

MINUTES

TITLE: Environment and Planning Subcommittee
DATE: Monday, 16 August 2010
TIME: 9.30 am
VENUE: Council Chamber, 189 Queen Street, Richmond

PRESENT: Crs T B King (Chair), R G Currie. D Shaw

IN ATTENDANCE: Consent Planner (J Harley), Principal Resource Consents Advisor (J Butler), Transportation Manager (G Clark), Co-ordinator Regulatory (G Caradus), Executive Assistant (V M Gribble)

1. SPRIG AND FERN, QUEEN STREET LTD, QUEEN STREET, RICHMOND - APPLICATION No. RM100036

The application seeks to operate the Sprig & Fern Tavern at 126 Queen Street, Richmond, within a Commercial Zone under the Tasman Resource Management Plan (TRMP).

Resource consent is required for the following land use matters:

- a) To allow for a maximum occupancy of 80 people without providing the required number of on-site car parks. The shortfall of car parks is 13 parks between 4.00 pm and 7.30 pm, which reduces to a shortfall of nine parks after 7.30 pm.
- b) To waive the requirement to provide two disabled car parks, as only one disabled car park is proposed; and to allow staff to use the one disabled parking space unless a specific demand arises.
- c) The standard of car parking surface is proposed to be unsealed compacted aggregate, whereas the Tasman Resource Management Plan requires car parks to be formed and sealed within the Commercial Zone.

The application site is located at 126 Queen Street, Richmond, being legally described as Lot 1A Deeds Plan 134 Certificate of Title NL1A/751.

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

The Committee reserved its decision.

RESOLUTION TO EXCLUDE THE PUBLIC

Moved Crs King/Currie
EP10-08-27

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

Sprig & Fern Queen Street Ltd

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

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

CARRIED

**Moved Crs Currie/King
EP10-08-28**

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

CARRIED

2. SPRIG AND FERN, QUEEN STREET LTD, QUEEN STREET, RICHMOND - APPLICATION No. RM100036

**Moved Crs King/Currie
EP10-08-29**

THAT pursuant to Section 104B of the Resource Management Act, the Committee GRANTS consent to Sprig & Fern Queen Street as detailed in the following report and decision.

CARRIED

Decision of the Tasman District Council through its Hearings Committee

Meeting held in the Tasman Room, Richmond on 16 August 2010

Site visit undertaken on 16 August 2010

Hearing closed on 16 August 2010

A Hearings Committee (“the Committee”) of the Tasman District Council (“the Council”) was convened to hear the application lodged by Sprig & Fern Queen Street Ltd (“the Applicant”), to operate the Sprig & Fern Tavern with a shortfall of car-parks, only one disabled car-park, and with the car-parks surfaced in unsealed compacted aggregate. The application, made in accordance with the Resource Management Act 1991 (“the Act”), was lodged with the Council and referenced as RM100036.

HEARING COMMITTEE: Councillor Tim King, Chairperson
Commissioner Derek Shaw
Councillor Gordon Currie

- APPLICANT:** Mr Nigel McFadden (Counsel)
Mr Chris Satherley (Applicant)
Mr David Petrie (Traffic Engineer)
- CONSENT AUTHORITY:** **Tasman District Council**
Mr Gary Clark (Transportation Manager)
Mr Graham Caradus (Coordinator Environmental Health)
Ms Jane Harley (Land Use Planner)
- SUBMITTERS:** Mr Preston McIntyre
Ms Melanie Cookson
Mr Shane Nicholson
Mr Colin Robinson
Mr Leslie Cook
Mr Peter Ashton
Ajay and Dina Maisuira (represented by Manot Patel)
- IN ATTENDANCE:** Mr J Butler (Principal Resource Consents Adviser) - Assisting the Committee
Mrs V Gribble (Committee Secretary)

1. SUMMARY

The Committee has **GRANTED** a resource consent subject to conditions to operate the Sprig & Fern Tavern with a shortfall of car-parks, only one disabled car-park, and with the car-parks surfaced in unsealed compacted aggregate.

2. DESCRIPTION OF THE PROPOSED ACTIVITY

The applicant is seeking land use consent to operate the Sprig & Fern Tavern at 126 Queen Street, Richmond, within a Commercial Zone under the Tasman Resource Management Plan (TRMP).

The Tavern, run by Sprig & Fern Queen Street Limited, has been operated from 126 Queen Street since 2007. The tavern expanded into the adjoining (previously a hairdresser) portion of the building in early 2009. The expansion of the Sprig & Fern has included an outdoor garden bar area at the rear of the building. This expansion has been the principal driver behind the need for the application.

The design capacity of the building is 80 people. However the applicant is applying for a maximum occupancy of 70 people on Fridays and 60 people for all other days of the week.

Resource consent is therefore required for the following land use matters:

- a) To allow for a maximum occupancy of 60 to 70 people without providing the required number of on-site car-parks. The shortfall of car-parks is nine parks between 4.00 pm and 7.30 pm, which reduces to a shortfall of five parks after 7.30 pm.
- b) To waive the requirement to provide two disabled car-parks, as only one disabled car-park is proposed.

- c) The standard of car-parking surface is proposed to be unsealed compacted aggregate, whereas the Tasman Resource Management Plan requires car-parks to be formed and sealed within the Commercial Zone.

The site adjoins land zoned Residential, and gains access off Queen Street which is classed as a Distributor Road in the TRMP Roding Hierarchy. The Tavern is positioned between a fish and chip shop and a dairy.

The application site is legally described as Lot 1A Deeds Plan 134 held in Certificate of Title NL1A/751 comprising a total area of 1138 square metres.

3. TASMAN RESOURCE MANAGEMENT PLAN (“TRMP”) ZONING, AREAS AND RULE(S) AFFECTED

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

Zoning: Commercial Zone
Area(s): nil

The proposed activity breaches TRMP Permitted Rules:

- 16.2.3.1(d) (parking spaces of at least the number required in 16.2C);
- 16.2.3.1(l) (one disabled park in place of the required two for dedicated disabled use); and
- 16.2.3.1(n) (sealed and formed surface for the parking area).

When the application was lodged on 26 January 2010 it was a Discretionary Activity in accordance with Section 87B of the Act (through the absence of a classification under the TRMP).

Since the lodgement of the application the TRMP has been amended such that non-provision of parking is now a Restricted Discretionary activity (Rule 16.2.2.6) with a limited number of matters over which discretion can be had.

Therefore, while the application remains fully discretionary, pursuant to Section 88A(2) of the Act we must have regard to the new status of the activity.

4. NOTIFICATION AND SUBMISSIONS RECEIVED

The application was notified on 8 May 2010 pursuant to Section 95 of the Act. A total of 46 submissions were received. Of those 13 were in opposition, and 31 were in support. There were two neutral submissions/unstated positions requiring conditions. The following is a summary of the written submissions received and the main issues raised:

Submissions in Opposition

Submitter	Reasons
Colin Robinson	<ul style="list-style-type: none"> • Allowing non-disabled use of the disabled park will create confusion¹;

¹ This concern relates to a proposal (for staff to use the disabled park) which is no longer proposed by the applicant.

<p>23 Talbot Street, Richmond</p>	<ul style="list-style-type: none"> • Parks should be sealed without exception, especially given proximity of food preparation activities; • TDC standard should be applied and upheld to avoid the shambles that exists.
<p>John Barclay Anderson 14 Hunter Avenue, Richmond</p>	<ul style="list-style-type: none"> • 80 persons capacity seems high for such a small area; • Parking on surrounding streets is at a premium (esp thur/fri/sat nights) so I am opposed to any reduction in required parks and reduced standard of surface.
<p>M M Mead Family Trust 56 Hunter Avenue, Richmond</p>	<ul style="list-style-type: none"> • The arrival of the Sprig & Fern in this area has had a huge impact on our property with noise, congestion on footpath and road; • It is very rare now to be able to park outside our home.
<p>Owen Leslie and Margaret Rose Amor 129A Queen Street, Richmond</p>	<ul style="list-style-type: none"> • Concerned about inaccuracies in the application, numbers of available parks grossly over stated and walking survey doesn't illustrate whether patrons walked from a car or home, fish and chip shop closes at 8.00 pm not 7.30 pm; • The Sprig & Fern restricts the enjoyment and use of our property due to increased traffic movement, noise and tavern patrons parking on Queen Street, with partial access obstruction.
<p>Sharon J Wilson 124A Queen Street, Richmond</p>	<ul style="list-style-type: none"> • Unsealed surface creates dust and gravel splattered from vehicles onto my property; • Parking over my driveway at Queen Street as the carparks fills; • Noise is not under control, noise and conversations in the courtyard travel to neighbouring residential properties, I frequently ring and ask to turn down noise, not just on weekends; • They are open well past 10.45 pm.
<p>Shirley Georgina Parkes 128A Queen Street, Richmond</p>	<ul style="list-style-type: none"> • Increased noise and smell/smoke in outdoor areas and engines revving up, car doors slamming in the car-parks in the late hours, the car-park is behind my property (adjacent to main bedroom); • No more than 50-60 patrons should be allowed and parking should be restricted during Tavern hours in Queen Street and George Street; • Cars are left overnight in George St restricting access from my driveway; • SW overflows from car-park into my property causing flooding, improved drainage and sump collection is required.
<p>Leslie Howard Cook (Susan Kathleen Cook if Howard's</p>	<ul style="list-style-type: none"> • Concerned about the evidence, claims and favourable conclusions drawn by the applicant in the application, the data is considered minimal, flawed and invalid;

<p>away)</p> <p>9 Vahalla Lane, Richmond</p>	<ul style="list-style-type: none"> • The area has become intense with increased density of parking, the area is not well lit for pedestrian identification; • TRMP parking requirements are reasonable; • Parking congestion on surrounding streets inevitable if onsite park not full, not everyone will venture onsite to seek a park, submits that off street parking is inadequate from exiting patron numbers; • Provides own survey of patron and parking numbers (see original submission documentation)
<p>Richard Harold and Ruth Katherine Wells</p> <p>71 Hunter Avenue, Richmond</p>	<ul style="list-style-type: none"> • Do not support: <ul style="list-style-type: none"> - reduction in the number of car-parking below those required; - waiving requirements for disabled car-parks - reduced standard for car-park surface.
<p>Simon Lindsay Horrocks</p> <p>12a Darcy Street, Richmond</p>	<ul style="list-style-type: none"> • I object to the virtual dismissal to provide a car-park for people with disabilities; • Reduction from two to one is forgivable but allowing the remaining park to be used by non-disabled is disrespectful as it could be required by disabled members of the community who wish to attend the Sprig & Fern.
<p>Phillip de Weck</p> <p>50 Ellis Street, Brightwater</p>	<ul style="list-style-type: none"> • The parking requirements should be upheld and met; • The disabled park being available for staff is not realistic or acceptable; • Car-park should be formed and sealed.
<p>Ajay and Dina Maisuria</p> <p>128 Queen Street, Richmond</p>	<ul style="list-style-type: none"> • Garden bar next to our children's bedrooms, language, noise and smoke an issue for us; • Over parking by pub patrons in the short term parking affecting our business and the fish and chip business; • Rear car-parks ground level has been raised quite high without adequate storm water control. This creates big problems with water flowing onto our property and under our house and out over neighbours properties; • Photographic evidence of parking issues attached to submission documents.
<p>Peter Robert Ashton</p> <p>124 Queen Street C/- First National 186 Queen Street, Richmond</p>	<ul style="list-style-type: none"> • The applicant has failed to address existing disturbance to adjoining property (124 Queen St). Vehicle lights entering and exiting parks numbered 15 and 16 impact on lounge area of 124 Queen St. Appropriate fencing between the sites would help address the issue; • The application proposes ineffective solutions that are likely to severely impact on current and future occupiers in terms of visual and noise disturbance and property value;

	<ul style="list-style-type: none"> • The fish and chip have had to relocate their bins toward 124 Queen St which creates nuisance effects; • The application used inadequately researched information and Traffic Design Groups survey is not considered to be valid or reliable, seasons and weather influences not accounted for.
<p>Merryl and Paul Newton</p> <p>133 Queens Street, Richmond</p>	<ul style="list-style-type: none"> • Parking problem most evident Friday night and over weekend, patron will still favour parking out on Queen Street, cars can be left over night. Parking near driveways makes visibility nil and unsafe to exit our driveway Friday and Saturdays; • Suggest the marking of parking bays and parking signage for 150m either side of the commercial zone, to be policed for six months until the community are educated on new layout; • The business operates within the correct zone, because Council allowed this zoning we feel Council need to take responsibility to solve the issue rather than make it difficult for a business that adds character to the community.

Submissions in Support

Submitter	Reasons
<p>Stephen Henry Johnsen</p> <p>1 Hunter Avenue, Richmond</p>	<ul style="list-style-type: none"> • Support good local business; • Responsible operating structure at the Sprig & Fern; • Car-park is only busy Thurs/Fri and Sat nights
<p>Terry Michael Kroft</p> <p>34 Selbourne Avenue, Richmond</p>	<ul style="list-style-type: none"> • It's widely known that in excess of 30% of patrons walk; • We should support neighbourhood establishments such as this.
<p>HN & DM Holmwood Family Trust</p> <p>80 Patons Rock Road Takaka</p>	<ul style="list-style-type: none"> • Support whole application, no conditions
<p>Gleniss Sarah Kemp</p> <p>131A Queen Street, Richmond</p>	<ul style="list-style-type: none"> • I support the Sprig & Fern and do not have any difficulties with parking
<p>Howard Hill</p> <p>465 Hill Street, Richmond</p>	<ul style="list-style-type: none"> • Absurd to turn away walking patrons based on parking ordinances; • Considers there to be sufficient parking on Queen Street and peak times are considered to be 5 hours per week; • Would like to see adequate safety signage to protect pedestrians in front of parking area entrance.
<p>Tony Coulthard</p> <p>34 Churchill Avenue, Richmond</p>	<ul style="list-style-type: none"> • Council should encourage people to walk to the Tavern; • Patrons appear sociable and respectable and have not observed any bad behaviour; • Wish to see an increase in the capacity of the tavern.
<p>Mark Quinn</p> <p>Best Island</p>	<ul style="list-style-type: none"> • As a regular visitor to the tavern I haven't found parking an issue and I've never witnessed the disabled park being used.
<p>Daniel Satherley</p> <p>23 Gilbert Street,</p>	<ul style="list-style-type: none"> • Support local business; • Advocate for taxi service to divert drunk drivers;

Richmond	
Anthony Satherley Kevin 23 Gilbert Street, Richmond	<ul style="list-style-type: none"> • Local bar important as its only 5 min walk; • No drink driving; • Good size with friendly and sensible patrons; • Drinkers being refused admission when there is plenty of parking
Stephen H Smith 31 Tollemache Street, Richmond	<ul style="list-style-type: none"> • It appears TDC advocate drink driving by requiring more car-parks; • Reduces car-parks encourages walking; • Hardly seen the car-park full; • Increase the 10min time limit out front to allow off license purchasing;
Luke Higgins Alexander 130 Queen Street, Richmond	<ul style="list-style-type: none"> • To allow for more people to be in the pub. The car-parking space and noise does not effect me, as I live across the road from the Sprig & Fern.
Andrew John Muir PO Box 1116, Nelson	<ul style="list-style-type: none"> • I am a regular patron and I observe that the internal space comfortably seats 40/42 patrons there is ample outdoor space; • A good number of patrons park elsewhere or walk; • Restricting numbers disadvantages owners and patrons; • Have never witnessed the disabled park being used; • Unsealed parking area creates no inconvenience to users.
Breanna Bellis 1 George Street, Richmond	<ul style="list-style-type: none"> • I live close to the Tavern and I frequent the premises, I don't find parking a problem or that the outside of my house is affected; • Never experienced overcrowding at the pub
Aaron Cleary 1 George Street, Richmond	<ul style="list-style-type: none"> • We walk and have never driven and don't see the need to decline the application
Tyrone Callaghan 36 Olympus Way, Richmond	<ul style="list-style-type: none"> • A lot of patrons walk, not all drive
Katrina Friend	<ul style="list-style-type: none"> • Appears to be no problem with parking as a large majority of patrons walk
Kevin William Fleming Flat 3 130 Queen Street Richmond	<ul style="list-style-type: none"> • As a patron of three years I have not seen a problem with parking
Patrick and Lynda Smith 82 Williams Street, Richmond	<ul style="list-style-type: none"> • We walk to the tavern and have no use for a parking space; we are aware of many other people who also walk.
Paul Desmond 27 St James Avenue, Richmond	<ul style="list-style-type: none"> • I frequent the bar four-five times a week and have not had a problem with parking
Alistair Mackintosh Richard 413 Hill Street, Richmond	<ul style="list-style-type: none"> • I frequent the bar five-six times a week and I have seldom seen a problem with lack of parking. Then only when exceptionally busy.
Irwin Friend 365A Queen Street, Richmond	<ul style="list-style-type: none"> • I am a regular patron of the bar and have seen no problem with parking as most patrons walk;
Carrol Roberts	<ul style="list-style-type: none"> • I frequent the Sprig & Fern two-three times a week and on the

27 St James Avenue, Richmond	occasion that I drive I haven't had a problem getting a park.
Geoffrey Sutton 44 Surrey Road, Richmond	<ul style="list-style-type: none"> • I am a regular customer in car and on foot and always sufficient parking; • Good, friendly clean local bar that the Council should support.
Roy Kenneth Milne 47 Marlborough Crescent, Richmond	<ul style="list-style-type: none"> • As a community pub the public should be encouraged to walk; • Even in height of summer dust has never been an issue; • If another handicap space is necessary it should be provided at the front of the shops to provide access.
David Barrett Sprig & Fern Brewery PO Box 3470 Richmond	<ul style="list-style-type: none"> • The proportion of those who walk appears to be around 1/3; • Frustrating for the business to refuse entry to patrons while there are vacant parking spaces at the rear; • I observed a near perfect respect for parking restrictions at the front of the Tavern.
Helen Mary Petterson 26 Roughten Lane, Brightwater	<ul style="list-style-type: none"> • As a regular visitor to the pub I park either on George St or in the rear car-park and have never found it hard to get a park even at peak times; • I have only witnessed one S&F patron use the front parking for off license pickup.
Michael John Higgins 1/25 Roeske Street, Richmond	<ul style="list-style-type: none"> • I am a regular and have seen people turned away even though parking is available; • Local people walk to the tavern or get dropped off to prevent risk of drink driving.
Aaron Johnson 3 Oxford Street, Richmond	<ul style="list-style-type: none"> • Frequent visitor of two-three times a week, observed large proportion of patrons walk or get dropped off; • Have observed and been turned away myself although parks and tavern appear half full; • Recommended condition for regular maintenance to ensure compacted aggregate surface is up to standard.
John Everett 66 Main Road Hope, Hope	<ul style="list-style-type: none"> • I have been going to the pub for several years and normally walk, get a cab or the bus driven by the owner; • I have been turned away when there is still ample parking out the back.
Preston Matthew McIntyre 8 Squire Way, Richmond	<ul style="list-style-type: none"> • I have been refused entry when the car-park is not full; • Because of the residential location area a high percentage of patrons walk; • The culture of people at the bar abides by the rules.
Melanie Kotuhi Cookson 8 Squire Way, Richmond	<ul style="list-style-type: none"> • We purchased our home to be in easy walking distance to this group of shops/pub; • Pub plays important role in establishing a cohesive neighbourhood; • The businesses as a group provide mutual support and self sufficiency for the locals; • Shame to turn away locals.

NEUTRAL SUBMISSIONS

Submitter (and corresponding number)	Reasons
Shane Nicholson Queen Street Fish Supply 126 Queen Street,	<ul style="list-style-type: none"> • I have issues with accuracy of the detail in the application; • 10 minute parking is not observed; • The fish and chip shop parking is used by patrons of the pub at times which isn't fair on my staff, when asked to move they are not obliging; • I am agreeable to the applicant getting his consent as long as the

Nelson	<p>current parking problems are resolved;</p> <p>Would like to see short term parking extended until 9.00 pm as the current notices are being ignored.</p>
<p>Anna Louise Cole</p> <p>39 Lodder Lane, Riwaka</p>	<ul style="list-style-type: none"> • Bylaw a disabled park is required, this should not be dismissed or used by non-disabled people, one should be provided at the front of the Tavern on Queen Street for all patrons of all businesses; • Impact this may have on a disabled person is underestimated by the applicant.

5. PROCEDURAL MATTERS

There were no procedural matters that required consideration or a ruling.

6. EVIDENCE HEARD

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

6.1 Applicant's Evidence

Mr Nigel McFadden (Counsel)

Mr McFadden clarified that the applicant is applying for 60 to 70 people in the tavern rather than the 80 as was stated in the reporting officers Section 42A report.

Mr McFadden said that it is clear that parking is simply not an issue as many walk to the Sprig & Fern. He said that there are ample car-parks for patrons and this was evidenced by the Traffic Design Group survey.

Mr McFadden said that the premises are situated on Commercial Zone land and have been commercial for many years. There have been no complaints resulting from the surfacing of the car-park.

Mr McFadden said that since November 2009 there have been no complaints due to the active management of Mr Satherley. He said that a number of noise mitigation steps taken appear to be working. Mr McFadden made it clear that no consent is being sought to exceed the noise limits and the applicant does not intend to do so. He said that Mr and Mrs Masuria live in a commercial zone, not residential.

Mr McFadden supported the Council's instruction to its contractors to paint L bars on Queen Street to improve the parking layout. He also supported the extension of the 10 minute parking limit in the angled parks to 9.00 pm.

In addressing the submissions, Mr McFadden supported the idea of establishing a disabled park in front of the shops that can be used by all shops. However, he recognised that Council would need to do this.

With some corrections to the numbers of patrons (60 to 70) and reference to the licensing hours (10.00 am to 10.00 pm), The applicant accepted the conditions recommended by Ms Harley.

Mr Chris Satherley (Applicant)

Mr Satherley said that, following an abatement notice, he went to great efforts to attempt to keep the noise of the pub reasonable. This included using security guards, signs, fencing and reducing the numbers of people outside at night. He agreed that there have been teething troubles but he was confident that those problems are passed and the Sprig & Fern is now being run much more effectively. He said that they have also toned down the noise by having acoustic and only lightly amplified music.

Mr Satherley said that he does not think the car-park should be sealed as this will attract skateboarders and may encourage burnouts.

Mr Satherley said that they are careful to keep a close eye on who is using the 10 minute angled parks and to ensure that their patrons do not use them.

Mr David Petrie (Traffic Engineer)

Mr Petrie explained how he had done a parking survey and also other unannounced checks of parking around the Sprig & Fern. He said that people are generally very good about not using the 10 minute angled parks, and this can be attributed to the active management of the staff.

Mr Petrie concurred with Mr Clark (the Council's Transportation Manager) that the effects of the Sprig & Fern can be managed within the current environment.

Mr Petrie said that all on-site manoeuvrability distances are appropriate, that there is provision for loading and manoeuvring of loading vehicles.

Mr Petrie thought that it would be more appropriate for a disabled park to be provided in the angled parks in front of the shops.

In response to a question, Mr Petrie agreed that there would be fewer walkers and more drivers in the winter when the weather was wetter and colder.

6.2 Submitters Evidence

Mr Preston McIntyre

Mr McIntyre spoke in support of the application. He said his wife and he were refused entry, yet there were several car-parks available. He said that they live about 2 km away and walk probably 75% of the time.

Mr McIntyre said that the culture of people who drink at the Sprig & Fern are generally responsible people who abide by the rules.

Ms Melanie Cookson

Mr McIntyre read the submission of M Cookson (his wife) in support of the application.

Cr King asked Mr McIntyre if he thought that the proprietors are managing the issues that are of concern, i.e. noise. Mr McIntyre said in the last 12 months he has seen more action from bar staff reminding people to keep the noise down. People know at 9.00 pm they have to go inside.

Cr King asked do the clientele seem a regular, consistent group or more changeable. Mr McIntyre said a lot are the same people, but it does change at different times, like university holidays. The majority of time you'd recognise the people there.

Mr Shane Nicholson

Mr Nicholson said that he is the owner of fish and chip shop that adjoins the Sprig & Fern. He said that his main issue is the parking. He considered that parking will probably always be a problem to some extent but that he is happy to carry on with the way things are.

Mr Nicholson said that the pub is busy from 5.00 pm to 7.00 pm and those are people finishing work, so most of the time there's only one person per car, but that's only for a certain amount of time. He said that it is during his peak business time that tension arises. He said that there can be 25 - 50 cars on the street. People who come to get fish and chips have to park away from the shop.

Mr Nicholson confirmed that he would like to see the 10 minute parking limitation outside the shops extended to 9.00 pm.

Cr Currie asked if many of his customers use the parks in the back (behind the shop). Mr Nicholson said that many know they are there, but at the busiest time the car-park is full and they have to grab a park where they can which may be up to 100 metres up or down either side of the street.

Cr Currie asked if the 10 minute parking signs are adequate. Mr Nicholson said they are too high and not very noticeable. He said they need to be lower so that people see them as they drive in.

Cr King said that Mr Petrie's evidence was that during the period after work through to half past six, the angle parks were used constantly but there was only a short time when there was not one available. Does that agree with your experience, or are they more constantly occupied? How does this vary between the middle of the week and weekends? Mr Nicholson said it is totally different every day. He said that it is busier on a Friday. His concern is that some of his customers have to park as far away as Roeske Street to come and get their tea.

Mr Colin Robinson

Mr Robinson stated that the car-park should be sealed as it is a commercial facility.

Mr Robinson also said that he opposed non-cardholders using disabled car-parks.

Mr Leslie Cook

Mr Cook presented his written submission.

Mr Shaw said that the numbers will now be limited to 60-70. Does that take away any of your concerns? Mr Cook said no, his observations were based on 39 patrons in the pub at the time.

Mr Cook said his observations last winter were based on extensive car-parking further along Queen Street. Cars were down to Roeske Street and east of Hunter Avenue. Negotiating with people getting to the fish and chip shop and crossing in dark areas of the street was a major concern. He said it was because of that experience that he put in a submission. Of late, car-parking congestion is lesser, but still significant and hectic around that area at peak times.

Mr Cook agreed with the suggestion to extend the 10 minute limit in the angle parks to 9pm.

Mr Cook said his observation was that very few people walked to the Sprig & Fern.

Cr King said it was Mr Petrie's evidence that they do not design for mid-winter and the wettest day. Mr Cook could not comment on the situation in the summer time. His specific concern was during the winter.

Mr Peter Ashton

Mr Ashton advised that he was happy with the fence that has been erected between his property and the shops. He said that a wet day must be observed to get a fairer indication of traffic movements as all traffic data is based on the one day survey which was undertaken on a cloud-free warm day.

Mr Shaw asked if Mr Ashton still has major concerns. Mr Ashton said that he was reassured in terms of noise and compliance issues. He said that issues relating to his common boundary with the applicant have been addressed in a satisfactory way. He said that he still has some concerns with the traffic survey, but that is for the Panel to address.

Manot Patel on behalf of Ajay and Dina Maisuria

Mr Manot Patel presented a submission on behalf of Mr and Mrs Maisuria, the owners of Henley Food Centre. Their major concern is noise and disruption to their family life. Their customers are having problems parking, especially elderly and parents with children. They are concerned about the bad behaviour of pub patrons after closing. They are concerned also that no surveys were undertaken during the winter and are sure that things are different during the longer summer hours.

Cr King asked if the Maisurias are aware there is no application to depart from the noise standards set in the plan. Mr Patel said there is already a problem now and they are concerned about increased patronage of the pub.

6.3 Council Officers' Report and Evidence

Ms Jane Harley (Land Use Planner)

Ms Harley said that the building design capacity is for 80, but applicant is seeking a lower number, (60) except for Friday (70). Ms Harley said that it has been a difficult application to report on as it is not necessarily a matter of whether the activity should

or should not continue operating. Ms Harley agreed to the changes to recommended Conditions 2 and 4 proposed by the applicant.

Mr Graham Caradus (Coordinator Environmental Health)

Mr Caradus said as far as noise is concerned, there is nothing that cannot be suitably mitigated and managed. He said that the Council is driven by complaint as far as investigation of noise matters, and only one complaint this calendar year has been received.

Mr Caradus said that during previous investigations noise has been measured in the back garden of the Maisuria family. In future he has the ability to measure on the fenceline (boundary) which would make the TRMP standard harder to meet.

Mr Caradus suggested that a noise standard for the commercial:commercial zone interface should also be specified in the consent.

Mr Caradus agreed with Mr Satherley's comments about sealed areas being attractive to skateboarders. He said that there are requirements for sealed areas at the back of food premises, but they could not be stretched to cover a whole car-park. The small amount of existing sealed area is sufficient to meet the need of a delivery person to avoid trampling mud into the premises.

Mr Shaw asked Mr Caradus about the liquor licensing hours which are 10.00 am to 10.00 pm. Mr Caradus said there is a half hour drink-up time, but this would be over-ridden by the TRMP. He said that if the applicant operated the license to its full extent it may be appropriate to close at 10.30 pm.

Mr Gary Clark (Transportation Manager)

Mr Clark assessed the application on what is required in the TRMP, rather than taking the assessment from Traffic Design Group. To be prudent he took one space per three people which is a good rule of thumb with regard to the traffic characteristics of these types of businesses, based on an 85th percentile.

Mr Clark explained how he assessed the effect of the parking shortfall on the street. He considered that the short-fall in car-parks can be accommodated on the street. Mr Clark said that some submitters have concerns with people parking over driveways. To address this L bars will be painted to indicate where legal parking can occur. He said that residential streets are designed for on-street car-parking.

Mr Clark said that Friday night is a peak parking demand night. The Sprig & Fern operates an off-licence which allows people to fill a rigger and then leave so there is also a short term parking need. He said that the combination will lead to congestion at times but this is normal for a spot commercial zone.

Mr Clark did not support the painting of time limit markings on the road (in the angle parks) as it leads to the expectation that all parking restrictions should be painted. He said that there was a sign missing in the middle of the 10 minute angled parking zone. Its replacement will lead to greater certainty. He confirmed that he does not see a problem with extending the 10 minute restriction to 9.00 pm.

Mr Clark said that the Council has set up a working group called Accessibility for All (A4A) which looks at accessibility issues. There is a disabled car-park at the site and he could see merit in putting it on the road frontage, however this will cause a compliance issue because it would be a disabled car-park in a location of short term high demand.

Mr Clark said that car-park demands within district plans are often based on research that is dated. He said that the intention is to try and get a balance between providing large, mainly unused car-parks and using on-street car-parking. He said that Wellington has no parking requirements for suburban centres. Parking is then managed through residents' coupon parking and spot residential parking zones in large commercial areas.

Mr Shaw asked if there would be value in requiring a winter survey to be done, possibly as part of a review provision. Mr Clark said if the commissioners have concerns, the answer is yes. His view is, based on TRMP, if you had more people parking because it was wetter, the extent of on-street car-parking would extend further. However, he said that this is not an issue for him as this would be a peak period which is not designed for.

6.4 Applicant's Right of Reply

Mr McFadden tabled a plan that demonstrated a proposal to place signs to advise people on Queen Street that car-parks were available at the rear of the building.

Mr McFadden said that the good record of the Sprig & Fern is confirmed by the clean record it holds in recent times. He said that if it is not managed well there will be problems.

With regard to the noise limits in the recommended conditions, Mr McFadden considered that permitted activity standards should not be repeated as conditions in case the Plan changes.

Mr McFadden said that no proper evidence refuting Mr Petrie's and Mr Clark's evidence had been presented.

Mr McFadden confirmed that the applicant is not seeking departure from noise. He said that Mr Satherley has a musical duo on a Wednesday which is lightly amplified. He thought that the suggested condition on 5(d)² by Ms Harley is a good attempt. He said the applicant may potentially have lightly amplified music, but does not want full bands, or heavily amplified with drums.

If Mr and Mrs Maisuria's concern is noise, then there are obligations on this applicant imposed by the TRMP and RMA. There is also an unlimited obligation on any occupier of land to adopt best practicable option to keep noise emissions from a site to a reasonable level.

7. PRINCIPAL ISSUES AND OUR MAIN FINDINGS

The principal issues that were in contention and our main findings on these issues are:

² This condition is now numbered Condition 8 in our final decision below.

a) Is the parking provided on-site sufficient to limit the off-site impacts?

We accept the evidence of Mr Petrie and Mr Clark that the car-park is suitably sized to handle most of the parking demand that the applicant creates, without being sized to take peak traffic and parking volumes. We accept that this is an appropriate design standard.

We also accept that management is a crucial aspect to running such an establishment. Mr Satherley will need to continue to be vigilant in encouraging the use of the rear parks in preference to, particularly, the 10 minute angle parks.

We see that there are a number of minor, but cumulatively very helpful, improvements that can be made. These include the L lines to ensure that people park on the roadside appropriately, improvement of the signage for the 10 minute angle parks, and the establishment of signage informing people of the availability of car-parks at the rear of the premises.

We agree that, no matter how many car-parks are provided at the rear of the premises, some people will simply choose not to use them and they are entitled not to. We consider this to be an unavoidable reality in operating in and living near a small commercial enclave; and we consider it to be acceptable provided it does not cause significant adverse effects on the neighbourhood. We are confident that this is the case here.

b) To what extent is noise a relevant consideration?

Noise is clearly an issue between the applicant and adjacent business and residential neighbours in this location, particularly for the Maisuria family (who live on the commercial lot at the rear of the shop). From looking at the site we can clearly see that noise may be a problem in their house given that it is so close to the common boundary. We also understand that foul language is likely to be a problem at times too.

While the Commercial - Commercial Zone boundary noise limits are higher than those for the Commercial - Residential Zone they are, following Mr Caradus's report, still likely to be subject to a 5 decibel penalty for special characteristics. Therefore we hold serious concerns that the applicant will be able to meet the noise limits whether they be the longer term L_{10} or $L_{Aeq(15 \text{ min})}$ measures or the instantaneous L_{max} measure.

However, at this stage the applicant has not applied for resource consent to exceed noise limits, therefore it is incumbent upon it to meet the TRMP noise limits.

Because the status of the application is "discretionary" all resource management matters (of which noise is one) are appropriate for us to consider in making our decision. However, we repeat that the applicant has only applied to depart from the TRMP on the matters of parking (including disabled parks) and surfacing of the car-park. The Sprig & Fern Tavern is entitled to operate in this location. Therefore, declining this consent would not make any difference to the levels of noise emitted; it would just require the applicant to either change the extent of

the parking provided, or to reduce the maximum occupancy of the tavern to match the on-site parking available.

Therefore, on the basis of the above paragraph, we do not consider noise to be an over-riding consideration in deciding upon this application. In deciding whether to grant or decline consent, we must largely restrict our consideration to the matters from which the applicant has sought dispensation. However, noise remains a relevant matter to be considered and the applicant has accepted a number of noise reducing conditions.

c) To what extent does stormwater runoff from the site cause adverse effects?

Stormwater runoff from the car-parking area was acknowledged as an issue which had some adverse effects on neighbours, particularly those at the rear of the site.

However, we are satisfied that stormwater can be dealt with in such that any adverse effects are avoided or mitigated.

d) What is the appropriate surface of the car-park area?

We are satisfied that the compacted aggregate car-park surface is appropriate. Again, the applicant has not applied to discharge dust beyond the property boundaries and, no doubt, the rules which restrict objectionable or offensive dust in the TRMP will still bind the applicant.

We agree that there is a high likelihood that skateboarders would use a sealed car-park in this location, and that this would have adverse effects on the amenity of adjacent residents.

8. RELEVANT STATUTORY PROVISIONS

8.1 Policy Statements and Plan Provisions

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

- a) Tasman Regional Policy Statement (TRPS); and
- b) the Tasman Resource Management Plan (TRMP).

8.2 Part 2 Matters

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

9. DECISION

Pursuant to Section 104B of the Act, we **GRANT** consent, subject to conditions.

10. REASONS FOR THE DECISION

Effects on the Environment

We are satisfied that, subject to effective and appropriate management of the Sprig & Fern, the number of parks provided will be sufficient. While it is not necessarily satisfactory to grant a resource consent on the basis of effective management we consider in cases such as this management is always a significant and unavoidable consideration.

We see that the busyness of this site is an unavoidable reality close to a small commercial hub on a main distributor road close to Richmond. We see nothing inherently wrong with this busyness.

We consider that the applicant has done some work to address noise concerns and the vulnerability that the Sprig & Fern has to producing excess noise given its physical position and surroundings. We do not consider that the risk of excess noise is such that consent should not be granted, and in any event the decline of consent would not necessarily have a bearing on the noise produced. If we are wrong and noise continues to be a problem then it will:

- a) Be incumbent upon the Sprig & Fern management to put additional steps in place to ensure that noise is reduced;
- b) Be appropriate for neighbours, such as the Maisuria family, to complain so that enforcement officers are required to collect data to determine whether the appropriate noise limits are being breached.

In the event that the limits are breached then it will be necessary and appropriate for the applicant to seek either a further resource consent, or to continue to put measures in place to reduce noise to meet the noise limits in the TRMP.

Objectives and Policies of the TRMP

We accept and, pursuant to Section 113(3), adopt the relevant parts of Sections 5.1, 5.2 and 5.3 of Ms Harley's report that discuss and assess the objectives and policies of the TRMP.

Purpose and Principles of the Act

We agree with Ms Harley's assessment of the relevant Part 2 matters, and therefore we have had particular regard to the maintenance and enhancement of amenity values in making this decision.

Adopting a broad overall judgement approach to the purpose of the Act, we are satisfied that the proposal is consistent with Part 2 and achieves sustainable management of natural and physical resources as set out in Section 5 of the Act.

11. COMMENTARY ON CONDITIONS OF CONSENT

Condition 3 requires that the Occupancy Management Plan be reviewed and updated. It is clear that some improvements are needed on the existing Plan and Condition 3 provides outcomes to guide that review.

Condition 8 is a broad condition, but one which is intended to complement the provisions and powers provided by Section 16 of the Act. Both this condition and Section 16 allow a judgement call to be made about what noise is excessive. The guidance provided immediately below the condition should help guide the applicant in determining what may be appropriate types of music.

Condition 10 has been amended from the proposed version in Ms Harley's report because, at the time we make this decision, the entrance to the car-parking area has been widened by way of the removal of vegetation. We see this as a positive move as a wider driveway will encourage people to use the rear car-park and will allow the two-way movement of vehicles. Therefore, we have amended this condition so that this full width is to be maintained as a condition of consent.

12. OTHER MATTERS ARISING FROM THE HEARING

There were a number of issues that were raised at the hearing; all of which we, as a decision making Panel on this application, have no power to control, change or implement. Instead the changes are in the hands of the Council through its normal annual planning and allocation of funds. These matters or issues are:

- The administration of the 10 minute angled car-parks. It was suggested that the time restriction on these parks be extended to 9.00pm. All parties seemed to support this.
- The use of one of the 10 minute angled car-parks as a disabled car-park. We recommend that the Council consider this change in consultation with the three existing business owners.
- The missing 10 minute restriction sign. We are unclear whether this has been fixed to date. Another suggestion made by Mr Nicholson is that the signs be lowered. It is beyond the scope of this application to consider these matters but we trust that Mr Clark for the Council will consider the best way to clearly communicate the restrictions to people parking in this area.
- Finally, the lack of lighting in some areas of Queen Street around this location. Again, we have no power to address this and we are clear that it is outside of the responsibilities of the applicant. Therefore we recommend to Mr Clark, or another appropriate Council staff member, to look at the adequacy of lighting.

Issued this 2nd day of September 2010



Tim King
Chair of Hearings Committee



RESOURCE CONSENT

RESOURCE CONSENT NUMBER: RM100036

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

Sprig & Fern Queen Street Limited
(hereinafter referred to as "the Consent Holder")

ACTIVITY AUTHORISED BY THIS CONSENT:

To operate the Sprig & Fern Tavern with a shortfall of car-parks, one disabled car-park, and with the car-parks surfaced in unsealed compacted aggregate.

LOCATION DETAILS:

Address of property:	126 Queen Street, Richmond
Legal description:	Pt Lot 1A DP 134
Certificate of title:	NL1A/751
Valuation number:	1960069100
Easting and Northing:	2526112E 5984490N

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

CONDITIONS

General

1. The operation of the Sprig & Fern Tavern shall, unless otherwise provided for in the conditions of the consent, be undertaken in accordance with the documentation submitted with the application for resource consent RM100036. Where there is any apparent conflict between the information provided with the application, further information and any condition of consent, the conditions shall prevail.

Patron numbers

2. The Sprig & Fern Tavern shall, at any one time, be occupied by no more than 70 patrons on a Friday and 60 patrons on all other days of the week within the building and outdoor garden environments.

Occupancy Management

3. The Occupancy Management Plan dated 20 October 2009 (attached) shall be reviewed within 3 months of this consent commencing (when the consent can legally be given effect to). The updated Plan shall be submitted to the Council's Co-ordinator Compliance Monitoring for technical approval. The updated Plan shall cover the procedures and protocols to achieve the following outcomes and objectives. The updated Plan will be approved by the Council's Co-ordinator if in his or her opinion the following outcomes and objectives are likely to be met:
 - a) The Plan is consistent with the conditions of this consent;
 - b) That patrons are aware of the availability of car-parks at the rear of the Sprig & Fern;
 - c) The use of the car-parks at the rear of the Sprig & Fern by patrons is encouraged and facilitated;
 - d) The use of the angled parks in front of the Sprig & Fern (and other commercial buildings) by patrons staying for longer than 10 minutes is minimised to the greatest extent practicable;
 - e) There is clear advice to patrons when the Sprig & Fern has reached its capacity;
 - f) That sufficient staffing resources (and where necessary security) are provided on busy occasions to ensure that an appropriate level of supervision of patrons is achieved;
 - g) That noise, particularly in the outside garden and covered areas, is minimised as far as practicable; and
 - h) That the behaviour and language of patrons in the outside garden and covered areas is adequately controlled.
4. The management of the Sprig & Fern shall be in accordance with the updated Occupancy Management Plan once it is approved by the Council's Co-ordinator Compliance Monitoring.

Noise Management

5. The consent holder shall maintain the use of a sign at the exit point to the covered and outdoor garden bar areas of the Tavern asking patrons to keep noise to a level appropriate for the residential area, and control the use of offensive language.
6. The consent holder shall maintain the automatic closing function of the access door to the covered and outdoor garden bar areas to ensure indoor noise is appropriately sealed and contained within the building.
7. The consent holder shall require that patrons vacate the uncovered garden bar by 9.00 pm.
8. The consent holder shall limit the type of music played at the Tavern to that which generates a limited amount of noise.

Advice Note:

As a guide to the consent holder and enforcement personnel to meeting the intent of this condition the following should be observed:

- a) the music should be acoustic or only amplified to low volumes; and
 - b) only low volume percussion should be used; and
 - c) instruments generating base frequencies are strictly limited in volume and duration.
9. The consent holder shall maintain a solid timber fence between the outdoor garden bar and the neighbouring property to assist in reducing the transmission of noise.

Site Access

10. The consent holder shall maintain the access to the rear car-parking as shown on the Traffic Design Group Plan 2 dated 11 March 2010 (attached), except that the area between the existing sealed driveway shown on Plan 2 and the boundary with 124 Queen Street (Lot 2 DP 13715) shall be sealed with either concrete or two-coat chipseal within three months of the date that this consent becomes effective.

The consent holder shall thereafter ensure that the full width of the accessway is available to allow vehicles entering and exiting the parking area to pass.

Advice Note:

Drainage of this area shall not be permitted to flow across the footpath

11. The consent holder shall upgrade the boundary fencing along the driveway adjoining 124 Queen Street.

Onsite Parking

12. The car-park spaces shall be clearly marked out on the ground in general accordance with the Traffic Design Group Plan 3 dated 11 March 2010 (attached). The car-parking shall also be in accordance with the signed car-parking agreement dated 31/07/2009 (attached to this consent as Annexure 1).

The Sprig & Fern activity shall have exclusive use to parks numbered 1-14 (inclusive). The use of the parks 15-18 shall be for the exclusive use of Queen Street Fish Supply between 4.00 pm - 7.30 pm seven days a week, outside these times the Sprig & Fern will have full use of the car-park for their staff and customers, but will ensure their customers and staff do not park in restricted areas.

13. The car-parking areas shall be maintained at all times to a high quality compacted aggregate all weather surface that does not generate dust. Potholes regularly filled to avoid degradation.
14. Two cycle parks shall be provided by the applicant in accordance with the Traffic Design Group Plan 6A dated 11 March 2010 (attached). The cycle parks must be maintained so as not to obstruct pedestrians and be clear of the footpath area.

15. As a minimum, two signs in the general locations shown on Traffic Design Group Plan 2 dated 11 March 2010 (attached) shall be erected. The signs shall carry the Sprig & Fern's name and state the total number of parks that are available at the rear of the property.
16. The disabled park shall be maintained in accordance with Traffic Design Group Plan 3 dated 11 March 2010 (attached). This park shall be kept clear and available at all times for use by disabled members of the public.

However, this condition shall not apply at any time during which one or more disabled park is provided by the Council in the angled parks in front of the shops.

Stormwater

17. Storm water control for the car-park shall be upgraded in consultation with Tasman District Council's Engineering Department to be directed into an approved system. The design shall be in general accordance with the Traffic Design Group Plan 6 dated 11 March 2010 (attached). The design shall include a dish drain of slip formed concrete, offset from the boundary 200mm and an area of at least 3.0m radius around the above sump shall be permanently surfaced as to mitigate gravels and grit from entering the Stormwater system

If it is not practicable to discharge the stormwater into a public or private stormwater pipe, then the consent holder shall deal with the stormwater using ground soakage or other such measures.

Advice Note

If the design for connecting into an existing stormwater drain involves crossing any adjoining properties then the process may require further consultation and easement resolution with other parties. The process may also require Building Consent.

Review

18. Pursuant to Section 128 of the Act, the Council may review any conditions of the consent within twelve months from the date of issue and annually thereafter during the month of August for any of the following purposes:
 - a) to deal with any adverse effect on the environment which may arise from the exercise of the consent and which it is appropriate to deal with at a later stage;
 - b) to assess the appropriateness of imposed compliance standards, monitoring regimes and monitoring frequencies and to alter these accordingly; or
 - c) to address problems with the behaviour of patrons or noise where it is appropriate that such matters are dealt with through the conditions 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, or covered by the conditions must either:
 1. comply with all the criteria of a relevant permitted activity rule in the Tasman Resource Management Plan (TRMP);
 2. be allowed by the Resource Management Act; or
 3. be authorised by a separate resource consent.

Noise

3. In particular, this consent does not permit the consent holder to breach any noise standards in the TRMP. Therefore, at the time that this consent is granted³, noise generated by the activity, measured at or within the boundaries of neighbouring properties zoned Commercial and Residential shall should not exceed the following:

Commercial - Commercial boundary:

TRMP limit			With 5dBA penalty for special audible characteristics ⁴		
	Day	Night		Day	Night
L ₁₀	55 dBA	55 dBA	L ₁₀	50 dBA	50 dBA
L _{max}		70 dBA	L _{max}		70 dBA

Commercial - Residential boundary:

TRMP limit			With 5dBA penalty for special audible characteristics		
	Day	Night		Day	Night
L ₁₀	55 dBA	40 dBA	L ₁₀	50 dBA	35 dBA
L _{max}		70 dBA	L _{max}		70 dBA

Note: Day = 7.00 am to 9.00 pm Monday to Friday inclusive and 7.00 am to 6.00 pm Saturday (but excluding public holidays).
 Night = All other times, plus public holidays.

Noise must be measured and assessed in accordance with the provisions of NZS 6801:2008 Measurement of Sound and NZS 6802:2008 Assessment of Environmental Sound.

If the consent holder cannot meet these noise limits then it must apply for a resource consent to do so, or else reduce noise levels such that the levels are not breached. It occurs to the Panel granting this consent that this may be done through requiring all

³ If the noise standards in the TRMP are changed then those new standards will apply.

⁴ This penalty is likely to apply to noise generated by the Sprig & Fern due to the identifiable tonal components caused by music or voices.

patrons to be entirely indoors by 9pm, or by installing heavy bi-fold doors along the side of the covered outdoor area where it faces Lot 1 DP 18503.

Opening Hours

The Sprig & Fern has not applied to depart from the opening hours specified in Rule 17.2.2.1 of the Plan and therefore is limited to the operating hours stated therein of 7.00 am and 11.00 pm seven days a week. It should also be noted that the Sprig & Fern's licensed hours are, at the time that this consent is granted, 10.00 am to 10.00 pm.

Consent Holder

4. 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.

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

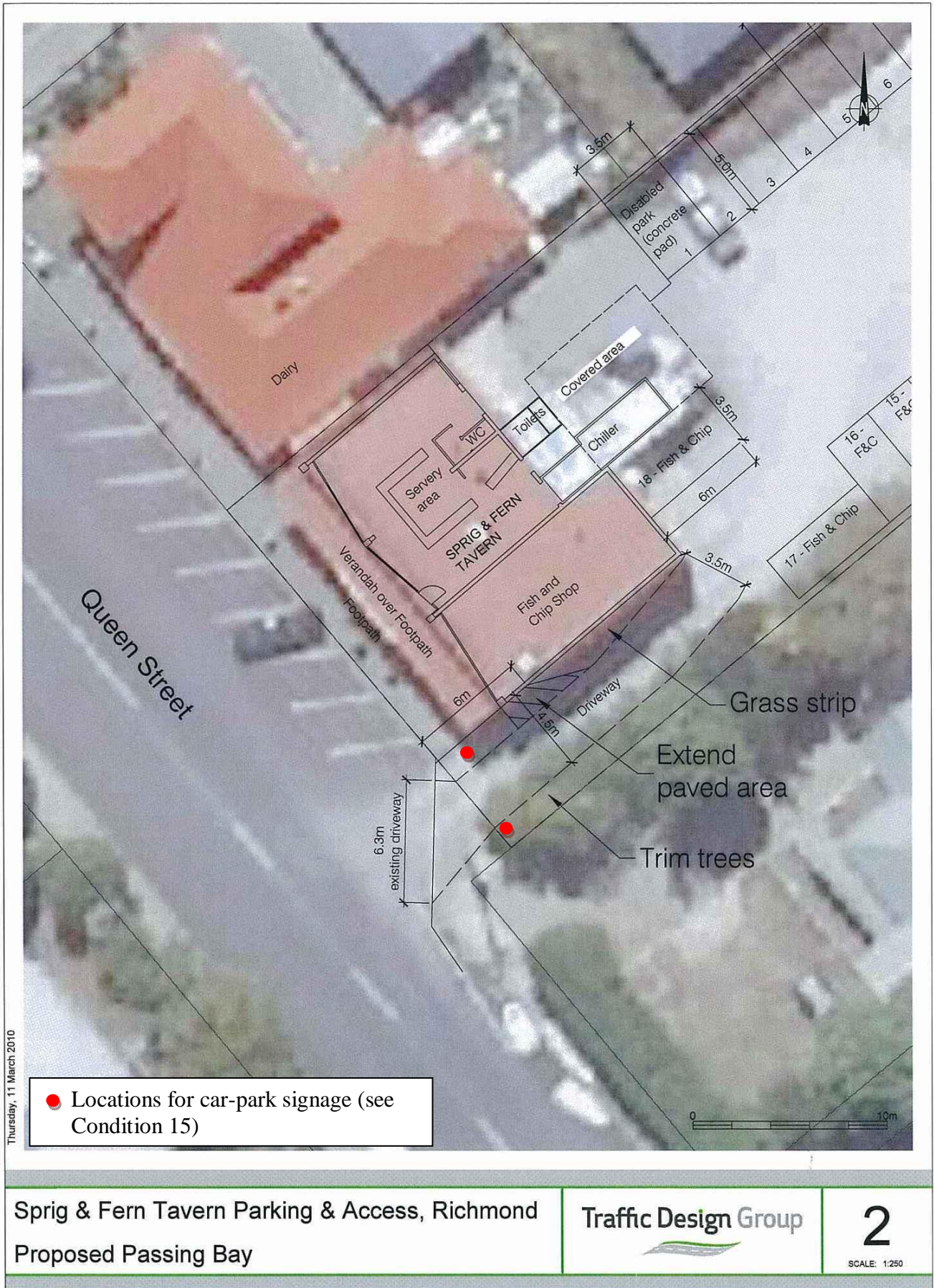
6. The Consent Holder should note that this resource consent does not override any registered interest on the property title.

Issued this 2nd day of September 2010

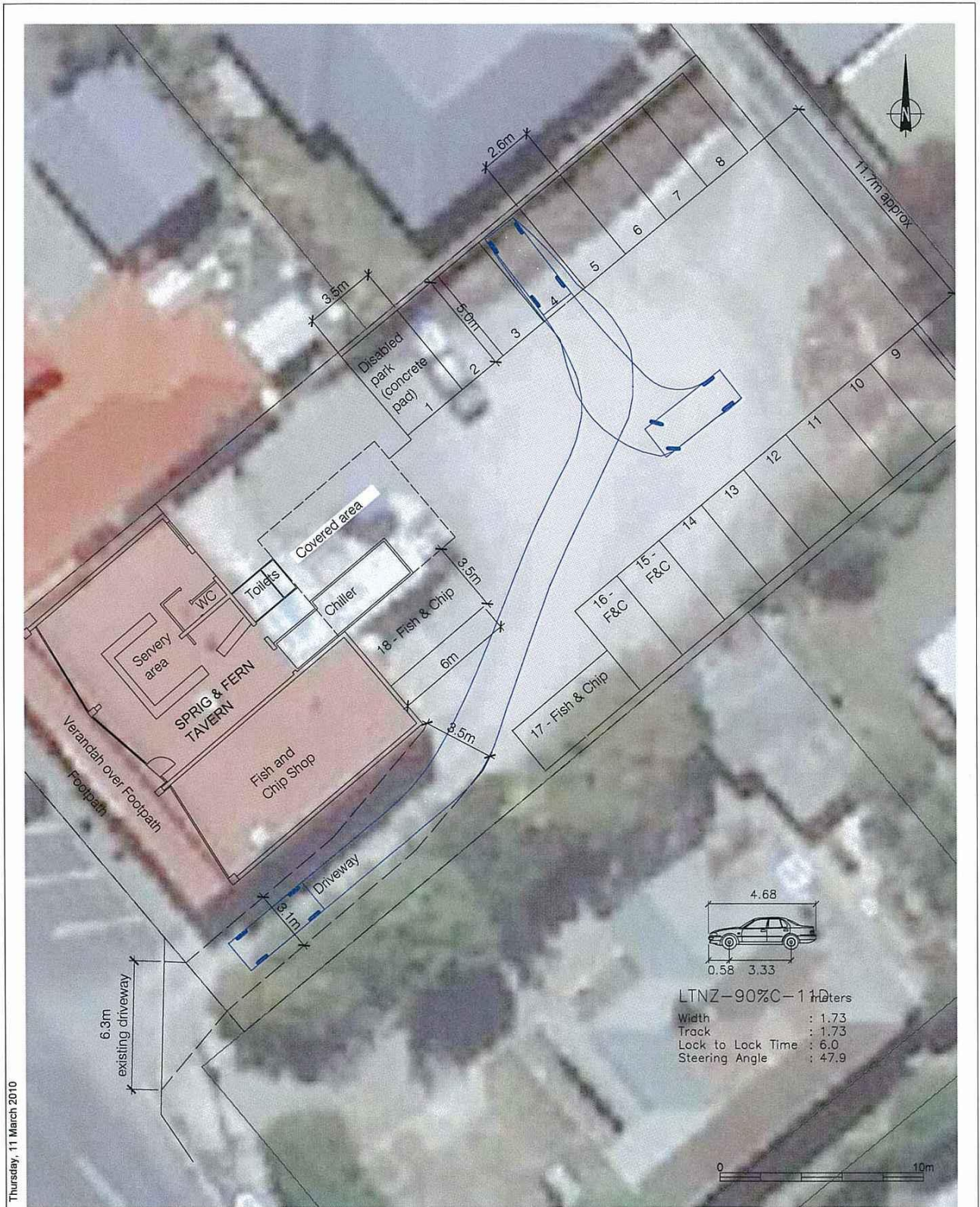


Tim King
Chair of Hearings Committee

RM100036 - Sprig & Fern Queen Street Ltd



RM100036 - Sprig & Fern Queen Street Ltd



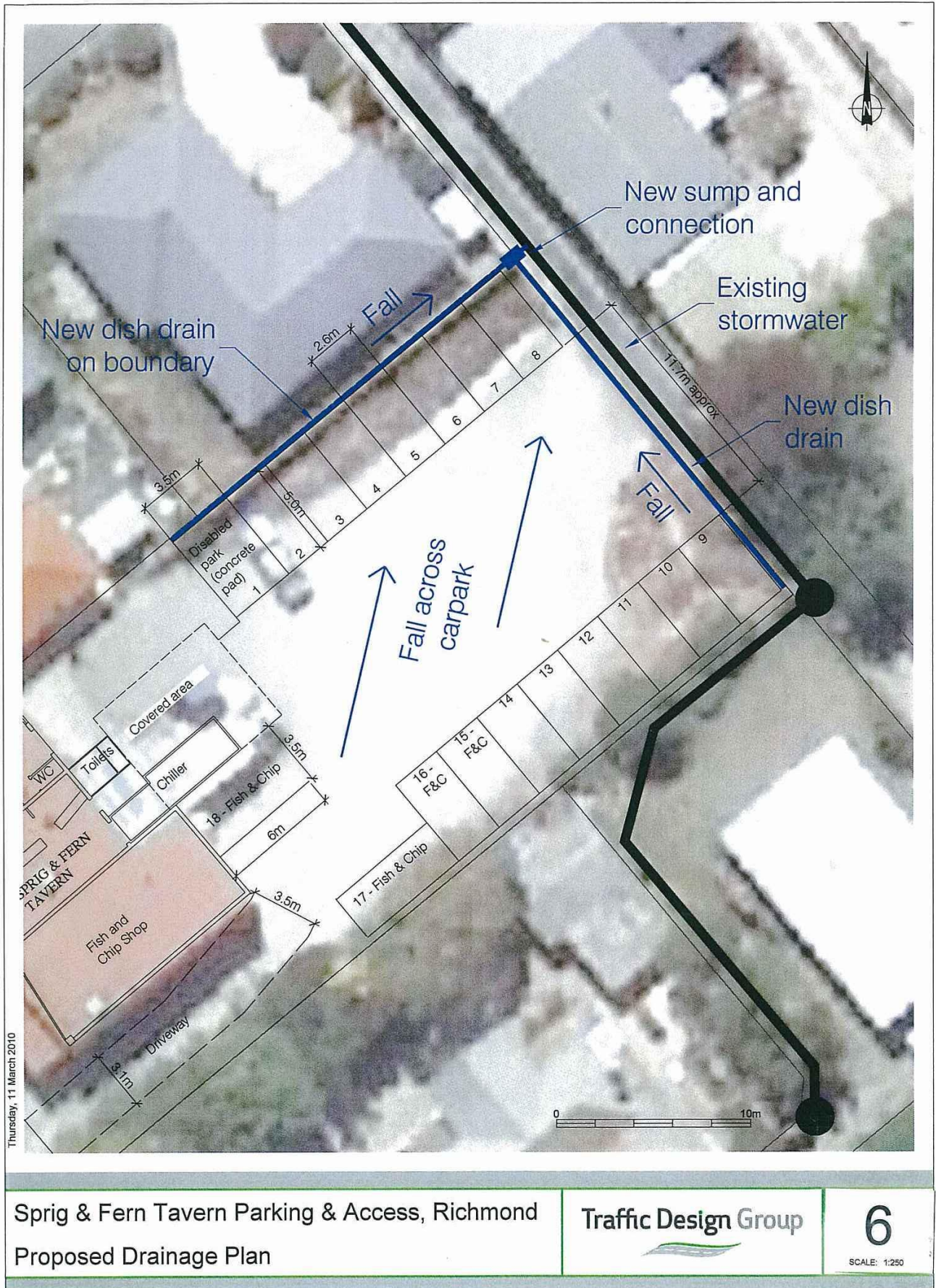
Sprig & Fern Tavern Parking & Access, Richmond
 Car Manoeuvres Path

Traffic Design Group

3

SCALE: 1:250

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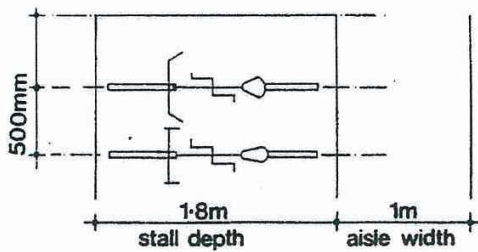
Sprig & Fern Tavern Parking & Access, Richmond
Proposed Drainage Plan



6
SCALE: 1:250

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RM100036 - Sprig & Fern Queen Street Ltd



Thursday, 11 March 2010

Sprig & Fern Tavern Parking & Access, Richmond
Proposed Cycle Parking

Traffic Design Group

6A

SCALE: 1:250

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**Annexure 1
RM100036 - Sprig & Fern Queen Street Ltd**

22/10/2009 11:08 +64-3-544-5933

WILKES CONSTRUCTION

PAGE 01/01

WILKES TRUSTS'S QUEEN STREET PARTNERSHIP
PO BOX 3223
RICHMOND
NELSON
Phone 03 544 6009

31st July 2009

Chris Satherley
3 Oxford Street
Richmond
NELSON 7050

Shane Nicholson
9 Greenwood Place
Richmond
NELSON 7050



RE: 126 QUEEN STREET - CARPARKING

We write to you regarding the car parking at the rear of our property at 126 Queen Street. We understand that over recent months, the issue of car parking has been raised between Queen Street Fish Supply and The Sprig & Fern.

As the owners of the property, we thought it best that we firstly set out to both tenants what their entitlements to the car parking spaces are, and try to make an agreement with both tenants to ensure everyone is happy and no-ones businesses suffer as a result.

In the first instance, we confirm that each tenancy has the facility to use 1/3rd of the rear parking space each. That being - Queen Street Fish Supply has the ability to use 1/3rd of the area, and the Sprig & Fern the other 2/3^{rds}.

Obviously as your businesses run over different time periods this can be altered as necessary.

We feel it would be fair that the parks are used as follows:

During the operational hours of Queen Street Fish Supply - they have exclusive access to four car parks - that being 1 directly behind their shop, and 3 on the driveway boundary beside. These parks are expected to be exclusively available to them seven days a week from 4.00pm to 7.30pm. This is considerably less than the lease provides for. The rubbish in that area has been removed, and we will place signage or markings of some sort to restrict others from parking there.

Outside of these times, Sprig & Fern can use the entire car park for their staff and customers, but will ensure their customers and staff do not park in the restricted areas.

We hope this is a good solution for all parties, and hope you are both in agreement.

If so, can you please sign below, otherwise we look forward to your feedback. We will return a copy of this document to all parties once it has been signed.

Regards



Victoria Harper
WILKES TRUSTS' QUEEN STREET PARTNERSHIP

AGREED TENANCY AMENDMENT AS NOTED ABOVE:

Signed: 

For: Sprig & Fern

Date: 3/22/09



For: Queen Street Fish Supply

Date: 12/08/09

Date Confirmed:

Chair: