



STAFF REPORT

TO: Environment & Planning Subcommittee

FROM: Laurie Davidson – Consents Planner

REFERENCE: RM080736

SUBJECT: **M and P WHYTE - REPORT EP09/01/10** – Report prepared for hearing of 30 January 2009

PROPOSAL

To establish and operate a pre-school facility, catering for up to 30 children aged between two and five years old, at 39 Vosper Street, Motueka, on land described as Lot 13 Deposited Plan 2212, being land comprised in Certificate of Title NL Volume 4D Folio 499, zoned Residential. The proposed day care centre is a Community Activity under the rules of the Tasman Resource Management Plan (TRMP) and while the Plan makes provision for that activity in Residential Zones, they are limited to 30 vehicle movements per day. In this case the vehicle movements will exceed that number, making the proposal a Discretionary Activity.

LOCATION

39 Vosper Street, Motueka

ZONING

Tasman Resource Management Plan	Residential Land Disturbance Area 1
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RESOURCE CONSENT TYPE

Tasman Resource Management Plan	Discretionary Activity – Land Use
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LIMITED NOTIFICATION

Council has chosen to process this application under the provisions of the Resource Management Act 1991 as a limited notification application, as there was one adjoining land owner that has been deemed to be an affected party who has declined to provide written approval to the application. Council determined the affected parties in this case were the surrounding properties and included those on the opposite side of the road in Vosper Street, a total of 18 properties.

Written approval pursuant to Section 94 of the Act had been provided by the adjoining land owners and occupiers each side of 39 Vosper Street.

SUBMISSIONS RECEIVED

- J M Lewis
- G W Hann
- Mot Holdings Ltd
- M and J Watts
- J V Marshall
- K Rogers

1. INTRODUCTION

An application has been lodged by M and P Whyte to establish and operate a pre-school facility at 39 Vosper Street, Motueka and is located in an area where there are areas of higher development, including some pensioner flats. The zoning restrictions that apply to that Zone make such facilities a Community Activity and because there are more than 30 vehicle movements per day associated with the pre-school, the proposal becomes a Discretionary Activity under the TRMP. While the Vosper Street neighbours have provided written approval for the proposal, in this case the neighbour to the east has declined to give approval and Council has chosen to process the application as a limited notified application.

2. SITE DESCRIPTION

The applicants' property is a title of 1214 square metres in an area that is located within the Residential Zone in Motueka. The property has a reasonably large dwelling on the site that appears to be 30 to 40 years old and is reasonably well maintained. It is proposed to convert this and build an addition to it that will become the pre-school. An existing garage on the site is to be moved to the rear of the property and increased on site parking is to be provided. The proposed additions to the dwelling have been designed to generally meet the standards prescribed by the Tasman Resource Management Plan and there is a very minor breach of one rule that restricts walls to a length not exceeding 15 metres (15.11 metres for the wall on the southern boundary) in Residential Zones. This matter is regarded as very minor and that issue is regarded as de minimis.

The Vosper Street area was originally characterised by reasonably large sections, but infill and re-development of some of the area has resulted in higher density residential accommodation. That development includes Council pensioner housing and accommodation for Housing New Zealand.

The land on each side of the subject site contains three residential units and there is a single residence at the rear. The property is provided with fences on three sides and these vary in height and structure, but the fence at the rear is relatively low and does not provide any form of visual screen. Landscaping consists of a range of fruit and ornamental trees and shrubs. The property has been actively gardened in the past and the vegetation assists with the visual appearance of the property.

The site is flat and is provided with Council sewerage, stormwater and water supply services. Vosper Street is an access road that is approximately 10.8 metres in width and provides a linkage to other collector roads in Motueka.

3. NOTIFICATION AND SUBMISSIONS

The application was notified as a limited notification application on 15 November 2008. Submissions closed on 12 December 2008 and six submissions were received. There were two submissions in support of the application, three in opposition and one neutral. Three of the submissions in opposition have asked the application is declined and one wishes to be heard in support of their submission.

3.1 J M Lewis

Joan Lewis is a resident at 37C Vosper Street and has lodged a submission that is neutral in respect of the application. There are no comments made on the submission form and she has indicated she does not want to be heard in respect of the application.

Comment: There are no particular comments that can be made in respect of this submission but this submitter is located adjoining the rear of the property and will become aware of some of the activities on the pre-school site in the future due to the “hit and miss” fence between the properties.

3.2 G W Hann

Graham Hann is a resident at 43 Vosper Street and has lodged a submission in opposition to the application, primarily on the grounds of traffic effects in Vosper Street. His submission relates to the current use of Vosper Street and the speed vehicles travel, creating traffic hazards and risks to local residents. He has asked the application is declined and does not wish to be heard in support of his submission. He has suggested speed bumps should be installed in Vosper Street to reduce speeding.

Comment: The current use of Vosper Street is a matter that Council’s Engineering Department have considered and suggestions have been made in relation to road marking to control parking and the access to the subject site. It appears Vosper Street does get a degree of “bypass” traffic from vehicles avoiding High Street and its intersections but this is a matter that is difficult to place controls over. The carriageway is generous at 10.8 metres and this may encourage faster vehicle movements. The issue of speeding is a Police matter for some form of enforcement, but it is difficult to see how the approval of a child care facility would add to the matters raised by Mr Hann.

3.3 Mot Holdings Ltd

Mr and Mrs Jaques (Mot Holdings Ltd) own the property at the rear of 39 Vosper Street and have lodged a submission that opposes the application to establish the pre-school facility. They currently reside in Auckland and intend to live in the Boyce Street property in the future. They oppose the proposal primarily on the grounds of a commercial activity being established in a residential area and more particularly due to the potential noise effects from the activity. They have asked that the application is declined and wish to be heard in respect of their submission.

Comment: The Jaques' house is located relatively close to the eastern boundary of the subject site and there is only a low fence separating the two properties. While the main living area of their house is located on the northern end of the dwelling there are bedrooms quite close to the property boundary. The matters they have raised are actual and potential effects of allowing the activity and these are addressed within the body of this report. It is appropriate to consider conditions to address any potential adverse effects that are identified.

3.4 M and J Watts

Mike and Judy Watts own the properties to the south of the subject site that are let as rental properties. While they originally provided written approval for the proposal that was submitted with the application, they have subsequently lodged a submission opposing the application in relation to the extension to the building. This is on the grounds that the building is closer to the southern boundary and the ridgeline is higher than the existing building, affecting the outlook and sunlight for 41A Vosper Street. They have asked that the application is declined and have indicated they do not wish to be heard in respect of their submission.

Comment: Even though a written approval had been provided to the applicants, a submitter is entitled to lodge a submission to a notified application. As such, this submission is valid and the matters raised should be considered. There are very limited grounds for opposing the application on the grounds that have been stated, as the extension to the building complies with the height restriction for a Residential Zone and the daylight angle on the southern boundary of the site. Further to that, there is a fence along this boundary that is over 2 metres in height, removing any view beyond the property at 41A Vosper Street. It is difficult to support this submission on the grounds that have been raised.

3.5 J V Marshall

James Marshall has lodged a submission that supports the application and welcomes an additional pre-school facility in Motueka that his son would be able to attend. He considers the Vosper street site is an appropriate location for such a facility and the provision of care for two and three year olds is a welcome addition to the Motueka area. He asks that consent is granted to the application and does not wish to be heard in support of his submission.

Comment: Mr Marshall's submission is self explanatory and does not require any additional comment.

3.6 KB Rogers

Mr Rogers is a Motueka resident who has lodged a submission supporting the proposal to establish the pre-school facility at Vosper Street. He considers it is an appropriate location that has an arterial road to the west and three collector roads on the north, south and eastern sides of Vosper Street. He considers the issues associated with such facilities on a main access road or a cul-de-sac are not present on this site. He states he has lived next door to an education facility and found there were a number of benefits from living in such a location. He asks that consent is granted to the application but has not indicated whether he wishes to be heard in support of his submission.

Comment: As with the previous submission, there is no need to provide any additional comment in respect of this submission as it is self explanatory.

4. ASSESSMENT

The application before the Committee is a Discretionary Activity in terms of the Tasman Resource Management Plan in relation to the Residential Zone rules. The Transitional District Plan (Motueka Section) has virtually no relevance to the application any more. The Tasman Resource Management Plan has progressed through a major part of the Plan process and is operative in relation to the Residential Zone. The Tasman Resource Management Plan is the appropriate plan, when considering this application.

The Committee may grant or decline an application for a Discretionary Activity, pursuant to Section 104(B) of the Resource Management Act and if consent is granted, conditions may be imposed pursuant to Section 108.

In making such a decision, the Committee is required to first consider the matters set out in Section 104(1) of the Act, in addition to the matters set out in Section 7. Primacy is given to Part II of the Act, "the purpose and principles of sustainable management of natural and physical resources".

The decision should therefore be based, subject to Part II of the Act, on:

- i) The actual and potential effects on the environment of allowing the activity;
- ii) Any relevant provisions of a regional policy statement;
- iii) Relevant objectives, policies, rules or other provisions of a plan or proposed plan; and
- iv) Any other matters the Committee considers relevant and reasonably necessary to determine the application.

5. RESOURCE MANAGEMENT ACT

The purpose and principle of the Act is to promote the sustainable management of natural and physical resources. Sustainable management means:

"Managing the use, development and protection of natural and physical resources in a way, or at a rate, which enables people, and communities to provide for their social, economic and cultural well-being and for their health and safety while:

- a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations;
- b) Safeguarding the life-supporting capacity of air, water, soil and ecosystems;

and

- c) Avoiding, remedying, or mitigating any adverse effects of activities on the environment”.

5.1 Matters of National Importance

The matters of National Importance are set out in Section 6 of the Resource Management Act. There are no identified matters that have relevance to this application.

5.2 Other Matters

Section 7 of the Resource Management Act sets out the other matters that any person exercising powers or functions must have regard to in relation to managing the use, development and protection of natural and physical resources. Matters that are relevant to this application are as follows;

- (b) The efficient use and development of natural and physical resources:
- (c) The maintenance and enhancement of amenity values:
- (f) Maintenance and enhancement of the quality of the environment:
- (g) Any finite characteristics of natural and physical resources:

These other matters also have some relevance to the current application and in particular those relating to amenity values and the quality of the environment. These are reflected in the policies and objectives in the Tasman Resource Management Plan.

6. STATUTORY PLANNING DOCUMENTS

6.1 Tasman Regional Policy Statement

The Tasman District Council has prepared a Regional Policy Statement in accordance with the provisions of the Resource Management Act and this became fully operative in July 2001. The Statement takes national policies and refines and reflects them through to the local area, making them appropriate to the Tasman District. Council is required to have regard to the Regional Policy Statement as an overview of resource management issues.

The policies that are considered relevant to this application are set out in Appendix A to this report.

6.2 The Tasman Resource Management Plan

The Tasman Resource Management Plan has been prepared and has progressed to the point that it is now operative in relation to the Residential Zone Rules and this application.

The Plan sets out a range of policies and objectives that are pertinent to sustainable development and the urban environment. The sections of the plan that relate to site amenity, the urban environment and land transport are particularly relevant to this application. These are fundamental to the protection of the amenity values for this part of Motueka.

The land use must be deemed to be in accordance with relevant objectives and policies pursuant to Section 104(1)(b) of the Act. The relevant Plan in this case is the Tasman Resource Management Plan and will be used in this assessment. Because this was developed to be consistent with the Regional Policy Statement, the assessment would also be considered to satisfy an assessment under the Regional Policy Statement.

The following summarises the most relevant plan matters and provides brief assessment commentary:

<i>Chapter 5 – Site Amenity Effects</i>	Council must ensure the urban character and amenity values of a site and the surrounding environment are protected, and any actual or potential effects of the proposed land use should be avoided remedied or mitigated so they are minor.
<i>Objectives: 5.1.2, 5.2.2 and 5.4.2</i> <i>Policies: 5.1.3.1, 5.1.3.9, 5.2.3.1, 5.2.3.2, 5.2.3.3, 5.2.3.4, 5.2.3.8, 5.2.3.9, 5.4.3.1, 5.4.3.2</i>	Management of the effects of the proposed use must protect the use and enjoyment of other land in the area, including visual effects, emission of noise and traffic and parking effects, while allowing a variety of housing types and uses.
<i>Chapter 6 – Urban Environment Effects</i>	The use of the urban environment for activities other than residential use can occur in certain locations, but it should be undertaken in a manner that does not compromise the urban character or amenity values.
<i>Objective: 6.1.2, 6.3.2 and 6.6.2.1</i> <i>Policies 6.1.3.1, 6.3.3.1, 6.3.3.2, 6.6.3.1</i>	Allow for activities other than residential activities to locate in residential areas to cater for the local community. Once an activity becomes discretionary, all the effects from the activity must be considered.
<i>Chapter 11 – Land Transport Effects</i>	The provision of a safe and efficient transport system is a matter that is pertinent to Motueka where there are significant traffic flows, particularly through residential areas.

<p><i>Objective: 11.1.2</i></p> <p><i>Policies 11.1.3.1, 11.1.3.2, 11.1.3.4, 11.1.3.7, 11.1.3.11</i></p>	<p>The District's transport system should be appropriate for the use it receives and to provide a safe and efficient means of accessing the various parts of the District. The system is required to address traffic safety, including the provision of parking on the streets.</p>
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The objectives and policies that are considered relevant to this application are set out in Appendix B to this report. Objective 5.4.2 clearly supports community facilities in urban areas and that in turn is supported by Policy 5.4.3.2, providing the character and amenity of the neighbourhood is not compromised.

It is also appropriate to carefully consider the objectives and policies that relate to traffic as that component has the potential to produce off site effects.

7. RESIDENTIAL ZONE RULES - TRMP

The rules of the TRMP clearly define pre-schools and educational facilities as Community Activities. The rules of the TRMP permit Community Activities to be established in Residential Zones, but they are limited to a scale where the traffic movements associated with the activity do not exceed 30 vehicle movements per day. Once the vehicle movements exceed that number, the Community Activity becomes fully discretionary.

This is a slightly unusual situation as it is only the vehicle movements that are triggering that change but once the activity becomes discretionary, all matters associated with the Community Activity use must be considered. Such matters can include access, parking, hours of operation, noise levels and a number of other matters that can be considered to be actual and potential effects.

It is a reasonable interpretation of this rule to say the number of vehicle movements is an indication of the scale and intensity of the use and as such, the effects can be judged when exercising the discretion in respect of this rule.

8. ACTUAL AND POTENTIAL EFFECTS OF ALLOWING THE ACTIVITY

The application lodged by M and P Whyte seeks consent to establish and operate a pre-school on a parcel of land at 39 Vosper Street in Motueka. The site is relatively large in residential terms and is fully serviced for residential use.

The use of the site as a pre-school has the potential to create actual and potential effects and consideration has to be given to whether these effects need to be avoided, mitigated or remedied. These matters are now discussed in more detail to assess their relevance to this application.

8.1 Permitted Baseline

The land is zoned Residential under the TRMP and a Community Activity can be established as of right in such a zone, providing the vehicle movements associated with the use do not exceed 30 per day. As such the 30 vehicle movements become the permitted baseline for such uses and this is three times what is expected for a residential dwelling use.

While there is some relative comparison with the permitted baseline, the vehicle movements for the current application have been assessed as 128 per day and this is significantly more than the baseline.

The effects of this increased vehicular activity becomes a matter that needs to be carefully considered and in processing this application, Council Officers have consulted with the Engineering Department to obtain some guidance in relation to the traffic effects

8.2 Traffic Effects

Vosper Street is an Access Road under the TRMP and is an important linkage between Greenwood Street and Fearon Street, which are both Collector Roads. The street is relatively wide at 10.8 metres between kerbs and allows for parking on both sides of the road while retaining a functional two way carriageway that enables practical urban traffic movement. A recent traffic count for Vosper Street found it had 1167 vehicle movements per day, which is in line with the operation of access roads in the Tasman District.

An assessment of the traffic movements associated with the operation of a pre-school at this location has found there could be up to 128 vehicle movements per day and these are made up of four movements per day per child and two per employee per day. This is regarded as a maximum number of movements and a lesser number is quite feasible with the use of car pooling and parents delivering children by foot from the local area.

A copy of the current application has been reviewed by Councils Engineering Department and further discussion has taken place between that Department and the applicants. This has resulted in an agreement that there are two areas where the traffic management could be improved and these include moving the current access to the south to enable a gap of 6 metres to be provided between the adjoining access to the north that serves three dwellings, and marking the carriageway in this area to delineate parking limits and the provision of no stopping areas around the Selwyn Street intersection.

The effect of these two conditions is to develop a traffic management plan for this area that will control parking and allow for safe traffic movements along Vosper Street. This control is designed to manage the traffic movements associated with dropping off and collecting children from the facility and the imposition of conditions to control these two aspects is supported.

8.3 Scale and Intensity of the Proposal

The application to establish a pre-school for up to 30 children in a Residential Zone is an activity that is anticipated in such an area, as are other community activities. The applicants are fortunate to have located a property of some 1214 square metres in Motueka, as properties of this size are not readily available.

The alteration of the existing dwelling and an addition to it will provide a purpose designed facility to cater for the 30 children and while it may appear to be of reasonably substantial proportions, it is approximately 255 square metres in area, which is occupying 21% of the site area. The layout allows for a generous area of sealed access and parking, play areas for children, a storage shed of 36 square metres and areas of landscaping to assist with the visual appearance of the property.

It is a reasonable assessment of the proposal to say it is the type of facility that can be expected in a residential area and the scale of it is kept within a moderate scale, catering for an identified need in the Motueka area. Given the limited hours that have been requested and the nature of the operation of a facility such as this, it is not anticipated the scale and intensity of this use is likely to create adverse effects.

8.4 Amenity Values

The Vosper Street area is a residential environment that contains a range of accommodation, including higher density development for older people and redeveloped residential properties that are of a higher density than the original allotments that were created when Vosper Street was originally developed. The area is similar to other established areas in Motueka and there are no particularly unusual aspects to this area.

The submission made by Mot Holdings Ltd expresses some concern about a commercial use being established adjoining them and it is accepted a pre-school is a different activity to a residential use. While the use has some elements of what can be considered a residential activity, the scale of it is significantly more than what could be expected with a group of children playing on a residential property. The pre-school activity is also managed so there are structured times for indoor activities, outdoor play, meals and resting times so there are controls that help mitigate the effects of the activity.

If consent is to be considered for this application, it is appropriate that some measures are incorporated as conditions to preserve the amenity of this area and in particular, to mitigate any cross boundary effects between the preschool and the Mot Holdings property to the east. The provision of a close boarded fence and some landscaping can help preserve the amenity that the Mot holdings property currently has and this is also assisted by the proposed relocation of the garage on the applicant's property.

8.5 Parking and Access

The existing residential property at 39 Vosper Street has a sealed crossing place and driveway that provides access to the existing garages on the property. There is also ample area on the site to provide additional parking for vehicles. A 4.6 metre berm outside the property enables vehicles leaving the property to have good visibility before driving on to the Vosper Street carriageway.

The proposed site plan that has been submitted has shown provision for four staff car parks, two "drop off" spaces, a disabled or loading space and a visitor space, making eight in total. There is also the opportunity for additional parking on the site should it be required.

The TRMP does not require any parking as such for children being dropped off at day care facilities and requires one park for each employee. The proposal as lodged complies with the TRMP parking requirements for the proposed pre-school and the realigned access to provide adequate separation from the adjoining access to the north is also an improvement to the current situation.

As a general safety measure, it may be appropriate to provide a child proof fence between the sealed parking area and the play area, which could be easily provided in front of the visitor parking space shown on the plan. This would prevent vehicles entering the children's play area and also assists with general security of the outside play area.

8.6 Hours of Operation

The proposal lodged by the applicants indicates the hours of operation for the pre-school will be between 0800 and 1700 hours from Monday to Friday, with no operation on the weekends, statutory holidays and the annual holidays over the Christmas period. These hours are regarded as conservative and it is not intended that this operation is sessional, which means the activity associated with the delivery and collection of children will be staggered.

It is not anticipated there will be any adverse effects associated with operation of the pre-school if it is operating between these hours.

8.7 Noise

The operation of a pre-school has the potential to create additional noise in a residential area, but the extent of this is matter that requires further consideration to understand whether it will have adverse effects. The operation of the facility would normally have various periods during the day when children are engaged in different activities.

The activities that involve outside play and musical participation can have some potential to create noise that may be heard in surrounding properties. The TRMP has noise restrictions imposed for Residential Zones and these set a level of 55dBA as a L₁₀ level (a level that is equalled or exceeded for 10% of the time) for the time the pre-school will be operating. These levels would be measured at the boundary of any adjoining or other property in the neighbourhood.

The noise emanating from a child care facility is unlikely to contain characteristics that make that noise particularly objectionable such as low frequencies or "beat" character and it is likely to be generally of a broad spectrum nature. The higher frequencies that may be associated with children playing are unlikely to have the same annoyance characteristics that low or beat frequencies might have.

As there is some potential for the noise climate to be altered by the operation of a pre-school at this location, it is appropriate to consider any mitigation measures that might be required to reduce the transmission of noise from the property and these can include: a close boarded fence at the rear of the property, double glazing of windows, soft furnishings inside the building and the day to day operation of the facility.

It is noted that applicants have submitted a noise management plan as part of the application and it is appropriate that this is included as a condition of the day to day operation of the facility if consent is to be granted

9. CONCLUSION

The application lodged by M and P Whyte to establish and operate a pre-school at 39 Vosper Street, Motueka is a Discretionary Activity as the site is zoned Residential and the proposal is a Community Activity under the rules of the TRMP with vehicle movements exceeding 30 per day.

The proposed site is set between allotments that contain higher density housing and the owners and tenants of these have provided written approval for the proposal.

The application is being evaluated under the Tasman Resource Management Plan which is the appropriate Plan for this proposal. The Plan is now operative in relation to this application and the Residential Zone rules.

The application has been processed as a limited notified application and attracted six submissions, three in opposition, two in support and one neutral. One of submitters is the owner of the property at the rear, (to the east), and they have asked to be heard by the Committee in respect of their submission. Their concerns relate to the property being used for a commercial use, the potential noise from the activity and a potentially negative effect on the value of their property.

There is some potential for adverse effects from using this property as a pre-school and these primarily relate to traffic, noise and the amenity of the local area. It is possible to address these effects through the imposition of appropriate conditions that can help to avoid and mitigate the effects from activity to the point they become minor. The property is able to provide parking that is fully compliant with the rules of the TRMP and through negotiation with Councils Engineering Department, issues relating to traffic effects and parking on Vosper Street have been able to be resolved.

Issues that may affect the adjoining property to the east (Mot Holdings Ltd) can be mitigated to some extent through appropriate fencing of the rear boundary and the inclusion of a noise management plan that is an operational matter that can be reviewed should it be necessary.

Generally, the provision of a pre-school such as the current application is an activity that the TRMP has envisaged in a Residential Zone, providing the matters that have the potential to create adverse effects can be avoided, mitigated or remedied. Such facilities are part of the infrastructure that provides the support that communities require in residential areas.

The policies and objectives of the Proposed Tasman Resource Management Plan provide a framework to assess the application. As such it is important to weigh the issues appropriately to determine how the proposal fits with the Plan. The policies and objectives that relate to the urban environment, land transport and site amenity are particularly relevant to this application.

Overall, the establishment and operation of a pre-school in this part of Motueka is unlikely to have an adverse effect on the surrounding environment and the proposal is appropriate for this location. The imposition of conditions to preserve the amenity of neighbouring properties and the general area are appropriate in this case, as are conditions to address traffic safety and parking on Vosper Street. Accordingly, I consider consent can be granted subject to appropriate conditions.

10. RECOMMENDATION – LAND USE

Pursuant to Section 104(B) of the Resource Management Act 1991, I recommend the application by M and P Whyte to establish and operate a pre-school at 39 Vosper Street, Motueka, on land described as Lot 13 Deposited Plan 2212, all land comprised in Certificate of Title NL 4D/499, being land zoned Residential in the Motueka Township is granted. If consent is granted, I recommend the following conditions are included;

1. The proposed development shall be generally in accordance with the plans submitted with the application, attached as plans RM080736 (A – F) dated (*date of granting consent*), and modified to conform with any additional conditions imposed. Where there is any conflict between the plans and the conditions imposed, the conditions shall prevail.
2. Access to the property shall be relocated in accordance with Council's Engineering Standards and Policies (2008) to provide a gap of not less than 6 metres from the existing crossing place at 37(A-C) Vosper Street.
3. The carriageway of Vosper Street shall be marked out by a Council approved contractor to establish traffic parking limit lines for all crossing places between 34/35 and 44/43 Vosper Street and no stopping lines around the corners of Selwyn Street.
4. On-site parking shall be provided for not less than eight vehicles, as indicated on Plan RM080736(A) dated (*date of granting consent*). All on site access and parking shall be formed to a permanent sealed surface.
5. A child proof fence that incorporates a self-latching gate shall be provided between the parking area and the children's play area.
6. The property boundary between 39 Vosper Street and 13 Boyce Street shall be fenced with a close boarded timber fence that is not less than 1.8 metres in height. The spaces on the northern and eastern sides of the relocated garage shall be similarly fenced.
7. Existing fruit and ornamental trees shown on the site plan (RM080736A) shall be retained wherever practical to preserve the existing amenity of the subject site and surrounding area.
8. The proposed addition to the existing building at 39 Vosper Street shall incorporate noise reduction measures such as double glazing, noise control batts and soft furnishings to minimise the transmission of noise from the building.

9. Noise generated by the pre-school, as measured at or within the boundary of any site within the zone, other than the site from which the noise is generated shall not exceed 55dBA (L₁₀) during the hours of operation.
10. The noise management plan submitted as part of the application shall be incorporated into the day to day operational plan for the pre-school and implemented on an on going basis.
11. The pre-school shall cater for not more than 30 children between the ages of 2 and 5 at any one time and such staffing at the ratio required by the relevant child care legislation.
12. The hours when children are present on the site for day to day care shall be limited to 0800 until 1700 hours (Monday to Friday), excluding statutory holidays and the annual holidays over the Christmas period.
13. Two “children” signs shall be erected on Vosper Street, one on either side of the pre-school, prior to the preschool activities commencing.

Advice Note:

The consent holder will need to consult and get additional approvals from the Council’s Engineering Department in relation to the process of erecting road signage.

14. Signage for the pre-school shall be limited to one on-site sign that does not exceed 0.5 square metres in area, located on the subject site.
15. The conditions of the land use consent may be reviewed by Council in accordance with Section 128 of the Resource Management Act 1991 within a period of one month after six months of the consent becoming operational and thereafter at intervals of 12 months, for the purpose of:
 - a) dealing with any adverse effect on the environment arising from the exercise of the application;
 - b) requiring the applicant to adopt the best practicable option to remove or reduce any adverse effect on the environment.
16. The Consent Holder shall, no later than the time of uplifting the building consent for the building, pay a financial contribution to the Council. The amount of the financial contribution shall be assessed as a percentage of the value of the building consent component in accordance with the following table:

<i>Component</i>	Contribution
Building Consent (\$0 to \$50,000 value)	0%
Building Consent (\$50,001 to \$200,000 value)	0.5%
Financial Contribution – Building	
Building Consent (above \$200,001 value)	0.25%

Notes:

1. The financial contribution is GST inclusive.
2. The building consent value is GST exclusive.
3. The contribution due on a building should be identified separately from other contributions set for any resource consent for an activity that includes buildings.
4. The financial contribution shall be determined by taking the total estimated value of the work required for a building consent and applying each component identified in the table to that value and the contribution is the sum of the components.

ADVICE NOTES

1. This consent is issued pursuant to the Resource Management Act 1991 and the Tasman Resource Management Plan. It does not constitute building consent and if the project involves any form of building, consent should be sought pursuant to the Building Act 1991.
2. Monitoring of this resource consent will be undertaken by the Council, as provided for by Section 35 of the Act and a one-off fee has already been charged for this monitoring. Should monitoring costs exceed the initial fee, Council reserves the right to recover these additional costs from the Consent Holder. Costs can be minimised by consistently complying with conditions, thereby reducing the necessity and/or frequency of Council staff visits.
3. This resource consent only authorises the activity described above. Any matters or activities not referred to in this consent or covered by the conditions must either:
 1. comply with all the criteria of a relevant permitted activity rule in the Tasman Resource Management Plan (TRMP);
 2. be allowed by the Resource Management Act; or
 3. be authorised by a separate resource consent.
4. 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.
5. Council will not issue a Code Compliance Certificate until all development contributions have been paid in accordance with Council's Development Contributions Policy under the Local Government Act 2002.
6. 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.

7. The Consent Holder should note that this resource consent does not override any registered interest on the property title.

A handwritten signature in black ink, appearing to read 'Laurie Davidson', with a horizontal line underneath.

Laurie Davidson
Consents Planner (Land)
Golden Bay

Policies and objectives appropriate to this application are as follows:

General Objectives

- GO 1 Maintenance and enhancement of the quality of the Tasman District Environment.
- GO 3 Avoidance, remedying or mitigation of the adverse effects on the environment and the community from the use, development or protection of resources.
- GO 4 Efficient use and development of resources.
- GO 5 Maintenance of economic and social opportunities to use, and develop resources in a sustainable manner.
- GO 8 Open, responsive, fair and efficient processes for all Resource Management decision-making.
- GO 9 Resolution of conflicts of interest in resource management between people in the community and within Council.

Urban Development Objectives

- Obj 5.4 A safe and efficient transport system
- Obj 5.5 Maintenance and enhancement of urban quality, including amenity values and the character of small towns.
- Pol 5.4 The Council will avoid, remedy or mitigate adverse effects across property boundaries, especially between urban and rural land use or development, including effects of:
 - (i) noise;
 - (ii) odour;
 - (iii) shelter belts (micro climate and biological effects);
 - (iv) contaminant discharges;
 - (v) fire risks.
- Pol 5.6 Council will avoid, remedy, or mitigate the adverse effects of:
 - (i) urban development on the safe and efficient operation of land transport resources, including effects on:
 - a) their accessibility;
 - b) principal road corridors;

- c) alternative modes of transport; and
- (ii) the provision and operation of the land transport system on:
 - a) the amenity, convenience, health and safety of people in urban communities;
 - b) the health of ecosystems; and
 - c) the quality of air, water and soil resources.

Pol 5.7 Council will seek to enhance urban environmental quality, having regard to:

- i) the design and appearance of buildings and spaces;
- ii) vegetation and open space;
- iii) heritage sites and values;
- iv) pedestrian facilities and traffic management;
- v) noise levels and air quality;
- vi) the relationship between the urban area and the values of adjoining landscapes.

Policies and objectives appropriate to this application are as follows:

Site Amenity

Avoidance, remedying or mitigation of adverse effects from the use of land, on the use and enjoyment of other land and on the qualities of natural and physical resources. *(Objective 5.1.2)*

To ensure that any adverse effects of subdivision and development on site amenity, natural and built heritage and landscape values and contamination and natural hazard risks are avoided, remedied or mitigated. *(Policy 5.1.3.1)*

To avoid, remedy, or mitigate effects of:

- (a) noise and vibration;
- (b) dust and other particulate emissions;
- (c) contaminant discharges;
- (d) odour and fumes;
- (e) glare;
- (f) electrical interference;
- (g) vehicles;
- (h) buildings and structures;
- (i) temporary activities;

beyond the boundaries of the site generating the effect. *(Policy 5.1.3.9)*

Maintenance and enhancement of amenity values on-site and within communities throughout the District. *(Objective 5.2.2)*

To maintain privacy for residential properties and for rural dwelling sites. *(Policy 5.2.3.1)*

To ensure adequate daylight and sunlight to residential properties, and rural dwelling sites. *(Policy 5.2.3.2)*

To promote opportunity for outdoor living on residential properties, including rural dwelling sites. *(Policy 5.2.3.3)*

To promote amenity through vegetation, landscaping, street and park furniture, and screening. *(Policy 5.2.3.4)*

To avoid, remedy or mitigate the adverse effects of traffic on the amenity of residential, commercial and rural areas. *(Policy 5.2.3.8)*

To avoid, remedy or mitigate the adverse effects of signs on amenity values. *(Policy 5.2.3.9)*

Accommodation of a wide range of residential activities and accessible community facilities in urban areas. (*Objective 5.4.2*)

To enable a variety of housing types, recognising different population growth characteristics, age, family and financial circumstances and the physical mobility of, or care required by, residents. (*Policy 5.4.3.1*)

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 or amenity of the residential neighbourhood. (*Policy 5.4.3.2*)

Urban Environment Effects

Urban buildings, places, spaces and networks that together, by design, sustain towns as successful places to live, work and play. (*Objective 6.1.2*)

To encourage subdivision and development to incorporate sustainable urban design principles by:

- (a) encouraging a sense of place and identity;
- (b) working with the natural characteristics of sites;
- (c) creating opportunities to enhance natural values;
- (d) providing a high degree of connectivity within road networks;
- (e) providing for safe walking and cycling;
- (f) designing local roads to ensure a safe low traffic speed environment on local streets and accessways;
- (g) creating a streetscape which enhances perceptions of safety;
- (h) managing stormwater run-off on site where possible, and ensuring off-site stormwater run-off does not increase flood risk nor adversely affect water quality in waterways and the coastal marine area for aquatic ecosystems and recreation; and
- (i) locating and designing development to address cross-boundary effects between land uses. (*Policy 6.1.3.1*)

Sustainable urban growth that is consistent with the capacity of services and has access to the necessary infrastructure such as water supply, roading, wastewater and stormwater systems. (*Objective 6.3.2*)

To ensure that utilities and services are adequate to avoid, remedy, or mitigate adverse effects of urban development and population growth on both existing and future urban areas. (*Policy 6.3.3.1*)

To require financial contributions towards the provision of servicing infrastructure at the time of subdivision or development. (*Policy 6.3.3.2*)

Effective accommodation of a wide range of commercial activities on appropriately located sites, including a strong, vibrant commercial focus in the main towns of the District. (*Objective 6.6.2.1*)

To retain a compact identifiable grouping of business activities in defined areas in settlements, with due regard to the convenience and safety of customers. (*Objective 6.6.3.1*)

Land Transport Effects

A safe and efficient transport system, where any adverse effects of the subdivision, use or development of land on the transport system are avoided, remedied or mitigated. (*Objective 11.1.2*)

To promote the location and form of built development, particularly in urban areas, that:

- (a) avoids, remedies or mitigates adverse effects of traffic generation;
- (b) provides direct and short travel routes by vehicle, cycling and pedestrian modes between living, working, service, and recreational areas;
- (c) avoids an increase in traffic safety risk;
- (d) allows opportunities for viable passenger transport services to be realised;
- (e) provides a clear and distinctive transition between the urban and rural environments;
- (f) segregates roads and land uses sensitive to effects of traffic. (*Policy 11.1.3.1*)

To ensure that land uses generating significant traffic volume:

- (a) are located so that the traffic has access to classes of roads that are able to receive the increase in traffic volume without reducing safety or efficiency;
- (b) are designed so that traffic access and egress points avoid or mitigate adverse effects on the safety and efficiency of the road network. (*Policy 11.1.3.2*)

To avoid, remedy or mitigate adverse effects of high traffic-generating land uses on the community cost of the road network resource of the District. (*Policy 11.3.3.3*)

To avoid, remedy or mitigate adverse effects of traffic on amenity values. (*Policy 11.1.3.4*)

To control the design, number, location and use of vehicle accesses to roads; including their proximity to intersections and any need for reversing to or from roads; so that the safety and efficiency of the road network is not adversely affected. (*Policy 11.1.3.6*)

To ensure that adequate and efficient parking and loading spaces are provided, either on individual sites or collectively, to avoid or mitigate adverse effects on the safety and efficiency of the road network. (*Policy 11.1.3.7*)

To ensure that signs do not detract from traffic safety by causing confusion or distraction to or obstructing the views of motorists or pedestrians. (*Policy 11.1.3.11*)