

# MINUTES

**TITLE:** Environment & Planning Subcommittee  
**DATE:** Tuesday 13 November 2007  
**TIME:** 9.30 am  
**VENUE:** Council Chamber, 189 Queen Street, Richmond

**PRESENT:** Crs T B King (Chair), Crs S G Bryant and M J Higgins

**IN ATTENDANCE:** Principal Resource Consents Adviser (R Askew), Consent Planner, Land (J S Harley), Environmental Health Officer (D G Caradus), Administration Officer (B D Moore)

## 1. L J LAWSON - APPLICATION RM070803, 86 ARANUI ROAD, MAPUA, EARLY CHILDHOOD CENTRE

### 1.1 Proposal

The applicant applied to establish and operate a privately owned, licensed and chartered early childhood centre. The centre would cater for up to 40 children, aged between 0-5 years and be open from 7.30 am to 5.30 pm Monday to Friday but closed on public holidays and for two weeks over the Christmas period. The centre was proposed to be staffed by up to four teachers and a teaching assistant. The subject property is held in certificate of title NL12A/403 and is 2039 square metres containing an existing dwelling and large landscaped and grassed rear yard.

The Committee proceeded to hear the application, presentation of submissions and staff reports as detailed in the following report and decision.

The Committee reserved its decision at 10.20 am.

### RESOLUTION TO EXCLUDE THE PUBLIC

**Moved Crs Bryant / Higgins**  
**EP07/11/12**

**THAT the public be excluded from the following parts of the proceedings of this meeting, namely:**

L J Lawson

**The general subject of the matter to be considered while the public is excluded, the reason for passing this resolution in relation to the matter, and the specific grounds under Section 48(1) of the Local Government Official Information and Meetings Act 1987 for passing this resolution are as follows:**

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under Section 48(1) for the passing of this resolution
L J Lawson	Consideration of a planning application	A right of appeal lies to the Environment Court against the final decision of Council.

**Moved Crs Higgins / King  
EP07/11/13**

**THAT the open meeting be resumed and the business transacted during the time the public was excluded be adopted.  
CARRIED**

**Moved Crs Bryant / Higgins  
EP07/11/14**

**THAT pursuant to Section 104B of the Resource Management Act, the Committee GRANTS consent to L J Lawson as detailed in the following report and decision.  
CARRIED**

<p><b>Report and Decision of the Tasman District Council through its Hearings Committee Meeting held in the Tasman Room, Richmond on 13 November 2007, commencing at 9.30 am</b></p>
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A Hearings Committee (“the Committee”) of the Tasman District Council was convened to hear the application lodged by L J Lawson to establish and operate a community activity, namely a privately owned, Government licensed and chartered Early Childhood Centre (“the Centre”). The application, made in accordance with the Resource Management Act 1991 (“the Act”), was lodged with the Tasman District Council and referenced as RM070803.

**PRESENT:** **Hearings Committee**  
Cr T King, Chairperson  
Cr S Bryant  
Cr M Higgins

**APPLICANT:** Ms L J Lawson, Applicant  
Ms R Olney, Called to give evidence and also submitter

**CONSENT AUTHORITY:** **Tasman District Council**  
Mrs J Harley, Consent Planner – Land  
Mr G Carradus, Environmental Health Officer

**SUBMITTERS:** Ms R Olney (called as witness to give evidence for applicant)  
Ms T Green and Ms K Marchbanks, Representatives of  
Mapua Playcentre and Nelson's Playcentre Association  
(chose not to speak)  
Apologies were received for non-attendance from:  
Mr G Atkinson  
Ms A Tsurata (supplementary evidence provided)

**IN ATTENDANCE:** Mr B Askew, Principal Resource Consents Adviser –  
Assisting the Committee  
Mr B Moore – Committee Secretary

## **1. DESCRIPTION OF THE PROPOSED ACTIVITY**

The proposal is to establish and operate an Early Childhood Centre within an existing building at 86 Aranui Road, Mapua.

The legal description of the land is Lot 1 DP 17890 and Lot 1 DP 15774, Certificate of Title NL NL12A/403.

The application site is a 2,039 square metre property containing an existing dwelling and a large grassed and landscaped rear yard. The dwelling was converted from a shed in 1992. The site gains access directly off Aranui Road from an existing crossing and gravelled driveway in a central location along the front property boundary.

The property adjoins smaller sized residential properties on either side along Aranui Road and it backs onto a large 10.2 hectare block currently seeking a 103 lot subdivision through resource consent application RM070637. The site adjoins to the south east an existing community activity, the Mapua Play Centre, located on Tasman District Council recreation zoned land. That land also contains the Mapua Bowling Club and the Mapua Domain.

It is proposed that the Centre will cater for up to 40 children aged up to 5 years and be open from 7.30 am to 5.30 pm Monday to Friday but closed on public holidays and for two weeks over the Christmas period. The Centre will be staffed by up to four teachers and a teaching assistant.

## **2. PROPOSED TASMAN RESOURCE MANAGEMENT PLAN ("PTRMP") ZONING AND RULE(S) AFFECTED**

According to the PTRMP the following apply to the subject property:

Zoning: The title is partly zoned Residential (Lot 1 DP 15774), and partly Rural 1 / Deferred Residential (Lot 1 DP 17890) under the Proposed Tasman Resource Management Plan.

The proposed activity does not comply with Residential zone permitted activity rule 17.1.2 (da) of the Proposed Tasman Resource Management Plan as the expected vehicle movements to and from the Centre in combination with any other permitted activity on the site will exceed 30 per day on any one day. The activity that is within the Residential zone is therefore deemed to be a restricted discretionary activity in

accordance with Rule 17.1.7A of the Plan. The part of the site that is zoned Rural 1 / Deferred Residential however requires that the activity is considered as an open discretionary activity and although the deferment could be lifted by resolution of Council (so that the zone becomes Residential) the Rural 1 zone determines the status that for consideration of the application.

### 3. NOTIFICATION AND SUBMISSIONS RECEIVED

The application was notified on 1 September 2007 pursuant to Section 93 of the Act. A total of 15 submissions were received. The following is a summary of the written submissions received and the main issues raised:

#### 3.1 Submissions in Support (seven)

Submitter	Reasons	Decision Sought
Monique Anne Steer	Mapua needs more childcare facilities.	Approve Consent <b>Did not wish to be heard.</b>
Ella Jane Evans	The need for more childcare facilities in Mapua.	Approve Consent <b>Wished to be heard.</b>
Belinda Barden	Urgent need for childcare facilities in Mapua and surrounding communities. Frustrated with current waiting lists and lack of available childcare.	Approve Consent <b>Did not wish to be heard.</b>
Dr Sally Harris	An increasing need for further facilities for Mapua and surrounding area. Aware that local families are unable to secure childcare for their children in the local area and this is causing concerns and difficulties. Aranui Road site ideally located as its central and large area for parking	Approve Consent <b>Did not wish to be heard.</b>
Rebecca Olney	Desperately need another childcare centre in Mapua Long local waiting lists, frustration for parents.	Approve Consent <b>Wished to be heard.</b>
Nicola Picard	Huge need for further childcare facilities in the community Long waiting lists.	Approve Consent <b>Did not wish to be heard.</b>
Nyla Breakspeare	Need for facilities to be increased, currently has a child on an 16 month waiting list in Richmond. Noise emissions anticipated are not expected to disrupt our business activities in any way.	Approve Consent <b>Wished to be heard.</b>

#### 3.2 Submissions in Opposition (seven)

Submitter	Reasons	Decision Sought
Aoi Tsurata	Noise Affects resale of property Loss of view across the rear of No.86 Aranui Road to the domain/paddock Traffic congestion	Decline Consent <b>Wished to be heard.</b>
Ian and Coral Greenhill	Parking issues on the opposite side of Aranui Road, affecting visibility when existing private driveways on the south western side of Aranui Road	Decline Consent <b>Did not wish to be heard.</b>
Glenn Atkinson	Residential amenity, noise, hours of operation, hours of	Decline Consent

Submitter	Reasons	Decision Sought
	outside play, parking , effect on traffic and safety	<b>Wished to be heard.</b>
Eileen and Graeme Thawley	Traffic congestion surrounding private driveways Proposal to the detriment of the adjoining playcentre Does not support another business involving lots of cars on Aranui Road.	Decline Consent  <b>Did not wish to be heard.</b>
Dave Sando	Safety Issues, as Mapua gets busier the location will cause an issue with children's safety when being dropped off and picked up.	Decline Consent <b>Did not wish to be heard.</b>
Arlene Lock	Vehicle traffic to and from and parking affects the safety of my entrance. There are three centres locally, if the Centre is to accommodate future increase in population that traffic will also increase.	Decline Consent  <b>Did not wish to be heard.</b>
Gaylene Williams	Traffic and parking congestion. Mapua is a growing area the main road location will create traffic problems. Already daycare in Mapua that is not full. 40 children will need more than four teachers requiring parking.	Decline Consent  <b>Did not wish to be heard.</b>

### 3.3 Neutral Submission (one)

Submitter	Reasons	Decision Sought
Mapua Playcentre and Nelsons Playcentre Association	Traffic effect – exhaust emissions, adverse noise and pedestrian safety, congestion.  Inefficient use of large outdoor space as car parking	Neutral  <b>Wished to be heard.</b>

## 4. PROCEDURAL MATTERS

No Procedural Matters were raised at the Hearing.

## 5. EVIDENCE HEARD

The Committee heard evidence from the applicant, expert witnesses, submitters, and the Council's reporting officer. The following is a summary of the evidence heard at the hearing.

### 5.1 Applicant's Evidence

The applicant, Ms L J Lawson, tabled and spoke to a written submission. She referred initially to proposals to mitigate noise from the subject site. Noise control measures would be used in the premises, being double-glazing on windows, with double layers of material lining over noise control batts. The applicant outlined proposed management techniques for the use of the grounds and listed the proposed policies and philosophies for the Centre.

Ms R J Olney spoke as a witness for the applicant and said she had made a supporting submission. Ms Olney said that she had been a teacher for 14 years and proposed to work at the Centre should it be granted consent. She explained that this would operate initially for two hours in the morning and two hours in the afternoon between the hours of 9.30 am to 2.30 pm weekdays only. It is proposed initially that

the Centre would not open during school holidays. She repeated that the proposal has a planned management style and philosophy and that although a licence application would be made for up to 40 children it was expected that a full-time roll of only 30 children would be catered for.

Ms Lawson continued to address her written submission and responded to the proposed conditions of consent sought by submitters.

The submission of Ms A Tsuruta of 92 Aranui Road sought a maximum of 30 children and the applicant acknowledged that she is not aiming for a roll of 40 children as applied for but wanting to allow for that capacity so that if demand requires this number, the Centre is not turning children away.

The applicant did not want to be limited to operational hours of 9.30 am to 2.30 pm on weekdays, with the Centre closed during school holidays, as the business could not operate as a financially viable one with such limited hours.

The programme will be designed so that any noisy play area is at a maximum distance from each of the houses at 90 and 92 Aranui Road. The applicant agreed to leave the fence along the boundary at 92 Aranui Road at 1.4 metres high. The applicant did not wish to replace the existing 1.8 metre high wooden fence between the applicant's property and the Mapua playcentre. The applicant did not wish to plant shrubs and trees to a width of at least 1 metre on the applicant's side of the existing fence.

The applicant referred to the proposed conditions of consent from Consent Planner, J Harley, and sought that Condition 3 not exclude children from the subject site outside of 7.30 am to 5.30 pm Monday to Friday.

The applicant sought that Condition 6 be worded to allow open, swimming pool-type fencing to be provided between the car parking area and the grassed play area.

Ms Lawson explained why further childcare facilities are required in the Mapua community area. She explained that even with the proposed car park at the back of the existing building, the playground will be larger than most childcare centres can offer. Ms Lawson said that some parents will walk to the Centre with their children and some families will have two or three children attending. Four of the 13 proposed car parks are required for staff.

## **5.2 Submitters' Evidence**

No submitters present at the hearing wished to speak to their submissions other than Ms R Olney, who had already spoken as the applicant's witness.

Mr Askew advised that Mr G Atkinson had given a verbal apology that he was unable to attend the hearing due to an unforeseen family emergency.

Mr Askew tabled and read a letter of 13 November 2007 from Ms A Tsuruta of 92 Aranui Road, Mapua. The submitter was concerned about the potential for 40 children and many cars to make a lot of noise next door for 50 hours of the week. She was particularly concerned about the outdoor play area next door. The submission was also concerned about the potential for traffic congestion, noise and fumes from cars and the risk to the safety of pedestrians. The submission said that

the resale of this submitter's property could be badly affected by having a childcare centre next door.

### **5.3 Council's Reporting Officer's Report and Evidence**

Consent Planner, Land, Ms J Harley, spoke to proposed Conditions 3 and 6 of the consent. In regard to Condition 3, she said that the intention was not to exclude the owner's or teachers' children and was happy to have the condition reworded accordingly. In regard to proposed Condition 6, Ms Harley said that noise effects can be managed and said she that was happy to leave the issue of adequacy of pool-type metal fencing for comment by Environmental Health Officer, Mr G Caradus.

Mr G Caradus said that other options for fencing such as safety glass may be considered, as this would have the added benefit of retaining sight lines for the neighbouring submitter. In response to a question from Cr Bryant regarding the issue of noise from children, he said the perceived problems are much greater than the actual problem. He said there is nothing on Council records from childcare centres in the District relating to the issue of noise. He said that effective noise barrier fencing should be located closest to the noise source.

### **5.4 Applicant's Right of Reply**

Ms Lawson said she did not have anything additional to add to the applicant's presentation and repeated assurances that the applicant's proposed hours of operation and noise mitigation measures would allay the concerns of submitters. She said that the applicant could install solid fencing from the rear of the site to halfway along the centre of the site adjacent to the car park and access area.

## **6. PRINCIPAL ISSUES**

The principal issues that were in contention were:

- a) Would the proposal give rise to adverse effects from traffic movements to and from the site and would there be adverse effects from vehicles parking both within and outside the property?
- b) Would there be adverse effects from noise both from vehicle movements and/or noise from children particularly when outside?
- c) Would the activity generally have an adverse effect on residential amenity?

## **7. MAIN FINDINGS OF FACT**

The Committee considers that the following are the main facts relating to this application:

- a) The proposed car parking is for 13 cars, which exceeds the required standard in the PTRMP of five car parks for a community activity of this size and number of staff;
- b) The applicant has agreed to conditions regarding restricting parking on the road entrance to the property, to provide for solid fencing for part of the parking and access area, and to have policies aimed at reducing the effects of the activity on

neighbouring properties which will be over and above the controls imposed by conditions of consent;

- c) The site is a relatively large allotment being partly zoned Residential, partly zoned Rural 1/Deferred Residential and the property is situated on the main road (Aranui Road) into Mapua;
- d) A community activity is permitted in the Residential zone subject to a limitation on vehicle movements of 30 vehicle movements per day and in the case of the proposed activity which will exceed this limitation the proposal falls to a restricted discretionary activity under the Proposed Tasman Resource Management Plan (PTRMP). The Rural 1/Deferred Residential zoning however requires that the activity is considered as an open discretionary activity. An open discretionary activity provides that the Committee can either grant or decline the application and if granting the consent the Committee is not restricted by the PTRMP to the matters it can consider;
- e) There is a known demand for early childhood education centres which has been driven partly by government subsidies to provide for 20 hours free access for children aged three and four years and the changes to work/life balance which creates a need for pre-school facilities. Having such a facility can therefore be considered a positive effect for the wider community.

## **8. RELEVANT STATUTORY PROVISIONS**

### **8.1 Policy Statements and Plan Provisions**

In considering this application, the Committee has had regard to the matters outlined in Section 104 of the Act. In particular, the Committee has had regard to the relevant provisions of the following planning documents:

- a) The Transitional Regional Plan (TRP);
- b) The Proposed Tasman Resource Management Plan (PTRMP).

### **8.2 Part II Matters**

In considering this application, the Committee has taken into account the relevant principles outlined in Sections 6, 7 and 8 of the Act, as well as the overall purpose of the Act as presented in Section 5.

## **9. DECISION**

Pursuant to Section 104B of the Act, the Committee **GRANTS** consent subject to conditions.

## **10. REASONS FOR THE DECISION**

Community activities as defined in the PTRMP includes amongst other things, land and buildings for the purpose of education, pre-schools and day-care facilities. Community activities are permitted in the Residential zone but the PTRMP includes a rule that community activities having in excess of 30 vehicle movements per day is a restricted discretionary activity. It is therefore accepted by the Committee that



Residential zoned land is an appropriate zone for this type of activity and that community activities are to be anticipated within the residential zone.

The Committee considers that the site area available, which is 2,039 square metres, is larger than other similar pre-school/daycare centres in the district and the location of the property on the main road into Mapua village makes the property suitable for the proposed activity.

The applicant advised the Committee that she will adopt policies and procedures to further mitigate any potential adverse effects associated with the activity having particular regard to effects on neighbours.

The applicant advised the Committee that, whilst application is for a maximum 40 children to attend the Centre, it is unlikely that this maximum number would be on-site at any one time. The applicant also advised that the operational hours of the Centre as applied for (namely 7.30 am to 5.30 pm weekdays) would probably exceed the normal operating hours that are intended to operate the Centre but that the times that have been applied for were to enable some flexibility so as to accommodate the needs of caregivers.

The Committee accepts that the activity will create a change in amenity, noise and traffic from that normally generated by a singular household on the site, however it is considered that the conditions of consent which were generally been accepted by the applicant, will ensure that any adverse effects are minimised to a level that will be no more than minor. This proposal will provide the local community with a needed facility which is a positive effect to be considered.

## **11. COMMENTARY ON CONDITIONS OF CONSENT**

Condition 3 provides for the consent holder and teachers who may wish on occasion to have their children with them whilst working at the Centre or to tend the garden of the property when the Centre is closed.

Condition 6 allows for visibility between the five car parks immediately to the rear of the building so that children can see caregivers arriving and also to improve the openness of the site in that area. The option to provide for this open fence is provided that any noise from the car parks and/or access areas does not exceed the noise limits detailed in condition 4.

An advice note has been included to advise the consent holder that she must meet her obligation to consult with adjoining neighbours regarding alterations or replacement of any boundary fence. The Committee understands that the Ministry of Education requires that an Early Childhood Education Centre is required to have a secure fence at least 1.2 metres high and preferably 1.5 metres high to ensure the security and safety of children attending the Centre. A submitter (Ms A Tsurata) has asked that fence heights be no more than 1.4 metres and the applicant volunteered at the hearing to accede to that request notwithstanding the Ministry of Education's preferred fence height of 1.5 metres.

Issued this 19<sup>th</sup> day of November 2007

Cr T King  
**Chair of Hearings Committee**



## RESOURCE CONSENT

**RESOURCE CONSENT NUMBER:** RM070803

Pursuant to Section 104B of the Resource Management Act 1991 (“the Act”), the Tasman District Council (“the Council”) hereby grants resource consent to:

**Lisa-Jane Lawson**

(hereinafter referred to as “the Consent Holder”)

**ACTIVITY AUTHORISED BY THIS CONSENT:** Establish and operate a community activity, namely a privately owned, Government licensed and chartered Early Childhood Centre (“the Centre”).

### LOCATION DETAILS:

Address of property: 86 Aranui Road, Mapua  
Legal description: Lot 1 DP 17890 and Lot 1 DP 15774, Blk II, Moutere SD

Certificate of title: NL12A/403  
Valuation number: 1938037700

Pursuant to Section 108 of the Act, this consent is issued subject to the following conditions:

### CONDITIONS

#### General

1. The establishment and operation of the Centre shall, unless otherwise provided for in the conditions of the consent, be undertaken in accordance with the documentation submitted with the application:
2. The maximum number of children on site at any one time shall be 40 and aged up to five years of age.
3. The hours of operation for children attending the Centre shall be between 7.30 am - 5.30 pm Monday to Friday excluding public holidays and two weeks over the Christmas period.

#### Advice Notes:

This will not preclude the Consent Holder and or teachers from occasionally being accompanied by their children on the site outside of the above hours of operation.

## Noise

- Noise generated by the activity, measured at or within the boundary of any site within the zone, other than the site from which the noise is generated, or at or with the notional boundary of a dwelling within any other zone, does not exceed:

	<b>Day</b>	<b>Night</b>
L <sub>10</sub>	55 dBA	40 dBA
L <sub>max</sub>	70 dBA	

Note: Day = 7.00 am to 9.00 pm Monday to Friday inclusive and 7.00 am to 6.00 pm Saturday (but excluding public holidays).

Where compliance monitoring is undertaken in respect of this condition, noise shall be measured and assessed in accordance with the provisions of NZS 6801: 1991, Measurement of Sound and NZS 6802:1991, Assessment of Environmental Sound.

- Notwithstanding condition 4 above, the Consent Holder shall adopt the best practicable option approach to mitigate the effects of noise from the activity. The Consent Holder shall submit a Management Plan for certification by Council's Regulatory Co-ordinator prior to commencement of the activity.
- The consent holder shall construct a 1.8 metre high, solid fence between the car parking area and the outdoor play area to further reduce noise and car emission drift affecting neighbouring properties. The fence position shall be as shown in attached Plan A dated 26 August 2007, and as amended at the hearing on the 13 November 2003. The fence to the car park area immediately to the rear of the building and marked as 'open fence' may be of a height and design that permits through visibility from the car park area to the play area, provided that such fencing does not result in noise levels from the car parks and vehicle access to adjoining properties that exceed the requirements of condition 4.

### **Advice Note:**

An Early Childhood Centre has to meet the Ministry of Education Codes and Standards as a requirement of registration with the Ministry of Education. It is understood that such standards include requirements for boundary fences to provide safety and security for children attending the Centre. The Consent Holder should, in meeting the Ministry's requirements and the provisions of the Fencing Act 1978, undertake consultation with adjoining neighbours in regards to any alterations and/or replacement of boundary fences. The consultation should include consideration of matters of acoustic and visual privacy and/or maintenance of viewsapes.

## Access, Parking and Signage

- A new access shall be formed prior to the Centre activities commencing on site with a maximum width of 6 metres located as shown in attached Plan A dated 26 August 2007. All costs of this process and works being met by the Consent Holder including the closure of the existing access and reinstatement of the footpath.

**Advice Note:**

The consent holder should apply to the Council's Engineering Department for a road opening permit to allow for the above works to commence.

8. There shall be no shrubs over 1 metre in height within 2 metres of the road boundary to retain visibility.
9. Signage shall be erected on the property near the entrance driveway to direct cars to the rear drop off and pick up area;
10. A minimum of 13 car parks shall be provided for the activity in accordance with Plan A dated 28 August 2007. Each car park and all access and manoeuvring areas shall be formed to a permanent, all weather asphaltic concrete (hot mix) or concrete surface and clearly marked on the ground prior to the Centre activities commencing onsite.

**Advice Note:**

To minimise any effects from vehicle emissions and to also reduce noise, the Centre should encourage caregivers to switch off their vehicle engines when parked.

11. The Consent Holder shall formally submit a Service Request to the Council's Engineering Department for the painting of yellow parking limit lines either side of the vehicle crossing for 86 Aranui Road. These shall be painted and located 1.5 metres back from the edge of crossing on each side of the crossing on Aranui Road. All costs of this process and works are to be met by the consent holder and to be completed prior to the Centre activities commencing on the site.
12. Two Land Transport New Zealand road warning signs 'Look Out for Children' shall be erected either side of the facility along Aranui Road prior to the Centre activities commencing.

**Advice Note:**

The consent holder should undertake consultation with Tasman District Council's Engineering Department in relation to the road marking and road signage processes including positioning.

13. The site shall have no more than three signs erected onsite (inclusive of parking sign required by condition 9 above and exclusive of the children warning signs required by condition 12 above) these shall be identification signs and each sign shall be no greater than 1 square metre in area.

**Stormwater**

14. Stormwater from the access, parking and paved areas shall be directed into the reticulated storm water system running along the western boundary of the property with a secondary flowpath being kept open at all times to mitigate any future flooding.

**Review**

15. That pursuant to Section 128(1)(a) and 128(1)(c) of the Resource Management Act 1991, the Consent Authority may review any conditions of the consent within twelve months from the date of issue and annually thereafter for any of the following purposes:

- a) to deal with any adverse effect on the environment which may arise from the exercise of the consent and which it is appropriate to deal with at a later stage; or
- b) to deal with inaccuracies contained in the consent application that materially influenced the decision made on the application and are such that it is necessary to apply more appropriate conditions; or
- c) to assess the appropriateness of imposed compliance standards, monitoring regimes and monitoring frequencies and to alter these accordingly;
- d) to review the noise limits specified in Condition 4 and the Management Plan specified in Condition 5 of this consent should these be deemed to be inappropriate.

**Advice Note:**

Condition 15(d) allows the Council to review the noise limits specified in Condition 4 and the Management Plan referred to in 5. Such a review may take place where the Council has received complaints from members of the public but monitoring has shown that the noise limits are being complied with but are considered to be unacceptable.

## **GENERAL ADVICE NOTES**

### **Resource Management Act**

1. This consent is granted to the abovementioned Consent Holder but Section 134 of the Act states that such land use consents “attach to the land” and accordingly may be enjoyed by any subsequent owners and occupiers of the land. Therefore, any reference to “Consent Holder” in the conditions shall mean the current owners and occupiers of the subject land. Any new owners or occupiers should therefore familiarise themselves with the conditions of this consent, as there may be conditions that are required to be complied with on an ongoing basis.

### **Proposed Tasman Resource Management Plan**

2. The Consent Holder shall meet the requirements of Council with regard to all Building and Health Bylaws, Regulations and Acts.

### **Council Regulations**

3. Any activity not referred to in this resource consent must comply with either:
  - 1) a relevant permitted activity rule in the Proposed Tasman Resource Management Plan (PTRMP);
  - 2) the Resource Management Act 1991; or
  - 3) the conditions of a separate resource consent which authorises that activity.

## Development Contributions

- The Consent Holder is liable to pay a development contribution in accordance with the Development Contributions Policy found in the Long Term Council Community Plan (LTCCP). The amount to be paid will be in accordance with the requirements that are current at the time the relevant development contribution is paid.

Council will not issue a Code Compliance Certificate or certificate of acceptance until all development contributions have been paid in accordance with Council's Development Contributions Policy under the Local Government Act 2002.

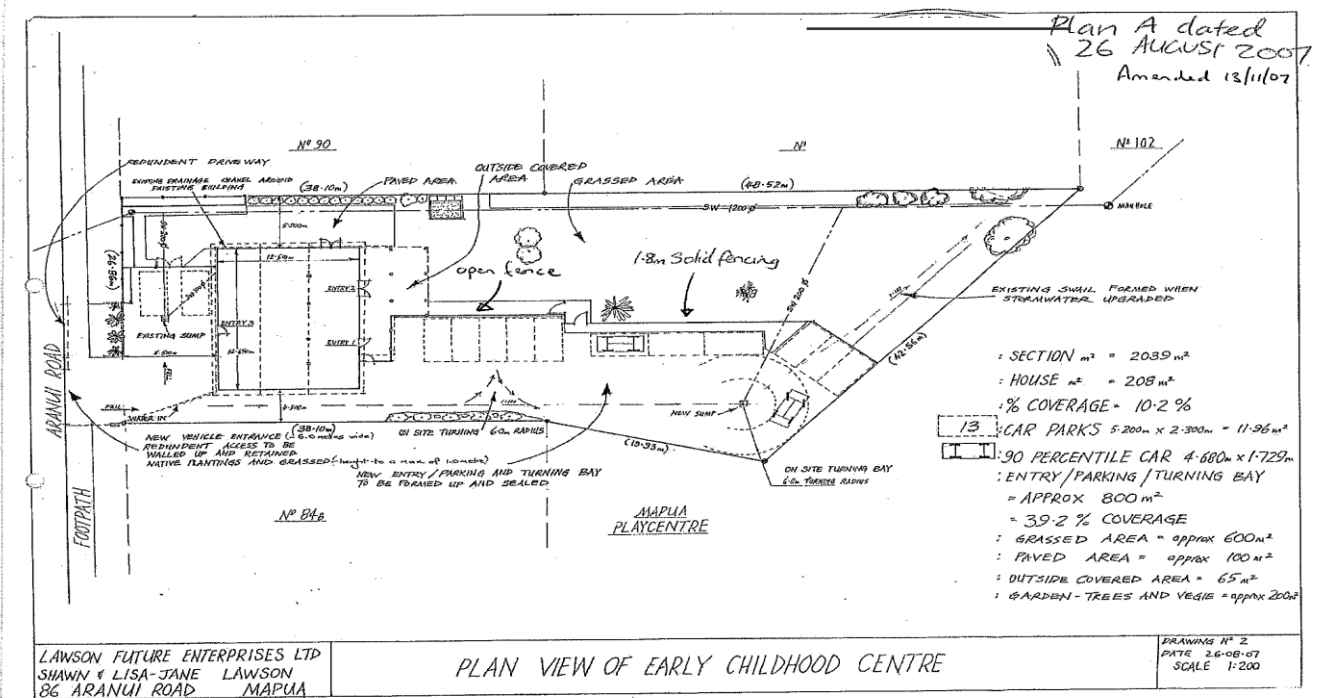
## Ministry of Education

- The Early Childhood Centre is to meet the Ministry of Education Codes and Standards and be registered with the Ministry of Education.

## Monitoring

- Monitoring of the consent is required under Section 35 of the Resource Management Act 1991 and a deposit fee is payable at this time. Should monitoring costs exceed this initial fee, Council will recover this additional amount from the resource consent holder. Costs are able to be minimised by consistently complying with conditions and thereby reducing the frequency of Council visits.

## Plan A



Date Confirmed:

Chair: