

STAFF REPORT

TO: Environment & Planning Subcommittee

FROM: Jane Harley, Consent Planner - Land Use

REFERENCE: RM080687

SUBJECT: **GARDENS OF THE WORLD LIMITED – REPORT EP09/06/02 -**
Report prepared for hearing of 2, 3 and 4 June 2009

1. APPLICATION BRIEF

1.1 Proposal

The application is for land use consent to build and operate a crematorium; place of religious assembly with seating up to 25 persons; visitor reception centre catering for up to 80 people incorporating a café; and associated parking, servicing and signage.

A discharge consent is also sought (RM081020) for discharge to air from the crematorium, a term of 35 years is sought for this consent. Refer to separate report prepared by Leif Pigott accompanying this report.

1.2 Location and Legal Description

The property is 3.8406 hectares in area and located at 95 Clover Road East, Hope (north-eastern corner of Paton Road-Clover Road East intersection) Aerial image of the site is attached as Appendix 1. The property has legal frontage to both Paton and Clover roads.

The legal description of the land is Lot 1 DP 18219, Certificate of Title 12A/1049C.

1.3 Zoning and Consent Requirements

The land is zoned Rural 1 under the Tasman Resource Management Plan. (See attached zone map Appendix 2)

The land is within the area of Land Disturbance 1, no other overlays affect the subject title.

The application is considered to be a Discretionary Activity under the relevant rules of the Tasman Resource Management Plan in the table below:

Activity	Relevant rules	Proposal	Status
Reception centre, café, chapel and onsite functions serving alcohol	17.5.2.1 (b) (vi), 17.5.2.2 – commercial activities are not permitted ; 17.5.2.1 (b)(iv), sale of liquor is not permitted	Not permitted Not permitted	Discretionary Activities Pursuant to 17.5.2.3
Crematorium	36.3.10)(b)(x) – discharges from crematoria are listed as discretionary The crematorium activity could be deemed to meet the definitions of industrial, commercial and community activities as listed in Chapter 2 – Meaning of Words in the TRMP. 17.5.2.1(b)(i) – industrial activity 17.5.2.1(b)(vi) – commercial or community activity	Not permitted Not permitted	Discretionary pursuant to 36.3.10 Discretionary Pursuant to 17.5.2.3
Building bulk and location	17.5.3.1 <ul style="list-style-type: none"> • 7.5m max height • 5 m boundary setback • Site coverage 5% or 2000m² max 	All buildings have been designed to comply	Permitted
Memorial gardens	17.5.2.1 – the activity of visiting the memorial gardens is not necessarily a commercial or community activity however the sale of a memorial plot could be considered to be a commercial activity.	Not permitted	Discretionary Pursuant to 17.5.2.3
Wastewater discharge	36.1.5 (SWDA) permitted if: <ul style="list-style-type: none"> • Max average weekly flow does not exceed 2000l/day • Not located within wastewater management Area • No effluent run-off to surface water • Minimum 1.5m from adjoining property and 20m from any domestic bore • Various other controls • 	Designed to comply	Permitted
Signs	16.1.5.1, 16.1.5.2 - One free standing sign per site, max 1m ² and no higher than 3m	Second sign on one site complies with height and size	Restricted Discretionary Pursuant to 17.1.5.4
Access / Vehicle crossings	16.2..2.1 (q) - more than one crossing and; Figure 16.2A - Access standards (10m sealing required).	Two access ways are existing, and third is proposed off Paton Road. Sealing is proposed for 5m instead of 10m.	Restricted Discretionary Pursuant to 16.2.6.1
Parking and loading	Figure 16.2C onsite Parking spaces required: <i>Reception centre, place of religious assembly and the gardens</i> are “places of assembly” under the plan – 1 space per 4 persons’ design capacity	Reception centre, gardens of the world and café combined: Car parking plan shows 61 spaces plus four bus and one loading area or when bus bays aren’t	Permitted

Activity	Relevant rules	Proposal	Status
	<p><i>Café</i> – 1/30m² GFA plus one per four persons outdoor seating (occupies the same floor space as the reception building (approx 171m² and proposed outdoor dining for 16)</p> <p><i>Reception centre / cafe</i>, 80 people plus outdoor seating = 24 spaces</p> <p><i>Place of religious assembly/ crematorium/ Memorial garden area</i>; capacity of 25 people = six spaces</p>	<p>used a total of 84 car parks are available;</p> <p>Place of religious assembly and memorial gardens – site plan shows 13 proposed parking spaces</p>	

2. INTRODUCTION

The Setting and Background

The subject property comprises an area of 3.8406 hectares and it is known as “Gardens of the World” which has been historically run as a small scale tourist garden, offering guided tours of the gardens and the site is open to the general public between the hours of 9am and dusk. This site contains extensive gardens and visitor car parking, a large tunnel house, grapefruit orchard, residential dwelling and various other outbuildings.

The site is screened from both Paton and Clover roads by mature planting, fencing and developed gardens.

The property sits amidst a range of horticultural blocks, lifestyle blocks and smaller rural residential holdings.

The subject site has been involved in the following historical consent processes to date:

30/11/88 TPA1018 – established a retail nursery.

30/08/91 application (910069) was made by Etheringtons to:

- a) subdivide Lot 1 of 1 ha
- b) subdivide the nursery off as Lot 2
- c) construct and use a reception centre and operate the site as a tourist garden.

26/11/91 Council’s decision issued on 910069 which:

- a) declined the subdivision of Lot 1
- b) approved the subdivision of the nursery at Lot 2
- c) approved the establishment of a reception centre and tourist garden

16/12/91 The applicant lodged an appeal to the decision that declined the subdivision of Lot 1

04/05/92 Consent Memorandum signed by appellant and respondent

03/06/92 Consent Order released by Judge Treadwell to approve the Subdivision of Lot 1

2009: The 3.8406 hectare site has given affect to the tourist garden component of the 910069 approval and the site is used for weddings and other functions, the construction of a reception centre was not established and has therefore lapsed.

A copy of RM910069 is attached to this report as Appendix 3.

3. NOTIFICATION

Council processed this current application under the provisions of the Resource Management Act 1991 as a notified application, as there were neighbours that had been identified as “potentially affected parties” who chose not to provide written approval and Council considered the proposal had the potential to affect a wider section of the community for a variety of reasons. Council also considered the proposal had some potential to create effects that may have been more than minor.

The application was notified on 6 December 2008, submissions closed on 23 January 2009. A total of 83 submissions were received (of which three were received late but accepted under S37 and 37A of the Resource Management Act 1991). There are 47 submissions that supported the application, of which eight wish to be heard and 36 submissions opposed the application, of which 28 wish to be heard. These submissions have been summarised into table format below:

4. SUMMARY OF SUBMISSIONS – GARDENS OF THE WORLD LTD RM080687

- **Submissions in Support = 47 total (including two late) eight wish to be heard**
- **Submission in Opposition = 36 total (including one late) 28 wish to be heard**

Total Submissions received = 83

Total wish to be heard = 36

Name and Address of Submitter and Allocated Submission Number	Reasons	Decision
Margaret Mae Taylor 2 Di Leva Way, Nelson 1	Place of religious assembly for cremation committal and service will provide a peaceful setting to help families cope with their loss; The reception centre will enhance the garden area and allow people to relax. It will compliment functions providing security and comfort with the appropriate facilities; The memorial garden will provide families with a focal place to visit and pay respect to loved ones; The crematorium will be non obtrusive, maintained below ground level using the latest technology with no effect on the environment.	Approve The submitter does not wish to be heard at the hearing.

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<p>Lanna Ellen Remnant</p> <p>1/69 Tasman Street, Nelson</p> <p>2</p>	<p>Place of religious assembly for cremation committal and service will provide a peaceful setting to help families cope with their loss;</p> <p>The reception centre will enhance the garden area and allow people to relax. It will compliment functions providing security and comfort with the appropriate facilities;</p> <p>The memorial garden will provide families with a focal place to visit and pay respect to loved ones;</p> <p>The crematorium will be non obtrusive, maintained below ground level using the latest technology with no effect on the environment.</p>	<p>Approve</p> <p>The submitter wishes to be heard at the hearing.</p>
<p>Marc William Lenton</p> <p>33 Cawthron Crescent, Nelson</p> <p>3</p>	<p>A good proposal which will be of benefit to the community.</p> <p>Place of religious assembly for cremation committal and service will provide a peaceful setting to help families cope with their loss;</p> <p>The reception centre will enhance the garden area and allow people to relax. It will compliment functions providing security and comfort with the appropriate facilities;</p> <p>The memorial garden will provide families with a focal place to visit and pay respect to loved ones;</p> <p>The crematorium will be non obtrusive, maintained below ground level using the latest technology with no effect on the environment.</p>	<p>Approve</p> <p>The submitter does not wish to be heard at the hearing.</p>
<p>Amanda Jane Lenton</p> <p>33 Cawthron Crescent, Nelson</p> <p>4</p>	<p>Place of religious assembly for cremation committal and service will provide a peaceful setting to help families cope with their loss;</p> <p>The reception centre will enhance the garden area and allow people to relax. It will compliment functions providing security and comfort with the appropriate facilities;</p> <p>The memorial garden will provide families with a focal place to visit and pay respect to loved ones;</p> <p>The crematorium will be non obtrusive, maintained below ground level using the latest technology with no effect on the environment.</p>	<p>Approve</p> <p>The submitter does not wish to be heard at the hearing.</p>
<p>Kevin John Beattie</p> <p>12 Phoebe Place, Richmond</p>	<p>The proposal will add to what began as an asset to the Richmond Public;</p> <p>Place of religious assembly for cremation committal and service will provide a peaceful setting to help families cope with their loss;</p>	<p>Approve</p>

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8	<p>place to visit and pay respect to loved ones;</p> <p>The crematorium will be non obtrusive, maintained below ground level using the latest technology with no effect on the environment.</p>	The submitter wishes to be heard at the hearing.
Kevin Lester Renwick PO Box 3077, Richmond 9	<p>Benefit to the community;</p> <p>Place of religious assembly for cremation committal and service will provide a peaceful setting to help families cope with their loss;</p> <p>The reception centre will enhance the garden area and allow people to relax. It will compliment functions providing security and comfort with the appropriate facilities;</p> <p>The memorial garden will provide families with a focal place to visit and pay respect to loved ones;</p> <p>The crematorium will be non obtrusive, maintained below ground level using the latest technology with no effect on the environment.</p>	Approve The submitter does not wish to be heard at the hearing.
Catherine Carey 2/25 Stead Crescent, Stoke 10	<p>Place of religious assembly for cremation committal and service will provide a peaceful setting to help families cope with their loss;</p> <p>The reception centre will enhance the garden area and allow people to relax. It will compliment functions providing security and comfort with the appropriate facilities;</p> <p>The memorial garden will provide families with a focal place to visit and pay respect to loved ones;</p> <p>The crematorium will be non obtrusive, maintained below ground level using the latest technology with no effect on the environment.</p>	Approve The submitter does not wish to be heard at the hearing.
Diane Margaret Strong 2 Strong Loop, Mariri, RD 2 Upper Moutere 11	<p>Proposal is a natural extension of their existing use, traffic flow not adversely effected and crematorium insignificant as proved by current processes;</p> <p>Place of religious assembly for cremation committal and service will provide a peaceful setting to help families cope with their loss;</p> <p>The reception centre will enhance the garden area and allow people to relax. It will compliment functions providing security and comfort with the appropriate facilities;</p> <p>The memorial garden will provide families with a focal place to visit and pay respect to loved ones;</p> <p>The crematorium will be non obtrusive, maintained below ground level using the latest technology with no</p>	Approve The submitter does not wish to be heard at

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	effect on the environment.	the hearing.
<p>Deanna Chapman</p> <p>366 Hardy Street, Nelson</p> <p>12</p>	<p>Place of religious assembly for cremation committal and service will provide a peaceful setting to help families cope with their loss;</p> <p>The reception centre will enhance the garden area and allow people to relax. It will compliment functions providing security and comfort with the appropriate facilities;</p> <p>The memorial garden will provide families with a focal place to visit and pay respect to loved ones;</p> <p>The crematorium will be non obtrusive, maintained below ground level using the latest technology with no effect on the environment.</p>	<p>Approve</p> <p>The submitter does not wish to be heard at the hearing.</p>
<p>Geoffrey Field Etherington</p> <p>109 Totara View Road, Wakefield</p> <p>13</p>	<p>As previous owners and creators of this site we feel it is a logical extension to the garden activities, it will generate income to maintain the garden and keep it open to the public. An asset to the Tasman District.</p> <p>Place of religious assembly for cremation committal and service will provide a peaceful setting to help families cope with their loss;</p> <p>The reception centre will enhance the garden area and allow people to relax. It will compliment functions providing security and comfort with the appropriate facilities;</p> <p>The memorial garden will provide families with a focal place to visit and pay respect to loved ones;</p> <p>The crematorium will be non obtrusive, maintained below ground level using the latest technology with no effect on the environment.</p>	<p>Approve</p> <p>The submitter wishes to be heard at the hearing.</p>
<p>Shaun Thomas Cotter</p> <p>Flat 7, 91 Grove Street, Nelson</p> <p>14</p>	<p>Place of religious assembly for cremation committal and service will provide a peaceful setting to help families cope with their loss;</p> <p>The reception centre will enhance the garden area and allow people to relax. It will compliment functions providing security and comfort with the appropriate facilities;</p> <p>The memorial garden will provide families with a focal place to visit and pay respect to loved ones;</p> <p>The crematorium will be non obtrusive, maintained below ground level using the latest technology with no effect on the environment.</p>	<p>Approve</p> <p>The submitter does not wish to be heard at the hearing.</p>
<p>Patrick Cotter</p>	<p>Declining the consent would be backward and barrier</p>	<p>Approve</p>

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<p>Flat 7, 91 Grove Street, Nelson</p> <p>15</p>	<p>to growth in this area;</p> <p>Place of religious assembly for cremation committal and service will provide a peaceful setting to help families cope with their loss;</p> <p>The reception centre will enhance the garden area and allow people to relax. It will compliment functions providing security and comfort with the appropriate facilities;</p> <p>The memorial garden will provide families with a focal place to visit and pay respect to loved ones;</p> <p>The crematorium will be non obtrusive, maintained below ground level using the latest technology with no effect on the environment.</p>	<p>The submitter has not indicated whether they wish to be heard at the hearing.</p>
<p>Stephen Anthony Linney</p> <p>462 Main Road Hope, Richmond</p> <p>16</p>	<p>The intended activities appear to have little impact on the area, it will enable the retention of an amazing garden for public use, alternative uses or private ownership would have far greater impact than proposed.</p> <p>Place of religious assembly for cremation committal and service will provide a peaceful setting to help families cope with their loss;</p> <p>The reception centre will enhance the garden area and allow people to relax. It will compliment functions providing security and comfort with the appropriate facilities;</p> <p>The memorial garden will provide families with a focal place to visit and pay respect to loved ones;</p> <p>The crematorium will be non obtrusive, maintained below ground level using the latest technology with no effect on the environment.</p>	<p>Approve</p> <p>The submitter does not wish to be heard at the hearing.</p>
<p>Jillian Airin Hursthouse</p> <p>306 Princess Drive, Nelson</p> <p>17</p>	<p>To show support for the proposal.</p>	<p>Approve</p> <p>The submitter wishes to be heard at the hearing.</p>
<p>Eric Frank Woods</p> <p>130 Aldinga Avenue, Stoke</p>	<p>Place of religious assembly for cremation committal and service will provide a peaceful setting to help families cope with their loss;</p> <p>The reception centre will enhance the garden area and allow people to relax. It will compliment functions providing security and comfort with the appropriate facilities;</p> <p>The memorial garden will provide families with a focal</p>	<p>Approve</p>

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18	<p>place to visit and pay respect to loved ones;</p> <p>The crematorium will be non obtrusive, maintained below ground level using the latest technology with no effect on the environment.</p>	The submitter does not wish to be heard at the hearing.
<p>David William Westley</p> <p>132 Aldinga Avenue, Stoke</p> <p>20</p>	<p>Place of religious assembly for cremation committal and service will provide a peaceful setting to help families cope with their loss;</p> <p>The reception centre will enhance the garden area and allow people to relax. It will compliment functions providing security and comfort with the appropriate facilities;</p> <p>The memorial garden will provide families with a focal place to visit and pay respect to loved ones;</p> <p>The crematorium will be non obtrusive, maintained below ground level using the latest technology with no effect on the environment.</p>	<p>Approve</p> <p>The submitter does not wish to be heard at the hearing.</p>
<p>Avon Sherran Agnew</p> <p>Abbeyfield House, 9 Anzac Way, Motueka</p> <p>21</p>	<p>Place of religious assembly for cremation committal and service will provide a peaceful setting to help families cope with their loss;</p> <p>The reception centre will enhance the garden area and allow people to relax. It will compliment functions providing security and comfort with the appropriate facilities;</p> <p>The memorial garden will provide families with a focal place to visit and pay respect to loved ones;</p> <p>The crematorium will be non obtrusive, maintained below ground level using the latest technology with no effect on the environment.</p>	<p>Approve</p> <p>The submitter does not wish to be heard at the hearing.</p>
<p>David Graham Verry</p> <p>PO Box 7128, Nelson</p> <p>22</p>	<p>Place of religious assembly for cremation committal and service will provide a peaceful setting to help families cope with their loss;</p> <p>The reception centre will enhance the garden area and allow people to relax. It will compliment functions providing security and comfort with the appropriate facilities;</p> <p>The memorial garden will provide families with a focal place to visit and pay respect to loved ones;</p> <p>The crematorium will be non obtrusive, maintained below ground level using the latest technology with no effect on the environment.</p>	<p>Approve</p> <p>The submitter does not wish to be heard at the hearing.</p>
<p>Karen Patricia McLachlan</p> <p>138 White Road, Hope</p>	<p>Place of religious assembly for cremation committal and service will provide a peaceful setting to help families cope with their loss;</p>	Approve

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24	<p>The reception centre will enhance the garden area and allow people to relax. It will compliment functions providing security and comfort with the appropriate facilities;</p> <p>The memorial garden will provide families with a focal place to visit and pay respect to loved ones;</p> <p>The crematorium will be non obtrusive, maintained below ground level using the latest technology with no effect on the environment.</p>	The submitter does not wish to be heard at the hearing.
Debra Gibbs 63 Wensley Road, Richmond 27	<p>Place of religious assembly for cremation committal and service will provide a peaceful setting to help families cope with their loss;</p> <p>The reception centre will enhance the garden area and allow people to relax. It will compliment functions providing security and comfort with the appropriate facilities;</p> <p>The memorial garden will provide families with a focal place to visit and pay respect to loved ones;</p> <p>The crematorium will be non obtrusive, maintained below ground level using the latest technology with no effect on the environment.</p>	Approve The submitter does not wish to be heard at the hearing.
Garry Gibbs 63 Wensley Road, Richmond 28	<p>Place of religious assembly for cremation committal and service will provide a peaceful setting to help families cope with their loss;</p> <p>The reception centre will enhance the garden area and allow people to relax. It will compliment functions providing security and comfort with the appropriate facilities;</p> <p>The memorial garden will provide families with a focal place to visit and pay respect to loved ones;</p> <p>The crematorium will be non obtrusive, maintained below ground level using the latest technology with no effect on the environment.</p>	Approve The submitter has not indicated whether he wishes to be heard at the hearing.
Reverend Martin Harrison (and others: Roy Walton, Jenny Saillie, Sue Walton, Peter Stewart and Karen Hoddy) C/- 68 Waimea West Road, Brightwater	<p>Place of religious assembly for cremation committal and service will provide a peaceful setting to help families cope with their loss;</p> <p>The reception centre will enhance the garden area and allow people to relax. It will compliment functions providing security and comfort with the appropriate facilities;</p> <p>The memorial garden will provide families with a focal</p>	Approve

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29	<p>place to visit and pay respect to loved ones;</p> <p>The crematorium will be non obtrusive, maintained below ground level using the latest technology with no effect on the environment.</p>	The submitter does not wish to be heard at the hearing.
<p>Clifford Livingstone</p> <p>14 Starveall Street, Brightwater</p> <p>30</p>	<p>Place of religious assembly for cremation committal and service will provide a peaceful setting to help families cope with their loss;</p> <p>The reception centre will enhance the garden area and allow people to relax. It will compliment functions providing security and comfort with the appropriate facilities;</p> <p>The memorial garden will provide families with a focal place to visit and pay respect to loved ones;</p> <p>The crematorium will be non obtrusive, maintained below ground level using the latest technology with no effect on the environment.</p>	<p>Approve</p> <p>The submitter does not wish to be heard at the hearing.</p>
<p>Stillwater Gardens Retirement Village (Mr TW Nimmo)</p> <p>60 Templemore Drive, Richmond</p> <p>31</p>	<p>Place of religious assembly for cremation committal and service will provide a peaceful setting to help families cope with their loss;</p> <p>The reception centre will enhance the garden area and allow people to relax. It will compliment functions providing security and comfort with the appropriate facilities;</p> <p>The memorial garden will provide families with a focal place to visit and pay respect to loved ones;</p> <p>The crematorium will be non obtrusive, maintained below ground level using the latest technology with no effect on the environment.</p>	<p>Approve</p> <p>The submitter does not wish to be heard at the hearing.</p>
<p>Joan Katherine Holmes on behalf of Kensington Court Retirement Home</p> <p>18 McMahon Street, Stoke</p> <p>32</p>	<p>Place of religious assembly for cremation committal and service will provide a peaceful setting to help families cope with their loss;</p> <p>The reception centre will enhance the garden area and allow people to relax. It will compliment functions providing security and comfort with the appropriate facilities;</p> <p>The memorial garden will provide families with a focal place to visit and pay respect to loved ones;</p> <p>The crematorium will be non obtrusive, maintained below ground level using the latest technology with no effect on the environment.</p>	<p>Approve</p> <p>The submitter does not wish to be heard at the hearing.</p>
<p>Kenneth Harold Pearce Beck</p> <p>42 Marlborough</p>	<p>Increasing need for this type of facility which deals with an inevitable process and it would be difficult to find another location as suitable;</p>	Approve

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<p>Crescent, Richmond</p> <p>33</p>	<p>The integrity of the Day Family has been amply demonstrated over the years;</p> <p>Road access options for funeral corteges other than State Highway 6 route;</p> <p>Place of religious assembly for cremation committal and service will provide a peaceful setting to help families cope with their loss;</p> <p>The reception centre will enhance the garden area and allow people to relax. It will compliment functions providing security and comfort with the appropriate facilities;</p> <p>The memorial garden will provide families with a focal place to visit and pay respect to loved ones;</p> <p>The crematorium will be non obtrusive, maintained below ground level using the latest technology with no effect on the environment.</p>	<p>The submitter does not wish to be heard at the hearing.</p>
<p>Diane Bennett</p> <p>20 St James Avenue, Richmond</p> <p>34</p>	<p>A fantastic addition to this beautiful place;</p> <p>Place of religious assembly for cremation committal and service will provide a peaceful setting to help families cope with their loss;</p> <p>The reception centre will enhance the garden area and allow people to relax. It will compliment functions providing security and comfort with the appropriate facilities;</p> <p>The memorial garden will provide families with a focal place to visit and pay respect to loved ones;</p> <p>The crematorium will be non obtrusive, maintained below ground level using the latest technology with no effect on the environment.</p>	<p>Approve</p> <p>The submitter does not wish to be heard at the hearing.</p>
<p>Eunice Grace Plummer</p> <p>2 Vinning Crescent, Stoke</p> <p>35</p>	<p>Place of religious assembly for cremation committal and service will provide a peaceful setting to help families cope with their loss;</p> <p>The reception centre will enhance the garden area and allow people to relax. It will compliment functions providing security and comfort with the appropriate facilities;</p> <p>The memorial garden will provide families with a focal place to visit and pay respect to loved ones;</p> <p>The crematorium will be non obtrusive, maintained below ground level using the latest technology with no effect on the environment.</p>	<p>Approve</p> <p>The submitter does not wish to be heard at the hearing.</p>
<p>Robert Harvey Anderson</p>	<p>The project is thoroughly deserved and will enhance</p>	<p>Approve</p>

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<p>163 Staples Street, Motueka</p> <p>36</p>	<p>the site as a place for the community to visit;</p> <p>Place of religious assembly for cremation committal and service will provide a peaceful setting to help families cope with their loss;</p> <p>The reception centre will enhance the garden area and allow people to relax. It will compliment functions providing security and comfort with the appropriate facilities;</p> <p>The memorial garden will provide families with a focal place to visit and pay respect to loved ones;</p> <p>The crematorium will be non obtrusive, maintained below ground level using the latest technology with no effect on the environment;</p> <p>If granted seek that there be no camping or house trucks, control of pets and a small playground for children would help as well as traffic control notices.</p>	<p>The submitter does not wish to be heard at the hearing.</p>
<p>Ken Mansfield PO Box 2383, Stoke</p> <p>38</p>	<p>Place of religious assembly for cremation committal and service will provide a peaceful setting to help families cope with their loss;</p> <p>The reception centre will enhance the garden area and allow people to relax. It will compliment functions providing security and comfort with the appropriate facilities;</p> <p>The memorial garden will provide families with a focal place to visit and pay respect to loved ones;</p> <p>The crematorium will be non obtrusive, maintained below ground level using the latest technology with no effect on the environment.</p>	<p>Approve</p> <p>The submitter does not wish to be heard at the hearing.</p>
<p>Lyndsay Pyers 47 Marsden Road, Stoke</p> <p>39</p>	<p>Place of religious assembly for cremation committal and service will provide a peaceful setting to help families cope with their loss;</p> <p>The reception centre will enhance the garden area and allow people to relax. It will compliment functions providing security and comfort with the appropriate facilities;</p> <p>The memorial garden will provide families with a focal place to visit and pay respect to loved ones;</p> <p>The crematorium will be non obtrusive, maintained below ground level using the latest technology with no effect on the environment.</p>	<p>Approve</p> <p>The submitter does not wish to be heard at the hearing.</p>
<p>Mercia Laura Hoskin 5 Tarata Street, Stoke</p>	<p>Place of religious assembly for cremation committal and service will provide a peaceful setting to help families cope with their loss;</p>	<p>Approve</p>

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40	<p>The reception centre will enhance the garden area and allow people to relax. It will compliment functions providing security and comfort with the appropriate facilities;</p> <p>The memorial garden will provide families with a focal place to visit and pay respect to loved ones;</p> <p>The crematorium will be non obtrusive, maintained below ground level using the latest technology with no effect on the environment.</p>	The submitter does not wish to be heard at the hearing.
Alistair Ferguson 5 Yately Place, Richmond 48	<p>Place of religious assembly for cremation committal and service will provide a peaceful setting to help families cope with their loss;</p> <p>The reception centre will enhance the garden area and allow people to relax. It will compliment functions providing security and comfort with the appropriate facilities;</p> <p>The memorial garden will provide families with a focal place to visit and pay respect to loved ones;</p> <p>The crematorium will be non obtrusive, maintained below ground level using the latest technology with no effect on the environment.</p>	Approve The submitter wishes to be heard at the hearing.
Kathy Ferguson 5 Yately Place, Richmond 49	<p>Opposition to the proposal is not future focused, it provide multi purpose celebration / conference venue which are not abundant in Nelson;</p> <p>Christchurch has similar operations discretely positioned that cause no concern;</p> <p>Place of religious assembly for cremation committal and service will provide a peaceful setting to help families cope with their loss;</p> <p>The reception centre will enhance the garden area and allow people to relax. It will compliment functions providing security and comfort with the appropriate facilities;</p> <p>The memorial garden will provide families with a focal place to visit and pay respect to loved ones;</p> <p>The crematorium will be non obtrusive, maintained below ground level using the latest technology with no effect on the environment.</p>	Approve The submitter does not wish to be heard at the hearing.
Ian George French 4 Yately Place, Richmond	<p>Place of religious assembly for cremation committal and service will provide a peaceful setting to help families cope with their loss;</p> <p>The reception centre will enhance the garden area and allow people to relax. It will compliment functions</p>	Approve

Name and Address of Submitter and Allocated Submission Number	Reasons	Decision
51	<p>providing security and comfort with the appropriate facilities;</p> <p>The memorial garden will provide families with a focal place to visit and pay respect to loved ones;</p> <p>The crematorium will be non obtrusive, maintained below ground level using the latest technology with no effect on the environment.</p>	The submitter does not wish to be heard at the hearing.
<p>Belinda Kay Clark</p> <p>4 Yately Place, Richmond</p> <p>53</p>	<p>Place of religious assembly for cremation committal and service will provide a peaceful setting to help families cope with their loss;</p> <p>The reception centre will enhance the garden area and allow people to relax. It will compliment functions providing security and comfort with the appropriate facilities;</p> <p>The memorial garden will provide families with a focal place to visit and pay respect to loved ones;</p> <p>The crematorium will be non obtrusive, maintained below ground level using the latest technology with no effect on the environment.</p>	<p>Approve</p> <p>The submitter does not wish to be heard at the hearing.</p>
<p>Elizabeth O'Connor Anne</p> <p>21 Cotteral Road, Appleby</p> <p>55</p>	<p>The believe it would add to what people would like for funerals;</p> <p>Place of religious assembly for cremation committal and service will provide a peaceful setting to help families cope with their loss;</p> <p>The reception centre will enhance the garden area and allow people to relax. It will compliment functions providing security and comfort with the appropriate facilities;</p> <p>The memorial garden will provide families with a focal place to visit and pay respect to loved ones;</p> <p>The crematorium will be non obtrusive, maintained below ground level using the latest technology with no effect on the environment.</p>	<p>Approve</p> <p>The submitter does not wish to be heard at the hearing.</p>
<p>Cameron James Fraei</p> <p>16a Cohen Place, Tahunanui</p>	<p>Place of religious assembly for cremation committal and service will provide a peaceful setting to help families cope with their loss;</p> <p>The reception centre will enhance the garden area and allow people to relax. It will compliment functions providing security and comfort with the appropriate facilities;</p> <p>The memorial garden will provide families with a focal</p>	Approve

Name and Address of Submitter and Allocated Submission Number	Reasons	Decision
59	<p>place to visit and pay respect to loved ones;</p> <p>The crematorium will be non obtrusive, maintained below ground level using the latest technology with no effect on the environment.</p>	The submitter does not wish to be heard at the hearing.
<p>Walter David Day</p> <p>96 Pigeon Valley Road, Wakefield</p> <p>62</p>	<p>Place of religious assembly for cremation committal and service will provide a peaceful setting to help families cope with their loss;</p> <p>The reception centre will enhance the garden area and allow people to relax. It will compliment functions providing security and comfort with the appropriate facilities;</p> <p>The memorial garden will provide families with a focal place to visit and pay respect to loved ones;</p> <p>The crematorium will be non obtrusive, maintained below ground level using the latest technology with no effect on the environment.</p>	<p>Approve</p> <p>The submitter wishes to be heard at the hearing.</p>
<p>Phillip Murray Higgins</p> <p>34 Moore Road, Bridge Valley Wakefield</p> <p>75</p>	<p>Place of religious assembly for cremation committal and service will provide a peaceful setting to help families cope with their loss;</p> <p>The reception centre will enhance the garden area and allow people to relax. It will compliment functions providing security and comfort with the appropriate facilities;</p> <p>The memorial garden will provide families with a focal place to visit and pay respect to loved ones;</p> <p>The crematorium will be non obtrusive, maintained below ground level using the latest technology with no effect on the environment.</p>	<p>Approve</p> <p>The submitter does not wish to be heard at the hearing</p>
<p>Susan Betty Higgins</p> <p>34 Moore Road, Bridge Valley Wakefield</p> <p>75</p>	<p>Place of religious assembly for cremation committal and service will provide a peaceful setting to help families cope with their loss;</p> <p>The reception centre will enhance the garden area and allow people to relax. It will compliment functions providing security and comfort with the appropriate facilities;</p> <p>The memorial garden will provide families with a focal place to visit and pay respect to loved ones;</p> <p>The crematorium will be non obtrusive, maintained below ground level using the latest technology with no effect on the environment.</p>	<p>Approve</p> <p>The submitter does not wish to be heard at the hearing.</p>
<p>Ruth Paula Pratt</p> <p>6/736 Sandy Knolls Road,</p>	<p>Place of religious assembly for cremation committal and service will provide a peaceful setting to help families cope with their loss;</p>	Approve

Name and Address of Submitter and Allocated Submission Number	Reasons	Decision
<p>Christchurch</p> <p>81 (Accepted Submission) Late</p>	<p>The reception centre will enhance the garden area and allow people to relax. It will compliment functions providing security and comfort with the appropriate facilities;</p> <p>The memorial garden will provide families with a focal place to visit and pay respect to loved ones;</p> <p>The crematorium will be non obtrusive, maintained below ground level using the latest technology with no effect on the environment.</p>	<p>The submitter does not wish to be heard at the hearing</p>
<p>Laurence and Suzanne Max</p> <p>165 Haycock Road, Richmond</p> <p>82 (Accepted Submission) Late</p>	<p>Place of religious assembly for cremation committal and service will provide a peaceful setting to help families cope with their loss;</p> <p>The reception centre will enhance the garden area and allow people to relax. It will compliment functions providing security and comfort with the appropriate facilities;</p> <p>The memorial garden will provide families with a focal place to visit and pay respect to loved ones;</p> <p>The crematorium will be non obtrusive, maintained below ground level using the latest technology with no effect on the environment.</p>	<p>Approve</p> <p>The submitter does not wish to be heard at the hearing</p>
<p>Kevin Martin</p> <p>24 Lightband Road, Brightwater</p> <p>83 (Accepted Submission) Late</p>	<p>Place of religious assembly for cremation committal and service will provide a peaceful setting to help families cope with their loss;</p> <p>The reception centre will enhance the garden area and allow people to relax. It will compliment functions providing security and comfort with the appropriate facilities;</p> <p>The memorial garden will provide families with a focal place to visit and pay respect to loved ones;</p> <p>The crematorium will be non obtrusive, maintained below ground level using the latest technology with no effect on the environment;</p> <p>If approved the speed concerns in associated areas should be monitored.</p>	<p>Approve</p> <p>The submitter does not wish to be heard at the hearing</p>

The submissions in support have a common theme of supporting such a facility within an established garden setting; they see the activities as complimentary to and compatible with the existing environment. Many submitters in support of the application see the proposed facility as a logical extension of the existing Gardens of the World experience and an opportunity to have the gardens retained and maintained in conjunction with the memorial garden and cremation facility.

Of the submitters supporting the proposal, eight have indicated they wish to be heard.

Submissions in Opposition (36)

Submitter and Submission number	Reasons	Decision
<p>Wilhelm Gustav and Christina Edith Raats</p> <p>135 Haycock Road, Richmond</p> <p>19</p>	<p>Introduction of commercial activity into a rural 1 site would be a dramatic change of use;</p> <p>Proposal contrary to the objectives and policies of the TRMP as the council has land set aside for these types of activities;</p> <p>Two existing cremation facilities should be sufficient to reserve the community, the applicants have another facility in Motueka where it does not appear to operate within the conditions of their consent (parking, screening and noise barriers);</p> <p>Potentially harmful toxins from crematorium emissions;</p> <p>Stigma of crematorium may have negative impact on property values;</p> <p>Traffic increase and its impact on existing environment and users;</p> <p>Noise from evening functions;</p>	<p>Decline</p> <p>The submitter wishes to be heard at the hearing.</p>
<p>Grant and Melanie Ramsay</p> <p>136 Clover Road, Richmond</p> <p>23</p>	<p>Strongly opposed because of increased traffic impact on school and recreational activity;</p> <p>The area is rural and regarded as a water catchment area, we have strong concerns for mercury contaminants.</p>	<p>Decline</p> <p>The submitter does not wish to be heard at the hearing</p>
<p>Murray Wayne Hill and Amelita D Hill</p> <p>444 Patons Road, Richmond</p> <p>25</p>	<p>The land is not zoned for the activity , the Council have zoned mixed business land in lower queen street for this activity;</p> <p>The traffic build-up on roads, the impact on Hope School;</p> <p>The release of mercury from amalgam dental restoration, baby boom will increase contamination.</p>	<p>Decline</p> <p>The submitter wishes to be heard at the hearing.</p>
<p>Terry Milton</p> <p>Milcrest Holdings Ltd, 114 Haycock Road, Hope</p> <p>26</p>	<p>Potential impact on my vineyard at 114 Haycock Road from mercury emissions, impact on property values with attached 'stigma';</p> <p>Increase traffic will result in increased risk and crashes on an already dangerous Paton Road, alcohol at functions may further increase the risk;</p> <p>Detract from rural lifestyle of the area and noise impact on enjoyment of rural lifestyle.</p>	<p>Decline</p> <p>The submitter wishes to be heard at the hearing.</p>

Submitter and Submission number	Reasons	Decision
<p>Maureen Teague 430 Patons Road, Richmond 37</p>	<p>Concerns of traffic movements, times of operation and environmental effects; The land is classed as rural land not industrial.</p>	<p>Decline The submitter wishes to be heard at the hearing.</p>
<p>Darryll Wayne Aitken 161 Clover Road East, RD 1, Richmond 41</p>	<p>The use of Rural zoned land by an activity that is better suited to mixed business and industrial zoned land; Potential for mercury contamination over our land for 35 years, and its impact on future crop ventures on our land; Increased traffic impact on the recreational use of the nearby road networks (cyclists, horses); Lack of building design and visual aids in the application do not assist in seeing what the visual effects will be; Do we need this and do we have the infrastructure to support it in this location?</p>	<p>Decline The submitter wishes to be heard at the hearing.</p>
<p>Conly D Zimmerman 28 Giblin Street, Richmond 42</p>	<p>The land is rural 1, this will further fragment the Rural 1 zone by removing 3.8 hectares of high quality irrigated land and over value the balance land in the zone making it harder to use productively and to be financially viable; There are areas in the Tasman District that this activity could be placed so as not to set a precedent for rural 1 land; The issues of water, traffic, noise, smell and contamination all need to be thoroughly investigated.</p>	<p>Decline The submitter wishes to be heard at the hearing.</p>
<p>Kevin James Simpson 73 Clover Road East, RD 1, Brightwater 43</p>	<p>Concern of contamination from mercury discharge in the cremation process which may affect produce grown in the area.</p>	<p>Decline The submitter does not wish to be heard at the hearing.</p>
<p>Cas Eva Round and Richard Colin Barry 86 Clover Road East, RD 1, Richmond</p>	<p>We support the District Plans recommendations and therefore are apposed to this application; Question the need for the café facility, it currently runs as an outdoor, weather dependent facility revolving around the gardens; Intrusion to adjoining properties from loud speakers (as recent as 17 Jan 2009) this proposal does not propose any restrictions on this or live music; Consumption of alcohol and road safety is of concern;</p>	<p>Decline</p>

Submitter and Submission number	Reasons	Decision
44	<p>Future attempts to fragment the land using proposed built resources and memorial garden concept;</p> <p>Memorial garden would result in permanent loss of productive land and could consume more of the established garden as it expands;</p> <p>Increase in traffic on already dangerous stretches of road;</p> <p>Contaminant discharge from waster water and crematorium;</p> <p>Cremation services should be directed back into the public sector as appose to private enterprise.</p>	The submitter wishes to be heard at the hearing.
Colin Richard Barry 6 Coleridge Place, Stoke 45	<p>A lifestyle block area with pristine surrounding should not be considered for these purposes;</p> <p>Surely there is another environment more suitable that does not impact on so many houses and property owners who choose to live in this Rural 1 location;</p> <p>The proposal changes our perspective on amenity and way of thinking.</p>	Decline The submitter does not wish to be heard at the hearing.
Catalina Guinto De Leon and Paul Doorman 121 Clover Road, East, Hope 46	<p>Certain to have an impact on property values on adjoining sites;</p> <p>Emotional impact on our family from witnesses loss, mourning and signs of funeral activity is unacceptable;</p> <p>We would be forced to sell in a declining market if this goes ahead;</p> <p>How can the level of attendance in the crematorium be maintained at 25?</p> <p>Nature of discharge is of concern, from the smoke buster 140 working up to eight hours a day in a direction that impacts directly on our family home;</p> <p>Reports and application as lodged not conclusive or reassuring and lacking detail;</p> <p>Lack of consultation with us as neighbours is not good enough;</p>	Decline The submitters wish to be heard at the hearing.
Allan and Pamela Brodie 437 Paton Road, RD1, Richmond 47	<p>Fragmentation of Rural 1 land;</p> <p>Impact of the emissions from the crematorium on surround crops and soil and water;</p> <p>Dramatic effect of increased traffic flow on a rural 1 roadway;</p> <p>The stigma of a crematorium on property values;</p> <p>The applicant has a record of non-compliance –</p>	Decline The submitters wish to be

Submitter and Submission number	Reasons	Decision
	internment of ashes.	heard at the hearing.
<p>Peter and Jill Barr</p> <p>128 Haycock Road, Richmond</p> <p>50</p>	<p>Crematorium emission discharge is in direct conflict with the rural zoning activities;</p> <p>Increased traffic and noise disturbance to local residents;</p> <p>The application lacks detail;</p> <p>In the event this is approved we wish to see the following restrictions/conditions imposed:</p> <ul style="list-style-type: none"> • Screening of our western boundary (immediately adjoining the memorial garden) maintained to minimum height of 2.5m; • Limit hour of reception centre operation to 9.00 am – 9.00 pm seven days a week; • No more than 20 functions or events per year; • Widen Patons Toad and reduce speed to 70kph on Patons and Clover Road; • Improve ingress and egress into the site; • Limit funeral and cremations to two per day mon – fri; • Selenium filters and selenium capsules to be used; • Annual testing for soil contamination on neighbouring properties by independent contractors at the cost of the applicant with results supplied to property owners and any remediation undertaken if required; • Decibel restrictions in keeping with the Rural 1 zone; • More information on building bulk design and visual detail on the memorial garden; 	<p>Decline</p> <p>The submitters wish to be heard at the hearing.</p>
<p>Hope School Board of Trustees</p> <p>316 Paton Road</p> <p>(C/-Mike Brown, Waimea Estates PO Box 3444, Richmond)</p>	<p>Traffic Implications for Hope School (primarily Paton Rd and Aniseed Valley Rd corner) proposal will exacerbate an existing issue with traffic;</p> <p>Mercury discharge from crematorium affecting child health;</p> <p>If grantee we wish to see the following conditions:</p> <ul style="list-style-type: none"> • Limitation of speed to 60 kph on Paton Road; • Electronically signed part time speed limits of 40 kph either side of school used 35 minutes prior to school starting and 15 minutes after it starting and commencing 10 minutes before school ends for a period of 30 minutes after the end of the school day; • Centre turning lanes on SH6 when travelling north into Cover Road East and Aniseed Valley Road; • Left turning lanes on SH6 when travelling south into Cover Road East and Aniseed Valley Road; • Zero emissions from crematorium. 	<p>Decline</p> <p>The submitters wish to be</p>

Submitter and Submission number	Reasons	Decision
52		heard at the hearing.
<p>Christopher John and Susan Jean Little</p> <p>331 Paton Road, Hope</p> <p>54</p>	<p>Commercial activities on fertile rural land could permanently eliminate future rural activity from the site;</p> <p>These activities are better suited to Industrial zone;</p> <p>Potential noise nuisance from events;</p> <p>Emission concerns;</p> <p>Traffic issues on unsafe access roads;</p> <p>Inadequate detail and plans supplied with application, unrealistic assumptions also made regarding alcohol, limits on attendees;</p>	<p>Decline</p> <p>The submitters wish to be heard at the hearing.</p>
<p>Jennifer Claire Pollitt and Steve Foote</p> <p>143 Haycock Road, Richmond</p> <p>55</p>	<p>Visual aspect of the crematorium as well as health implications from discharge and effect on an area of food production;</p> <p>Increase in traffic and risk at the dangerous intersections of Clover Road and SH6 and Hope School;</p> <p>Commercial site rather than productive rural would be better suited;</p> <p>Potential for further land fragmentation as the business grows and changes – also reducing its ability to be used productively again.</p>	<p>Decline</p> <p>The submitters wish to be heard at the hearing.</p>
<p>Bruce Graeme Batty</p> <p>58 Haycock Road, Hope</p> <p>57</p>	<p>Contradicts aim and objectives of TRMP and RMA to protect land with high productive values such as this;</p> <p>Reduces ability to return this site to Rural 1 productive use;</p> <p>Lack of detail supplied in application affecting the quality of the AEE;</p> <p>Traffic estimations simplistic, potential increase on these roads lead to increase risk and accidents;</p> <p>Noise is not consistent with the rural environment;</p> <p>Mercury Discharge is not acceptable in this productive environment;</p> <p>Impact on amenity values of surrounding properties;</p> <p>Over capitalising on this site will increase the need to mushroom activities from other sites to this one by the applicant.</p>	<p>Decline</p> <p>The submitter wishes to be heard at the hearing.</p>
<p>Eva Frances Currie</p>	<p>Contradicts aim and objectives of TRMP and RMA to protect land with high productive values such as this;</p>	<p>Decline</p>

Submitter and Submission number	Reasons	Decision
<p>58 Haycock Road, Hope</p> <p>58</p>	<p>Reduces ability to return this site to Rural 1 productive use;</p> <p>Lack of detail supplied in application affecting the quality of the AEE;</p> <p>Traffic estimations simplistic, potential increase on these roads lead to increase risk and accidents;</p> <p>Noise is not consistent with the rural environment;</p> <p>Mercury Discharge is not acceptable in this productive environment;</p> <p>Impact on amenity values of surrounding properties;</p> <p>Over capitalising on this site will increase the need to mushroom activities from other sites to this one by the applicant.</p>	<p>The submitter wishes to be heard at the hearing.</p>
<p>Ian Bell</p> <p>103 Collingwood Street, Nelson</p> <p>60</p>	<p>Application does not address the internment of ashes at the memorial garden site, there is adequate facility for this at existing TDC cemeteries;</p> <p>The application fails to note the Nelson crematorium is under utilised and more cost effective than the applicants other crematorium in Motueka;</p> <p>An average funeral would involve more than the 25 maximum attendees proposed by the application.</p>	<p>Decline</p> <p>The submitter wishes to be heard at the hearing.</p>
<p>Shelley and John Eggers</p> <p>42 Clover Road, Brightwater</p> <p>61</p>	<p>Noise effects;</p> <p>Traffic effects;</p> <p>Emission Effects;</p> <p>Alternative Location;</p> <p>If granted must address:</p> <ul style="list-style-type: none"> • Footpaths and cycle lanes • Restrictions on hours of operation; • Speed limits lowered; • Improvements to Clover Road SH6 intersection. 	<p>Decline</p> <p>The submitter wishes to be heard at the hearing.</p>
<p>Andrew Greenhough and Jenny Wheeler</p> <p>41 Paton Road, Hope</p>	<p>Land should remain in Rural use for future generations and a more suitable site should be sought;</p> <p>Discharge from crematorium poses a threat on our vineyard and other food production activity in this bio-diverse area as well as limiting the long term use of the site;</p> <p>Loss of amenity to surrounding homes from café/reception centre and associate activities – the original 1992 consent has lapsed and is no longer</p>	<p>Decline</p>

Submitter and Submission number	Reasons	Decision
70	<p>applicant;</p> <ul style="list-style-type: none"> • Compensation by the application and the TDC to any grower found to have residue of mercury on their crop. 	hearing.
<p>Gael and William Deaker</p> <p>386 Paton Road, Hope</p> <p>71</p>	<p>Traffic effects – under estimated assessment in application. Increase should be avoided;</p> <p>Contamination from emissions from crematorium on horticulture and agricultural activities;</p> <p>Decrease the value and amenity of the properties nearby with attached stigma;</p> <p>Both the Resource Management Act 1991 and TRMP demand that land of higher productive potential be retained for productive use.</p>	<p>Decline</p> <p>The submitter wishes to be heard at the hearing.</p>
<p>Stephen Richards</p> <p>43 Clover Road East, Brightwater</p>	<p>No restrictions proposed on the number of functions and operating hours;</p> <p>The crematorium activity is not appropriate in Rural 1, as it is a light industrial activity and will lower surrounding property values;</p> <p>Excessive commercial activities on one site will adverse effect the rural character of the area;</p> <p>Lack of information submitted with the application prevents a thorough assessment of the proposal/actual effects;</p> <p>The need for a third facility has not been proven;</p> <p>Threat from mercury contaminations in an unnecessary risk;</p> <p>The event facility will limit future productive use of the site, it will increase traffic movement on a substandard road in the evenings;</p> <p>Waste water disposal has the potential to risk water supply if not sufficient for capacity;</p> <p>If granted wish to see the following conditions:</p> <ul style="list-style-type: none"> • Reduce speed limit to 70k/hr (or upgrade road width to 100k/h standard of 8.5 m) • Limit hours of café 8am-9pm mon-thurs and 8am-10pm fri/sat and 9am-7pm on Sundays and public holidays; • Café shall be closed during private functions; • Limit private function to 26 per year with a maximum of 80 guests, no later than 10pm (or 	Decline

Submitter and Submission number	Reasons	Decision
72	<p>7.00 pm Sundays and public holidays)</p> <ul style="list-style-type: none"> No amplified sound or public address system; Wastewater system shall have capacity that exceeds full occupancy flow rates per day to eliminate potential contamination to ground water. 	The submitter wishes to be heard at the hearing.
<p>Eleanor Margaret Greenhough</p> <p>Braeburn RD 2, Upper Moutere</p> <p>73</p>	<p>All the proposed activities taking place on one site does not give the dead the dignity they deserve;</p> <p>It is Rural 1 land, may set precedent for other light commercial activity to pop up on rural land;</p> <p>Waste of productive land, which is getting more scarce;</p> <p>Emission will be a problem for vegetable growers and vineyards;</p> <p>Traffic volumes are already an issue on this road;</p> <p>If granted the following condition should be imposed:</p> <ul style="list-style-type: none"> No crematorium to be erected; Opening hours 10.00 am – 3.00 pm Funeral limited to no more than 80 people attending; <p>No more than three funerals per week.</p>	Decline
<p>Brad and Jane Helem</p> <p>406 Paton Road, Richmond</p> <p>74</p>	<p>Traffic effects;</p> <p>Noise effects;</p> <p>Emissions discharged;</p> <p>Alternative location;</p> <p>Loss of productive land.</p> <p>If granted we wish to see following conditions:</p> <ul style="list-style-type: none"> Walking and cycle lanes provided Reduction in speed zones; Upgrading of intersections of Paton and Clover and Clover and main road. Hours of operation reduced to mon-fri only 	Decline
Russell I and Judith P Aubrey	Site has historically been associated with applications creating cumulative effects that are contrary to the TRMP and Resource Management Act 1991 –	Decline

Submitter and Submission number	Reasons	Decision
<p>389 Paton Road, Richmond.</p> <p>(C/- Aubrey Survey and Land Ltd)</p> <p>77</p>	<p>creation of small titles and commercial activities;</p> <p>This proposal will eliminate its future potential for food production and rural use;</p> <p>Activities currently operating are not covered by Resource Consent approval;</p> <p>Traffic effects – increase on increasingly dangerous roads, cumulative impact from the proposed commercial and industrial activities;</p> <p>Effects on Rural character and Amenity Values of the area from the size and scale of the proposed activity;</p> <p>Discharge of contaminants has the potential to jeopardise the rural use of the surrounding land;</p> <p>Precedent for establishment of no-soil-based activities on highly productive land.</p>	<p>The submitters wish to be heard at the hearing.</p>
<p>Murray Russell and Suzanne Adele Everett</p> <p>266 Paton Road, Richmond</p> <p>78</p>	<p>As neighbouring market gardeners we object to smoke emissions containing mercury;</p> <p>Traffic flow is at its maximum and shouldn't be allowed to increase until the surrounding road networks are widened.</p>	<p>Decline</p> <p>The submitters wish to be heard at the hearing.</p>
<p>Leah Kilkelly and Tony Murphy</p> <p>126 Clover Road East, Richmond</p> <p>79</p>	<p>The hours of operation proposed for the café and reception centre will increase noise and traffic in the area;</p> <p>Compromises the rural character of the area;</p> <p>The roading network is not equipped to support the higher traffic volumes;</p> <p>If granted wish to see the following conditions:</p> <ul style="list-style-type: none"> • Reduction of hours and days of operation; • Upgrade of road and entrance to cater for increase in traffic; • A capped figure on number of cremations per day and per week; • Reduced speed limit in area; 	<p>Decline</p> <p>The submitter does not wish to be heard at the hearing.</p>
<p>New Zealand Transport Agency</p> <p>C/ - Mike Weir, PO Box 27-477, Wellington</p>	<p>Proposal will increase traffic on SH 6 and compromise the safe and efficient use of the SH6/Clover Road intersection;</p> <p>Funeral Procession using SH6 may slow traffic and further compromise the safe and efficient functioning of SH6;</p>	<p>Decline</p>

Submitter and Submission number	Reasons	Decision
<p>80</p> <p>(Accepted Submission) Late</p>	<p>The upgrade of the intersection could be justified under current traffic demand however it is unlikely to take place within the next 5 years;</p> <p>This application should be declined or put on hold until the intersection can be upgraded and the lines of sight deficiency over-come (toward Richmond);</p>	<p>The submitter wishes to be heard at the hearing.</p>

The submissions in opposition are based on a perception of the proposed activity, the effects - both actual effects that already exist and potential effects that may arise. Of these effects the dominant and reoccurring issues can be summarised into the following categories:

- Traffic safety in relation to the surrounding road network;
- Emissions from crematorium;
- Activity not compatible with the Rural 1 environment.

These categories are discussed in more detail through the assessment of environmental effects. Of the 36 opposing submissions 28 wish to be heard.

5. STATUTORY CONSIDERATIONS

The application is a discretionary activity in the Rural 1 Zone. As a discretionary activity the Council must consider the application pursuant to Section 104(B) of the Resource Management Act 1991.

The main matters for the Council to address in Section 104(B) are:

- Part II matters
- Objectives and Policies of the Proposed Tasman Resource Management Plan
- Adverse Environmental Effects
- Other Matters

Section 104B of the Resource Management Act 1991 (as amended) provides:

After considering an application for a resource consent for a discretionary activity or non-complying activity, a consent authority—

- (a) may grant or refuse the application; and*
- (b) if it grants the application, may impose conditions under section 108.*

5.1 Resource Management Act

Part II Matters

In considering an application for resource consent, Council must ensure that if granted, the proposal is consistent with the purpose and principles set out in Part II of the Act.

If consent is granted, the proposed activity must be deemed to represent the sustainable use and development of an existing resource and any adverse effects of the activity on the environment are avoided, remedied or mitigated. *The critical issue of this consent is whether the proposal represents sustainable use of the rural zoned land resource, whereby traffic, noise, amenity and cumulative adverse effects are no more than minor.*

These principles underpin all relevant Plans and Policy Statements, which provide more specific guidance for assessing this application.

5.2 Tasman Regional Policy Statement

The Regional Policy Statement seeks to achieve the sustainable management of land and coastal environment resources. Objectives and policies of the Policy Statement clearly articulate the importance of protecting land resources from inappropriate land use and development.

Because the Tasman Resource Management Plan was developed to be consistent with the Regional Policy Statement, it is considered that an assessment under the Proposed Plan will satisfy an assessment against Policy Statement principles.

5.3 Tasman Resource Management Plan

The most relevant Objectives and Policies are contained in:

- Chapter 5 “Site Amenity Effects”
- Chapter 7 “Rural Environment Effects”
- Chapter 11 “Land Transport Effects”

These chapters articulate Council’s key objectives: To ensure land uses do not significantly adversely affect local character, to provide opportunities for a range of activities in rural areas and ensure land uses do not significantly adversely affect the safety and efficiency of the transport system.

The most relevant Rules which follow from these imperatives are contained in

- Chapter 17.4 “Rural 1 Zone Rules” and
- Chapter 16.2 “Transport (Access, Parking and Traffic)”.

Details of the assessment of the proposed activity in terms of these matters are addressed through the assessment of actual and potential effects below and analysis and discussion on the relevant policies and objectives later in this report.

6. ASSESSMENT

Pursuant to Section 104(1)(a) of the Resource Management Act, the following effects assessment has been set out:

6.1 Permitted Baseline

Section 104(2) gives a consent authority the ability to disregard adverse effects on the environment of activities that the Plan permits, if it so wishes. This is the “permitted baseline” and can provide a yardstick for the effects that otherwise might arise.

The land is zoned Rural 1 and the Tasman Resource Management Plan and the permitted baseline can be considered in relation to the buildings in a Rural 1 Zone, but not in relation to the commercial activity of operating a café and reception centre and crematorium.

The Rural 1 Zone Rules allow buildings, excluding dwellings and greenhouses up to 2000 square metres to be erected as a Permitted Activity. Such a building is permitted to be 7.5 metres in height and located 10 metres from road boundaries and 5 metres from internal boundaries.

The proposed buildings will be considerably less than what can be permitted as of right on this Rural 1 block. In terms of “buildings” in rural areas, the proposal can be seen as being less than the permitted baseline and that has to be considered when the visual effects are taken into account.

The operation of a crematorium and café/reception centre does not have any real comparison with a rural activity that is a permitted activity and therefore the permitted baseline has no real relevance to this aspect of the proposed activity.

The existing dwelling will become an onsite manager’s residence, which is effectively the same as the occupation of one dwelling in a Rural 1 Zone, which is an anticipated development for every certificate of title.

6.2 Assessment of Actual and Potential Effects

Following lodgement of the application, a site visit and review of the applicant’s further information response and consideration of the matters raised by submitters, the adverse effects (both actual and potential) have been summarised into the following five groups:

1. Noise Effects
2. Rural and Rural Residential Amenity
3. Traffic Safety
4. Land productivity and Fragmentation
5. Other Matters – Including Precedent/Cumulative Effects and Zoning

Pursuant to Section 104(1)(a) of the Resource Management Act, the following effects assessment has been set out:

6.2.1 Noise Effects

Council’s Regulatory Services Co-ordinator, Graham Caradus has provided a staff report in relation to noise from the proposed activities. A full copy of Mr Caradus’s report dated 17 February 2009 is appended to this report as Appendix 4.

Mr Caradus concludes that the crematorium and place of religious assembly will not generate any significant noise and as the proposed function centre will involve functions similar to those that already operate from the site that have done so without noise complaint, there are likely to be limited or no noise effect issues. He highlights the land owner's responsibility to adopt the best practical options for noise control and to comply with the Rural 1 Zone noise standards. Overall the noise effects are anticipated to be no more than minor.

6.2.2 Amenity

Whilst it is considered that under Section 6, there are no matters of national importance relevant to this application Section 7 of the Act provides for the following "Other Matters" to have particular regard to:

- The efficient use and development of natural and physical resources;
- The maintenance and enhancement of amenity values;
- Maintenance and enhancement of the quality of the environment;

Note in the above that "**Amenity Values**" means those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes. "**Environment**" means the social, economic, aesthetic, and cultural conditions which affect or which are affected by, amongst other things, ecosystems and their constituent parts, including people and communities, amenity values and all natural and physical resources.

So whilst the proposal involves the use of an existing building, construction of two new buildings and the development of an activity and service that may have benefits to local wider community, the activity should not be to the detriment of the environment and the amenity of the neighbourhood.

The extent to which the proposal represents efficient use and development of natural and physical resources will depend on the extent of adverse effects arising from the proposal can be avoided, remedied or mitigated having regard to the general direction afforded by the Tasman Resource Management Plan.

6.2.2.1 Rural and Rural Residential Amenity

The amenity issues include adverse effects of noise, dust and odour and adverse effects on visual amenity and loss of general amenity through having a non-rural activity operating within the neighbourhood.

Currently the environment has a mixture of uses including horticulture, viticulture, pastoral farming and rural residential lifestyle activities. The surrounding properties are not all reflective of a typical Rural 1 land resource as they include smaller holdings and the unusual topography of Burkes Bank / river flats and terracing.

In the subject case there will be no associated land productivity benefits and there is no *essential* need for the activity to be carried out in a rural area.

The proposed commercial activities, events (and their associated traffic effects) and crematorium activities within the site have potential nuisance effects on the rural and rural residential amenity of the area. *Noise:* As assessed above in section 6.2.1, the applicants do not propose to exceed the permitted activity noise levels for the Rural 1 Zone. Outdoor music events will increase the noise for short periods of time in the surrounding area but these are still bound by the noise level limits for the Rural 1 Zone. Functions held within the reception centre will be less likely to generate adverse noise effects than outdoor functions and because all activities on the site are bound within the Rural 1 noise limits, noise is not regarded as generating an effect that is more than minor. *Traffic:* The applicants have made positive gestures toward mitigating the potential effects of traffic by retaining the existing large format parking areas to cater for larger events. Placing the capacity limit on functions should also impact on the number of cars and the sites ability to cater for them. It would be practical for the applicant to also ensure that where bookings are involved they do not accept bookings for a large tourist buses to visit the gardens during the same hours as booked function events. This would further minimise demand for the parking areas. However, it is not considered that the frequency or numbers of visitors to the gardens would be high enough at any one time to compete for parking or clash with organised functions within the property. It is noted that the café will not be open to the public at the same time as functions therefore garden visitors are also likely to reduce during these occasions.

Other mitigation measures offered by the applicants are prescribed hours for café and function/event activities and set capacity limits for events but it is noted that no limit on the *number* or *frequency* of functions has been offered by the applicant. The fact that no limit on frequency or the number of functions, in my opinion, reduces the level or certainty one can have about the actual amenity affects on the environment from these functions. Worse case scenario would be several functions a day as well as every night of the year, which of course will generate a greater cumulative impact on the amenity if the area than say two functions per week. If consent was granted it would be my recommendation for a limit to be set on the number of functions that could operate within the week/year. This number would need to be set at a level that allows for a reasonable level of activity for the business owner without compromising the amenity of the area beyond a point that is more than minor. The applicants may be able to clarify or provide a figure in the hearing forum for further consideration in any consent conditions.

I also have concerns over the reality of being able to, and the appropriateness of, enforcing capacity limits for funeral services. These can typically be large affairs and unless the applicant is willing to limit the funerals for this site to smaller services where expected numbers are still within the 25 and 80 person capacity levels, it would be a difficult matter to address. (ie: if the applicant is aware that large numbers are anticipated then the service must be held at an alternative venue that can cater for more than 80 persons for the reception and 25 persons for the crematorium).

Submitters have highlighted the issue of alcohol consumption in a remote rural location, its impact on the amenity and traffic safety of the community. The application states that they do not propose any onsite 'sale' of liquor but they also do not propose a liquor free zone. The proposal includes provision for onsite BYO facilities for events and complimentary alcohol consumption during certain functions. The applicant will need to investigate the relevant licensing requirements as certain

on-licence and BYO licences will be required. The provision of complimentary liquor through a commercial service (ie: catering/function) is considered to be sale of liquor, albeit not directly to the guest but through an overall charge with the service and an on licence will be required. This activity does trip a permitted activity rule in the plan and is therefore required to be covered by this Resource Consent.

Obtaining a liquor licence is a process that is dealt with outside the Resource consent process dealing with a complex array of conditions and obligations that the applicant will need to meet in order to obtain the required licensing. These controls and registration requirements will ensure further mitigation of adverse effects from alcohol consumption onsite by setting guidelines that control the use of alcohol within the site.

6.2.2.2 Visual Amenity

Other amenity matters include the “visual” amenity through the establishment of new buildings (reception/café building and crematorium) and signage. However due to the established nature of the site and its’ boundaries these will be well screened from the road and nearby dwellings. The visual amenity is not going to be significantly altered as viewed from the site boundaries and the low profile nature of the proposed buildings mean the buildings will be well within the site and blend into the surrounding landscape.

The development is accompanied by a comprehensive landscape plan for the memorial garden area that has been designed by Rory Langbridge. This plan shows the extensive planting and design that will be incorporated into the rear part of the property, surrounding the chapel, crematorium and memorial garden. This plan also shows how existing plantings will be maintained as hedging together with additional hedge plantings along boundaries to ensure optimum privacy for visitors to the memorial garden and near by / adjoining properties. This landscape work is an extension of the Gardens of the World and will enhance the amenity both within and beyond the site.

I agree with the statement from submitters in support of the application that the site represents an ideal site for establishing this community facility in a peaceful and unique environment that provides appropriate onsite amenity required by the relevant families and groups.

The visual amenity of rural areas is considered to be high, however farm buildings can be quite large and occupy 5% of land in buildings (except dwelling and greenhouses which have no limitation) and up to a maximum 2000 m² of building footprint area can be built on sites larger than 4 hectares. On the subject site of 3.4798 hectares the total area of restricted buildings (i.e. not dwellings or greenhouses) could be as much as 1700 m². Note however that the uses of such buildings would need to meet permitted activity standards.

In summary the amenity of the area is well established, visually this will not alter significantly; nuisance factors created by high numbers of traffic movements, frequency of events and the general presence of non-rural activities operating from the site does have the ability to affect the amenity so will require conditions of consent to limit and control the frequency at an acceptable level that maintains the amenity of the area. Because amenity involves people's appreciation of its

pleasantness, aesthetic coherence, and cultural and recreational attributes it is clear from submitters concerns that their appreciation of the pleasantness of the surrounding environment will be effected by the presence of the crematorium and funeral activities. The nature of the proposed activities introduces a psychological barrier that could have an impact on the amenity.

Amenity issues arising from the discharge to air for the crematorium have been assessed through associated Discharge consent RM081020.

6.2.3 Traffic

Traffic safety concerns relate to increased vehicle movements over a series of roading networks leading to the subject site (namely Paton Road, State Highway 6 and Clover Road East), as well as movements across the vehicles' access points of the site. Two existing crossing places are located along Clover Road East, these are to remain and be upgraded to 5 metres within the property boundary. Further information received from the applicant on April 27 shows a third access place proposed for Paton Road, leading into the car park area.

Based on the information supplied with the application it would be considered that compared to a rural activity the estimated vehicle movements would be considered to be far higher. The estimated vehicle movements however are not limited and could be higher as discussed in the previous amenity section, unless a limit on number of events is imposed. The applicant has provided an estimate of traffic movements in comparison to the current use of the site and this estimate increases in numbers from currently 158 average traffic movements per day to 194 average traffic movement which represents a 20 % increase. Submitters that oppose the application do not agree that this estimate reflects a realistic figure and unless limitations are incorporated into any consent approval the actual traffic movements could be in excess of these figures. This assessment is based on the projections presented by the applicant.

In the application is proposed that the two existing access ways will be formed to a lesser standard the minimum Rural 1 access standard in the TRMP (5 metres is proposed from the edge of the Clover Road East carriageway, however the TRMP standard requires access sealing to extend from the carriageway to a point no less than 10 metres within the property boundary). Due to the nature of bus tracking requirements and the anticipated level of traffic movements across these access ways, it would be Council's planning recommendation that these access standards be upheld and imposed as conditions of consent.

In the TRMP there are no rules relevant to this application to control vehicle movements to and from the site, unless the activity is defined as a Community Activity.

New Zealand Transport Agency (NZTA) who is responsible for the safe and efficient use of the State Highway network within New Zealand has submitted in opposition to the application. NZTA have identified issues at the intersection of SH 6 and Clover Road East that could be exacerbated by the increase in traffic proposed by the current application. Engineering matters have been assessed by Council's Development Engineer who has presented the following opinion on this matter in his accompanying report: *that the majority of traffic will arrive and depart from the Paton*

Road direction resulting in minimal traffic at the Clover Rd/SH6 intersection, NZTA should endeavour to bring forward the planned upgrade of the intersection.

A full copy of Dugald Ley's report is attached to the rear of this report as Appendix 5

In addition to the initial Engineering comments and after the further information was received showing a third crossing onto Paton Road, Dugald Ley updated his report in relation to the third crossing. The additional crossing is not part of the proposal that is supported by Engineering and a revised parking plan excluding the Paton Road access will be sought.

In Summary the current Engineering position in relation to traffic is:

Due to the increase in use of the intersection it is Engineering's view that safe sight visibility may be compromised if a corner snipe is not taken at this time. It is therefore engineering view that the intersection can be made safer with a 10.0 m x 10.0 m corner snipe vesting with Council with no compensation to mitigate adverse effects should shrubs and trees be planted at the corner intersection on the applicant's land thereby inhibiting sight visibility;

Parking should be discouraged on the adjacent grass berms of Clover Road and Paton Roads especially near the intersection of these roads;

Signage should be erected and entranceways enhanced to be more "inviting" for visitors to enter the site with vehicles, rather than park on the road berms;

Onsite parking for the required number of vehicles shall be physically marked out and available for use together with appropriate turning areas;

Times to be staggered between separate events arranged on the site;

No stopping restriction for 5.0m ether side of the access ways on Clover Road;

Funeral "processions" (of vehicles either to or from the venue) be discouraged via a management regime of the Funeral directors;

A review clause pursuant to section 128 RM Act after 12 months of operation.

It is Engineering's opinion that subject to works as outlined above being implemented then any engineering adverse effects created by this application can be mitigated satisfactorily such that effects are no more than minor.

6.2.4 Land Productivity and Fragmentation

The subject site was created by a 1991 subdivision, further land development of the site included conversion of a historic apple orchard into a large, landscaped world garden which has been open to the public and used for functions over the last 15 years.

The site at 3.84 hectare in area has limited productive capacity as a stand alone economic unit and it has not been used for 'typical productive rural use' since before the early 1990s. It is surrounded by a wide variety of productive and non productive land uses and in its current form it blends into the environment and is not out of character in this location.

One could also argue that the site has such significant capital investment and time spent establishing the gardens that the feasibility of any future conversion back into a rural block would be both impractical and unlikely. When put onto the property market the uniqueness and unconventional rural nature of the site was always going to determine a limited market of interest. One would expect any future use of site, in the foreseeable future, would likely be rural residential as a private residence or as a commercial adjunct to the existing gardens.

The use of the site could also be said to be "productive" in that the garden aspect is largely a soil based activity and while this is non-conventional in comparison to other horticultural and pastoral uses it is not removing soil based activities with large physical resources such as buildings, roading or car parking.

While further loss of productivity is not anticipated on the subject site by virtue of the majority of the proposed activity, the interment of ashes within an area of approximately 6500 square metres will effectively reduce the future options for this part of the site to be used productively for cultural and spiritual reasons.

The current application will intensify existing non-rural activities and submitters have raised concern about its impact on the future productive use and possible fragmentation of the site. The property sizes surrounding the Gardens of the World site range from 3442 m² which are clearly rural residential in nature to large horticultural blocks of 25 hectares. This site is not out of character or at greater risk of subdivision than other Rural 1 properties in the vicinity.

In my opinion this development will not jeopardise the productive potential of the land, given its existing size and nature. This is discussed in more detail through the assessment of Chapter 7 – Rural Environmental Effects in section 11.3 of this report. The property is a reasonably sized physical resource but with limited uses that would be ancillary to the permitted activities on the land, therefore most future uses of the site, other than a rural residential private residence are likely to need resource consent to operate to ensure the proposed use fits in with the surrounding environment.

The applications overall impact on rural productive and fragmentation can therefore not be said to be significant.

6.2.5 Other Matters

6.2.5.1 Precedent / Cumulative Effects

The granting of a resource consent does not necessarily create a precedent by itself but all resource consents must follow consistency in the application of legal principles. Whilst no two resource consents are ever identical it can be considered that granting of one consent may well have an influence on how another application should be dealt with. If a resource consent has aspects that can clearly distinguish it

from the general such that its situation and or circumstances are unique or rare then precedent is unlikely to be able to be applied. In the subject case the writer considers that there are unique or rare circumstances that distinguish this application from say one that may follow after to establish another similar activity on bare or a more conventional rural site.

Other cases where the Council has supported use of rural land for commercial/industrial activity have involved two key supporting factors:

1. Either the activity was intrinsically linked to the productivity of the land as in the case of coolstores and packhouses; or
2. Where the activity has not been linked to the productivity of the land, the land has already been modified by the development of yard areas and significant building infrastructures (e.g. redundant packhouses or existing industrial/commercial buildings) or in this case large established gardens.

In this case the proposed activity is not one considered to be intrinsically linked to the productivity of the land but it is land that has been so intensively modified that the proposed activities utilise and complement this. The proposal does use an existing resource, and has the ability to mitigate potential adverse affects from the activity proposed. As mentioned previously it is acknowledged that the limited productive potential of the title (3.84 hectares) would inhibit most permitted productive uses of the site. The question that needs to be addressed is whether this proposal can continue to make effective use of this resource without generating adverse effects on the environment.

There have been previous applications approved for alternative industrial/commercial activities within the Rural 1 zone, each assessed on a case-by-case basis as not producing adverse effects that are more than minor. As already highlighted the uniqueness of this site and the application detail is not likely to replicate on other site or lead to a number of similar applications in Rural 1.

The committee will note that the site has already been granted resource consent approval in 1991 for the construction and operation of a reception centre, for up to 80 guests between the hours of 10am and 11pm. This activity was granted through RM910069 but has not been given effect to. The Council decision in 1991 considered the site suitable for the proposed reception building as it was complementary to the tourist garden facility. While there is some debate over the relevance of this previous decision with today's application and whether it has set a precedent for the site, I believe there are similarities that can not be overlooked. With exception of the additional crematorium with memorial garden aspect the proposal is consistent with a concept already accepted by Council for this particular site. While the two applications have been dealt with under different plans (The 1991 decision was made under the Resource Management Act 1991 and the Waimea Section of the Transitional District Plan and today's application is made under the Resource Management Act 1991 and Tasman Resource Management Plan) the planning framework and thrust of the policies and objectives for rural land remain consistent.

The effect of the proposal on property value has been raised by submitters. The matter of land values is not a matter for consideration under the Resource Management Act but it is noted that there are psychological implications surrounding death, funerals and the cremation process which could be a barrier or factor to potential purchasers in the area.

6.2.5.1 Appropriate Zone Consideration Under the TRMP

Submitters have raised the view that there are still industrially zoned opportunities within the Nelson-Tasman Region that would be more appropriate for the crematorium aspect of the proposal. In the subject case there is no essential need for the cremation activity to be carried out in a rural area other than its link and compatibility with the chapel, memorial garden, function centre and established garden. The proposal offers one site to cater for all parts of the process. If the crematorium activity resulted in common industrial effects such as noise, dust, odour, inappropriate discharge then an industrial zone would be the most appropriate zone to be undertaking cremations, however as outlined in the accompanying discharge report the cremation activity will not generate more than minor discharge effects. A number of circumstances, as outlined above, led the applicant to choose this site and subsequently apply to operate from a Rural 1 zoned piece of land.

There are no zones in the TRMP that *list* a crematorium as a permitted activity. Submitters have expressed the opinion that other zones such as Industrial and Mixed Business in the TRMP are better suited to the crematorium activity. The only zone that mentions crematorium activity by name is the Mixed Business Zone (MBZ), however following the cascade of rules in the MBZ it is categorised as a non-complying activity which is more restrictive than the discretionary status in most of the other zones. The discharge for a crematorium is also discretionary activity in every zone therefore every application for this requires a Resource Consent to be applied for. The crematorium activity, when not mentioned by name could otherwise be considered to meet parts of the definitions of community, commercial and industrial activities under the meaning of words in Chapter 2 of the TRMP.

There is one existing crematorium in the Tasman District; it is located in Inglis Street, Motueka. This crematorium is positioned within a Residential Zone and was granted through a Resource Consent process in 1994. The application received 41 submissions, of which five were in opposition. The Council's approval received an appeal that was later withdrawn. This crematorium has operated from the site for the past 15 years and the file indicates no registered complaints relating to the activity.

The industrial zone may be considered an appropriate zone for the activity of cremation when viewed as a "process", however it could also be viewed as highly inappropriate for the cultural and spiritual issues that are intrinsically linked with cremation and funerals.

7. RELEVANT NATIONAL POLICIES

There are no relevant national policy issues and the New Zealand Coastal Policy is not relevant to this application.

8. RELEVANT REGIONAL POLICY STATEMENTS

The Tasman Regional Policy Statement has been designed to be incorporated in the plan so an assessment of the plan suffices as an assessment of both documents.

9. TASMAN RESOURCE MANAGEMENT PLAN - POLICIES AND OBJECTIVES

Objectives in the Proposed Plan which are relevant to this matter are numerous and cover areas such as site amenity, urban and rural land issues and land transport effects.

The following Policies and Objectives have been considered relevant for this proposal:

- Chapter 5: Site Amenity Effects
- Chapter 7: Rural Environment Effects
- Chapter 9: Landscape
- Chapter 11: Land Transport Effects

Chapter 5: Site Amenity Effects

Issues:

- a) Provision for appropriate protection, use and development of the District's resources so that activities at one site do not adversely affect the use and enjoyment of another site, or resource.
- c) Amenity can be compromised in site development and site use.
- e) Safety of people, property, and resources.

5.1.2 Objective

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.

Policies

5.1.3.1 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.

5.1.3.9 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.

5.1.3.14 To provide sufficient flexibility in standards, terms and methods for rural sites to allow for the wide range of effects on amenities which are typically associated with rural activities, and which may vary considerably in the short or long term.

5.2.2 Objective

Maintenance and enhancement of amenity values on site and within communities throughout the District.

Policies

5.2.3.1 To maintain privacy in residential properties, and for rural dwelling sites.

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

5.2.3.10 To allow signs in residential, rural residential, recreation and rural areas that are necessary for information, direction or safety.

The following extracts from the introduction, principal reasons and explanations for Chapter 5 are considered relevant:

“Land use frequently has effects which cross property boundaries. Those effects may add to or detract from the use and enjoyment of neighbouring properties. They may also affect natural resource values, such as air and water quality, or common goods such as views or local character.

Adverse cross-boundary effects are commonly noise, dust, vibration, odour, contamination, shading and electrical interference. Amenity values such as privacy, outlook, views, landscape, character and spaciousness may also be affected.

Within a site, amenity may stem from the versatility of the site; the proportions of buildings, open space, and vegetation; provision for vehicles; the benefits of daylight and sunlight both indoors and outside.

The health and safety of people, communities and property is a significant part of site amenity, both within the site and between sites. Contaminants, including noise, and fire, hazardous substances and natural hazards, are factors in maintaining or enhancing amenity values.

The density of development influences the degree of some effects. In other cases it influences the perception of when an effect becomes adverse: for example, development at urban density produces different expectations of privacy than is achieved in rural areas.

In rural areas, adverse effects are particularly apparent between residential activities with urban amenity expectations, and the range of possible rural land uses. In urban areas, adverse effects can occur between all types of activities.”

“Subdivision and development commonly occurs at locations which share attributes valued by the community, such as sustainable management of land for rural activities and scenic or natural attractions. Continued urban development at these locations may reduce those values. Sometimes developments may provide an opportunity for more formal protection of valued features and may include other mechanisms for enhancing the environment.

“Advertising in rural, recreation and residential areas is often a detraction from the amenity of these areas and in these areas, signs are restricted as to scale and positioning”.

Comment

The above objectives and policies confirm the need to protect amenity values and whilst Chapter 5 policies and objectives cover all zones, it is clear that rural and rural/residential amenity values have to be safeguarded from adverse environmental effects.

The writer’s opinion is that visual amenity will not change significantly provided that the boundary screening is retained and enhanced over time and the applicants aim to achieve low profile, non intrusive buildings. The development is proposed on a site which shares attributes valued by the community, such as sustainable management of land for scenic or natural attractions, it is complimentary to the existing garden resource and compatible with the surrounding environment if maintained at a level that will not override this existing character.

While an activity that contains both commercial and industrial elements is not always compatible with rural site amenity policies and objectives, this proposal in this location can be managed inside the property boundaries and in such a way that general and neighbourhood amenities are not compromised.

Chapter 7: Rural Environment Effects

Relevant Issues:

Tasman District’s land resource is largely rural. Rural character, amenity values, and the productive use of rural land underpin the social, economic and cultural well-being of the people of the District.

The fragmentation of rural land is the progressive breaking up of land parcels through subdivision in association with subsequent land use activities such as buildings, other structures and roads. Land fragmentation may occur for a variety of reasons. While fragmentation may allow for more intensive use of rural land for soil-based and other rural activities, with resulting social and economic benefits, the principal effect of land fragmentation in the Tasman District has been the cumulative reduction in opportunities for the productive potential of land to be taken up, either within sites or over larger areas.

As new structures or services are established, the range of soil-based production activities that can be physically or economically undertaken, progressively reduces in scope. The reduction in productive potential of any land, together with the physical coverage of productive land, may reinforce the demand for further fragmentation. This effect is particularly significant for the relatively small amount of land in the District with high productive value (approximately five percent). This land is a finite resource and its loss through fragmentation is effectively irreversible.

Industrial and commercial activities in rural areas remove land from soil-based production. To date, these activities have not affected the viability of soil-based production. However, their presence can affect rural character and amenity values.

Industrial, commercial and residential activities inevitably involve buildings and services development. This development brings with it effects which can detract from the environmental quality and rural character of the areas in which they are situated or through which they are serviced. The cumulative effects of such development can be the creeping “urbanisation” of rural areas.

An important aspect of managing rural environmental effects is recognising the qualities and character of rural areas, and the legitimacy of existing established activities and a range of potential future activities which involve the productive use of the land resource.

An issue Council has to consider is how to provide for non-soil-based production uses in rural areas, without diminishing the availability of the productive land resource and how to maintain an appropriate level of protection of rural character, ecosystems and amenity values. This proposal does not take land out of production and uses an existing resource that is located on land that has already had its productive potential diminishes no longer used productively.

7.1.2 Objective

Avoid the loss of potential for all land of existing and potential productive value to meet the needs of future generations, particularly land of high productive value.

Policies

7.1.3.2 To avoid, remedy or mitigate the effects of activities which reduce the area of land available for soil-based production purposes in rural areas.

7.1.3.3 To avoid, remedy or mitigate adverse actual, potential, and cumulative effects on the rural land resource.

7.2.2 Objective

Provision of opportunities to use rural land for activities other than soil-based production, including papakainga, tourist services, rural residential and rural industrial activities in restricted locations, while avoiding the loss of land of high productive value.

7.2.3.2 To enable site is specific location to be used primarily for rural industrial, tourist services, or rural residential purposes with any farming or other rural activity being ancillary, having regard to:

- c) outstanding natural features and landscapes;
- g) transport access and effects;
- j) efficient use of the rural land resources;

7.4.2 Objective

Avoidance, remedying or mitigation of the adverse effects of a wide range of existing and potential future activities, including effects on rural character and amenity values.

Policies

7.4.3.1 To ensure that there is sufficient flexibility for a wide range of productive rural activities to take place, while avoiding, remedying or mitigating adverse effects.

7.4.3.2 To provide for rural activities which may involve levels and types of effects, including noise, dust, smoke and odour, that may be permanent, temporary or seasonal, and that may not meet standards typically expected in urban areas.

7.4.3.3 To provide for the maintenance and enhancement of local rural character, including such attributes as openness, greenness, productive activity, absence of signs, and separation, style and scale of structures.

7.4.3.4 To exclude from rural areas, uses or activities (including rural-residential) which would have adverse effects on rural activities, health or amenity values, where those effects cannot be avoided, remedied or mitigated.

7.4.3.5 To exclude from rural-residential areas, uses or activities which would have adverse effects on rural-residential activities, health or amenity values, where those effects cannot be avoided, remedied or mitigated.

7.4.3.6 To ensure that adequate physical or spatial buffers or other techniques are applied when allowing new allotments or buildings primarily or exclusively for residential purposes in rural areas, so that productive land use opportunities are not compromised.

The following extracts from the introduction, principal reasons and explanations for Chapter 7 are considered relevant:

“People and communities value rural locations for purposes other than soil-based production, and where these purposes can be achieved without compromising productive values, rural character and amenity values, provision can be made for them. This objective, and associated policies, establishes a framework within which Plan provisions such as rules and zones are developed, and consent applications can be evaluated. The policy is supported by methods to encourage responsible management by resource users”.

“Rural areas are working and living environments. They also provide much of the amenity value and character of the District as a whole.

If rural character is to be protected, it is essential that productive rural activities are not overly constrained by standards and conditions based on amenity value that are set at a much higher level than biophysical necessity. Nevertheless, activities in rural areas should not involve effects that significantly adversely impact on rural character and amenity values. This set of objectives and policies aims to provide a balanced approach.

Inevitably some activities, by their scale, intensity or other effect, have the potential, individually or cumulatively, to adversely affect the environmental qualities and other aspects of the environment that this section protects. Such potential effects can be identified on the basis of activity types, and the effects of individual proposals can be evaluated through the application process”.

“The District’s diverse rural landscape, including the working rural landscape, requires careful consideration in terms of this objective whenever an activity or development is proposed that requires consent”.

Comment

Council has acknowledged the pressures and diverse usages of rural land. The Council has to constantly maintain the balance between these uses and at the same time ensure that the fundamental purpose of the Act to promote the sustainable management of natural and physical resources.

The proposed activity meets objective 7.2.3.1-*To enable activities which are not dependent on soil productivity to be located on land which is not of high productive value* by being located on a small holding of 3.4 hectares, which has already had the land taken out of production.

Where a non-soil-based activity is proposed its acceptance with residential occupiers would depend on the effects of the activity. In this application the resource is already well established and no land will be taken out of production by the location of the function centre of chapel buildings. It is an activity that makes efficient use of the unique site as long as it operates at a level and frequency that still maintain the rural and rural residential amenity of the area it can be said to generate effects that on balance are no more than minor.

In my opinion this development will not jeopardise the productive potential of the land, given its existing size and nature.

Chapter 11: Land Transport Effects

Relevant Issues

The adverse effects on the safe and efficient provision and operation of the land transport system, from the location and form of development and carrying out of land use activities.

Increases in traffic volumes from adjacent land use activities that generate vehicle trips may put pressure on particular routes. Urban subdivision and development as well as rural development may increase the demand for upgrading routes, including attention to travel time and hazardous roading situations.

Policies in this section are not only about providing a safe driving environment, but also about ensuring safety for people in the environment through which vehicles are driven. Amenity in that environment is also a relevant issue.

11.1.2 Objective

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.

Policies

11.1.3.4 To avoid, remedy or mitigate adverse effects of traffic on amenity values.

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

The following extracts from the principal reasons and explanations for Chapter 11 are considered relevant:

“Intensive traffic-generating activities such as commercial and industrial activities need convenient access to major routes. Because access causes a reduction in the carrying capacity of roads and a potential conflict with passing vehicles, the location and detailed design of access is important. Accesses that are too wide or too narrow, at a position of impaired visibility or located too close to intersections, can cause traffic conflict”.

“Adequate on-site parking is required for activities to prevent the spread of on-street parking, which can interfere with the safe operation of the transport network and property access to the network”.

“Signs adjacent to roads have the potential to cause driver distraction. Traffic signs should be easily read. To achieve the highest degree of safety, roadside information directed at road users needs to be kept to a minimum, located in positions with adequate visibility and have clear and concise messages that can be rapidly read by road users”.

Comment

The above objectives and policies identify the need to avoid conflicts with traffic having particular regard to issues of traffic safety and efficiency, including the effects on existing roading, provision of adequate parking and amenity values.

The writer takes advice from Council’s Engineering experts in regards to the proposed activities and their effects on traffic and roading. It has been concluded that the existing roads are marginally below the required standard of today, however they are functioning and meeting Council’s current level of service so with the recommended conditions of consent the engineering and traffic effects can be mitigated satisfactorily such that effects are no more than minor.

Summary of Policies and Objectives

The policies that are considered relevant to this application are summarised above. The objectives and policies that relate to site amenity and the rural environment are particularly relevant to this application.

In particular Objective 5.1.2, supported by Policy 5.1.3.1 seeks to protect the amenity of the area and to control built development.

By contrast, Objective 7.2.2 supported by Policies 7.2.3.2(c)(g) and (j) makes provision for activities other than soil based production and in particular tourist services on rural land.

Objective 11.1.2 is to provide a safe and efficient transport system, where any adverse effects of the use or development of land on the transport system are avoided, remedied or mitigated. Council's Engineering Staff are satisfied that the proposed activity is consistent with the land transport policies and objectives.

10. SUMMARY

The application is a discretionary activity in the Rural 1 Zone. As a discretionary activity the Council must consider the application pursuant to Section 104(B) of the Resource Management Act 1991.

- **Part II matters** - The efficient use and development of a natural and physical resource depends on the extent of adverse effects arising from the proposal. In this case adverse effects such as noise, parking and building design will meet permitted performance standards. Those potentially adverse effects relating to the scale and frequency of functions and commercial activities can be mitigated by limitations over the number of events, hours of operation and event capacity and thereby the activity can be said to use the existing resource sustainably.
- **Objectives and Policies of the Tasman Resource Management Plan (TRMP)** - The Tasman Resource Management Plan provides several objectives, policies and rules that do not support the establishment of similar activities in a rural zone unless the adverse effects can be mitigated so they are no more than minor. The assessment of the relevant adverse effects concludes that they can be maintained at a level that is no more than minor. The TRMP also provides opportunity for non-soil based activities where resources and landscapes are used efficiently and appropriately.
- **Adverse Environmental Effects** – The noise, odour and dust will meet the permitted standards and the visual amenity will not be significantly altered by this proposal. While there are concerns over the frequency and total number of events undertaken on the site, it is considered appropriate to use conditions of consent to keep these events to an acceptable level in order to maintain on and off site amenity. The status quo for the current site is that of a large established tourist garden with limited value for alternative land based productivity.
- **Other Matters** – The site has already been proven to be suitable for a reception centre for up to 80 guests, but this approval was not advanced to the construction stage. However it does have relevance to making consistent planning decisions in relation to the site. The nature of the proposed activities in this established garden environment combine to provide a complementary and practical use for the Gardens of the World site. In this case the activity is considered appropriate within the Rural 1 zoned property at 95 Clover Road East. Annual review of the activity through conditions of consent will ensure the activity remains appropriate and operates inline with any consent approval.

Section 104B of the Resource Management Act 1991 (as amended) provides:

After considering an application for a resource consent for a discretionary activity or non-complying activity, a consent authority—

- (a) *may grant or refuse the application; and*

(b) if it grants the application, may impose conditions under section 108.

11. RECOMMENDATION – LAND USE

Pursuant to Section 104(B) of the Resource Management Act 1991, I recommend the application by Gardens of the World Limited to build and operate a crematorium; place of religious assembly with seating up to 25 persons; visitor reception centre catering for up to 80 people incorporating a café; and associated parking, servicing and signage at 95 Clover Road East, be **GRANTED**.

12. CONDITIONS

Should the Hearing Committee **grant** consent I recommend the following conditions be imposed:

General

1. The establishment of the proposed crematorium, place of religious assembly, reception centre, tourist gardens, associated parking, servicing and signage shall be in accordance with the application dated 11 November 2008 and subsequent further information dated 27 April 2009 and plans attached to and forming part of this consent labelled RM080687 Plans A -H and dated 13 May 2009.

Where there is any apparent conflict between the information provided with the application, further information and any condition of consent, the conditions shall prevail.

Tourist Gardens

2. The hours of operation for public access to Gardens of the World shall be limited to daylight hours, but not open before 9.00 am on any day.

Café / Reception Centre

3. The café / reception centre building shall be constructed in general accordance with the site plan, floor plan and elevation drawings labelled RM080687 Plans B, C and D and dated 13 May 2009.
4. The hours of operation for the café activity between the months of October to March shall be limited to between 9.00 am and 10.00 pm and between the months of April to September shall be limited to between 9.00 am and 7.00 pm.
5. The hours of operation for holding functions within the reception centre and adjoining outdoor dining as indicated on Site Plan A shall be limited to between 10.00 am and 11.00pm.
6. The capacity of the café/reception centre shall be limited to a maximum of 80 guests at any one time.

7. The function venue shall be licensed to provide alcohol and food at private functions for no more than 80 persons at any one time. All alcohol provided shall be consumed within the reception centre building and adjoining outdoor dining as indicated on Site Plan A.
8. The design of the proposed reception centre / café buildings shall incorporate design features that avoid the spill of artificial light beyond the boundaries of the site. Features such as security lighting, accessway and carpark illumination shall utilise discrete lighting fixtures that direct light downward.

Place of Religious Assembly / Crematorium

9. The Place of Religious Assembly / Crematorium Building shall be constructed in general accordance with the site plan, floor plans and elevation drawings labelled RM080687 Plans E, F and G and dated 13 May 2009.
10. The Place of Religious Assembly / Crematorium Building shall be registered as a place of religious assembly for a maximum seating capacity of 25 people at any one time.

Landscaping

11. Landscaping of the Memorial Garden shall be undertaken and thereafter maintained in accordance with the attached Landscaping Plan designed by Rory Langbridge, marked RM080687 Plan H and dated 13 May 2009;

Implementation of the plantings referred to in the Landscape Plan shall include:

- a) Amenity plantings and hedging on boundaries shall be implemented prior to Building consent being lodged for the Place of Religious Assembly / Crematorium Building;
- b) The remainder of the landscape planting shall be implemented prior to public use of the Place of Religious Assembly / Crematoria Building;
- c) Boundary plantings shall be maintained so as not to exceed 6 metres in height.

Event Management

Note: For the avoidance of doubt “Event” is defined as any booked event or function undertaken on the site and includes weddings, cremations, funerals, concerts and other public or private functions

12. Prior to application for building consent to construct the reception centre /café building, the consent holder shall submit an Event Management Plan for endorsement by Council’s Manager Resource Consents.
13. The consent holder shall stagger the booking of events in a manner that provides no less than two hours between the conclusion of one event and the commencement of another.

14. The consent holder shall hold no more than two events in any one day and no more than ten events in any one week from the site.
15. The consent holder shall keep an onsite register recording the dates of events. This register shall be made available to Council staff on request for the purposes of monitoring and enforcing conditions of this consent.
16. Outdoor events shall be limited to between the hours of 10.00 am and 11.00 pm.
17. In the event of an outdoor consent of public event, entry shall be by pre-purchased tickets with a limit of 80 tickets per function.

Noise

18. Noise generated by activities within the subject site when measured at or within the notional boundary of any dwelling in a Rural zone (other than any dwelling on the site from which the noise is being generated), Rural Residential zone, or at or within any site within a Residential Zone, does not exceed:

	Day	Night
L ₁₀	55 dBA	40 dBA
L _{max}		70 dBA

Except that this condition does not apply to all noise from any intermittent or temporary rural activity, including noise from:

- i) mobile horticultural and agricultural equipment;
- ii) forest and tree harvesting activities;
- iii) animals, except when associated with intensive livestock farming and animal boarding activities;
- iv) bird scarers and hail cannons.

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).
 Night = All other times, plus public holidays.

Sound and NZS 6802:1991, *Assessment of Environmental Sound*. The measurement and assessment of noise at the notional boundary of a dwelling applies whether the measurement location is within Tasman District or in an adjacent district.

Noise must be measured and assessed in accordance with the provisions of NZS 6801:1991, *Measurement of*

Note: For the avoidance of doubt notional boundary, in relation to noise means:

- a) a line 20 metres from the facade of any rural dwelling that is most exposed to the noise source; or
- b) the legal boundary of the site of the dwelling, where this is closer to the dwelling than (a).

Access and Parking

19. The consent holder shall vest a 10 metre x 10 metre corner snipe with Council to retain intersection visibility at the junction of Paton Road and Clover Road East. This shall be undertaken within 12 months from this consent becoming effective.

Note: This is volunteered by the applicant in consultation with Engineering Department of the Tasman District Council and shall be to the satisfaction of Council's Development Engineer.

20. The consent holder shall place "No Parking on Grass" signs on the fencing of Lot 1 DP 18219, adjacent to both Paton Road and Clover Road East.
21. The consent holder shall formally submit a Service Request to the Council's Engineering Department for the painting of yellow parking limit (no stopping) lines either side of the two vehicle crossings on Clover Road East. These shall extend for at least 5 metres either side of the existing crossings.

Note: All costs of this process and works are to be met by the consent holder and the parking limit lines are to be in place prior to the activity commencing on the site.

22. The consent holder shall upgrade and seal the (existing) two accessways to the subject property from Clover Road East prior to the activity commencing on the site. The seal shall extend from the existing sealed road edge for a distance of at least 10 metres inside the subject property. The design shall be in accordance with Figure 1 below.

Note: All cost associated with the access upgrade is to be met by the Consent Holder and a vehicle access crossing permit is required to be obtained through Council's Engineering Department.

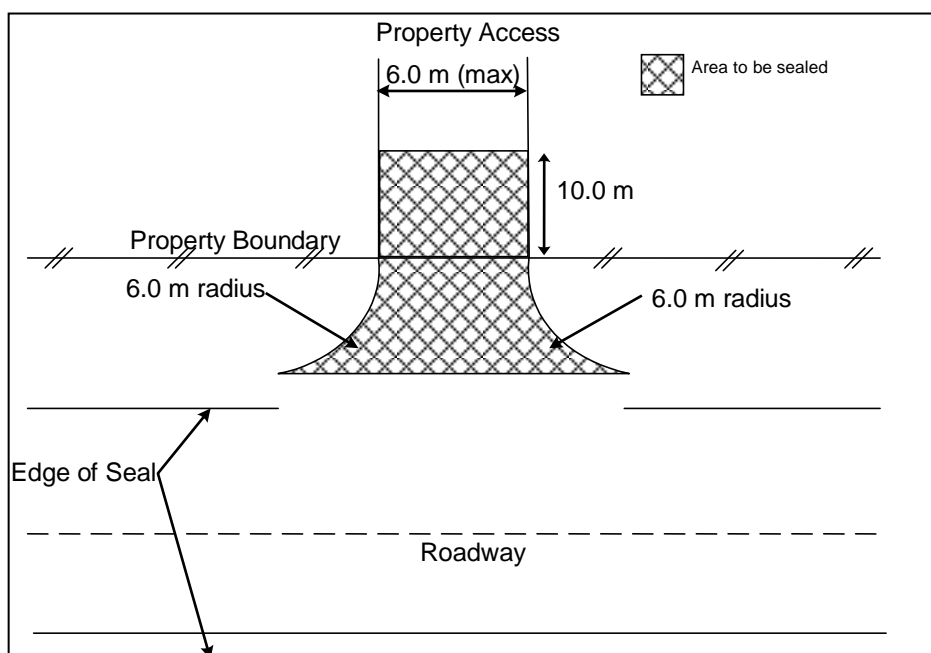


Figure 1.

23. The Gardens of the World sign shall also contain directional information to direct traffic into the onsite parking area. This shall be erected prior to any events taking place from the reception centre/café building.
24. The consent holder shall submit a revised car parking plan to the satisfaction of Council's Development Engineer within three months of this consent becoming effective. This plan shall be implemented prior to the activity commencing from the site and shall:
 - a) not provide any access onto Paton Road;
 - b) provide for no less than 61 car parks and four bus parks;
 - c) show onsite manoeuvring for all classes of vehicles;
 - d) show how the parks will be physically marked on the ground using permanently attached wooden markers defining each park;
 - e) show the parking area to be finished to an all weather surface that is constructed of dust free material.
25. The carpark design shall incorporate design features that avoid the spill of artificial light beyond the boundaries of the site. Features such as security lighting, accessway and carpark illumination shall utilise discrete lighting fixtures that direct light downward.
26. The driveway access to the Memorial Garden and Crematorium shall be upgraded to include a passing bay that shall be location in such a position and formed to the satisfaction of Council's Development Engineer.

Signs

27. The consent holder shall be entitled to erect two on-site advertising signs at each entrance off Clover Road East. The signs shall not exceed 1 square metre in area or 3 metre in height, and shall meet all Permitted Activity standards for signs in the Rural 1 zone. The signs shall be for the purposes of identification of The Gardens of the World, Memorial Gardens and the place of religious assembly; they shall also contain the appropriate directional information to direct traffic safely toward the onsite parking.
28. All internal parking and directional signage, in addition to signage referred to in condition 27 above, shall be positioned so as not to be visible from beyond the property boundaries.

Glare

29. All exterior lighting shall be directed away from adjoining properties and roading networks.
30. All exterior building surfaces (excluding windows) and fencing shall be finished in a non-reflective surface.

Financial Contributions

31. The Consent Holder shall, no later than the time of uplifting the building consent for the first stage of building development, 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:

Financial Contribution – Building	
Component	
Building Consent (\$0 to \$50,000 value)	0%
Building Consent (\$50,001 to \$200,000 value)	0.5%
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.	

Review

32. Pursuant to Section 128(1)(a) and 128(1)(c) of the Act, the Council may, during the month of April each year, review any conditions of the consent 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 therefore appropriate to deal with at a later stage; and/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; and/or
 - c) to assess the appropriateness of imposed compliance standards, monitoring regimes and monitoring frequencies and to alter these accordingly; and/or
 - d) to review the noise limits specified in Conditions 18 of this consent should these be deemed to be inappropriate; and/or
 - e) to review the appropriateness of the access and parking requirements specified in Conditions 19-26 inclusive of this consent.

ADVICE NOTES

Council Regulations

1. This is not a building consent and the consent holder shall meet the requirements of Council with regard to all Building and Health Bylaws, Regulations and Acts.

Other Proposed Tasman Resource Management Plan Provisions

2. This resource consent only authorises the activity described above. Any matters or activities not referred to in this consent, associated Discharge Permit RM081020 or covered by the conditions must either:
 1. comply with all the criteria of a relevant permitted activity rule in the Proposed Tasman Resource Management Plan (PTRMP);
 2. be allowed by the Resource Management Act; or
 3. be authorised by a separate resource consent.

Consent Holder

3. 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.

Development Contributions

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.

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.

Monitoring

5. 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 Consent Holder. Costs are able to be minimised by consistently complying with conditions and thereby reducing the frequency of Council visits.

Interests Registered on Property Title

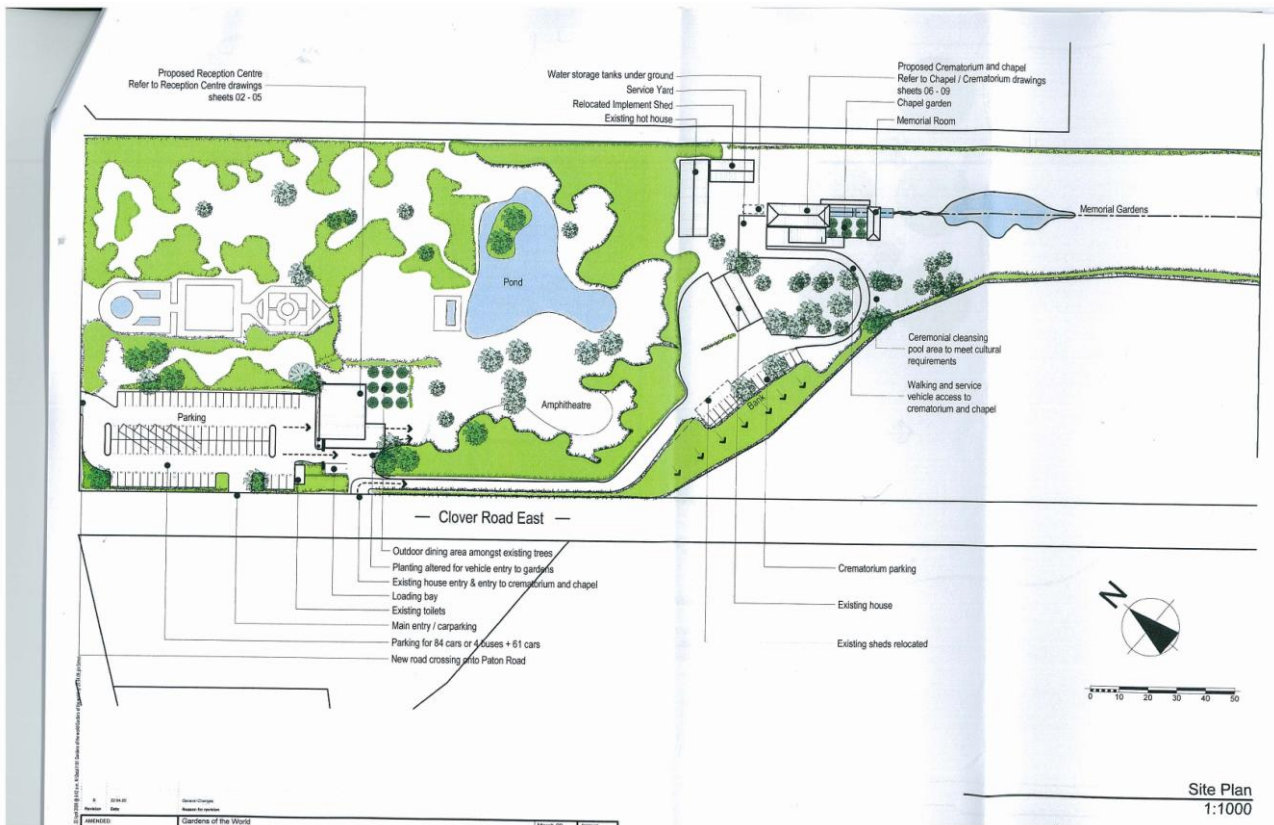
6. The Consent Holder should note that this resource consent does not override any registered interest on the property title.

Sale of Liquor Act

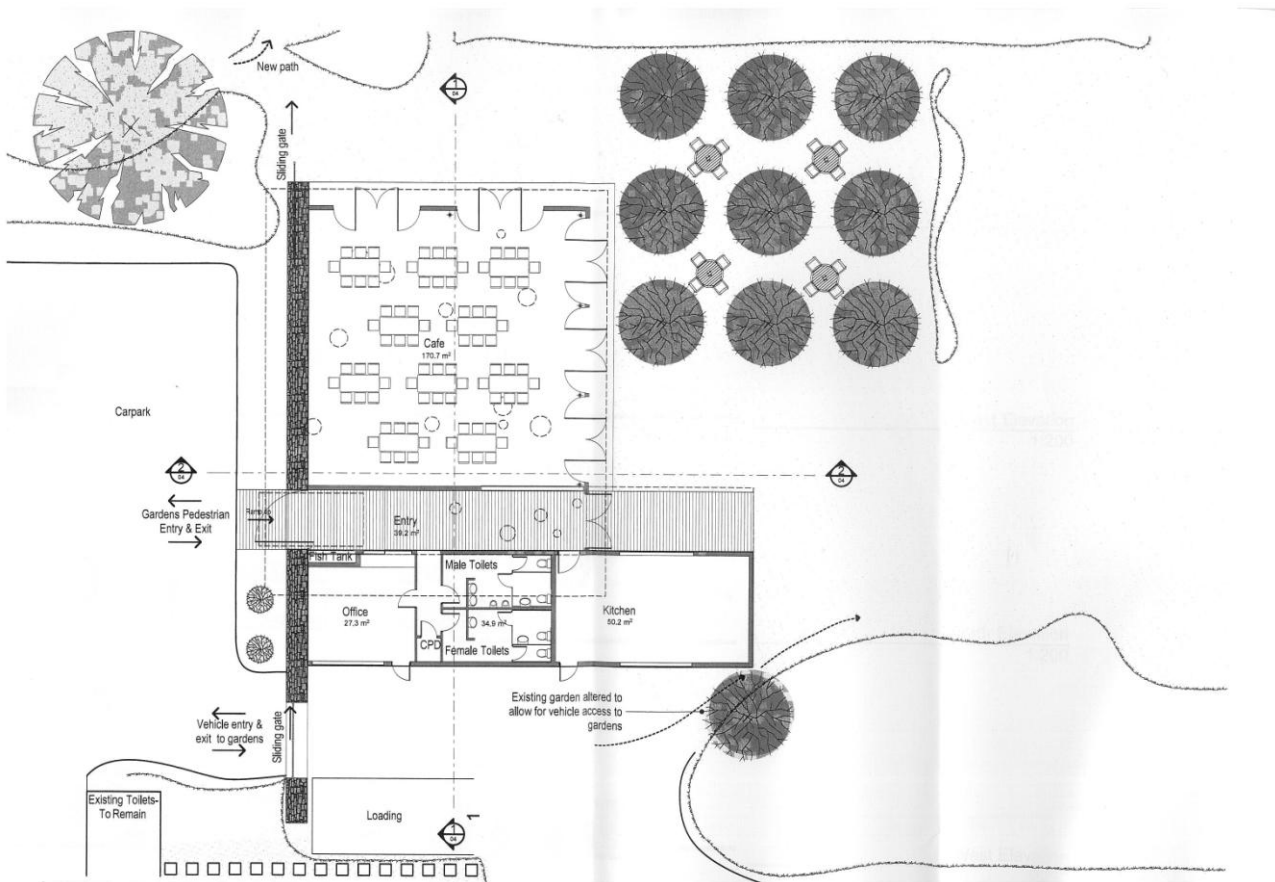
7. Consent to serve alcohol from the complex is subject to the provisions of the Sale of Liquor Act 1989 and requires an application to be lodged under the provisions of that legislation.

Jane Harley
Consents Planner, Land Use

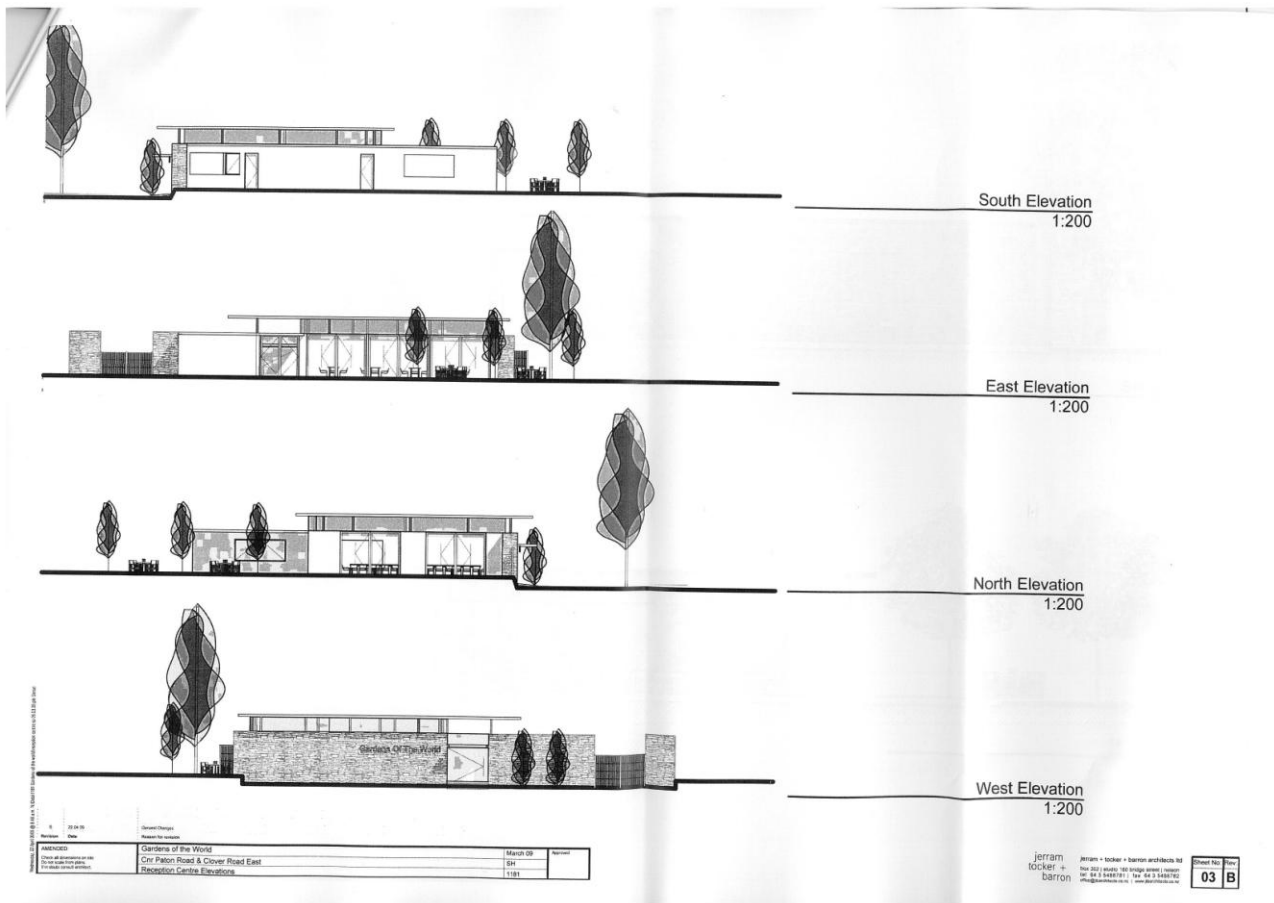
Plan A dated 13 May 2009
 RM080687, Gardens of the World Limited



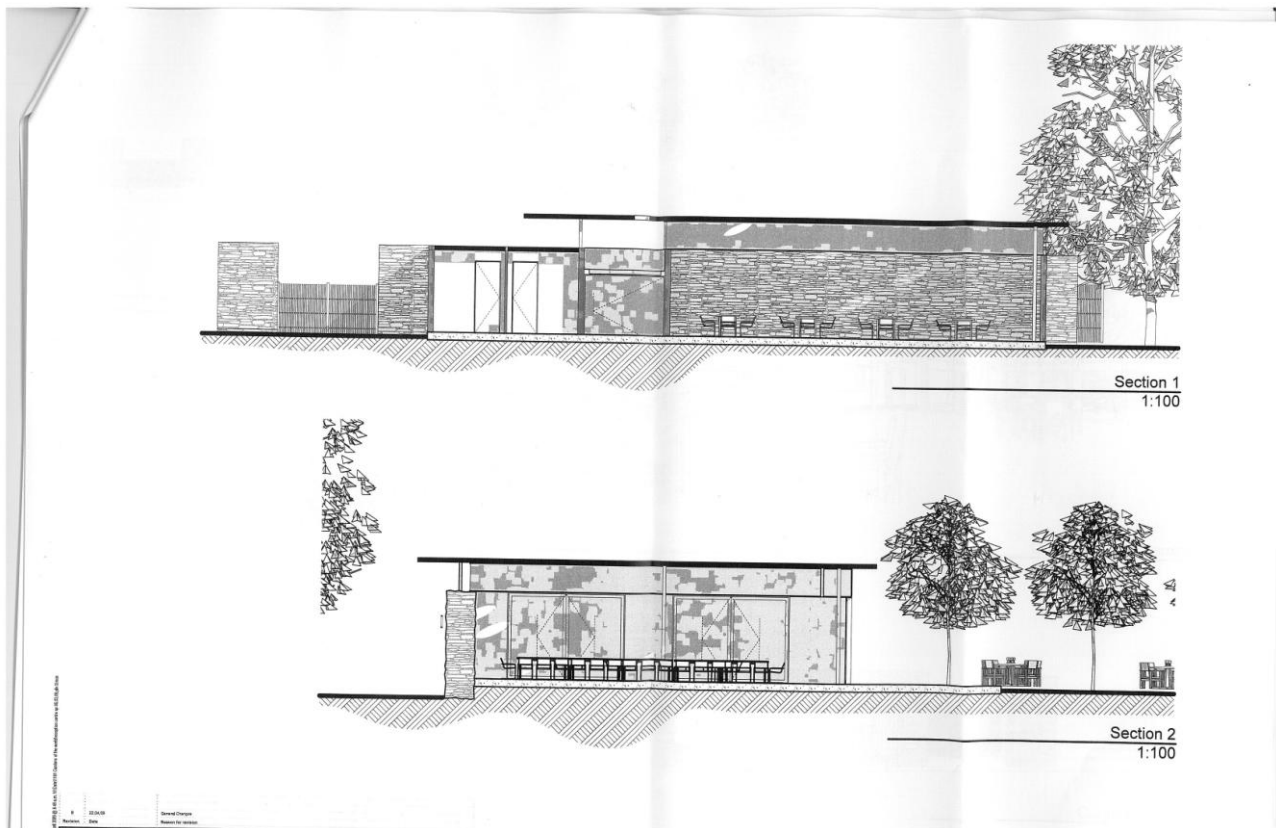
Site Plan



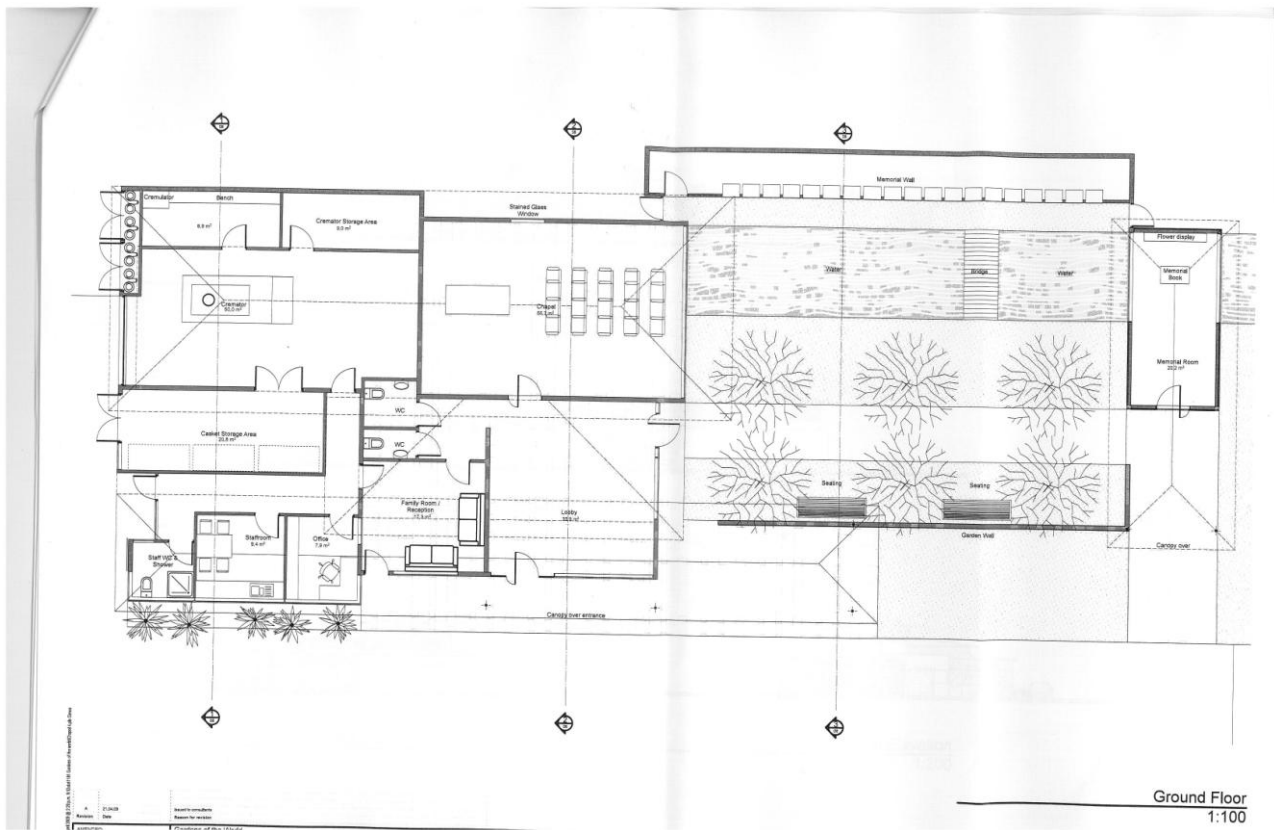
Café / Reception Centre Floor Plan



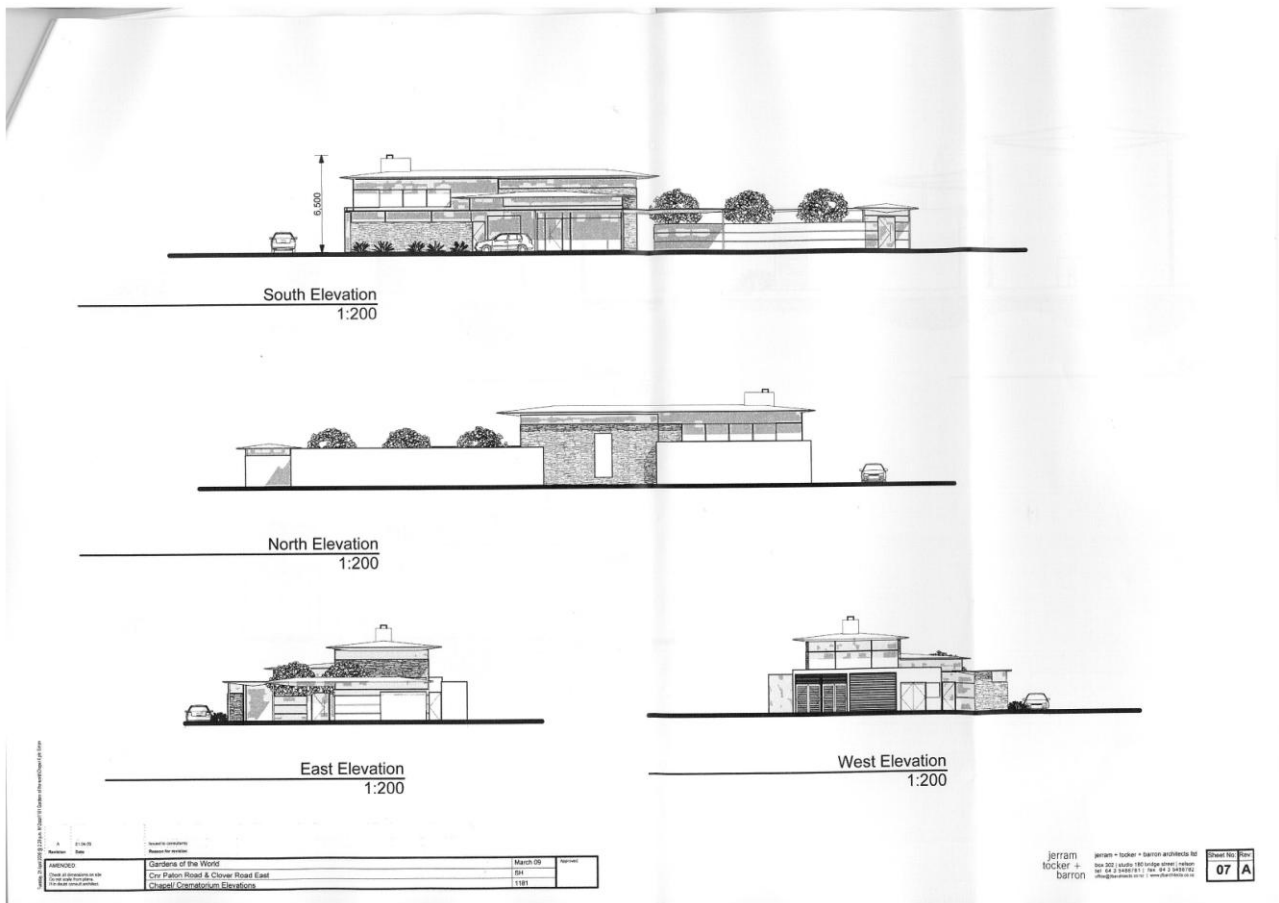
Café / Reception Centre Elevations



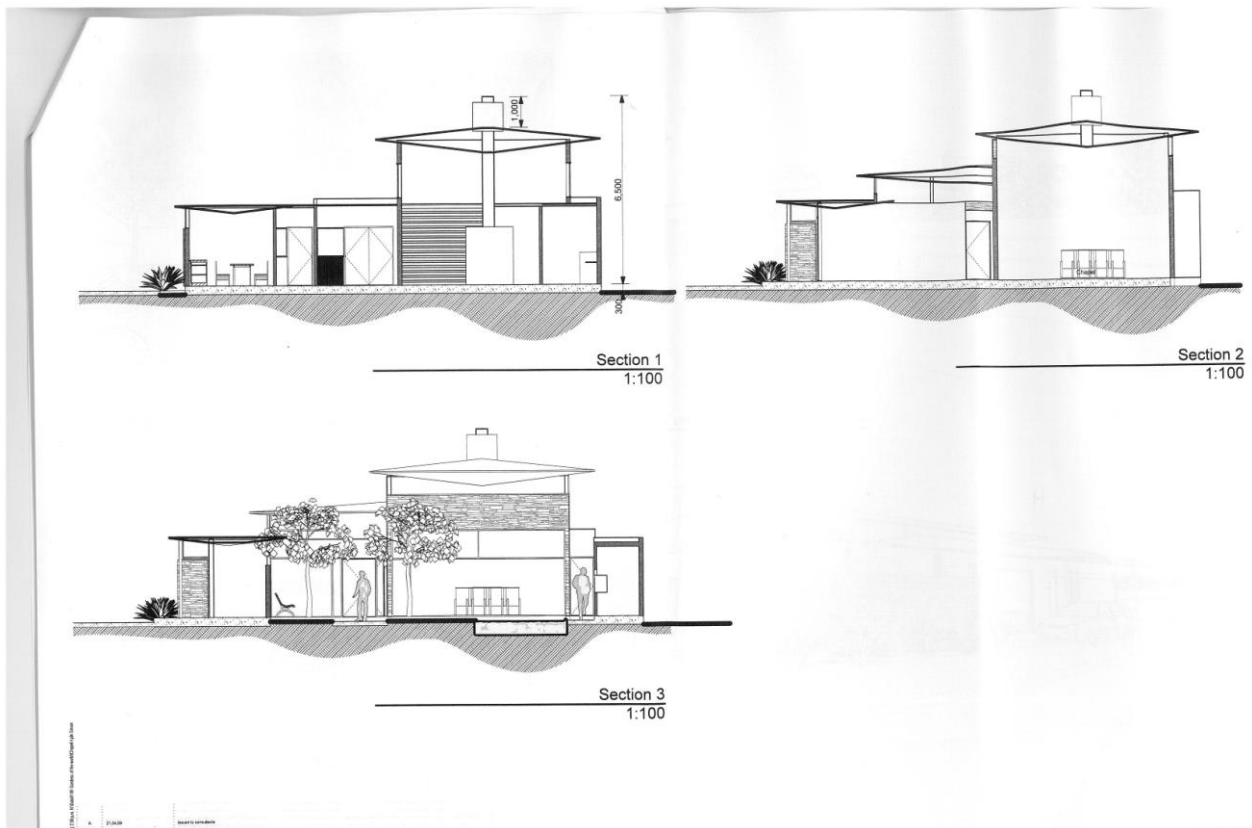
Café / Reception Centre Sections



Crematorium / Place of Religious Assembly Floor Plan



Crematorium / Place of Religious Assembly Elevations



Crematorium / Place of Religious Assembly Sections



Landscape Plan

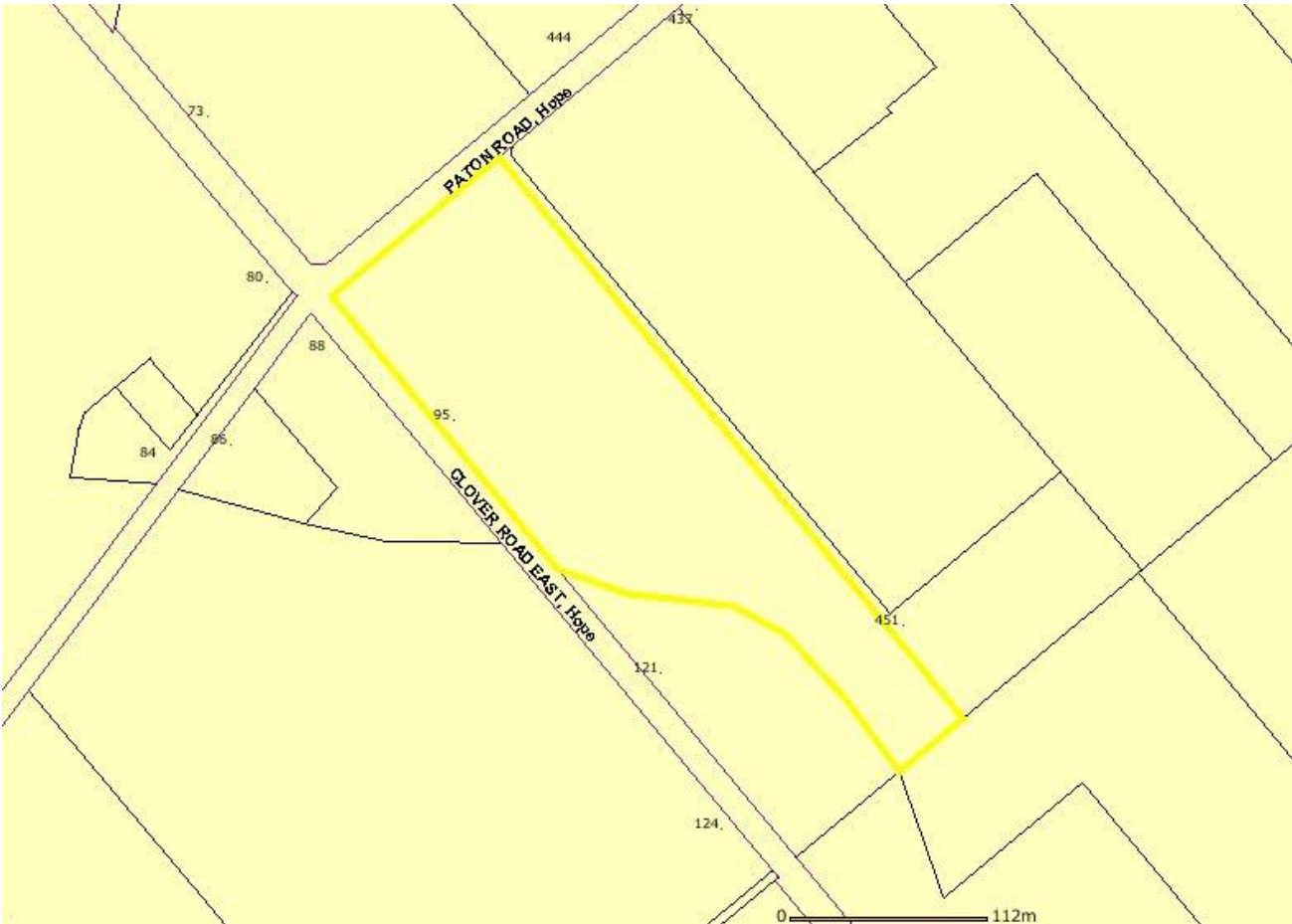
List of Appendices


Appendix 1	Aerial Map of Application Site
Appendix 2	Zone Map of Application Site
Appendix 3	Copy of RM910069
Appendix 4	Memo from Graham Caradus, Regulatory Services Co-ordinator
Appendix 5	Staff Report from Dugald Ley, Development Engineer

APPENDIX 1
Aerial Photograph of Application Site



APPENDIX 2
Zone Map of Application Site



KEY  Rural 1 Zoned Land

In the matter of the
Resource Management
Act 1991

and

In the matter of the
application lodged
by

**ETHERINGTON
INVESTMENTS LTD**

for a Resource
Consent

APPLICATION: Etherington Investments Ltd, sought consent to the following proposals in relation to a property at Clover Road East, Brightwater, being C.T. 8A/112, Lot 2, DP 7317 and Lot 1, DP 12578, Blk X, Waimea Survey District:

1. To create by subdivision an allotment of approximately one hectare to be used for rural residential purposes in the Rural A Zone.
2. To create by subdivision an allotment of 7783 square metres being land upon which Etherington's Nursery is situated.
3. To establish and operate tourist gardens incorporating a reception centre, including facilities for weddings and other functions, and various outdoor entertainments and attractions on the balance area.

DECISION: The Tasman District Council considered the application at its meeting held on Wednesday 13 November, 1991 and resolved as follows:

THAT pursuant to Section 105 of the Resource Management Act 1991, Council declines the application of Etherington Investments Ltd for a non-complying subdivision in respect of proposed new Lot 1.

Reasons for the Decision

1. The effect on the environment will not be minor and that granting the application would be contrary to the District Plan.
2. The Council is not satisfied that this case is sufficiently differentiated to warrant approval of what would be a residential allotment in the Rural A Zone.

THAT pursuant to Section 105 of the Resource Management Act 1991, Council grants consent to Etherington Investments Ltd for a non-complying subdivision in respect of proposed new Lot 2, subject to the following conditions:

1. The existing metal access to the rear of proposed Lot 2 shall be upgraded by sealing with a two-coat bitumen seal (Grade 4 bitumen chip seal and Grade 6 locking coat) from the edge of the existing carriageway to the property boundary. Formation width shall be 4 metres and it is noted that no culvert is required.
2. All works shall be constructed in strict accordance with the Code of Practice for Engineering Works and are to be to the District Engineer's satisfaction. The Tasman District Council is to be contacted prior to the commencement of any engineering works on this subdivision.

Reasons for the Decision

1. The nursery is recognised as an existing stand alone operation separated by Clover Road from the balance of the property.
2. The nursery is not related to the balance horticultural use.
3. It was considered that there would be no benefit in requiring the nursery to be tied by title to the balance area as this area served no practical purpose in mitigating any adverse effects of the nursery operation.

Notes to Applicant

1. The applicants are reminded that all conditions of previous consents must be adhered to. In particular, the Council notes that the provision of at least 20 clearly marked car parks has not been complied with.
2. The Council encourages the applicant to erect on-site traffic control signs to aid safe exiting movements from the site.

THAT pursuant to Section 105 of the Resource Management Act 1991, Council grants consent to Etherington Investments Ltd to construct and use a reception centre to be used in conjunction with a tourist gardens incorporating facilities for weddings and other functions, subject to the following conditions:

1. That the reception centre be sited and erected in accordance with the plans submitted and that it be registered as a place of public assembly for a maximum occupancy of 80 people.
2. That the kitchen facilities be installed to the standard required under the Food Hygiene Regulations and the premises be registered under these Regulations prior to their use.
3. That the hours of operation of the reception centre be limited to between 10.00 a.m. and 11.00 p.m. and no sale of liquor licence be permitted.

4. That the sewerage disposal system be based on a septic tank for anaerobic digestion with an aeration chamber for the treatment of effluent prior to disposal of the final effluence by subsurface irrigation and such system be to the satisfaction of the District Environmental Health Officer.
5. That a potable water supply be provided to the satisfaction of the District Environmental Health Officer.
6. That at least 50 car parks and 4 bus parks be provided and marked out in general accordance with the plan submitted. The parking area and access is to be an all weather dust proof surface to Council's satisfaction.
7. That road widening of 2 metres (1 metre either side) be undertaken from the Clover Road/Paton Road intersection to ten metres past the proposed entrance/exist onto the subject site to the District Roothing Engineer's satisfaction. This is to be done and at the applicant's expense.
8. That the entrance/exit onto the proposed site be designed and constructed to the satisfaction of the District Roothing Engineer taking into special consideration sight lines and width.
9. That the use of the property be so controlled that the maximum uncorrected hourly equivalent noise levels (Leq) measured at any point ten metres from a residentially used building on any adjacent site shall not exceed the following levels:
Daytime - 50 dBA
Night time - 40 dBA
Definitions: The following definitions shall apply:
 - a) Daytime - between 0700 hours and 2200 hours
 - b) Night time - between 2200 hours and 0700 hours weekdays after 1800 hours Saturday and on Sundays and on Public Holidays.
 - c) Leq - the level of steady noise which contains the same amount of sound energy as a varying noise contains over the measuring interval of one hour.
 - d) dBA - the sound level obtained when using a sound meter having its frequency response "A" weighted.
10. That the applicant meet the requirements of the Council with regard to all Building and Health By-laws, Regulations and Acts.

11. All works shall be constructed in strict accordance with the Code of Practice for Engineering Works and are to be to the District Engineer's satisfaction. The Tasman District Council is to be contacted prior to the commencement of any engineering works on this subdivision.

Reasons for the Decision

1. The site is considered suitable for the proposed activity subject to the proposed conditions being implemented. The Council considered that the proposed reception building will complement the tourist garden development.
2. The effects of the activity are considered to be acceptable. In reaching this conclusion the Council was guided by examining the additional impacts that the proposal would have on top of those that would occur in relation to the tourist gardens which were considered a permitted activity.
3. The proposal gives effect to policies in the Regional Planning Scheme regarding tourism.

Notes to Applicant

1. The applicants are advised that they must obtain all necessary resource consents from the Nelson Marlborough Regional Council before the operation commences.
2. With regard to condition 3. this condition does not restrict the ability of the site to be used by a caterer with an endorsed off licence or by a host providing liquor at a wedding for example.

THAT pursuant to Section 105 of the Resource Management Act, 1991, Council declines the application of Etherington Investments Ltd for a non-complying subdivision in respect of proposed new Lot 3.

Reasons for the Decision

1. The effect of approving this subdivision would consequentially permit the creation of proposed new Lot 1 to which the Council has refused to consent.
2. Council considered that the applicants provided no compelling reasons why proposed new Lot 2 should be permitted.

Dated this 26th day of November, 1991.



P.R. FOWLER,
SECRETARY

Memorandum

Environment & Planning Department



TO: Jane Harley

FROM: Graham Caradus

DATE: 17 February 2009

FILE NO: RM080687 and RM081020

RE: **Resource Consent Application: Gardens of the World Ltd: Café and Crematorium complex**

I provide comment on two specific issues:

1. Noise

The AEE states: "The crematorium and place of religious assembly will not generate any significant noise." In relation to the Reception Centre and Café, the fact that this is an existing activity that has not generated complaint is noted, and four measures are identified as noise mitigating factors.

The intent to use the facility for weddings and corporate functions is noted and the possibility of noise spill from such activities must be considered. The applicant should be mindful of the implications of the general provisions of the RMA and the Tasman Resource Management Plan. The following provisions are applicable:

S16 Resource Management Act 1991: Duty to avoid unreasonable noise—

- (1) *Every occupier of land (including any premises and any coastal marine area), and every person carrying out an activity in, on, or under a water body or . . . the coastal marine area, shall adopt the best practicable option to ensure that the emission of noise from that land or water does not exceed a reasonable level.*

This section of the RMA does not require that a land owner simply undertakes some means of controlling noise, but that the "best practicable option" is adopted to control noise.

In addition, provisions of the RMA relating to excessive noise are also applicable. Excessive noise is defined in the RMA as follows:

S326 Resource Management Act 1991: Excessive noise

326. Meaning of "excessive noise"—

N.B. 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).
Night = All other times, plus public holidays.

The measurement and assessment of noise at the notional boundary of a dwelling applies whether the measurement location is within Tasman District or in an adjacent district.

Noise must be measured and assessed in accordance with the provisions of NZS 6801:1991, Measurement of Sound and NZS 6802:1991, Assessment of Environmental Sound.

2. Establishment and operation of the Crematorium

The operation of crematoria is controlled by long established legislation, and the provisions of that legislation cannot be altered and will continue to apply despite the details of any resource consent that may be granted. Clause 38 of the Burial and Cremation Act 1964 states:

38 Erection of crematoria

- (1) *A local authority may erect a crematorium either within or outside the boundaries of a cemetery and may make provision for cremation therein and elsewhere.*
- (2) *Where any person (whether a local authority or not) proposes to construct any crematorium, or to reconstruct or adapt any existing premises with the intention that they be used as a crematorium, that person shall, before the work is commenced, submit to the Minister, in a form approved by the Director-General, the plans (including a site plan) and specifications thereof, and its equipment, for the Minister's approval.*

The Cremation Regulations 1973 are also most pertinent to the operation of crematoria. These regulations establish a clear obligation for both the establishment and on going operation of the proposed crematorium. Whilst these provisions are not connected directly to any obligation under the RMA, Council would reasonably expect that full compliance will be achieved.

3. Other matters

Other obligations such as the need to obtain a registration from Council for the operation of commercial food premises, and the necessity to obtain appropriate liquor licences for the sale of alcohol on the site are related to the operation of the proposed facility, but will not have a direct bearing on the resource consent process underway.

Graham Caradus
Coordinator Regulatory Services

STAFF REPORT

TO: Environment & Planning Subcommittee
FROM: Dugald Ley, Development Engineer
DATE: 6 March 2009
REFERENCE: RM080687 and RM081020
**SUBJECT: GARDENS OF THE WORLD LIMITED – CREMATORIUM,
CLOVER ROAD EAST, HOPE -**

1. INTRODUCTION

This application is to build and operate a crematorium and place of assembly together with a café and reception in addition to the existing gardens. The likely traffic increase will be 36 vehicles per day, ie 18 in and 18 out.

2. BACKGROUND

The present “Gardens of the World” property of 3.84 ha is located on the corner of Paton Road and Clover Road East. Access is achieved off Clover Road East via two existing entranceways as shown on the application plan. There are no plans to alter the location of these entranceways and minor upgrading is proposed to comply with Council’s requirements.

Paton Road (Aniseed to Clover) is a distributor on Council hierarchy of roads. It is some 6.3 m sealed width and grass shoulders, carries some 767 vpd and has a posted speed value of 80 kmh. Clover Road East adjacent to the site is a access road (550Vpd) on Council roading hierarchy and an Distributor west of Paton Road (679 Vpd), some 5.2 and 7.4 m sealed width and grass shoulders respectively and has posted speed value of 80 kmh. Paton road enters Clover Road East via a controlled give way T intersection. A nose (kerb) island is formed on the Paton Road leg to control traffic movements and speeds at the intersection.

There has been only one recorded vehicle accident in the last five years on Paton Road being a loss of control 260 south of Aniseed valley Road. Further out i.e (the Switchbacks) road humps have been installed as an interim measure before full road upgrade is carried out in the future. Signage is also in place around the School on Paton Road.

Clover Road East also connects with Haycock Road to the east and the SH60/Clover Road intersection via a “stop” sign. There is no corner snipe at the intersection of Clover Road East and Paton Road and this is mentioned further on in the report.

The table sets out the applicant’s proposal in relation to the generation of traffic.

Table 2: Peak Vehicle Generation

Activity	Peak vehicles	Existing peak vehicles movements per day (VPD)	New peak VPD
Reception centre	<ul style="list-style-type: none"> • 40 (existing) • 6 catering and loading (new) • 2 x coaches (existing) 	48 vehicles x 2 trips = 96 vpd <i>Note: functions and garden visits are held concurrently</i>	96
Garden visitors and café	<ul style="list-style-type: none"> • 20 (existing, 24 new) • 2 x coaches (existing) 	22 vehicles x 2 trips = 44 vpd	44 x 10% assumed increase = 48 vpd
Nursery	4 (existing)	8	8
Cremation	7 (new)	0	14
Memorial garden	6 (new)	0	12
Residents	2 (existing)	8	8
Staff	5 including manager (1 existing)	2	8
Totals		158	194

The applicant advises that at “peak times” when a combination of all events happens there will be approximately an additional 36 vpd over what is currently permitted for the site (in residential dwelling equivalents, this is approximately an additional four residential dwellings ie 4 HUDS based on traffic movements).

Of the two entrances the eastern most one is sealed onto the site and is wide enough for two way movements. The eastern one needs to be two way and sealed onto the site and it is engineering belief that this requirement has been accepted by the applicant. This allows cars to enter and exit the property in forward direction without having to stop on the legal road and also to negate gravels etc being tracked onto the road and minimise edge break of the road seal.

The applicant has also acknowledged that all required carparking will be located on site rather than using the grass berm parking which is discouraged.

It is noted that the property extends at the intersection of Paton Road and Clover Road without a corner snipe. This was mentioned at a previous meeting and noted in Appendix F Consultation Schedule.

From my own personnel experience of being at a recent funeral at the “Gardens” I have made the following observations.

- Parking was evident on the road grass berms
- Visitors arrive over the 20 minute period before the scheduled time
- Visitors left over a longer time frame approx 30 to 40 minutes
- No direction signage or personnel were evident
- Parking inside the venue was hap hazard

- A large majority of vehicles arrived and left via the Paton Road route.
- Speeds of vehicles were appropriate for the posted speed of the road.

Submissions

A number of submissions have been received on this proposal and to summarised these deal with:

1. Increase traffic effects
2. SH6/Clover Rd intersection
3. Potential for accidents
4. Cater for cyclists and other non vehicle road users

As previously advised from the applicant traffic numbers, there will be an increase of vehicle traffic similar to approx three to four equivalent dwelling units.

The NZTA also mention that they have concerns in regard to the safety at the Clover Rd/SH6 intersection.

They go on to say that on current vehicle movements “an upgrade of the intersection could be justified at present” They also mention the lack of sight visibility to the north for traffic entering on to the highway from Clover Road.

It is my opinion, that most vehicles will arrive and depart from the Paton Road direction, there will be minimal traffic at the Clover Road/SH6 intersection and that the NZTA make all endeavours to bring forward the project of intersection upgrade.

The open road speed limit of Paton Road has been reduced (2002) down to the present 80 km/r and it is my view that any further reduction is not justified at this time or as part of this consent.

Mention has been made of the exist widths of both Clover Road and Paton Road.

For these roads to meet today’s Engineering standards require the following:

Rural Distributor Road, 750 to 1500 vpd, = 7.5 seal width plus 2 x 1.0m gravel shoulders.

Rural Access Road, 500 vpd and below,= 6.0m seal width plus 2 x 600mm gravel shoulders.

It is my opinion that the existing roads are marginally below the required standard of today, however they are functioning and meeting Council’s current level of service.

New Plan received 4/4/09

A new carpark layout plan was received showing a regularised carpark layout with a NEW access onto the site from Paton Road. The carpark layout is generally acceptable and could be confirmed as a condition of consent if approved.

The condition would show that the carparks spaces are to be permanently marked out on the ground and that the surfacing of the carpark can be constructed with a permeable material.

The new access however on to Paton Road is NOT supported by Engineering.

This over width access is located too close to the Paton Road/Clover Road east intersection and may give rise to traffic conflicts and safety issues.

It will also remove vegetation and shrubs and will unnecessarily “open up” the view in to the carpark area.

It is Engineering view that access to the carpark can be adequately formed via the existing access crossings

Summary

1. Due to the increase in use of the intersection it is engineering view that safe sight visibility may be compromised if a corner snipe is not taken at this time. It is therefore engineering view that the intersection can be made safer with a 10.0 m x 10.0 m corner snipe vesting with Council with no compensation to mitigate adverse effects should shrubs and trees be planted at the corner intersection on the applicant’s land thereby inhibiting sight visibility.
2. Parking should be discouraged on the adjacent grass berms of Clover Road and Paton Road especially near the intersection of both Paton and Clover roads.
3. Signage should be erected and entranceways enhanced to be more “inviting” for visitors to enter the site with vehicles, rather than park on the road berms.
4. Onsite parking for the required number of vehicles shall be physically marked out and available for use together with appropriate turning areas.
5. Times to be staggered between separate events arranged on the site.
6. No stopping restriction for 5.0m ether side of the access ways on Clover Road.
7. Funeral “processions” (of vehicles either to or from the venue) be discouraged via a management regime of the Funeral directors
8. A review clause pursuant to section 128 RM Act after 12 months of operation.

It is engineering opinion that subject to works as outlined above being implemented then any engineering adverse effects created by this application can be mitigated satisfactorily such that effects are no more than minor.

Dugald Ley
Development Engineer