



STAFF REPORT

TO: Environment & Planning Hearing Committee

FROM: Gary Rae, Consultant Planner

REFERENCE: RM041408

SUBJECT: **ROO ENTERPRISES LIMITED – REPORT EP05/05/08** - Report prepared for 30 May 2005 Hearing

1. PROPOSAL

Roo Enterprises Limited (the applicant) seeks resource consent to:

- a) use the existing dwellings on two adjacent properties located at 21 Gladstone Road and 64 Waverley Street, Richmond as motel units;
- b) establish a rental car and car grooming business on 64 Waverly Street, Richmond; and
- c) erect two signs on 64 Waverley Street, Richmond.

2. LOCATION

The applicant's site comprises two adjacent properties that both front Gladstone Road, Richmond. One of the properties also has frontage to and is accessed via Waverley Street. The street addresses and legal descriptions of these two properties are:

- 21 Gladstone Road
Pt Lot 1 DP 3400
900 m²; and
- 64 Waverley Street
Lot 1 DP 6106
809 m².

Both properties have an existing house and associated garaging constructed on them as shown in the applicant's site plan.

The adjacent property to the north-east (19 Gladstone Road) is occupied by Destiny Motels, which is also owned by the applicant but is not part of this application.

3. PLANNING MAP

The subject site is located within the Residential Zone of the proposed Tasman Resource Management Plan (TRMP). Attached is an aerial photograph of the area showing the zone boundaries (see **Appendix I**).

4. NOTIFICATION

The application was publicly notified on 19 February 2005 and the submission period closed on 18 March 2005.

5. SUBMISSIONS

Two submissions were received, both in opposition to the application.

Transit New Zealand opposes the application in its entirety. Its concerns pertain to potential effects of the proposal on the State Highway network (i.e. Gladstone Road, SH 6). Transit is concerned at increased vehicle access to the site, and the likelihood of increased parking on Gladstone Road which will obscure sight lines for the Waverley Street intersection and the pedestrian crossing on Gladstone Road.

Transit wishes a number of conditions to be incorporated into Council's consent if the application is approved.

Transit wishes to be heard in support of their submission.

M and F Robinson oppose the application. They own the adjoining property at 62 Waverley Street, and are concerned at increased traffic, particularly on Waverley Street, and they have concerns regarding fencing on the common boundary between their property and the applicant's.

The submission indicated they are more concerned with the car rental and grooming business, rather than the use of the existing houses as motel units.

The Robinson's wish to be heard in support of their submission.

6. WRITTEN APPROVALS (s94 RMA)

Written approvals from the following people were supplied with the application:

- Jacum Family Trust (67 Waverley Street)
- T L Margos (69 Waverley Street)
- B D Ladds (2-69 Waverley Street)
- M Higgins (3-69 Waverley Street)
- I M Moore (62A Waverley Street)

A consent authority must not have regard to any effect on a person who has given their written approval to the application (unless that approval has been subsequently withdrawn before the date of the hearing).

7. STATUTORY CONSIDERATIONS

7.1 Resource Management Act 1991

Section 9

Section 9 of the Resource Management Act 1991 (RMA) requires that no person may use any land in a manner that contravenes a rule in a district or regional plan or proposed district or regional plan unless the activity is expressly allowed by a resource consent granted by the respective territorial or regional authority responsible for the plan.

Section 104

Section 104 of the RMA provides that when considering an application for resource consent and any submissions received, the Council is required, subject to Part II to have regard to:

- Any actual and potential effects on the environment of allowing the activity,
- Any relevant provisions of:
 - A regional policy statement;
 - A plan or proposed plan; and
 - Any other matter that is relevant.

The Council may disregard an adverse effect if the plan permits an activity with that effect.

Section 104B provides that the Council may grant or refuse an application for a discretionary activity, and if it grants the application it may impose conditions under section 108.

In having regard to the above matters, primacy is given to Part II of the RMA, the purpose and principles of sustainable management of natural and physical resources.

Part II matters

Section 5

Part II contains the purposes and principles of the RMA. Section 5 describes the purpose of the RMA as being to promote the sustainable management of natural and physical resources. The underlying philosophy is 'enabling' in nature, so that people should be able to meet their needs as long as they do not compromise the ability of others to meet their needs now and in the future. Appropriate protection is to be afforded to the environment from any potential adverse effects.

My comment is that the proposal will provide for the social and economic needs of the applicant, as well as for those people who make use of the proposed motels, car rental and car grooming activities. Balanced against this is that the proposed activities may give rise to adverse visual and traffic effects, and the car rental and grooming activities are not a sustainable use of a residentially zoned land resource.

Section 6

Section 6 contains matters of national importance. In my assessment none of these matters are relevant to the application or to this site. It has no coastal margins, wetlands, lakes or rivers, and there are no outstanding natural features, areas of significant indigenous vegetation or significant habitats of indigenous fauna. The site is highly modified from its natural state, as is the land surrounding it.

Section 7

Section 7 contains 'Other Matters' for the Council to have particular regard to. The matters of most relevance to this application are in my view:

- (b) *The efficient use and development of resources*
- (c) *The maintenance and enhancement of amenity values*
- (f) *Maintenance and enhancement of the quality of the environment*

The proposed development of the sites will result in conversion of houses into motels and the establishment of a car grooming and rental business, all on sites of a total of 1,709 m² in area. The sites currently have only two dwellings, and so this proposal could be viewed as a more efficient use of the natural and physical resource. I accept therefore that the proposal may well represent efficient use of resources from the applicant's perspective in terms of economic use of the land resource.

However, in terms of efficiency of use by the wider community, one must consider that the development is not for residential or even compatible activities in a residential area. The car grooming and rental business is normally expected to occur in a Commercial zone, where efficiencies can be gained from co-location of like activities. Therefore, in overall terms, I do not consider this to be an efficient use of the land resource in terms of Section 7(b).

In terms of amenity considerations, the character of the area is influenced by the Gladstone Road/State Highway 6 major arterial transportation route into and out of Richmond, which fronts the site on the western side. Jubilee Park is across Gladstone Road, from the site. A number of sports clubs and facilities, including car parking areas are located in this part of Jubilee Park.

However, recreational facilities and sports grounds are activities that are expected to occur, and are compatible, in residential areas. Surrounding the site, and on the same side as Gladstone Road, the predominant land use is residential and in my assessment the predominant amenity of the area can be described as residential.

Several motels have located in this area, including the adjacent property at 19 Gladstone Road. Motels are activities that are expected in some residential areas, particularly along main transportation routes near to townships and settlements. The proposal to use the existing dwellings for motel type accommodation will have, in my view, no more than minor effects on the existing amenity and environment. One factor to consider is that the existing buildings are to be retained rather than the construction of multiple units, which would stand out as new development.

The establishment of a car rental and car grooming operation and associated signage would, in my view, have a greater effect on the residential amenity of the zone. This is discussed further in Part 8 of this report.

Section 8

Section 8 of the RMA relates to principles of the Treaty of Waitangi. There are no known Treaty issues affecting the site, and none have arisen from the public notification and submission process.

7.2 Resource Management Plans

The relevant plans are the operative Tasman Regional Policy Statement (RPS), and the proposed Tasman Resource Management Plan (TRMP).

With respect to the Transitional Tasman District Plan - Waimea Section, the TRMP has reached the stage where most of the references to the Environment Court about its contents have been decided. I understand, from discussions with Council staff, that there are no outstanding references on the Residential Zone rules and the general rules pertaining to signage relevant to this application.

Therefore in terms of Section 19 of the RMA, the relevant rules of the TRMP can, I believe, be treated as operative.

7.3 Tasman Regional Policy Statement

The operative Tasman Regional Policy Statement (TRPS) specifies the overriding policies of the Tasman District Council when preparing other resource management plans and when considering an application for resource consents. The TRPS seeks to achieve the sustainable management of the district's land and associated environmental resources.

The TRPS contains a number of policies and objectives relating to managing the natural and built environment of the Tasman District. However, these policies and objectives have been refined and expanded upon in the proposed Tasman Resource Management Plan (TRMP). Whilst not yet fully operative, it is considered that if the policies and objectives (and rules) of the TRMP are met then so to are the policies and objectives of the TRPS.

7.4 Proposed Tasman Resource Management Plan (TRMP)

Objectives and Policies

The following objectives, policies and rules of the TRMP are relevant to this application:

- Objective 5.2.0 Maintenance and enhancement of amenity values on-site and within communities throughout the District*
- Policy 5.2.1 To maintain privacy in residential properties, and for rural dwelling sites*
- Policy 5.2.8 To avoid, remedy or mitigate the adverse effects of traffic on the amenity of residential, commercial and rural areas*
- Objective 5.3A.0 Accommodation of a wide range of residential activities and accessible community facilities in urban areas.*
- Policy 5.3A.2 To allow for health care, educational and cultural facilities and other local community activities, including in residential areas, providing these do not compromise the character and amenity of the residential neighbourhood.*
- Objective 6.5.0 Effective accommodation of a wide range of commercial activities on appropriately located sites, including a strong and vibrant focus in the main towns of the district.*
- Policy 6.5.1 To retain a compact identifiable grouping of business activities in defined areas in settlements, with due regard to the convenience and safety of customers*
- Policy 6.5.2 To ensure that commercial activities operate in a manner and in a setting likely to provide a high standard of safety, amenity and efficiency.*
- Policy 6.7.4 To extend the business zoning on Gladstone Road south-west of the existing commercial zone from Lower Queen Street to the northern end of Jubilee Park*

These objectives and policies are discussed in Section 8 of this report.

Zone Rules

These policy provisions are supported by the current Residential zoning of the site and vicinity, and the associated zone rules. Rule 17.1.2(b) lists a number of activities that cannot be undertaken in the Residential Zone as of right. Clause (iii) specifically excludes commercial or industrial activities (except where allowed as a home occupation).

The proposal (both the motel accommodation and the car rental and grooming business) is considered a commercial activity and therefore falls to be considered under Rule 17.1.3 as a **discretionary activity**. Council has not limited its discretion under this rule.

General Rules (outdoor signs and advertising)

The rules pertaining to signage across all zones are contained with the general rules detailed in section 16. Rule 16.1.2 places limits on the number and size of signage that can be erected in the Residential Zone as a permitted activity. The proposal is such that the conditions of this rule are not met and the signage falls to be considered under Rule 16.1.2A as a **discretionary activity**. Council has not limited its discretion under this rule.

8. ASSESSMENT

8.1 Motel accommodation

The objectives, policies and rules of the residential zone seek to promote residential land use within the zone. However, they also allow for other compatible activities (e.g. Policy 5.3A.2).

Whilst visitor accommodation (such as motel units) is not specifically referred to in Policy 5.3A.2, such an activity on this site is not considered contrary to this policy. The site's location on a main arterial transportation route near Richmond makes it suitable for this type of visitor accommodation, and other motels have occurred elsewhere along this route.

The proposed motel activity on these properties is to use the existing dwellings located on site. The outward appearance of these two houses will remain much the same.

As noted in section 6, written approval was obtained from several, but not all, of the neighbouring property owners. The neighbouring property owners to the southeast (the Robinsons) have raised concerns in their submission regarding the condition of the hedge separating the applicant's property from their property. They indicated that their concerns could be mitigated by the construction of a 1.8 metre high solid fence. The applicant may wish to comment on this request at the hearing.

Whilst opposing consent, Transit has requested that:

- both 21 Gladstone Road and 64 Waverley Street sites need to provide adequate on-site vehicle turning areas, so that patron's vehicles will not need to reverse out on to the respective roads;
- there should be only one long term accommodation unit per title; and
- the access to 64 Waverley Street is increased to a width of at least 6 metres and constructed to the standards specified in the TRMP.

The adoption of the measures suggested by the submitters would in my view be all that is required to mitigate the adverse effects, and these are included in the recommended consent conditions. Overall, it is considered that allowing the site to be used for motel purposes, and subject to the recommended consent conditions, will result in no more than minor effects to the environment and surrounding residential land use.

8.2 Car rental and grooming business

Whilst there may be some relationship between people staying in the motels and the car rental business, it would appear that the business is not restricted to supplying cars to motel customers. The car rental business and car grooming facility must, in my opinion, be viewed more as a commercial activity.

The residential zone rules do allow for out of zone activities as a discretionary activity (which are to be assessed on their merits). However, I am concerned that this part of the proposal is not in accord with Policy 6.5.1 of the TRMP. This policy seeks to retain a compact identifiable grouping of business activities in defined areas. The zoning of specific areas for commercial and industrial activities is one method employed to achieve this. Whilst it is at a relatively small scale, the establishment of a car rental display area and car grooming facility at the applicant's site is not consistent with this policy direction.

Through the provision of commercial and industrial zoned land, the TRMP seeks to separate these types of activities from residential areas so as to avoid adverse effects on the residential areas and to avoid reverse sensitivity effects from neighbouring residential areas. For example, such areas have been provided in the Commercial, and Light Industrial, zoned areas in the vicinity of Queen Street and Gladstone Road and the Light Industrial zoned area near Three Brothers Corner.

Jubilee Park on the opposite side of Gladstone Road is recreational in character and includes large areas of open space (i.e. sports fields). Its "park like" character is not likely to change (i.e. be rezoned and developed for commercial or light industrial use). The presence of Jubilee Park cannot, in my view, be used as a factor to justify approval for a car rental display area and car grooming facility which is more appropriately located in commercial and industrial zoned land.

The access to the car rental display area and car grooming facility is to be off Waverley Street, a local road in the residential area. This business will also present a 'commercial face' to this part of Gladstone Road/SH 6, with several cars parked on the frontage with advertising signs and banners. I have attached a photograph of the site showing the cars (see **Appendix 2**).

Mr Dugald Ley, Council's Development Engineer has commented that the display of cars for sale or rental on an arterial road will increase traffic safety risks as drivers view what is on display, and so this part of the activity is not supported on traffic engineering grounds. He has also made some recommendations regarding signage, and these are included as suggested conditions at the end of my report.

In summary, it is considered that the car rental display area and car grooming facility will have an adverse effect on the surrounding area, most notably it will detract from the residential character and amenity and will result in increased vehicle movements on Waverley Street.

However, the greatest effect is expected to be as a result of precedent for other non-residential activities to occur in the Residential Zone. This is discussed further in section 8.4 below.

Therefore, that part of the proposal which is to establish a car rental display area and car grooming facility is not supported.

8.3 Signage

The proposed signs exceed the permitted activity requirements for the Residential Zone in that:

- there is more than one sign;
- both signs exceed the maximum display area of 0.5 square metres; and
- the freestanding sign is located within 10 metres of an intersection (the application is for a 7.5 metre setback).

Were the car rental operation to be undertaken in the commercial or industrial zones where such an activity is more appropriate, the proposed signs would meet the permitted activity requirements with the exception of the setback from an intersection requirement.

However, the proposal is to locate the business in the Residential Zone, and the relevant standards for signs are not met. In addition the windows of the rental cars contain advertising, which is not regulated by the TRMP, but which contributes to a reduction in the residential amenity of the area.

8.4 Other matters

Precedent

Precedent was considered in the case *Dye v Auckland Regional Council and Rodney County* (CA86/01). The following determinations were made:

“A consent authority is not formally bound by a previous decision of the same or similar authority”, and

“no two applications are ever likely to be the same, albeit one may be similar to another. The most that can be said is that the granting of consent may well have an influence on how another application should be dealt with. The extent of influence will obviously depend upon the extent of similarities”.

Whilst the site fronts onto a major arterial route, there is little to differentiate it from numerous other residential zone properties fronting Gladstone Road or other main arterial roads. It is considered that there is a real possibility that if consent is granted for this activity along the residentially zoned portion of Gladstone Road, it would encourage other applications to be made for commercial activities outside of the established commercial and industrial zones in Richmond. Whilst small scale, a number of other activities of this size and type may be encouraged to seek lower rent sites on the residential outskirts of Richmond.

9. CONCLUSION

In my opinion, the use of the existing dwellings on the property for motel accommodation will result in no more than minor effects. Whilst motels are a commercial activity not expressly permitted in the Residential Zone, it is considered that visitor accommodation on this Gladstone Road site is consistent with the objectives and policies of the zone.

The use of part of the site for a car rental display area and car grooming facility and associated signs is considered inappropriate for the Residential Zone. Such activities are more suited to the commercial and/or industrial zones given their visual effects and traffic generation. I am also concerned that approval for this part of the proposal will send a signal to others that the outskirts of Richmond are now considered acceptable for commercial activities.

10. RECOMMENDATION

For the foregoing reasons, my recommendation is in two parts.

Part A – Motel Units

Pursuant to Section 104B of the Resource Management Act 1991, I recommend the resource consent application by Roo Enterprises Ltd to use the existing dwellings as motel units on two adjacent properties located at 21 Gladstone Road (Pt Lot 1 DP 3400) and 64 Waverley Street (Lot 1 DP 6106), Richmond be **granted**.

The following conditions are recommended.

General

1. The proposal shall be undertaken in accordance with the documentation submitted with the application and with the site plan attached to the consent [INSERT DETAILS OF PLAN (when provided)].
2. The external appearance and footprint of the existing dwellings shall not be altered other than that required for minor repair and maintenance purposes.

Access

3. Access to Lot 1 DP 6106 shall only be from the existing crossing on Waverley Street.

4. Adequate on site turning is to be provided on both Pt Lot 1 DP 3400 and Lot 1 DP 6106 so that traffic is able to access Gladstone Road and Waverley Street, respectively, in a forward direction and without the need to reverse out onto the carriageway (**Note:** it would be of benefit if a detailed plan can be produced at the hearing).

Review

5. The Consent Authority may, for the duration of this resource consent and within the three month period following the 31 May each year, review the conditions of this resource consent pursuant to Section 128 of the Resource Management Act 1991 and/or for the purpose of dealing with any adverse effect on the environment which may arise from the exercise of this resource consent and which is appropriate to deal with at a later stage.

Notations

- a) The applicant shall meet the requirements of Council with regard to all building and Health Bylaws, Regulations and Acts. In particular, stormwater from the site shall be disposed of via a reticulated supply as flooding is known to occur in this area.
- b) Any matters not referred to in this application for resource consent or otherwise covered in the resource consent conditions must comply with the proposed Tasman Resource Management Plan and/or the Resource Management Act 1991.
- c) Access by the Council or its officers or agents to the property is reserved pursuant to Section 332 of the Resource Management Act.

Part B - Car Rental and Grooming Business and Advertising Signs

The resource consent application by Roo Enterprises Ltd to establish a rental car and car grooming business on 64 Waverley Street and to erect two signs on 64 Waverley Street be **declined**.

If the Committee does not accept my recommendation, and is minded to grant consent for the rental car and car grooming business, the following conditions should also be included:

Car grooming

6. The grooming of vehicles undertaken on site is limited to only those vehicles belonging to the hire company and the servicing of the mobile grooming vehicle
7. Car grooming operations shall be limited to the cleaning vehicle bodies and interiors. There shall be no steam cleaning of engines or mechanical repairs.

Boundary fence

8. That the hedge separating 64 and 62 Waverley Street shall be removed and replaced with a 1.8 metre high solid board fence. The fence should taper down to a lesser height over the first 3.0 metres so as to maintain sight lines for vehicles accessing to and from Waverly Street.

Hours of operation

9. The car rental and car grooming business shall operate during the hours of 8:00 am to 7:00 pm.

Waverley Street access

10. The width of the access to Lot 1 DP 6106 (64 Waverley Street) is to be increased to 6.0 metres and constructed to TDC engineering standards (include diagram/specifications).

Maximum number of vehicles

11. The maximum number of rental vehicles displayed at the site shall not exceed four vehicles. The total number of vehicles stored on site (including both the rental and grooming operations) shall not exceed seven.

Signage

12. The signs as documented in the application shall not be erected on road reserve.
13. The free standing sign shall be located at least 10 metres from the intersection of Waverley Street and Gladstone Road.
14. The signs shall not contain or incorporate retro-reflective materials, flashing illumination, or aerial, animated or moving display.
15. The signs shall be maintained in a tidy, legible state at all times.
16. The minimum vertical height of lettering on the signs shall be 150 millimetres and the minimum spacing between lines shall be 100 millimetres.

ADVICE NOTE

No parking on Gladstone Road

1. The applicant is advised that Transit New Zealand has requested that no stopping lines are to be placed along Gladstone Road between the Waverley Street intersection and the pedestrian crossing in accordance with Transit New Zealand's standards.

Signs

2. Conditions 13, 14, 15 and 16 above reflect the current signs rules in the TRMP.

Gary Rae
Incite (Nelson) Ltd

Appendix I
Planning Maps / Photo

