

# MINUTES

**TITLE:** Environment & Planning Subcommittee  
**DATE:** Friday, 30 January 2009  
**TIME:** 12.30 pm  
**VENUE:** Tasman District Council Chamber, 189 Queen Street, Richmond

**PRESENT:** Crs N Riley (Chairman), B W Ensor and E J Wilkins

**IN ATTENDANCE:** Principal Consents Planner (P Doole), Consents Planner (L Davidson), Administration Officer (B D Moore)

## **1. M P WHYTE FAMILY TRUST, 39 VOSPER STREET, MOTUEKA – APPLICATION RM080736**

### **1.1 Proposal**

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

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 Riley / Wilkins  
EP09/01/22**

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

M P Whyte Family Trust

**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                       |
|---|---|--|
| M P Whyte Family Trust                          | Consideration of a planning application                       | A right of appeal lies to the Environment Court against the final decision of Council. |

**CARRIED**

**Moved Crs Ensor / Wilkins  
EP09/01/23**

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

**CARRIED**

**2. M P WHYTE FAMILY TRUST, 39 VOSPER STREET, MOTUEKA – APPLICATION RM080736**

**Moved Crs Riley / Ensor  
EP09/01/24**

**THAT pursuant to Section 104C of the Resource Management Act, the Committee GRANTS consent to M P Whyte Family Trust as detailed in the following report and decision.**

**CARRIED**

**Report and Decision of the Tasman District Council through its Hearings Committee**

**Meeting held in the Tasman Room, Richmond**

**on Friday, 30 January 2009, commencing at 12.30 pm**

A Hearings Committee (“the Committee”) of the Tasman District Council (“the Council”) was convened to hear the application lodged by **M and P Whyte** (“the Applicant”), to establish and operate a pre-school facility catering for up to 30 children aged between two and five years old, at 39 Vosper Street, Motueka. The application, made in accordance with the Resource Management Act 1991 (“the Act”) is referenced as RM080736.

**PRESENT:** **Hearings Committee**  
Cr N Riley (Chairman),  
Cr B W Ensor  
Cr E J Wilkins

**APPLICANT:** Mrs P Whyte  
Mr M Whyte  
Mrs J McNae (Resource Management Consultant)

**CONSENT AUTHORITY:** Tasman District Council  
Mr L Davidson (Consents Planner)

**SUBMITTERS:** Mrs W Jacques (Mot Holdings Ltd)

**IN ATTENDANCE:** Mr P Doole (Resource Consents Manager) – Assisting the  
Committee  
Mr B Moore (Committee Secretary)

## 1. DESCRIPTION OF THE PROPOSED ACTIVITY

The proposed activity requiring resource consent is to establish and operate a pre-school facility (or childcare centre) catering for up to 30 children aged between two and five years old, at 39 Vosper Street, Motueka, on land described as Lot 13 Deposited Plan 2212, being land comprised in Certificate of Title NL Volume 4D Folio 499, zoned Residential In the Tasman Resource Management Plan (TRMP).

The site has a title area of 1,214 square metres. There is a reasonably large dwelling on the site that is about 50 years old and is reasonably well maintained. It is proposed to convert this dwelling and build a new classroom onto the back of it. An existing garage on the site is to be moved to the rear of the property and increased on-site parking is to be provided. The proposed additions to the dwelling have been designed to generally meet the standards prescribed by TRMP. There will be a minor breach of one rule that requires walls of buildings to have offsets of at least 2.5 metres at intervals no greater than 15.0 metres – the wall facing the southern boundary will be 35 metres total length, with one offset of 1.0 metres.

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

There are three residential units on each side of the subject property and there is a single residence at the rear. The property has with fences on those three sides which vary in height and structure, but the fence at the rear is relatively low and does not provide any form of visual or noise screen. The applicant indicated a preference to replace the existing fence on the rear boundary with a 1.8 metre high fence to provide a good barrier. The rear yard of the site will be used as a “special activity area”, with the “main play area” positioned on the north side.

Landscaping on the site consists of a range of fruit and ornamental trees and shrubs. The property has been actively gardened in the past and the vegetation assists with the visual appearance of the property.

The site is flat and is provided with Council sewerage and water supply services. There is a piped connection to a Council stormwater drain at the rear of the site.

Vosper Street is an access road that is approximately 10.8 metres in width and provides a linkage to other collector roads in Motueka. The subject property is located opposite the Selwyn Street intersection.

The proposed childcare centre will operate between the hours of 8.00 am and 5.00 pm, Monday to Friday, and will be closed for weekends, statutory holidays and for one month during the annual holidays over the Christmas/New Year period. The bulk of children's attendance at the centre will be between 9.00 am and 3.00 pm. However, there is flexibility for children to attend on a half-day basis.

The vehicle movements associated with the proposal were presented as being 128 per day (four movements per day per child plus two per employee per day), with this figure being regarded as a maximum recognising that the use car pooling and some foot traffic would reduce the vehicle movements. However, the figure of 128 vehicle movements per day is based on there being a maximum of 30 children per day, whereas it is feasible that the total number of children attending per day would be higher if they attend on a half-day basis, resulting in more vehicle movements.

## 2. **TASMAN RESOURCE MANAGEMENT PLAN ("TRMP") ZONING, AREAS AND RULE(S) AFFECTED**

The proposed day care centre is a Community Activity under the rules of the Tasman Resource Management Plan (TRMP) and while the Plan makes provision for that activity in Residential Zones, they are limited to 30 vehicle movements per day. In this case the vehicle movements will exceed that number.

The proposed activity does not comply with Permitted Activity Rules 17.1.2.1 and 17.1.3.1 of the TRMP and is therefore deemed to be a **restricted discretionary activity** in accordance with Rule 17.1.6.1 of the TRMP. Rule 17.1.6.1 sets out the matters to which Council's discretion is restricted, as follows:

- (1) *The extent to which the activity will result in loss of residential character.*
- (2) *The ability to mitigate noise and adverse visual effects by screening of activities from adjoining roads and sites.*
- (3) *The scale of any building, structures and car parking compared to existing permitted development.*
- (4) *Adverse effects of the activity in terms of traffic and parking congestion on site and safety and efficiency of roads giving access to the site.*
- (5) *The duration of the consent and the timing of reviews and conditions.*
- (6) *Financial contributions, bonds and covenants in respect of performance of conditions.*

## 3. **NOTIFICATION AND SUBMISSIONS RECEIVED**

While the Vosper Street neighbours provided written approval for the proposal, the neighbour to the east declined to give approval and Council has processed the application on a limited notification basis. The application was limited notified on 15 November 2008 pursuant to Section 94 of the Act. Six submissions were received. The following is a summary of the written submissions received and the main issues raised:

**J M Lewis** is a resident at 37C Vosper Street; her submission is neutral in respect of the application.

**G W Hann** is a resident at 43 Vosper Street; his submission opposes the application, primarily on the grounds of traffic effects in Vosper Street. His submission relates to the current use of Vosper Street and the speed vehicles travel, creating traffic hazards and risks to local residents. He suggests that speed bumps should be installed in Vosper Street to reduce speeding.

**L and W Jacques** (Mot Holdings Ltd) own the property at 13 Boyce Street that adjoins the rear of 39 Vosper Street; their submission opposes the application to establish the pre-school facility primarily on the grounds of a commercial activity being established in a residential area and more particularly due to the potential noise effects from the activity.

**M and J Watts** own the properties to the south of the subject site that are let as rental dwellings. While they originally provided written approval for the proposal that was submitted with the application, they subsequently lodged a submission opposing the application in relation to the extension to the building. This is because the extension will be closer to the southern boundary and the ridgeline is higher than the existing building, affecting the outlook and sunlight for 41A Vosper Street.

**J V Marshall's** submission supports the application and welcomes an additional pre-school facility in Motueka that his son would be able to attend. He considers the Vosper street site is an appropriate location for such a facility and the provision of care for two and three year olds is a welcome addition to the Motueka area.

**K B Rogers** is a Motueka resident; his submission supports the proposal to establish the pre-school facility at Vosper Street. He considers it is an appropriate location that has an arterial road to the west and three collector roads on the north, south and eastern sides of Vosper Street. He considers the issues associated with such facilities on a main access road or a cul-de-sac are not present on this site. He states he has lived next door to an education facility and found there were a number of benefits from living in such a location.

#### **4. PROCEDURAL MATTERS**

No procedural matters arose during the hearing. The Committee accepted the submission made for the applicant that the correct status of the proposed activity is restricted discretionary, rather than fully discretionary, in terms of the TRMP provisions.

#### **5. EVIDENCE HEARD**

The Committee heard evidence from the applicants and their resource management consultant, a submitter, and the Council's reporting officer. The following is a summary of the evidence heard at the hearing.

##### **5.1 Applicant's Evidence**

Mrs J M McNae tabled and read planning evidence which provided an evaluation of effects in relation to the matters relevant to the status of the proposed day care centre as a restricted discretionary activity – residential character, visual impacts, scale of development, noise, traffic and parking issues. She described how the applicants intended to use double glazing in the extended part of the building with appropriate insulation. She explained that the design and layout of the proposed

facility will minimise the effect on neighbouring properties. Mrs McNae considered that the adverse effects on the environment from this proposal will be no more than minor. She stressed that the applicants have considerable experience in managing similar early childhood facilities in Motueka.

Mrs McNae also drew attention to Policy 6.7.19k (now numbered 6.8.3.27) of the TRMP which addresses the provision of community facilities in residential zones – this policy had not been identified in the officer's report.

Mrs P Whyte spoke for the applicants saying that flexible hours of operation were proposed for the facility and that the early childhood regulations would be followed. She said that children in the facility would be supervised at all times and that the applicants had submitted a noise management plan. She said there were two areas within the property outside of the buildings which would be used as a main play area and a special activity area, with use of the latter being restricted. It was proposed that the back fence would be 1.8 metres high but no alterations were intended for the wooden north fence. She said that the opening hours between 8.00 am to 5.00 pm would allow traffic to be staggered and that four car parks would be provided for staff and four for other cars.

## **5.2 Submitters Evidence**

The submission from Mot Holdings Ltd was addressed by Mrs Jacques. The submitter owns a property at 13 Boyce Street, Motueka which borders onto the rear of the applicant site. She said that the house at 13 Boyce Street is on an angle and close to the boundary and near the proposed childcare facility play area. She said that the fencing situation on the common boundary between the submitter and applicant had never been addressed except in Mr Davidson's staff report, and she did not favour a 1.8 metre high fence being erected along their common boundary.

Mrs Jacques expressed concern that the applicant proposed French doors on the east side of the classroom extension facing their property. She was concerned about the noise which would come from that area. She said that she had experienced living near a preschool and kindergarten in the past and is aware of the noise created by children playing.

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

Consents Planner, L Davidson, spoke to his report that was included within the meeting agenda. He said that the subject property has some unique attributes being 1200 square metres and located close to a commercial area in a street which is well set up for traffic flow. He noted that the applicant intended using the existing building with a specific addition and would limit the range of children using the vicinity by age group with a limited number of hours and days of operation.

In regard to residential character, Mr Davidson said that the proposal would not create a significant change. He noted that street markings were proposed to limit the location of parking within the street. He suggested the use of a close bordered fence to limit noise and visual effects especially for neighbours to the east. Mr Davidson said that the proposed French doors could face north to go to the main play area and this would stop a direct line of sight and noise to the submitter's property.

## 5.4 Applicant's Right of Reply

Mrs McNae responded for the applicant saying that the applicant did not intend to leave the French doors open but they would be used only for teacher and children access to the garden area. She said that these glass doors would provide better visual supervision. She confirmed that the proposed facility would be open during normal school holidays except for a month at Christmas and statutory holidays. She said that the attendance levels are lower in school holidays. The applicant volunteered to construct a 1.8 metre high wooden boundary fence in conjunction with the neighbouring property owner on the east side of the property.

Mrs McNae said that the application is for 30 children between the ages of two to 3.5 years at any one time. She acknowledged that more than 30 children may go to the childcare centre on any one day. Mrs McNae said that the submitter's main concern is noise impact on the amenity of their property. She said that the buffer supplied by the applicant is the large garden, the shed near the property boundary and the use of a noise management plan, to an acceptable level in the residential zone.

## 6. PRINCIPAL ISSUES

Having regard to the matters of discretion set out in TRMP Rule 17.1.6.1, the matters raised in the submissions, and the evidence presented during the hearing, the Committee considers that the principal issues in contention are:

- a) Whether the additional traffic movements and parking associated with the proposed scale of the childcare centre would result in more than minor adverse effects, taking account of the mitigation measures proposed?
- b) Whether the scale and operation of the proposed childcare centre would cause more than minor noise and/or amenity effects on the adjoining property to the east of the site (13 Boyce Street)?
- c) Whether the scale of the proposed building extension would cause more than minor adverse effects?
- d) Whether the proposal would cause loss of residential character in the area?

## 7. MAIN FINDINGS OF FACT

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

- a) The proposed operation of the childcare facility with a maximum of 30 children on site at any one time may result in more than 128 traffic movements per day. Whereas Vosper Street is classified as an Access Road, the existing carriageway width exceeds the TRMP standard. It appears Vosper Street does get a degree of "bypass" traffic from vehicles avoiding High Street and its intersections but this is a matter that is difficult to place controls over. The carriageway is generous at 10.8 metres and this may encourage faster vehicle movements. The Committee is satisfied that effects of the additional traffic movements can be addressed by the proposed mitigation measures – moving the site access way, marking the carriageway to delineate roadside parking

limits, and providing no stopping areas around the Selwyn Street intersection. However, the Committee is concerned that congestion may occur at busy drop-off and pick-up times, particularly if those activities coincide. Therefore the provision of on-site parking and the staggering of drop-off and pick-up times are matters that would need to be subject to review.

- b) The Jaques' house is located relatively close to the eastern boundary of the subject site and there is only a low fence separating the two properties. The Committee considers that the proposed scale of the childcare facility will cause a degree of adverse noise effect on the adjoining property. The Committee accepts the applicant's explanation that the French doors on the proposed classroom extension will be used only for egress into and out of the rear yard "special activity area" and that those doors will not be open at other times. With regard to the eastern boundary fence, whereas the applicant proposes to replace the existing fence with a 1.8 metre high fence, the Committee is mindful of the Jacques' position, and does not consider it reasonable to impose a condition that may conflict with provisions of the Fencing Act 1978. A requirement to provide screening within the application site is seen to be more appropriate.
- c) The Committee considers that the matter of the extended south wall of the building not having a 2.5 metre set back is a minor issue, given that a step has been included in the wall design. The proposed extension to the existing dwelling will comply with the height restriction for a Residential Zone and with the daylight angle on the southern boundary of the site. There is a fence along that boundary that is over 2 metres in height, screening the property at 41A Vosper Street.
- d) The Committee considers that the scale and layout of the proposed childcare centre is appropriate for the site and should not result in any significant loss in the residential character, including the residential amenity of the locality. The proposed facility may well enhance the amenity of the area.
- e) While acknowledging that there is an existing connection to stormwater reticulation at the rear of the property, the Committee encourages the applicant to consider and utilise water harvesting on the property.

## **8. RELEVANT STATUTORY PROVISIONS**

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

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

- a) Tasman Regional Policy Statement (TRPS);
- e) Tasman Resource Management Plan (TRMP);

as listed and assessed in the Officer's report, with the addition of TRMP policy 6.7.19K (now numbered 6.8.3.27) which addresses community activities and facilities in residential zones.



## 8.2 Part II Matters

In considering this application, the Committee has taken into account the relevant matters set out in Section 7 of the Act, as listed in the Officer's report, as well as the overall purpose of the Act as presented in Section 5 of the Act.

## 9. DECISION

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

## 10. REASONS FOR THE DECISION

### Effects on the Environment

The Committee is satisfied that the proposed activities should not cause any significant adverse effects on the adjoining residential properties, or on the residential character of the surrounding area, subject to conditions to mitigate noise effects across the eastern boundary and management of traffic and parking activities as specified in the application.

### Objectives and Policies of the TRMP

Generally, the provision of a childcare centre such as the current proposal is an activity that the TRMP has envisaged in a Residential Zone, providing the matters that have the potential to create adverse effects can be avoided, mitigated or remedied. Such facilities are recognised as being part of the infrastructure that communities require in residential areas.

Objective 5.4.2 clearly supports community facilities in urban areas and that in turn is supported by Policies 5.4.3.2 and 6.8.3.27, providing the character and amenity of the neighbourhood is not compromised. The Objectives and policies requiring provision of a safe and efficient transport system are also pertinent to Motueka where there are significant traffic flows, particularly through residential areas.

The Committee is satisfied that the proposal, subject to conditions, will accord with the relevant Objectives and Policies of the TRMP, as well as the resource management purpose of the Act.

## 11. COMMENTARY ON CONDITIONS OF CONSENT

The Committee considers that conditions are required in order to avoid, remedy, or mitigate adverse effects that may result from the proposed activities. The Committee has generally adopted the conditions proposed by the reporting officer, those being appropriate and lawful in terms of the matters of discretion listed in Section 2 of this report, with the following changes:

- The proposed condition that would require a child proof fence internally on the site has been omitted as that is a matter that is better dealt with in terms of the safety requirements that apply to operation of the childcare centre.

- The proposed condition that would require a 1.8 metre high fence along the eastern boundary of the site has been changed to allow more flexibility in how the consent holder can achieve screening and mitigation of noise effects on the adjoining residential property.

The condition requiring a Financial contribution is in accord with Rule 16.5.4.3 of the TRMP.

## **12. LAPSING OF CONSENT(S)**

Pursuant to Section 125(1) of the Act, resource consents, by default, lapse in five years unless they are given effect to it before then. The default lapse period of five years shall apply to this consent.

## **13. COMMENCEMENT AND EXPIRY OF CONSENT**

Pursuant to Section 123 of the Act, land use consents have no expiry provided they are given effect to within the lapse period provided and also provided that the use is not discontinued for a continuous period of more than 12 months.

This consent will commence when the time for lodging appeals against the grant of the consent expires and no appeals have been lodged, or when any such appeals have been dealt with.

Issued this 24<sup>th</sup> day of February 2009.



Cr Noel Riley  
**Chair of Hearings Committee**



## RESOURCE CONSENT

**RESOURCE CONSENT NUMBER:** RM080736

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

**M P Whyte Family Trust**  
(hereinafter referred to as “the Consent Holder”)

### ACTIVITY AUTHORISED BY THIS CONSENT:

To establish and operate a community activity, namely a privately owned, Government licensed and chartered Early Childhood Centre (childcare centre), catering for up to 30 children aged 2 to 5 years at any one time and having up to four teachers on site at any one time, and operating between the hours of 8.00am and 5.00pm Mondays-Fridays, but closed on weekends, statutory holidays and for a period of one month during the Christmas/new Year annual holiday period. The consented activity includes building extensions that do not comply with wall offset requirements for walls exceeding 15 metres in length.

### LOCATION DETAILS:

|                       |                           |
|-----------------------|---------------------------|
| Address of property:  | 39 Vosper Street, Motueka |
| Legal description:    | Lot 13 DP 2212            |
| Certificate of title: | CT NL4D/499               |
| Valuation number:     | 1955015703                |
| Easting and Northing: | 2511200E 6018020N         |

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

### CONDITIONS

1. The proposed development shall be generally in accordance with the application, including the noise plan submitted at the hearing, and attached plans RM080736 (A – F) dated 30 January 2009, and modified to conform with any additional conditions imposed. Where there is any conflict between the plans and the conditions imposed, the conditions shall prevail.
2. Access to the property shall be relocated in accordance with Council’s Engineering Standards and Policies (2008) to provide a gap of not less than 6 metres from the existing crossing place at 37(A-C) Vosper Street.
3. The carriageway of Vosper Street shall be marked out by a Council approved contractor to establish traffic parking limit lines for all crossing places between 34/35 and 44/43 Vosper Street and no stopping lines around the corners of Selwyn Street.

4. On-site parking shall be provided for not less than eight vehicles, as indicated on Plan RM080736(A) dated 30 January 2009. All on site access and parking shall be formed to a permanent sealed surface.
5. Screening shall be provided close to the eastern boundary of the site for the purposes of mitigating noise effects on the adjoining property (13 Boyce Street, Lot 11 DP 6600), such screening to achieve similar buffering that would be achieved by a close boarded 25 mm thick timber fence 1.8 metres in height being erected on the boundary. The spaces on the northern and eastern sides of the relocated garage shall be similarly screened.
6. Existing fruit and ornamental trees shown on the site plan (RM080736A) shall be retained wherever practical to preserve the existing amenity of the subject site and surrounding area.
7. The proposed addition to the existing building at 39 Vosper Street shall incorporate noise reduction measures such as double glazing, noise control batts and soft furnishings to minimise the transmission of noise from the building.
8. The French doors on the eastern end of the childcare building will be kept closed except when required for egress to and from the "special activity area" as shown on Plan RM080736(A) dated 30 January 2009.
9. Noise generated by the pre-school, as measured at or within the boundary of any site within the zone, other than the site from which the noise is generated shall not exceed 55dBA (L<sub>10</sub>) during the hours of operation.
10. The noise management plan submitted as part of the application shall be incorporated into the day to day operational plan for the pre-school and implemented on an on going basis.
11. The pre-school shall cater for not more than 30 children between the ages of two and five at any one time and such staffing at the ratio required by the relevant child care legislation.
12. The hours when children are present on the site for day to day care shall be limited to 0800 until 1700 hours (Monday to Friday), excluding statutory holidays and for a period of one month during the annual holidays over the Christmas/New Year period.
13. Two "children" signs shall be erected on Vosper Street, one on either side of the pre-school, prior to the preschool activities commencing.

**Advice Note:**

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

14. Signage for the pre-school shall be limited to one on-site sign that does not exceed 0.5 square metres in area, located on the subject site.
15. The conditions of the land use consent may be reviewed by Council in accordance with Section 128 of the Resource Management Act 1991 within a period of one month after six months of the consent becoming operational and thereafter at intervals of 12 months, for the purpose of:

- a) dealing with any adverse effect on the environment arising from the exercise of the application;
  - b) requiring the applicant to adopt the best practicable option to remove or reduce any adverse effect on the environment.
- 16 The Consent Holder shall, no later than the time of uplifting the building consent for the building, pay a financial contribution to the Council. The amount of the financial contribution shall be assessed as a percentage of the value of the building consent component in accordance with the following table:

| Component  | Contribution |
|--|--------------|
| <b>Financial Contribution – Building</b>   |              |
| 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%        |
| <b>Notes:</b> <ol style="list-style-type: none"> <li>1. The financial contribution is GST inclusive.</li> <li>2. The building consent value is GST exclusive.</li> <li>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.</li> <li>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.</li> </ol> |              |

#### ADVICE NOTE(S)

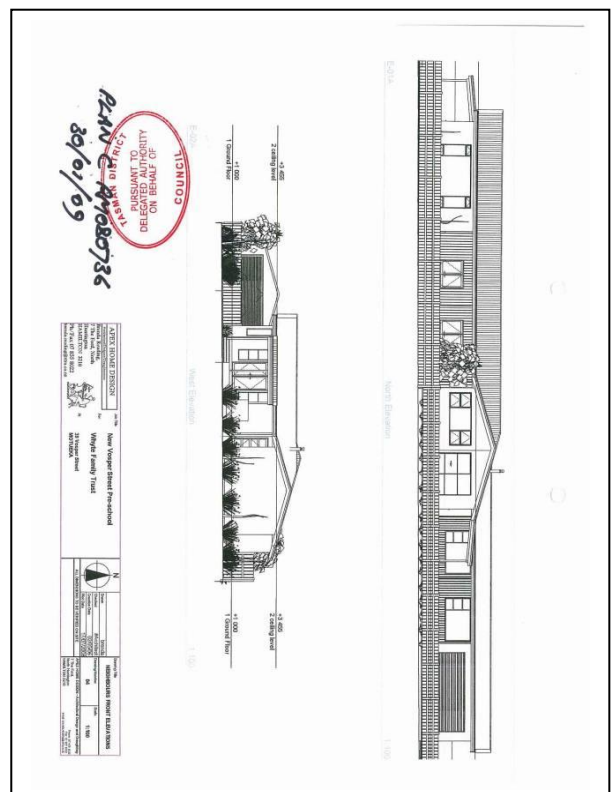
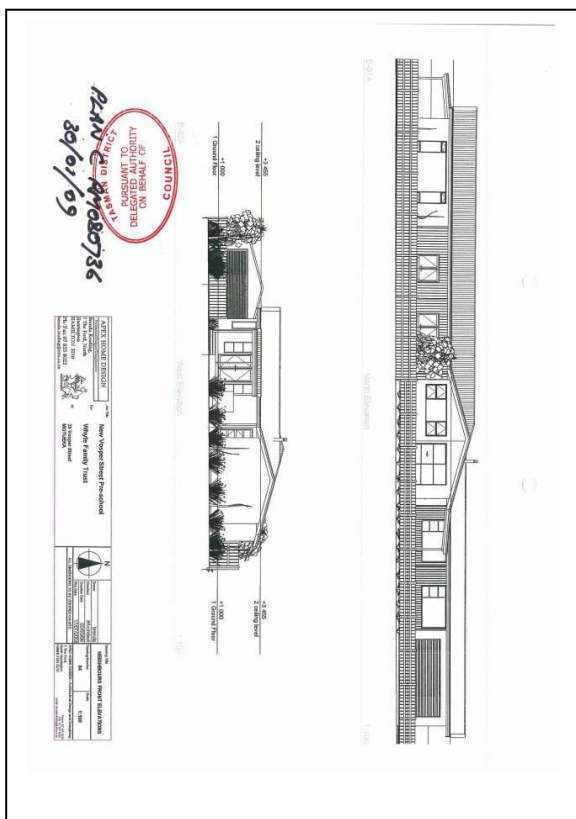
1. This consent is issued pursuant to the Resource Management Act 1991 and the Tasman Resource Management Plan. It does not constitute building consent and if the project involves any form of building, consent should be sought pursuant to the Building Act 1991.
2. Monitoring of this resource consent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

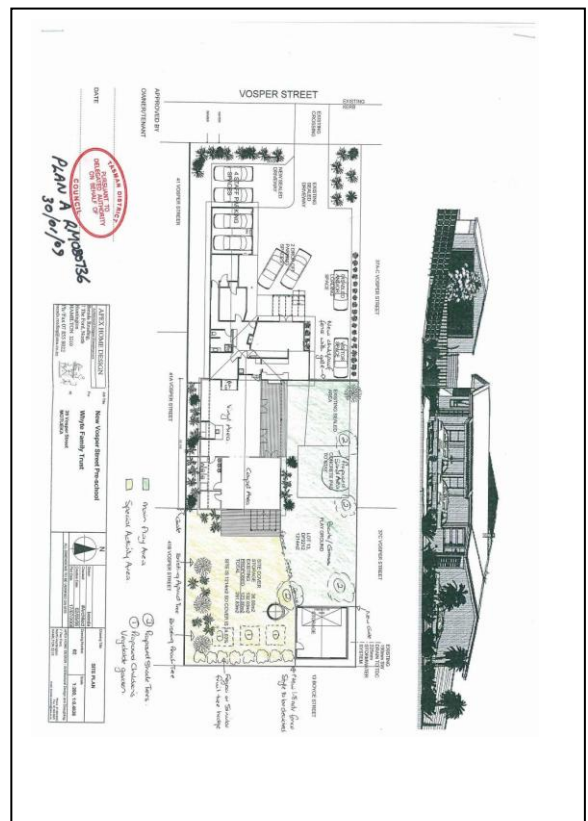
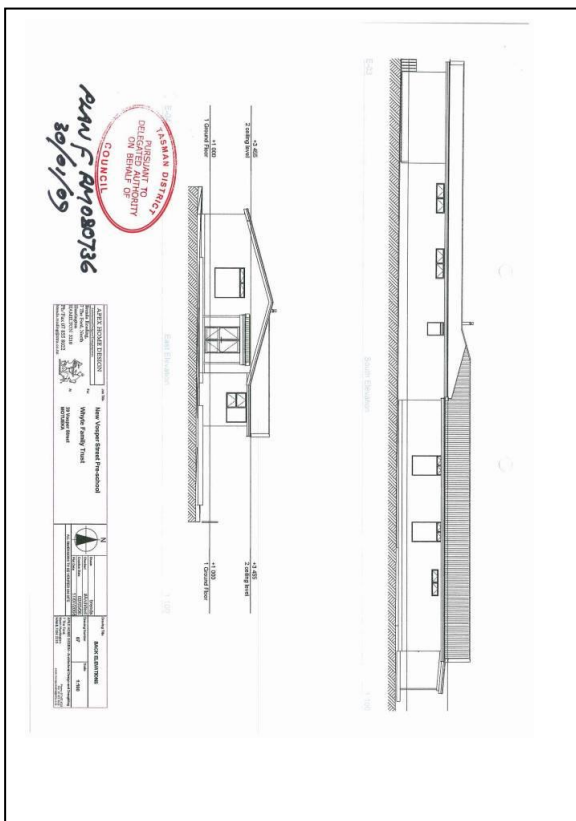
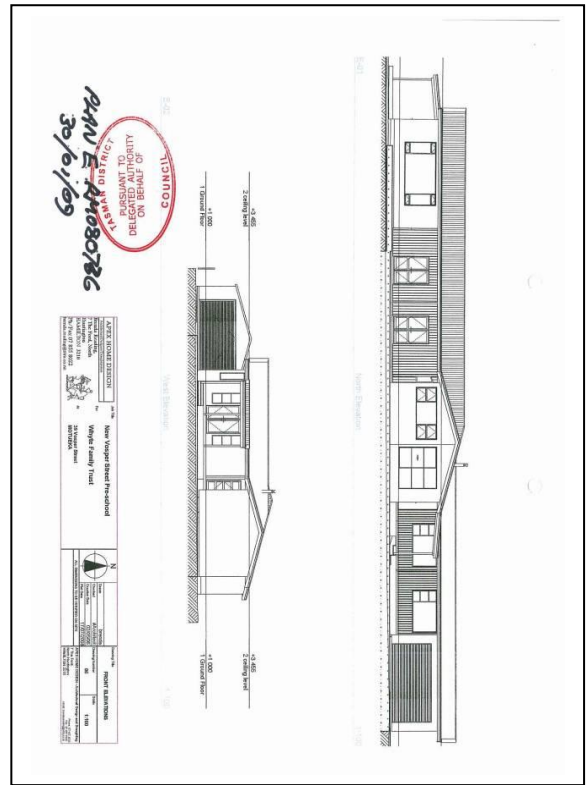
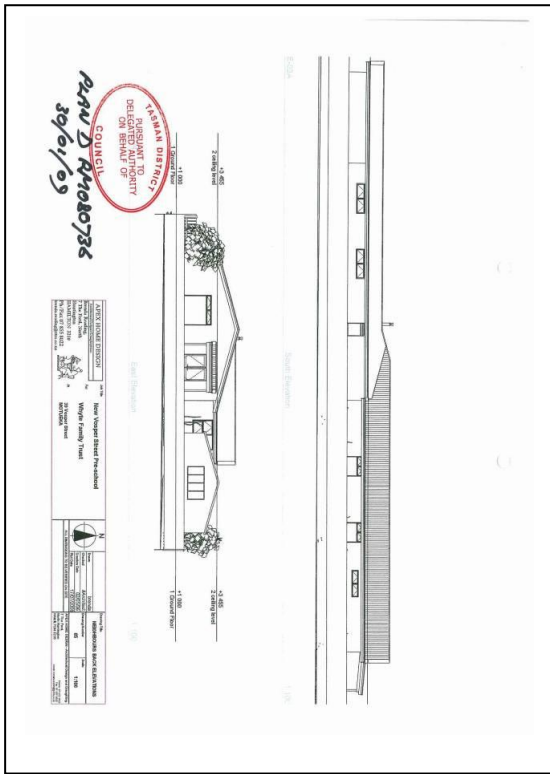
- 4.a The Consent Holder is liable to pay a development contribution in accordance with the Development Contributions Policy found in the Long Term Council Community Plan (LTCCP). The amount to be paid will be in accordance with the requirements that are current at the time the relevant development contribution is paid.
- 4.b Council will not issue a Code Compliance Certificate until all development contributions have been paid in accordance with Council's Development Contributions Policy under the Local Government Act 2002.
5. 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.
6. The Consent Holder should note that this resource consent does not override any registered interest on the property title.

Issued this 24<sup>th</sup> day of February 2009.



Cr Noel Riley  
**Chair of Hearings Committee**





Date Confirmed:

Chair: