retail business which sell primary produce to the public.

The applicants propose signage identifying the operation on the site. The applicant proposes one freestanding double sided sign measuring 3.075 metres in height with a face area on each side of 150m². This type of freestanding signage containing information directly related to an activity being carried out on the site are common in the Countryside area.

However, the sign fronts onto the State Highway network and Transit approval to this sign in terms of traffic safety is required. Transit has advised that Transit's policy on signs in the 70km/h and greater speed areas of State Highway are as follows:

- Only one sign per site associated with the activity (site related) is permitted;
- The content of the sign is restricted to not more than six words or thereabouts, and 40 characters (letters);
- It should be continuously visible to an approaching vehicle from a distance of at least 180m.

In this particular case, the proposed sign is site related and therefore complies with this requirement however, the sign contains more that 6 words and more than 40 characters and therefore is non-complying in regards to Transits signage policy.

The operation of the both the wheat processing machinery and oven will create noise. A noise report prepared by Neville Hegley has been submitted as additional information (refer Appendix Four). As discussed in section 8.2.2 (Rule 10) below, this report has been reviewed by Councils noise specialist and he concurs that all operation will comply with the relevant noise provisions for the Countryside Environment. If granted, conditions should be placed on the consent requiring that the activity complies at all times with the relevant noise provisions and that noise readings shall be taken by a suitably qualified acoustic engineer within three months of the activity being established on the site. The results shall be submitted to the Council monitoring officer for review.

Adverse effects could be created by waste products. Several of the submitters raised this issue within their submissions. In order to address the issues raised, clarification of the meat processing aspect of the proposal was sought from the applicant (Appendix Four). It has been confirmed that the meat processing activity will be wholly contained within the main building on site and will involve the de boning of meat and repackaging only. The operation will not involve the slaughter of any animals on site and there will be no rendering of waste products on the site. All waste from the de boning (bones and fat) will be collected and placed in a bin and stored in the cool room. The waste products will be collected three times a week by a company specialising in the collecting of by products. All the material that falls on the floor during processing will be washed away and go through a filter (to collect bones and small bits of meat and fat) prior to entering the on site waste water treatment system. If granted, conditions will be placed on the consent requiring that the meat by products are stored exactly as described in the additional information. A condition will also be placed on the consent stating that no wheat products are to be stored outside and if any spillage occurs when the wheat is delivered to the site that it shall be cleaned up immediately. The imposition of these conditions will ensure that birds and other vermin are not attracted to the site and that no noticeable odour is emitted from the site.

8.1.7 Access

Transit is the relevant roading authority in this instance. A traffic report was submitted with the application. Transit received this traffic report through the notification process. A submission was lodged by Transit advising that the site is within a crash reduction study area set up due to the high number of crashes along this length of SH16 as such, it is undesirable to increase the number of access related movements.

The applicant has submitted further information to Transit and at the time of writing this report no agreement had been reached between the parties.

Councils Principal Transport Engineer: Design has reviewed all the traffic information submitted with the application and the additional information and advised that he concurs with the contents of Transit's submission.

8.1.8 Parking

The applicant has indicated that there are 18 marked car parking spaces along the front of the building. In conjunction with this there is a large hardstand area that will accommodate the additional 18 car parks required under the Waitakere City Parking Guidelines. The hardstand area will also be able to provide a manoeuvring area for trucks delivering and receiving goods from the site. Council concurs that the site will adequately be able to accommodate all the proposed activities parking needs. However, it has been noted that the current marked parking arrangement at the front of the main building has been set out to cater for traffic entering and exiting through both the non-residential entrances to the site. The applicant is now proposing to close one of these entrances. Some of the car parks are now at the wrong angle. A plan will need to be submitted to the Councils Traffic Engineer with a revisited parking layout marked out if consent is granted to the application.

8.1.9 Heritage

There would be no adverse effects in respect of heritage items as the proposed activity would not be located near, or impact on any identified heritage item.

8.1.10 Summary

The proposal would ensure that the non residential buildings on the site are upgraded and the site landscaped to a point that their appearance is more attractive than is currently the case. It is considered that this activity could operate from this site in a way that any actual and potential on site adverse effects of the proposed activity are minor, and can be adequately mitigated through appropriate conditions of consent.

However, the applicant has not obtained the written agreement of Transit in terms of access to and from the site. Transit has stated that *'there is a significant traffic safety problem on this section of SH16, it is undesirable to increase the number of access related movements particularly where sight distances are not fully meet'*. Therefore the offsite effects of the proposed activity are deemed to be more than minor in terms of traffic safety and the relevant objectives and policies of the District Plan in relation to traffic generation will be compromised.

8.2 Any Relevant Provisions of the District Plan 104(1)(b)(iv):

8.2.1 District Plan Policies and Objectives

The relevant objectives and policies in relation to this proposal are:

Policy 1.2

"Activities should be located within the urban area in a way that supports the reduction of vehicle trip length and numbers, and the promotion of passenger transport, therefore minimising discharges into the stormwater system and waterways of contaminants deposited onto impermeable surfaces from motor vehicles..."

Policy 3.5

“Activities and structures involving the disposal, movement and storage of solid waste, human waste and animal waste, should be designed and managed in ways that avoids any discharge or leaching of contaminants into the cities soils”.

Objectives 10 and Policies 10.1, 10.2, 10.3, 10.10 and 11.13 all of which relating to maintaining and enhancing those natural and physical characteristics that contribute to the wellbeing of residents and workers which includes emissions of odours, noise, light spill and vibration.

Policy 10.6

“Design of buildings, storage and parking areas in a way that maintains the privacy and on site amenity of adjacent residential properties including private outdoor open space”.

Policy 10.8

“Landuse developments and subdivision must recognise the need for a transportation strategy which provides for the safe movement of people through private and public transport in a way that avoids, remedies or mitigates potential adverse effects on the environment...”

Policy 10.11

“Activities should provide for the on site parking and loading of motor vehicles and the location and design of access to car parking spaces, including areas for reverse manoeuvring to ensure that the safe and efficient functioning of adjacent roads, according to the position of that road in the roading Hierarchy, is not adverse effected”.

Policy 10.14

“Activities should be of a scale and located and managed in such a way that any traffic generated by the activity, including heavy traffic does not detract from the capacity of the road to cater safely for motor vehicles, pedestrians and cyclists, and the well being of residents occupying surrounding sites; and the safe and efficient functioning of the roading network is not adversely affected.”

Policy 10.16

“Driveways should be set out on site to provide for the safe circulation of vehicles and pedestrians”.

Policy 11.10

“Non-residential activities should be designed and managed in such a way that:

- *maintains the visual amenity values of the Environment they are in;*
- *maintains the amenity of the site and surrounding area when viewed from the street;*
- *adequately screens ant associated car parking, vehicle access and storage areas from view, from residential sites.”.*

Policy 11.11

“signs should be designed so that they do not intrude visually on to the amenity of the surrounding neighbourhood character, and the safety of vehicles and pedestrians on to any adjacent roads and state highways.”

Policy 11.30

“Non-residential activities in the non-urban areas of the city should be of a type, scale and intensity that will not, on an individual or cumulative basis, lead to adverse effect on the maintenance and enhancement of rural landscape and amenity values. In particular non-residential activities may be more appropriately located in the urban area and which generate a significant number of trips from the urban area and/or cause other non-residential to group around them thereby leading to incremental growth, should avoid located in non-urban areas”.

It is considered that the proposed development would consistent with the objective 10 and policies 3.5, 10.1, 10.2, 10.3, 10.10 and 11.13 all of which relate to maintaining the amenity of the surrounding area. As discussed in section 8.1.6 above the activity will be able to comply with the district plan provisions relating to odour, noise, light spill and vibration as long as the proposal is operated in accordance with the information submitted with the application.

The application is in accordance with Policy 10.6 as there are no adverse effects being created on the outdoor open spaces of any of the abutting sites.

The activity also complies with policies 10.11, 10.16 and 11.10 relating to on site parking as per the comment in 8.1.8 above. The applicant is also proposing to provide landscaping along the front of the site to screen the car parking from SH16 and surrounding sites.

The application is inconsistent with the policies 10.8 and 10.14 of the District Plan relating to off site traffic effects. Transit as the relevant roading authority in this instance have advised within their submission that there are significant traffic safety issues along this section of SH16 and it is undesirable to increase the number of access related movements. The Traffic Impact Assessment did not address adequately truck movements to and from the site or the inadequate sight distances from all the entranceways to the site. It was also noted that the site is within a crash reduction study area set up due to the high number of crashes along this length of the State Highway.

The application is also inconsistent with Policy 1.2 and Policy 11.30 as discussed in 8.3 below. The subject site is located outside the current or proposed Metropolitan Urban Limits (MUL). The application relies heavily on employees getting to the site through the use of private motor vehicles. It is noted that there is passenger transport available with the closest stop being located outside 170 SH16. This would involve a walk of approximately 200 metres. However, pedestrian movements within the State Highway network are not catered for (i.e. no footpaths) and it would be extremely dangerous to walk even this small distance, particularly in winter when it will be extremely poor light at the times the employees arrive and leave work. The application could also set a precedent for future similar activities in areas that are not intended for urban uses.

8.2.2 Rules and Assessment Criteria

The District Plan assessment criteria have been developed to address the issues covered in the objectives and policies and are a useful guide in assessing the effect of an activity. The proposed activity is assessed in relation to each of the relevant criteria as follows:

Rule 2 Hazardous Facilities & Contaminated Sites - Discretionary Activity

The application meets the requirements of assessment criteria 2(a) to 2(d).

The site has been identified as being contaminated by the Waitakere City Council. As noted in section 8.1.4 above, a contamination report was submitted as part of the application.

This report was peer reviewed and supported by Councils Sustainability Engineer. The Sustainability Engineer advised that the report covers all relevant matters and that concurs that no remedial works are necessary.

It is also noted that the ARC identified that their records indicate a hydrocarbon storage tank is located somewhere on the site and that this also has the potential to contaminate the ground and/or groundwater. The applicant will have to address this issue if the consent is granted.

Rule 2 Countryside Environment - Residential Activities/Density

There are no residential activities being proposed as part of the subject application.

The applicant has indicated that there are four existing residential units and associated accessory buildings located on the western boundary of the site. A check of the files associated with the site revealed that only the three front residential units and associated accessory buildings have been issued building consents by the Waitakere City Council. It appears that the fourth residential unit may have been unlawfully established on the site. This matter will be referred to Councils' enforcement officer.

The District Plan allows one residential unit and one minor household unit to be constructed on a site located in the Countryside Environment as long as the distance between the units is no more than 20 metres. As there are already three lawfully established residential units on the site, there is no provision to construct any further residential units on the site without a resource consent for a non-complying activity.

Countryside Environment Rules relating to Yards (Rule 3) , Height of Building (Rule 4) and Building Coverage (Rule 6)

The Waitakere City Council and its predecessor the Waitemata County Council issued building consents for all the buildings that form part of the subject application.

There are no additional buildings or hardstand area proposed as part of the subject application.

Rule 5 - Outdoor Storage

No outdoor storage is being proposed as part of the activity.

Rule 7 - Non Residential Activities - Discretionary Activity

7(a) the extent to which Non-Residential Activities compromise the landscape character.

The application complies with assessment criteria 7(a).

Melean Absolum prepared a landscape and visual impact assessment and this was submitted as further information to support the application (Appendix Four). The report concluded that:

"The proposed activities on the Shefco site are mostly confined to within the existing buildings. The proposed improvements to the building fabric and the proposed planting will significantly improve amenity values of the site particularly when viewed from SH16. There will be no impacts on the landscape character of the area as a result of the proposal".

The assessment has been reviewed by Councils landscape and visual specialist and he concurs with the findings of the report (refer Appendix Five). A few minor changes have been suggested for the planting schedule but there is overall agreement that plants which suit a swampy environment be planted along the front of the site as this portion of the site has very poor drainage and this will be further exacerbated by the placement of the drip line from the wastewater facility in this area.

7(b) The extent to which purpose built buildings are compatible with the scale and appearance of other buildings in the neighbourhood.

All the buildings to be used as part of the proposal have been located on the site for up to 46 years. An assessment of the compatibility of the existing buildings with the scale and appearance of other buildings in the neighbourhood was undertaken by Melean Absolum. Within her report she states that *“the landscape character of this area is derived, not only from its visual qualities, but also from the mix of State Highway 16, open horticultural land with occasional large buildings and shelter belts”* and that *“from Nixon Road and the intersection of Red Hills and Sunnyvale Roads, where there is a clear view of the site, the existing buildings appear similar to other large horticultural buildings in the area”*.

Council concurs with this assessment.

7(c) The extent to which Non-Residential Activities fragment the neighbourhood character of the surrounding area.

All the buildings have been lawfully established on the site. The use of the site has been non residential in nature since the 1950's. Previous uses of the site include the County Council/City Council works depot for approximately 35 years, a bus depot and the Waipareira Trust training centre. There are no additional buildings being proposed as part of the activity nor are the applicants proposing to undertake a subdivision of the site.

Given the above the proposal will comply with assessment criteria 7(c).

7(d) The extent to which the activity would lead, on an individual or cumulative basis, to pressure for urban expansion and the fragmentation of the rural character and amenity.

Council's strategic team have advised that in terms of Council's overall strategic directions are to:

- intensify urban development within the areas defined as within current or proposed future Metropolitan Urban Limits; and
- maintain rural areas for rural uses, and to maintain open space and other environments that contribute to the environmental integrity of the City. This property is located in an area that from a regional perspective is expected to form a green buffer with the neighbouring Rodney District rural areas to the west.

The proposal does not meet the strategic direction of Council and it could set a precedent for future similar activities in areas that are not intended for urban uses.

Rule 8 - Traffic Generation, Access and Parking – Discretionary Activity

8(a) The effects of traffic generation on:

- the capacity of roads giving access to the sites having regard to the roads function in the Roding Hierarchy;
- the safety of road users, including cyclists and pedestrians;
- the safety and efficiency of road intersections;
- the extent to which trips from the urban area are generated by activities that may be more appropriately located in the urban area;
- landscape character and amenity values.

8(b) The sufficiency of car parking provided and the standard and safety of driveway access.

8(c) The extent to which more than minor adverse effects can be adequately avoided, remedied, mitigated or offset through provision of works and services on or off site and/or through payment or provision of a financial contribution.

The application does not meet criteria 8(a) relating to the safety of road users or criteria 8(b) as it relates to the safety of driveways. Transit are the relevant roading authority in this instance. As discussed in 8.1.7 above Transit have serious concern in relation to the effect that access to and from the site will have on SH16 given that the sight distances available from the existing entrances to the site fall short of the 250 metres required within Transit's "Planning Policy Manual". The Council Traffic engineer has reviewed the traffic information submitted with the application and the additional information and concurs with Transit's submission. The applicant has proposed to close the existing entrance located in the centre of the front boundary and direct all non residential traffic to and from the site out of the north eastern entrance. The applicant is also proposing to remove the Wattle and Sheoak trees located to the east of this entrance to improve sight lines (refer Appendix Four). However, even when the trees are removed the sight lines will still not meet the minimum standard of 250 metres as required by the manual. At the time of writing this report Transit were still considering the additional works proposed to increase traffic safety and improve the sight distances from the entranceways.

As discussed in 8.1.8 there is sufficient car parking on site to cater for all the workers and visitors to the site. The proposal therefore complies with criteria 8(b) as it relates to the provision of on site car parking.

The application does not meet criteria 8(c) as the adverse effect on traffic safety can not be avoided, remedied, mitigated or off set.

Rule 9 - Noise

The proposed activity is required to comply with the following noise standards:

7.00 am to 7.00 pm		7.00 pm to 10.00 pm Monday to Saturday 7.00 am - 10.00 pm Sundays & Public Holidays		10.00 pm - 7.00 am	
L ₁₀ 50dBA	L _{max} N/A	L ₁₀ 45dBA	L _{max} N/A	L ₁₀ 40dBA	L _{max} 70dBA

In order to ascertain if the proposed activity will comply with these standards the applicant commissioned a noise report from Neville Hegley Acoustic Consultants (refer Appendix Four). The report was submitted as additional information.

The report identified that potential noise sources from the proposal are as follows:

- Traffic movements;
- Operation of a mincing machine;
- Operation of chiller units;
- Two sorting machines at the start of the wheat processing line;
- Other mechanical equipment used to process the wheat;
- Mixing machine;
- Burners on the ovens; and
- Cooling conveyors.

The machinery to be used in the wheat proceeding operation was placed in the building and turned on. Noise measurements were taken inside and outside the building whilst the machinery was running. Based on the noise levels measured for the wheat processing the predicted boundary levels will be 38dBA (L₁₀) at the southern boundary; 31 dBA (L₁₀) at the western boundary and 32 dBA (L₁₀) at the northern boundary. The report states that wheat processing will be restricted to the daytime period which is 8.00am to 6.00pm Monday to Friday.

Noise measurements were taken at a bakery of a similar nature. Based on the noise levels measured at this bakery, the predicted noise levels are 38dBA at the southern boundary, 31dBA at the western boundary and 30dBA at the northern boundary of the site.

An assessment of traffic noise was also undertaken and it was concluded that based on 50-60 traffic movements per day the noise created from vehicles would be minimal as the noise from traffic on SH16 currently controls the traffic noise in the area and this will remain the case.

The report concluded that the processing of wheat on site will comply with the daytime noise limits and the bakery will comply with the night time limits as long as the main doors are closed at all times.

A175-A185 A peer review of the report has been undertaken by the Council's noise specialist and he concurs with the finding of the noise report (refer Appendix Five) attached at pages A175 to A185.

If consent is granted to this application conditions will be placed on the consent to ensure activity complies with the noise report. Recording of actual noise levels will also be required to be taken once the proposal is operational and submitted to Council for review.

Rule 10 - Air Discharge, Odour, Dust, Glare, Vibration

The proposed activity will not create any discharges to air, create any dust or noticeable vibration. As discussed in section 8.1.6 above there will be no noticeable odours emitted from the site as long as the proposed activity is operated in accordance with the information submitted with the application.

The applicant is proposing to install security lighting. If granted, a condition requiring not more than 10 lux spill (horizontal or vertical) of light be created as measured at the site boundary of any adjoining site will be placed on the consent. Shielding of the light source/s and confirmation in writing that the lighting complies with AS/NZS 1158 (1996) will also be required.

Rule 11 – Signs Restricted Discretionary Activity

The application stated that there were to be two freestanding signs erected on the site with a surface area of 1.5m² each. However, the site plan submitted with the application indicates that only one sign is to be erected on site approximately 30 metres to the east of the north eastern entrance to the site.

The applicant has confirmed that they only intend to erect one double sided sign mounted on two poles measuring 3.075 metres in height with a surface area of 1.5m² on each side.

The sign will identify the address of the site and the type of operation being carried out on the site. The sign is at a scale and size that it will not distract from the amenity values of the area or the neighbourhood character and complies with assessment criteria 11(a) and 11(c). As mentioned in 8.1.6 above, this type of freestanding signage which contains information directly relating to an activity on a site is not uncommon in the Countryside area.

The matter of traffic safety in regards to the sign has been forwarded to Transit for their comment. They have advised that the sign is non-complying as it contains too much information for a sign located on a site fronting the State Highway network. The sign does not meet criteria 11(b) relating to safe movement of traffic as reading the sign will divert the drivers attention away from driving.

It was noted that there is already a free standing sign that has been erected at the entrance to residential units on the site. There does not appear to be resource consent for this sign. This matter will be referred to Councils enforcement officer.

8.2.3 Auckland Regional Policy Statement, Plan or Proposed Regional Plan (104(1)(b)(iii) and (iv))

A submission was received from the Auckland Regional Council stating that the activity is inconsistent with Strategic Policy 2.5.2.3 of the ARPS which states that urban activities should be contained in defined metropolitan limits (MUL). The proposal is located outside this limit.

Council agrees with Auckland Regional Council. Steve Wilcox Project Manager: Urban Development and Yvonne Rust, Principal Adviser, Urban Policy have advised that Council strategic direction is to intensify urban developments within the areas defined as being within the current or proposed Metropolitan Urban Limit (refer Appendix 5). The proposed activity falls within the definition of urban with the ARPS and therefore should be located within the Metropolitan Urban Limit.

The Northern & Western Sectors Agreement 2001 identifies the Massey North growth node, for urbanisation between 2006 - 2011. In the review of this document, the Council is proposing to include the land immediately opposite the subject site on the east side of SH16 within the Metropolitan Urban Limit. This land is to be zoned for employment purposes. The subject site will still be located outside this area.

It is noted that recent case law being the Roman Catholic Diocese of Auckland v Franklin District Council, Environment Court, Wellington, decision number W28/2004, 29 July 2004 states that urban development in the ARPS can not be taken in isolation from its wider policy context (Policy 2.6.4.1). Part of this context, includes managing urban activities in rural areas which indicate that some (albeit limited) urban activities are anticipated. Urban type developments should be allowed to occur outside the Metropolitan Urban Limit where the effects of the proposal will be managed to avoid, remedy or mitigate adverse effects. However, this case is currently under appeal to the High Court.

8.5 Any Other Matters the Consent Authority considers relevant and reasonably necessary to determine the Application (104(1))(c))

8.5.1 Property Values

Concern has been expressed through submissions in relation to an anticipated reduction in property values for sites surrounding the development. The Resource Management Act does not recognise this as an effect. If, as is discussed in the report, the proposed development would not give rise to any significant adverse on site effects or compromise the existing amenity values and character of the surrounding neighbourhood, then a causal reduction in property values would not be expected.

8.5.3 Monitoring

If consent is granted to this application, the performance of the activities under this consent will be subject to Council's standard monitoring procedures. These procedures include scheduled inspections to ascertain compliance with conditions of consent, together with periodic inspections as and when required to establish whether conditions are being complied with on an ongoing basis. In particular, attention is likely to be directed toward the implementation of conditions relating to storage and disposal of waste, odour, noise, landscaping, light spill and maintenance of sight distances.

8.6 Lapsing of Consent

Under section 125 of the Resource Management Act 1991, unless it is given effect to, a consent lapses either on the date that is specified in the consent or if no date is specified, 5 years after the date of commencement of the consent.

If consent is granted to the application, a standard five year period in which to give effect to this consent is not considered appropriate because any development on the site should be undertaken in a short time period to enable upgrading on the site.

The works proposed such as retrofitting the building, rectifying contamination, planting and erecting signage (once altered to comply with Transits standards) could all be undertaken in a relatively short period of time. For that reason it is considered more appropriate that this consent period lapses three (3) years from the date of issue of the consent.

PART II OF THE RESOURCE MANAGEMENT ACT 1991

The purpose and principles of the Resource Management Act 1991 have primacy over all other considerations that are set out in section 104 of the legislation. In summary, sections 5, 6 and 7 require that resources must be sustainably managed in such a way that any adverse effects on the environment can be avoided, remedied or mitigated. Furthermore, the Resource Management Act 1991 requires that amenity values and the quality of the environment are to be maintained and enhanced.

It is considered that the proposal would be generally inconsistent with Sections 5, 6, 7 and 8 of the Resource Management Act 1991.

At the time of writing this report, the applicant and Transit had still not reach agreement in regards to the provision of a safe access point to the site. Therefore the issue of traffic safety can not be address through the imposition conditions.

The application is also inconsistent with the strategic direction of both the ARC and Waitakere City Council which is to located urban activities within the urban area.

9.0 CONCLUSION

It is considered that the proposal **does not meet** the criteria for granting consent as the traffic effects created by the activity are **more than minor** and **can not** be adequately be mitigated through the imposition of conditions of consent.

The proposal is considered to be contrary to the objectives and policies of the District Plan which seek to ensure that activities are of a scale and location so that any traffic generated by the activity, including heavy traffic, does not detract from the capacity of the road and provides for the safety of motor vehicles and surrounding residences. The activity should not adversely effect the safe and efficient functioning of the road network.

The activity is also inconsistent with policies 1.2 and 11.30 relating to urban activities being located in urban areas and the wider strategy direction of the Council. The Council strategy direction is to ensure that all urban activities be kept within the urban limits. This application is outside the current and proposed Metropolitan Urban Limit. The application could also set a precedent for further similar activities in areas that are not intended for urban use.

It is considered that the issues raised by the submitters relating to noise, visual effects, odour and smell **can** be adequately addressed through the imposition of appropriate conditions. However, traffic issues **can not**.

Subject to any additional and/or contrary evidence being presented at the hearing, it is concluded that the application **should be declined** in accordance with Section 104 of the Resource Management Act 1991.

10.0 RECOMMENDATION

That pursuant to Sections 104,104B, 104D, 108 and 113 of the Resource Management Act 1991, and subject to additional or contrary information being presented at the hearing, **consent be declined** to the application by Shefco New Zealand Limited to operate a butchery/bakery at 76-78 State Highway 16, being Lot 1 DP 44747 for the following reasons:

- (i) The proposed land use would result in more than minor adverse environmental effects, particularly in relation to the safe movement of traffic to and from the site and the traffic flowing along SH16.
- (ii) The proposed land use would be contrary to the relevant objectives and policies of the Operative District Plan relating to traffic safety and locating urban uses within urban areas.
- (iii) The relevant provisions of Part II of the Act cannot be satisfied and the development would not be consistent with the sustainable management principles of Section 5 of the Resource Management Act 1991.

Report prepared by: Sonya McCall, Senior Planner.

