

CERTIFICATE OF COMPLIANCE SECTION 139 (1)

Applicant: Nikau Deer Farm Ltd

Location of activity: State Highway 6 Barrytown

Legal Description: LOT 1 DP 412689 and RS 2847

Activity: **To construct two farm buildings for animal food storage, fertilizer and farm equipment.**

Environmental Area: Rural

The Grey District Council certifies that on 15 August 2022 the activity described above at that location:

- a) Is a permitted activity under the Grey District Plan and,
- b) Can lawfully be carried out without resource consent

D. Patterson

Deborah Patterson
INTERMEDIATE ENVIRONMENTAL PLANNER

for Michael McEnaney
Environmental Planning Manager



Tai Poutini
RESOURCES

Nikau Deer Farm Ltd

APPLICATION FOR CERTIFICATE OF COMPLIANCE TO GREY DISTRICT
COUNCIL

FARM BUILDING AT BARRYTOWN

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1. Executive Summary

- 1.1 Nikau Deer Farm Ltd (NDFL) owns farmland at Barrytown. The site is currently being used for dairy support/cattle grazing. Farm buildings will be required to be constructed to house animal feed (hay, silage etc), fertiliser and farm equipment.
- 1.2 This application seeks confirmation from Grey District Council in the form of a Certificate of Compliance issued under section 139 of the Resource Management Act 1991, that the farm buildings can be constructed as a permitted activity under the Grey District Plan.

2. Details of Applicant

Applicant

Nikau Deer Farm Ltd
C/- GE & CJ Coates
3789 Coast Road, RD 1
Runanga
E: grgncryl@xtra.co.nz

Agent

Tai Poutini Resources Ltd
PO Box 257
Greymouth 7840

Attn: Luke McNeish
M: 021 088 32627

E: luke.mcneish@tprl.co.nz

All correspondence should be sent to the agent in the first instance.

3. Application Site and Surrounding Environment

Site Details

- 3.1 The application area is on privately owned land, and is legally described as

Lot 1 DP 412689

Section 5 BLK V\Waiwhero SD

RS 2847

and held in Certificate of Title

447182.

WS2D/1035

The site is located at or about E 1461578, N 5326242 (NZTM). The broad location of the application area is shown in Figure 1 below. A more detailed site plan is attached as **Attachment A**.

- 3.2 The site is bordered to the East by State Highway 6. Private land holdings border the site to the South and the North.



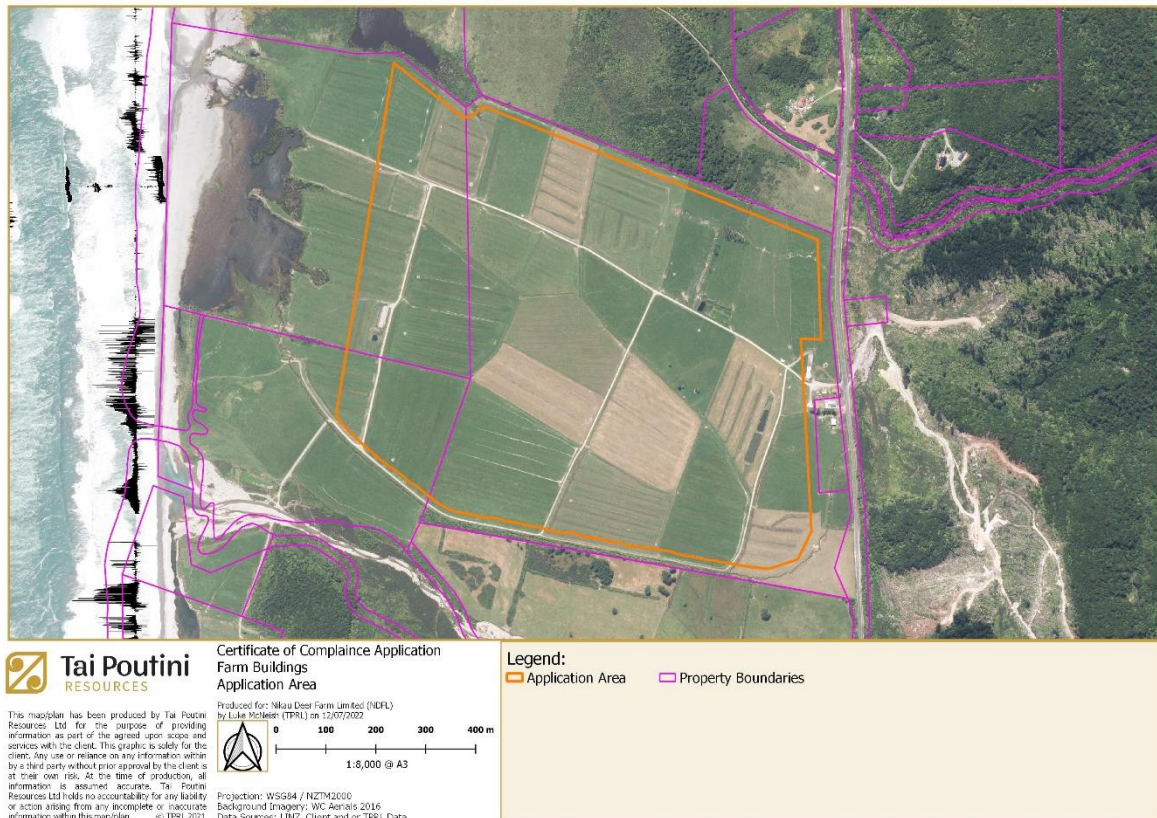


Figure 1: Application site

4. The Proposal

Overview

- 4.1 NDFL proposes to construct farm buildings for animal food storage, fertiliser and farm equipment. A site plan showing the application area is contained in **Attachment A**. The buildings will be located within the area identified the application area on the site plan. And will comply with the setbacks from the state highway, boundaries, Collins Creek and the mean high-water springs.
- 4.2 The proposed farm buildings will be 30m x 20m with a total area of 600m² and the other will be 25 x 30 with a total area of 700m². This gives a total site coverage of 1300m². The height of the buildings is approximately 9.5m at the apex of the roof gable. Plans and a schematic of the building are provided in **Attachment B**. The farm shed will be constructed of coloursteel cladding, with steel portal frames, and the cladding colour will be painted a recessive colour such as Resene Ironsand or similar. The sheds will be enclosed and will have large roller doors for access.

Site Access

- 4.3 Site access will be via an existing formed entranceway off State highway 6.

5. Statutory framework

Grey District Plan

- 5.1 The site is located within the Rural Zone under the Grey District Plan. A full assessment compliance assessment against potentially relevant rules can be found in Table 1 below. This assessment confirms that the proposal is a **permitted activity** under the Grey District plan.

West Coast Regional Land and Water Plan

- 5.2 While not relevant to this application, it is worth noting that the proposed farm building will not have any toilets or water supply to the building. The discharge of collected stormwater runoff is a permitted activity under Rule 63 (discharge to water) and Rule 81 (discharge to land). The proposal does not give rise to any resource consent requirements under the Land and Water Plan.

Table 1: Grey District Plan Compliance Assessment

Rule Reference	Standards/Requirements	Activity Status / Compliance / Comment
19.7 Rural Zone Rules		
<p>19.7.1</p> <p><i>Permitted Activities General</i></p>	<p>Permitted Activity</p> <p><i>Any activity is a permitted activity provided that it does not contravene any other rule in this Environmental Area.</i></p>	<p>Complies – Permitted Activity</p> <p>The proposal is for an agricultural activity and complies with the standards in Table 19.7 which are outlined below.</p>
<p>19.7.2</p> <p><i>Minimum Residential Unit Site Area</i></p>	<p>Permitted Activity</p> <p><i>(i) Residential units are permitted if:</i></p> <p><i>(a) The residential unit is contained within a minimum net area of 1 hectare exclusive of access; and</i></p> <p><i>(b) The minimum net area referred to in (a) is a physically contiguous parcel of land.</i></p> <p><i>(c) Part (b) of this rule does not apply to non-contiguous sites (of 1 hectare or greater net area exclusive of access) legally established prior to 16 August 2006.</i></p> <p><i>(d) A residential unit can be established on a title created by the following subdivision applications:</i></p> <p><i>PL 1401-06 Beechwater, Kokiri PL 1344-05</i></p> <p><i>Tiller Bay, Rapahoe PL 1417-06</i></p> <p><i>Inchbonnie Road, Mitchells</i></p> <p><i>PL 1447-06 Brunner Road, Lake Poerua</i></p> <p><i>Note: In non-sewered areas a discharge consent from the West Coast Regional Council may be required which could effect the minimum site area.</i></p>	<p>Complies – Permitted Activity</p> <p>No residential unit to be built</p>
<p>19.7.3</p> <p><i>Setbacks</i></p>	<p>Permitted Activity</p> <p><i>(i) Buildings and forestry are permitted if:</i></p> <p><i>(a) the minimum setback from internal boundaries is:</i></p> <ul style="list-style-type: none"> <i>• 5m for principal residential buildings</i> <i>• 5m for other buildings greater than 5m² in gross floor area</i> <i>• 3m for other buildings less than 5m² in gross floor area.</i> <i>• 10m for forestry activities, provided that setbacks are not required where land on either side of the boundary is owned by the same person; and</i> <p><i>(b) the minimum setback from the road boundary is:</i></p>	<p>Complies – Permitted Activity</p> <p>The proposal complies with the setbacks outlined within the rule.</p>

Rule Reference	Standards/Requirements	Activity Status / Compliance / Comment
	<ul style="list-style-type: none"> • 10m for buildings except that this shall not apply to buildings less than 5m² in gross floor area • 20m for forestry activities <p>(c) The following setbacks are complied with:</p> <ul style="list-style-type: none"> • No building is erected within 100 metres of MHWS. • No building for residential or commercial purposes is erected within 150 metres of the boundary of any oxidation pond and no oxidation ponds are located within 150 metres of a residential or commercial building. • No building is erected within 20m of a margin of a lake or within 25m of a wetland greater than 2 ha. • No building is erected within 10m of a bank of a river or stream which is more than 3m in width. • Forestry is not to be undertaken within: <ul style="list-style-type: none"> • 25m of a wetland greater than 0.5 hectares • 20m of a lake • 10m of rivers and streams with an average bed width greater than 3m adjacent to the activity provided that this does not apply to the retrieval or removal of unavoidable logging debris, including logs, and aerial cable suspension logging. <p>For the purposes of setbacks from the margin of a lake or wetland and the bank of a river or stream, a building does not include a jetty bridge, culvert or stream crossing. Rule 19.7.3 does not apply to those aspects of forestry where there is a common function as defined by the provisions of sections 30 and 31 of the Resource Management Act 1991 between the West Coast Regional Council (WCRC) and the Grey District Council (GDC) and the WCRC has granted a resource consent (not including a certificate of compliance issued under Section 139 of the RM Act) and that resource consent application raises the same issues for consideration by both authorities in relation to that aspect of the forestry activity. If any aspects of forestry within the areas described in Rule 19.7.3(i)(c) fifth bullet point are not subject to a resource consent from the WCRC or issues arise for determination beyond the proper exercise of the WCRC decision making process and a resource consent is otherwise required from the GDC, the activity will require a resource consent from the GDC, unless the activity is otherwise permitted under these rules.</p>	
<p>19.7.3A</p> <p>National Grid Infrastructure</p>	<p>Permitted Activity</p> <p>(i)(a) Within the National Grid Buffer Area a building, or the change of use of a building, shall comply with the following standards:</p> <p>(i) From National Grid Poles</p>	<p>Complies- Permitted Activity</p> <p>No national grid infrastructure in the vicinity. Setbacks will be complied with.</p>

Rule Reference	Standards/Requirements	Activity Status / Compliance / Comment
	<p><i>(a) Buildings (excluding fences up to 2.5m in height) shall be setback a minimum of 12 metres</i></p> <p><i>(b) Fences up to 2.5m in height shall be:</i></p> <ul style="list-style-type: none"> • <i>Setback a minimum of 1.5m from the outer edge of a pole or stay wire; and</i> • <i>Fences setback between 1.5m and 5.0m from a pole or stay wire shall be of a non-conductive design and readily removable for the purposes of operator access to National Grid Infrastructure.</i> <p><i>(ii) From National Grid Power Lines (as measured from the centre line):</i></p> <p><i>(a) Pi Poles – Buildings shall be setback a minimum of 12 metres from the centreline of transmission lines suspended from Pi Poles</i></p> <p><i>(b) Single Poles – Buildings shall be setback a minimum of 10 metres from the centreline of transmission lines suspended from single poles</i></p> <p><i>(c) Except that the following activities are exempt from the above National Grid Power Line setback standards:</i></p> <ul style="list-style-type: none"> • <i>A fence of up to 2.5 metres in height;</i> • <i>The physical alteration of an existing building where the degree of non-compliance does not increase;</i> • <i>Uninhabitable horticultural or farm buildings (this does not include a commercial greenhouse, a milking and/or dairy shed, a wintering barn or a factory farm building).</i> <p><i>(b) From a National Grid Substation, buildings shall be setback a minimum of 12 metres. The setback requirement is to be measured from the edge of the substation designation or where the substation is not designated, the secured fence of the substation.</i></p> <p><i>(c) Earthworks within the National Grid Buffer Area must:</i></p> <ul style="list-style-type: none"> <i>(i) Be no deeper than 300mm within 5m of a pole or stay wire;</i> <i>(ii) Not result in a reduction in a ground to conductor clearance distance less than 6.5m;</i> <i>(iii) Not compromise National Grid support structure stability; and</i> <i>(iv) Not limit or impede vehicular access to a pole or stay wire.</i> <p><i>Except that the requirement in (c)(i) above shall not apply to:</i></p> <ul style="list-style-type: none"> • <i>Earthworks given dispensation by the National Grid Operator under Clause 2.2.1 of NZECP34:2001;</i> • <i>The agricultural or domestic cultivation of land;</i> • <i>Agricultural land drainage no closer than 2.2 metres from a pole or stay wire (provided it is no deeper than 750mm when between 2.2m and 5m of a National Grid pole or stay wire);</i> 	

Rule Reference	Standards/Requirements	Activity Status / Compliance / Comment
	<ul style="list-style-type: none"> • The repair, sealing or resealing of a road, footpath, driveway or farm track; or • Vertical holes not exceeding 500mm in diameter and located a minimum of 1.5m from the outer edge of a pole or stay wire. <p>Note: If you propose to undertake any new activity, alter an existing activity or construct a structure including fences and irrigation units within 20m of a National Grid Infrastructure it is recommended that the National Grid operator is consulted with.</p>	
<p>19.7.4</p> <p>Building design and appearance</p>	<p>Permitted Activity</p> <p>i) Relocated buildings onto sites are permitted if:</p> <ul style="list-style-type: none"> (a) they are constructed within the last ten years and (b) they are constructed of new materials and (c) they are established on foundations complying with the building code at the time of relocation 	<p>Complies - Permitted activity</p> <p>Building is not a relocated building.</p>
<p>19.7.5</p> <p>Indigenous Vegetation Removal</p>	<p>Permitted Activity</p> <p>(i) Indigenous vegetation clearance is permitted if the SNA process has not been undertaken for a site or Step 3 below is not completed for that site provided the area subject to vegetation clearance:</p> <ul style="list-style-type: none"> (a) Is less than 2000 m² per 5 years per site or (b) Is more than 2000 m² per 5 years per site provided: <ul style="list-style-type: none"> • The indigenous vegetation to be cleared is not contiguous with any land managed for conservation purposes, or • The area of indigenous vegetation is less than 5 hectares in area • The area is not a wetland, or <p>(ii) Indigenous vegetation clearance is permitted if it is for the following:</p> <ul style="list-style-type: none"> (a) clearance of indigenous vegetation understorey beneath exotic forest areas (b) clearance of vegetation for farm tracks and of regrowth vegetation to maintain existing tracks and stock crossings (c) the incidental clearance of vegetation to control gorse, broom, or other exotic plant pests (d) the management of vegetation necessary for the safe and efficient operation of any formed road and the ongoing operation, maintenance and upgrading of existing lines for conveying electricity, or <p>(iii) Indigenous vegetation clearance on any site is permitted if it is outside an SNA included in Schedule 1 after the SNA process is completed for that site, or an SNA has not been included in Schedule 1 after the completion of the Plan Change process, or</p>	<p>Complies - Permitted Activity</p> <p>No vegetation removal is proposed as part of the proposed activity.</p>

Rule Reference	Standards/Requirements	Activity Status / Compliance / Comment
	<p><i>(iv) Indigenous vegetation clearance is a permitted activity if it is exempt under Rule 19.7.5(xi) (v) Indigenous vegetation clearance is permitted if it is not undertaken within:</i></p> <p><i>(a) 25m of a wetland greater than 0.5 hectare</i></p> <p><i>(b) 20m from a lake</i></p> <p><i>(c) 10m of rivers and streams with an average bed width greater than 3m adjacent to the activity.</i></p> <p><i>Rule 19.7.5(v) does not apply to the following which are permitted activities:</i></p> <ul style="list-style-type: none"> <i>• The incidental clearance of vegetation to control gorse, broom, or other exotic plant pests.</i> <i>• Fencing.</i> <i>• In respect of rivers and streams, construction of access points to water on the basis of either one per site or one every 400m of linear measure for stock and vehicles and structures such as whitebait stands.</i> <i>• The management necessary for the ongoing operation, maintenance and upgrading of existing lines for electricity.</i> <i>• Indigenous vegetation clearance or an activity that will have the effect of clearing vegetation where there is a common function as defined by the provisions of Sections 30 and 31 of the Resource Management Act 1991 between the West Coast Regional Council (WCRC) and the Grey District Council (GDC) and the WCRC has granted a resource consent (not including a certificate of compliance issued under Section 139 of the RM Act) and that resource consent application raises the same issues for consideration by both authorities in relation to the indigenous vegetation clearance.</i> <p><i>If any aspects of indigenous vegetation clearance within the areas described in Rule 19.7.5(v)(a), (b) or (c) are not subject to a resource consent from the WCRC or issues arise for determination beyond the proper exercise of the WCRC decision-making process and a resource consent is otherwise required from the GDC, the activity will require a resource consent from the GDC, unless the activity is otherwise permitted under these rules.</i></p>	
<p>19.7.6</p> <p>Landscape Areas</p>	<p>Permitted Activity</p> <p><i>(i) Activities are permitted in areas identified on the planning maps as “Area of Outstanding Landscape” if:</i></p> <p><i>(a) they are buildings which do not exceed 2m in height or 5m² in area, and</i></p> <p><i>(b) Any indigenous vegetation that is removed does not exceed 100m² in area in any one hectare, and</i></p> <p><i>(c) The activity is not forestry.</i></p>	<p>Complies – Permitted Activity</p> <p>Application area is not within an ONL</p>
<p>19.7.7</p> <p>Building Coverage</p>	<p>Permitted Activity</p> <p><i>(i) Buildings are permitted if:</i></p> <p><i>(a) The site coverage does not exceed 10% of the site area or 1500m² whichever is the greater.</i></p>	<p>Complies – Permitted Activity</p> <p>Build footprint is less than 10% of the site coverage (10% is 93949.7m²)</p>

Rule Reference	Standards/Requirements	Activity Status / Compliance / Comment
19.7.8 <i>Maximum Height of Buildings and Structures</i>	Permitted Activity <i>(i) Buildings and structures are permitted if:</i> <i>(a) The maximum height of any building is 10m and</i> <i>(b) All buildings and structures comply with the Aerodrome Flight Path Protection Area rules contained in Appendix 9</i>	Complies – Permitted Activity The maximum Height is less than 10 metres and application is located outside of the Aerodrome Flight Path Protection Area.
19.7.9 <i>Lighting</i>	Permitted Activity <i>No activity shall result in a greater than 2.5 lux spill (horizontal and vertical) of light onto any adjoining property, measured at any point more than 2m inside the boundary of the adjoining property or the closest window on the adjoining property whichever is the closest</i>	Complies – Permitted Activity. No lighting is proposed on the outside of the building
19.7.10 <i>Utilities</i>	Refer Appendix 1	N/A Application does not relate to installation of Utility structures.
19.7.11 <i>Signs</i>	Refer appendix 2	N/A No signs proposed
19.7.12 <i>Parking, Loading and Access</i>	Refer Appendix 4	Complies -Permitted activity Ample area within the site to accommodate parking to the level required by the industrial parking guidelines. Some parking will be located within the buildings.
19.7.14 <i>Subdivision</i>	Refer Appendix 5	N/A No subdivision proposed
19.7.15 <i>Heritage items and Historic trees</i>	Refer Appendix 6	Complies – Permitted Activity No historic sites within the vicinity and no vegetation is being removed.

Rule Reference	Standards/Requirements	Activity Status / Compliance / Comment
<p>19.7.16</p> <p>Non-Rural Activities</p>	<p>Permitted Activity</p> <p>(i) Non rural activities are permitted if:</p> <p>(a) The maximum floor area for any non-rural activity is a maximum of 100m² provided that this shall not apply to fire stations.</p> <p>(b) The maximum number of permitted vehicle trips generated by an activity on a site is:</p> <p style="padding-left: 40px;">Heavy Vehicles 20 per day</p> <p style="padding-left: 40px;">Other Vehicles 100 per day</p> <p>(c) Any activity shall be conducted such that the following noise limits are not exceeded at any point within the notional Boundary of any dwelling in the Rural or Rural Residential Environmental Area and at the boundary of a site in the Residential and Township environment areas, other than the site from which the noise is created.</p> <p>(i) Rural Environmental to Rural Environmental and Township Environmental</p> <p>Monday to Saturday</p> <p>0700 hrs to 2200 hrs 55dBA L10</p> <p>2200 hrs to 0700 hrs 45dBA L10</p> <p>Sunday</p> <p>45dBA L10</p> <ul style="list-style-type: none"> • 75 dBA Lmax all days between 2200 hrs and 0700 hrs and <p>(ii) Rural Environmental to Residential Environmental and Rural Residential Environment</p> <p>Monday - Friday</p> <p>2200 hrs to 0700 hrs 45dBA L10</p> <p>0700 hrs to 2200 hrs 55dBA L10</p> <p>Saturday</p> <p>1700 hrs to 0800 hrs 45dBA L10</p> <p>0800 hrs to 1700 hrs 55dBA L10</p> <p>Sundays</p> <p>45dBA L10 • 75dBA Lmax all days between 2200 hrs and 0700 hrs</p> <p>Except where expressly provided elsewhere in this rule, sound shall be measured in accordance with the provisions of NZS 6801:1999 Acoustics Measurement of Environmental Sound and assessed in accordance with the provision of NZS 6802:1991 Assessment of Environmental Sound.</p>	<p>Complies - Permitted Activity</p> <p>Proposed activity is a rural activity.</p>

Rule Reference	Standards/Requirements	Activity Status / Compliance / Comment
23.1 <i>Use and storage of Hazardous Substances</i>	Permitted Activity <i>(i) The use or storage of hazardous substances are permitted activities if they ; (a) are not listed in Schedule 1 or (b) are listed in Schedule 1 but their quantities are below those specified in Column A of Schedule 2 for Permitted Activities in the relevant Environmental Area; and (c) comply with all legislation and regulation requirements Provided that: The use or storage of hazardous substances is permitted if it is a consequence of temporary military training (no longer than twenty eight days at any one time) and complies with relevant NZ Defence Force “Codes of Practice”.</i>	Complies - Permitted Activity Should Hazardous substances be stored on site they will comply quantities listed in schedule 1.

6. Statutory Assessment

- 6.1 Section 139 of the Resource Management Act states that the section applies if an activity could lawfully be done in a particular location without a resource consent. Section 139 allows a person to request the consent authority to issue a certificate of compliance. The consent authority may require further information to be provided if necessary to determine compliance.
- 6.2 The applicant is required to describe the activity and the location, and state that the activity can be done lawfully in the particular location without a resource consent as at the date on which the authority received the request.
- 6.3 The certificate must be issued within 20 working days from receipt of the application, or when further information is received.
- 6.4 A certificate of compliance is then treated as if it were an appropriate resource consent for the activity.

7. Conclusion

- 8.1 NDFL are proposing to construct a farm storage building in the location shown on the site plan in **Attachment A**. The building will be constructed in accordance with the preliminary building plans shown in **Attachment B**. The proposal has been demonstrated to be a permitted activity under the Grey District Plan. NDFL are therefore seeking a Certificate of Compliance under section 139 of the Resource Management Act 1991.
- 8.2 This application provides information about the proposed building, in sufficient detail to enable the Council to grant a Certificate of Compliance for the building.

Attachment A: Site Plan

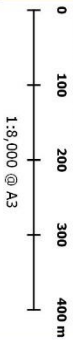
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Certificate of Compliance Application
Farm Buildings
Application Area

Produced for: Millau Deer Farm Limited (NDFL)
by Ulrike Koblisch (TPRL) on 12/07/2022



Projection: WGS84 / NZTM2000
Background Imagery: WC Aerials 2016
Data Sources: LINZ, Client, and/or TPRL Data

Legend:
 Application Area
 Property Boundaries



Attachment B: Building Plans

