

MINUTES

TITLE: Tasman District Council
Environment & Planning Subcommittee
COMMISSIONER HEARING

DATE: Monday, 31 August 2009
TIME: 9.30 am
VENUE: St Johns Meeting Room, Courtney Street, Motueka
PRESENT: Rachel Reese (Chair), Derek Shaw, Noel Riley

IN ATTENDANCE: Principal Resource Consents Advisor, (J Butler), Planner, (P Gibson), Co-Coordinator Natural Resource Consents (L Pigott), Regulatory Services Co-Coordinator (G Caradus), Development Engineer, (D Ley), Administration Officer, (J A Proctor)

1. ALBORN PROPERTIES LIMITED, SANDY BAY-MARAHAU ROAD AND FRANKLIN STREET, MARAHAU - APPLICATION No. RM080841, RM080844

The application sought the following:

**Land Use Consent
RM080841**

To undertake land-based activities at Marahau associated with commercial water taxi, kayaking, and mountain biking services. The activities include: operating an office and booking agency and some associated car parking at 229 Sandy Bay-Marahau Road, with two signs proposed on this property; operating the kayaking business, including the storage of equipment and training of clients, at 8 and 10 Franklin Street, with two signs proposed on this property; and long-term customer car parking, and the storing, washing, and refuelling of water taxi boats at 13A Franklin Street. These proposed activities will involve boat and tractor traffic along with customer vehicles travelling on Franklin Street between these sites as required, using the leg-in access to 13A Franklin Street.

**Discharge Permit
RM080844**

To discharge to land approximately 600 litres per day of wash water from water taxi operations. This water is captured off the concrete wash-down pad and is discharged to land after it has been through a sump with a sand trap.

The land is zoned Residential and Rural 1 (Deferred Residential) according to the Tasman Resource Management Plan.

The application site is located at 229 Sandy Bay-Marahau Road; 8, 10, and 13A Franklin Street, Marahau, being legally described as Lot 11 DP 4958 (CT NL125/5); Lots 1 and 2 DP 6931 (CT NL2B/970); and Lot 1 DP 13449 and Pt Lot 1 DP 12789 (CT 10C/676)

Submissions:

R Franklin, Marahau / Sandy Bay Ratepayers & Residents Assn Inc, J, J, and M Sauer, M Denton C Rowe and P Sanders, M and H Kilvington, The Gail and Neville Hannen Family Trust, B Franklin, I Franklin, Tiakina te Taiao Ltd, Abel Tasman Land Company, B de Liefde, Wakatu Incorporation, G Campbell, D Campbell and A Campbell, A Rae, M Loveard, Abel Tasman Estates Limited, Newhaven Marahau Limited, G Cook, A and N Rae.

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

TASMAN DISTRICT COUNCIL

Report and Decision of the Tasman District Council through Independent Hearing Commissioners

Meeting held in the St John's Rooms, Motueka on 31 August and 1 September 2009

A Hearings Panel of Independent Commissioners ("the Panel") was convened by the Tasman District Council ("the Council") to hear the application lodged by **Alborn Properties Ltd** ("the Applicant"), to undertake land-based activities at Marahau associated with commercial water taxi, kayaking, and mountain biking services, and associated activities at 8 and 10 Franklin Street and at 13A Franklin Street. The proposal is also to discharge washwater to land and to the coastal marine area via the reticulated stormwater system. The applications, made in accordance with the Resource Management Act 1991 ("the Act"), were lodged with the Council and referenced as RM080841 (Land Use) and RM080844 (Discharge).

HEARING PANEL: Commissioner Rachel Reese, Chairperson
Commissioner Noel Riley
Commissioner Derek Shaw

APPLICANT: Mr Paul Radich (Counsel)
Mr Gavin Alborn (Applicant)
Ms Jane Bayley (Planning Consultant)
Mr Jack Kelly (Kayak business operator)

CONSENT AUTHORITY: **Tasman District Council**
Mr Paul Gibson (Consent Planner, Land Use)
Mr Leif Pigott (Co-ordinator Natural Resources Consents)
Mr Graham Caradus (Co-ordinator Environmental Health)
Mr Dugald Ley (Development Engineer)

SUBMITTERS:

- Ms Victoria Chisnell (Counsel for Mr R Franklin)
- Mr Raymon Franklin (23 Franklin Street)
- Mr Tony and Ms Bridget Hannen (for the Gail and Neville Hannen Family Trust, 225 Sandy Bay – Marahau Road)
- Ms Barbara (Vig) Franklin (219 Sandy Bay Marahau Road)
- Mr Ian Franklin (219 Sandy Bay Marahau Road)
- Ms Alison Rae (13 Franklin Street)
- Mr Mark and Ms Helen Kilvington (22 Franklin Street)
- Mr Peter Campbell (19 Franklin Street)
- Ms Jenny Sauer (213 Sandy Bay – Marahau Road)

IN ATTENDANCE:

- Mr Jeremy Butler (Principal Resource Consents Adviser) - Assisting the Commissioners
- Ms Julie Proctor (Minutes Secretary)

1. SUMMARY

The Panel has **GRANTED** a resource consent subject to conditions to operate commercial water taxi, kayak hire, and mountain bike hire businesses, and associated activities at 8 and 10 Franklin Street and at 13A Franklin Street.

The Panel has also **GRANTED** a resource consent subject to conditions to discharge washwater to land and to the coastal marine area via the reticulated stormwater system.

2. DESCRIPTION OF THE PROPOSED ACTIVITY

The application is for, firstly, a land use consent to operate commercial water taxi, kayak hire, and mountain bike hire businesses from sites in the Residential zone and Rural 1 (deferred Residential) zone.

The activities include:

- operating a kayak guiding and hire business, including the storage of equipment and training of customers, at 8 and 10 (hereafter "8/10") Franklin Street, with two signs proposed on this property;
- operating a water taxi business operating from 8/10 Franklin Street including loading and unloading and storage of tractors and trailers during the day;
- operating a mountain biking hire business on 8/10 Franklin Street, including the storage of equipment;
- storing water taxis and associated tractors and trailers, and providing parking for the staff and clients of the above businesses at 13A Franklin Street;
- erecting two signs at 266 Sandy Bay-Marahau Road;
- tractor and boat trailer traffic along with customer vehicles travelling on Franklin Street between 8/10 Franklin Street and 13A Franklin Street as required using the leg-in access to 13A Franklin Street;
- discharge of kayak and wetsuit washwater to the reticulated stormwater network which is subsequently discharged to the coastal marine area; and
- discharge of water taxi and tractor washwater to land via an oil and grit separator.

In 2007 and 2008 the Council's compliance team discussed compliance with resource consents and Tasman Resource Management Plan (TRMP) provisions with various tourism operators in and around Marahau, including the applicant. Alborn Properties Limited have responded to the concerns raised by making this application to legitimise their activities in relation to the TRMP provisions.

The current activities are operating without resource consent. The application explains the background as to how this situation came about. In summary, it appears that the kayak and water taxi businesses were originally associated with the camping ground and they expanded incrementally without the required consents being obtained.

The subject site is made up of three titles, two of which adjoin each other (8/10 Franklin Street) with the other title on the southern side at 13A Franklin Street. The following table describes the properties involved:

Address	Legal Description	Certificate of Title	Valuation Number
229 Sandy Bay-Marahau Road, Marahau	Lot 11 DP 4958	NL125/5	1931010000
8/10 Franklin Street, Marahau	Lots 1 & 2 DP 6931	NL2B/970	1931010101
13A Franklin Street, Marahau	Pt Lot 1 DP 12789	NL10C/676	1931008700

The property at 229 Sandy Bay-Marahau Road is a corner site with Sandy Bay-Marahau Road along the eastern boundary and Franklin Street along the southern boundary. The site is long established as a commercial use. It contains a single story building accommodating a shop, an office, and a café. Land use consent RM010582 was issued on 12 October 2001 to establish the store and office. On 14 August 2009 RM020239 was issued to operate the café.

The property at 8/10 Franklin Street also has a two storey building located centrally on the property. This building is used as a dwelling and an office for the kayak and mountain bike operation. A series of sheds towards the north of the site are used to store kayaks and associated equipment. A barked area in the southwest corner of the property is used to instruct customers on the use of kayaks.

Part of the 13A Franklin Street site is used by the applicant. The property contains two dwellings, one of which is used by the applicant to accommodate staff. On 23 January 2002 land use consent RM010707 was granted to relocate the second dwelling.

A large barn is used to store four water taxi boats. A concrete yard area with diesel and petrol fuel tanks is located outside the barn. A grass long term parking area bounded by a deer fence is also used by the applicant. The majority of the remainder of the site is in pasture. A compacted base course right-of-way provides access to 13A Franklin Street.

Although the area is predominantly zoned residential it is of mixed use. The camping ground is located on the southern side of Franklin Street opposite the existing café/shop/office and kayak base. The camping ground accommodates approximately 50 powered sites in addition to five cabins and a backpackers operation. The café/shop/booking office is well established on 229 Sandy Bay-Marahau Road. The Outdoor Education Centre flanks the booking office and the kayak base to the north and is zoned Recreation under the TRMP. There are approximately 20 dwellings located on Franklin Street in the Residential zone. A Department of Conservation (DoC) base at 15 Franklin Street accommodates a dwelling and a large shed and parking space for DoC vehicles.

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

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

Zoning: Residential and Rural 1 (deferred residential)
Area(s): Coastal Environment Area

Land Use consent

The proposed water taxi, kayak hire and mountain bike hire businesses do not comply with the following permitted activity rules of the TRMP:

- 17.1.2.1(b)(iii) commercial activities within a Residential zone;
- 17.1.2.1(d) no more than one heavy vehicle is stored or parked on a Residential zoned site;

- 17.5.2.1(b)(iv) commercial activity within a Rural 1 zoned site;
- 16.1.3.1(a) one sign a maximum of 0.5 square metres in area per site;
- 16.2.3.1(n) the surface of any parking area in the Residential zone is formed and sealed and spaces marked.

The land use proposal is therefore deemed to be a discretionary activity in accordance with Rules 17.1.2.2, 17.5.2.3, 16.1.3.2 and 16.2.6.1 of the TRMP.

Discharge Permit

The proposed discharge of wash water does not comply with the following permitted activity rules of the TRMP:

- 36.2.7(b) water discharged to coastal waters not to contain any contaminants other than heat;
- No permitted rule discharge of wash down water to land

The discharge is therefore deemed to be a discretionary activity in accordance with Rules 36.2.8 and 36.1.16 of the TRMP.

4. NOTIFICATION AND SUBMISSIONS RECEIVED

The application was notified on 21 February 2009 pursuant to Section 93 of the Act. A total of 18 submissions were received as set out in the following table.

Submitter	Address	Submission and Decision Sought
Mark Loveard	21 Franklin Street	Neutral
Abel Tasman Estates Ltd	13A Franklin Street	Neutral
Newhaven Marahau Ltd		Neutral
Raymon Franklin	23 Franklin Street	Opposition – decline
Marahau/Sandy Bay Ratepayers and Residents Association Inc.		Neutral
J, J and M Sauer, M Denton, C Rowe and P Saunders	213 Sandy Bay-Marahau Road	Opposition – decline
Mark and Helen Kilvington	22 Franklin Street	Opposition – decline
The Gail and Neville Hannen Family Trust	225 Sandy Bay-Marahau Road	Opposition – decline
Graham Cook	223 Sandy Bay-Marahau Road	Opposition – decline
Barbara Franklin	219 Sandy Bay-Marahau Road	Opposition – decline
Ian Franklin	219 Sandy Bay-Marahau Road	Opposition – decline
Tiakina te Taiao		Support – grant with conditions
Alexander and Nancy Rae	16 Franklin Street	Opposition – decline
Abel Tasman Land Company		Opposition – decline

Betty de Liefde	269 Sandy Bay-Marahau Road	Opposition – decline
Wakatu Incorporation		Opposition – decline
Gillian, Donald, and Anne-Marie Campbell	19 Franklin Street	Opposition – decline
Alison Rae	13 Franklin Street	Opposition – decline

The following is a summary of the written submissions received and the main issues raised:

Neutral submissions raised the following matters:

- Provide a 2 metre high hedge along the common boundary with 21 Franklin Street
- Construct a solid board fence around the long term parking area.
- The Marahau area has a long history of occupation and contains highly significant Maori archaeological and cultural values. For Maori, archaeological sites of Maori origin have a deeply personal significance.
- Concerned that these activities have taken place for quite some time without a resource consent. Concern that commercial vehicles may use the alternative access from 13A Franklin Street adjoining 263 Sandy Bay-Marahau Road. Seeks assurance that this entranceway will not be used.

Submissions in opposition raised the following matters:

- The operation is no longer a small scale operation, and the fact that the operation has “expanded over the years” is no justification for the creation of further impacts on residential amenity and land use.
- The use of Rural 1 deferred Residential land for storage of water taxis and long term car parking has an adverse impact on amenity, particularly visual amenity.
- The activities are inappropriate for the Residential and Rural 1 deferred residential zones.
- The boats park on both sides of the roadside in front of the Marahau camping ground thus impacting on road traffic. The applicant monopolises parking on the street, with boats and tractors, so it is not only increasing the dominance of commercial activity in the area, but providing difficult conditions for residential users and their visitors.
- The extended hours for the water taxi business will impact yet further on residential amenity.
- The proposals are contrary to the objectives and policies of the TRMP.
- The activity should relocate to the Tourist Services zone.
- If consented there is no reason to believe that further incremental increase will not take place.
- The signs proposed will be cumulative with other existing signs and add to visual clutter. Marahau is a beachside settlement, not a resort.
- More than one heavy vehicle will be parked on the site and only an estimate of the weight is provided.

- Vehicles track mud onto Franklin Street during wet periods and during summer generates considerable dust which impacts greatly on residential neighbours.
- The activity is of a scale that is inappropriate in the location proposed.
- Consideration of factors such as speed and noise should be taken into account for all access and passage areas.
- Recommended conditions relating to no boat parking or loading/unloading on road reserve, no off site signs, and use of tractors meet limitations agreed by the Marahau boat operators.
- Concern that the operator carries passengers in an open boat with no seatbelts by a tractor on a public road.
- Concern that the tractors exceed the noise limits in the Residential zone.
- The 30 km/h speed limit for tractors should be reduced.
- The problem along Franklin Street is parking, not traffic.
- There is only enough space to safely operate one business, not two.
- Noisy quad bike parking on the berm.
- MSK Kayaks are parking their coach and vans along Franklin Street outside residents' properties during the day.
- A clear sign is needed at the entrance to 13A Franklin Street as quite a few visitors cannot find the long term parking area.
- Currently the long term parking area is being abused by customers. They are camping in the field, using the camp sites facilities without paying, and urinating in nearby gardens.
- Visitors have been camping outside residents houses in the street and using the Council reserve on Franklin Street as a toilet.
- We have a less relaxed and tranquil atmosphere for holidays.
- Concern about health from diesel fumes from idling tractors.
- Franklin Street and Sandy Bay-Marahau Road car parks are taken up by staff cars, vans, buses, and vehicles belonging to people going to the National Park for the day, leaving no room for beach day visitors.
- People assemble on the road causing traffic to stop while they board the boats.
- For those living in Franklin Street backing onto the long term parking area it is creating a problem of dust, privacy, and noise.
- As the activities take place on more than one title, all titles should be legally held together so that they cannot be sold separately.
- Landscaping should be required to screen the activities from neighbouring properties and the general public.

- Concern about contamination of drinking water taken from both the unconfined aquifer and roof sources.
- The number of trips up the right-of-way.
- The long term parking area is in grass, and presents an extreme fire risk from vehicles.
- Concern over use of the shared driveway to access the parking area including its poor state of repair, large potholes, dust, and commercial use.

5. PROCEDURAL MATTERS

The following procedural matters arose that required consideration by the Panel:

a) Was the application suitably notified such that residents and other interested parties had the opportunity to consider the application and submit on it?

A concern was raised by a submitter that the public notice that had been erected on site had not been in place long enough and at times had been obscured. Mr Gibson had documented a timeline and this shows that for a time the sign was partially obscured. However, the Panel is aware that Regulation 10A of the Act states that a “*consent authority may require the notice ... to be affixed in a conspicuous place or adjacent to the site*” (emphasis added). Further, notice was served directly on all parties who were considered adversely affected and notice was also placed in the Nelson Mail. It is not unusual for site notices to go missing; sometimes very soon after they are erected and there is little that the Council can do about this.

Therefore, under the circumstances, the Panel is satisfied that the application has been adequately advertised and that no parties have been left out of the process through the temporary absence or partial obscuring of the site notice.

b) Was the mountain biking rental business applied for and was the activity sufficiently clear in the notification of the application? Can the business be considered for approval along with the other suite of activities?

Mountain biking activities were clearly referred to in the notification documents. Further, the effects of a mountain biking rental are very similar, and certainly no greater than those of the kayak rental activity on the same site. Therefore, the Panel is satisfied that the mountain biking rental proposal is part of the activity as applied for and can legitimately be considered by the Panel.

c) Can the use of the alternative access to 13A Franklin Street that exits onto Marahau-Sandy Bay Road be considered as an appropriate option for the Panel as part of its assessment of this application?

There are two road frontages to 13A Franklin Street: the first on to Franklin Street; and the second onto Sandy Bay – Marahau Road. Access via the Franklin Street frontage forms part of the application. The Panel is clear that use of the alternate access onto Sandy Bay – Marahau Road as part of the activities applied for is outside the scope of this application and cannot be considered as it will have effects that will be geographically different and these effects have not been assessed as part of this application. Any proposal that would involve the use of the Sandy Bay – Marahau access for the proposed business activities would need to be re-notified to allow other potentially adversely affected parties an opportunity to submit.

6. EVIDENCE HEARD

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

6.1 Applicant's Submissions and Evidence

Mr Paul Radich (Counsel)

Mr Radich described the proposal as one of the last family businesses in Marahau, and that significant effort had gone into building it up. He said that the reason that no consent had been sought until now was that the applicant thought (incorrectly) that it had existing use rights.

Mr Radich confirmed that Abel Tasman Estates Limited was the registered legal owner of 13A Franklin Street, which has been designated as the long term car parking area. This land was leased by the Applicant which held a major shareholding interest in Abel Tasman Estates Limited. Mr Radich advised that when the land is ultimately subdivided that Title will transfer to the Applicant.

As it is a discretionary activity, he said that it should be considered on its merits and that comments to the effect of "it should be in the Tourist Services Zone" were not relevant.

Sustainable management included economic wellbeing (including that of the community at large) and that these businesses contributed significantly. He also considered that it contributes to social, cultural and community wellbeing.

Mr Radich also referred to an assessment of efficiency as required by Section 7(b) of the Act. He stated that considering efficiency required an assessment of the context of the proposal and alternatives. He considered there was no alternative to removal of the business.

He opined that maintenance of amenity values did not amount to prevention or protection. With regard to Section 7(f) he considered that there is nothing that would detract from the quality of the environment.

Mr Radich stated that the permitted baseline included activities carried out pursuant to existing use rights. Further, that existing use rights are a mandatory consideration (as opposed to the permitted baseline which is an optional consideration) as they exist as a matter of law.

When the applicant took over the business in 1997 it was and continued to be operated under existing use rights with two water taxis, fewer kayaks than currently and three tractors. He acknowledged that an existing use right may be lost if the effects are no longer the same but since 1977 there has been a business here. Therefore, a consideration of the existing environment should include a (smaller) business being there. *"It would make little sense to consider the receiving environment as an empty section or as simple residential lots; because it has never been in residential use."* Therefore, it is the effects of two additional water taxis, additional kayaks and the mountain bikes that fall to be considered.

Mr Radich then said that Section 104(2A), which allows consideration to be given to the investment of the existing consent holder, should be taken into account as a "resource consent" includes an existing use right. *"While in this case, the existing use right was not due to 'expire' as such under section 124 ... the applicant should be given the benefit of the provision so that regard is had to the value of ... investment."* He considered this to precisely be the situation that this section was inserted to address.

Mr Radich then addressed the effects.

With regard to noise he referred to Mr Caradus's tests and considered noise to be a minimal effect.

He said that the applicant's agreement to seal the 13A Franklin Street access would entirely address the effect of dust.

He stated that the applicant accepted the condition to paint the barn at 13A Franklin Street a recessive colour. He considered the other buildings to be of high quality and enhance the amenity of the area. He proposed that the scale of the operation should be assessed against the previous existing use and the applicant's sunk costs, and also against the busyness of Marahau in the summer, including the traffic to the National Park, visitors to the beach, campers at the campground and other tourist activities.

Finally, Mr Radich presented an assessment of the relevant provisions of the TRMP and considered the proposal to be consistent with the provisions.

Mr Gavin Alborn (Applicant)

Mr Alborn clarified the scope of the activities of the applicant that occur in and around Franklin Street and these are repeated here for clarity:

- The general store and water taxi/kayaking/mountain biking booking office at 229 Sandy Bay, Marahau Road;
- The café and restaurant that is attached to the store and office;
- The water taxi business;
- The sea kayaking business owned and operated by Mr Jack Kelly (known as MSK Kayaking);
- The mountain biking business owned and operated by Mr Regan McCalren and Ms Anna Usher; and
- The camping ground, tourist flat and backpacker accommodation owned by Mr John Dimock but leased and operated by the applicant.

The shop and camping ground were established on or before 1968. Since 1977 the water taxi and kayaking operation have existed. The applicant bought the business in 1997 and it has grown from there. Water taxis have been upgraded and the number increased to four. Modern kayaks were bought and café services were increased. Currently, DoC concessions allow for 74 water taxi passenger seats to be in operation at any one time and 32 guided kayakers per day are allowed. However, Mr Alborn advises that these concessions are under review. The mountain bike business has 12 mountain bikes available to hire and there is no proposal to increase this in the future.

The business is now more successful and fulfils a heavy public demand. He stated that if the water taxis could not operate at their current capacity then the rest of the businesses would be unsustainable.

Tractors only take the boats back to 13A Franklin Street for refuelling if needed. To address discharge issues he agreed to install a new Humes API oil interceptor to treat the discharge from the washdown pad in front of the water taxi storage barn.

Engine covers will be installed on all of the tractors as they appear to be successful. They also volunteered to upgrade tractor mufflers and build a sound proof fence adjoining affected properties. He also volunteered a noise management plan to be implemented.

Tractors and boat trailers will not be parked on legal road but will be driven onto the 8/10 Franklin Street site.

With regard to parking, Mr Alborn estimated that 20 to 30% of clients arrive in their own vehicles with most having more than one person per vehicle. He considered that there *“has never been any sort of traffic issue around or anywhere near the businesses at Franklin Street or Sandy Bay – Marahau Road. No cars have ever been banked up, held up or in any way inconvenienced”*.

Finally, Mr Alborn described how it is a family business and they have a great connection with it and with the community in which they live.

Commissioner Shaw asked for further information regarding the mountain biking activities. Mr Alborn advised that there were currently 12 bikes available for freedom or guided trip hire. The bikes could be hired from the Marahau office or a kiosk located at Kaiteriteri which was set up to capture business generated from the introduction of the new biking track in the area. Bikes could be hired on an hourly basis with most business coming from the local camping ground.

In response to a question from Mr Pigott, Mr Alborn advised that the mountain bikes were dry cleaned with a cloth rather than being washed down with water.

Mr Alborn stated that the two new water taxis had 300 litre fuel tanks which did not require refuelling during the day. However, the two older ones which have 200 litre tanks may occasionally require refuelling which would result in additional movements. It is the applicant's intention to replace the two older boats in 2010 and 2011.

Ms Jane Bayley (Planning Consultant)

Ms Bayley addressed the submissions and considered that the quad bike referred to in submissions is the applicant's personal quad bike and is used as his mode of transport to get to work and is therefore not part of the operations. Mr Alborn was asked if he used the quad bike at any stage during the day for running the business. He stated that he did not.

Ms Bayley confirmed that the applicant would erect a sign to make the parking at 13A Franklin Street easier to find.

To increase parking space onsite the applicant has removed some screening. No parking is now proposed on the roadside.

The applicant accepted Mr Gibson's recommended 7.00 am to 7.00 pm operating hours although sought ability to operate outside these hours in an emergency or if requested by the Police.

With regard to a commercial activity operating in a residential zone, Ms Bayley said that the site has always been commercial. Just because the Tourist Services Zone was not extended as far as this site does not preclude it from being approved. She confirmed the status of the applications as discretionary. She considered that there is nothing in the TRMP, including the provisions relating to Marahau, that are offended by this proposal.

Ms Bayley discussed the permitted baseline. She stated that non-residential activities (complying with all other conditions) can operate between 7.00 am and 11.00 pm. This proposal has shorter hours than that. In other respects, however, the proposal does not meet the permitted activity conditions.

Ms Bayley then discussed the parking requirements for the businesses. An assessment had been made of the mode of travel used by the businesses' clients. The Panel expressed some concern over the accuracy of the information and noted the absence of parking calculations

for staff use. The Panel instructed Ms Bayley and Mr Gibson to discuss the matter during an adjournment to see if they could reach agreement on the parking requirements. Table 1 below is a summary of the agreed numbers of parks required to be provided.

Table 1: Summary of parking requirements

	Total customers at any one time	Parks required
Kayak		
Customers	65	10
Staff	8	3
Water Taxi		
Customers	210	32
Staff	5	3
Mountain Biking		
Customers	12	2
Staff	1	1
Dwelling		
staff		2
Total		53

Table 1 is based on the Applicant's assessment that 30% of people come by car, 30% by bus or shuttle and 40% by foot. It also assumes an average of two people per car.

Ms Bayley then addressed the discharges that were proposed. She stated that the kayak wash water would be discharged to the Council's reticulation system, and thence to the coastal marine area as agreed with the Council's Engineering Department. No chemicals would be used.

With regard to the discharge of wash water at 13A Franklin Street, she considered that, once serviced by an oil separator and a sand trap, there would be no adverse effects on the environment.

Ms Bayley then summarised the mitigation offered by the applicant:

- All four water taxi units to be parked on site (8/10 Franklin St);
- Signs now to be located on applicant's property and secured to posts;
- Covenant holding the long term parking area (13A Franklin Street) with the other properties;
- Erect a solid sound proof fence in key locations;
- Install engine covers for all tractors including MSK tractors;
- Implement Noise Management Plan;
- Upgrade washdown facility at 13A Franklin Street;
- Establish an Emergency Spill Response Plan; and
- Seal the access way to 13A Franklin Street.

6.2 Submitters' Evidence

Ms Victoria Chisnell (Counsel for Mr R Franklin)

Ms Chisnell made it clear that just because the application is seeking to regularise existing activities it does not mean that those activities or effects are acceptable. She acknowledged some of the changes and improvements that had been volunteered by the applicant.

Ms Chisnell stated that the activities make the area extremely busy with constant traffic and people movements and the associated noise and visual effects. The adverse traffic effects are compounded by the parking of the tractors on the road reserve.

With regard to visual amenity she considered that the busyness of the area contributes to there being constant visual reminders of the commercial activities. Ms Chisnell acknowledged the busyness of the wider area but stated that much of the traffic is along the Sandy Bay – Marahau Road towards the National Park and not on Franklin Street. She also commented that the recent removal of the screening vegetation reduced the amenity of the area.

With regard to the washdown, she stated that Mr Franklin had serious concerns about effects on groundwater and the coastal environment. She raised the issue of mountain bikes being washed in the kayak washdown area which will discharge to the coastal marine area.

She stated that the thrust of Chapter 5 of the TRMP is to ensure that activities undertaken on one person's land do not adversely affect another person's use and enjoyment of their land. She considered that the activities have expanded such that this will occur in this residential area. She considered that Chapter 6 of the TRMP seeks to protect residential land from the effects of commercial activities.

Overall, Ms Chisnell considered that Part 2 of the Act would be better served by refusing consent than by granting it.

Commissioner Reese asked how Ms Chisnell would describe the existing environment and in Ms Chisnell's opinion it was predominately residential.

Mr Raymon Franklin (23 Franklin Street)

Mr Franklin stated that he was the developer of the original Franklin Street subdivision. He stated that parking is taken up by the applicant's business and the customers. He described the high level of traffic and parking pressure, as well as large numbers of people waiting to be loaded onto boats or to hire kayaks etc. He stated that every day he had to fight his way through people and vehicles to drive out of Franklin Street.

He stated that he can understand that the applicant wants to grow its business, but that it has now outgrown its site. He considered it good that the applicant will now not load boats on the road, but considered that parking would still be taken up with customers' cars.

Mr Franklin stated that last season the applicant worked longer hours than what he has stated he works and for what the café and booking centre are consented for. He stated that he is extremely concerned about the increase in operating hours.

He also stated that he is concerned about the washdown facilities and the potential for pollution and adverse effects on the environment.

Mr Franklin stated that it is his consideration that the applicant should internalise all effects and if that means moving away from the residential zone then so be it.

Commissioner Reese sought confirmation from him as to whether he was still concerned about the discharge. Mr Franklin stated that he was comforted that the applicant had offered to upgrade to a Humes API Oil Interceptor.

Mr Tony and Ms Bridget Hannen (225 Sandy Bay – Marahau Road)

Ms Hannen stated that their property is the most affected and that they are vehemently opposed to the granting of the consents due to noise, vehicle emissions and the hours of operation. She considered that the mitigation measures fail completely to address the adverse impacts on their property. The increased hours will increase effects.

She considered that they should be able to enjoy their holidays and not be interrupted in the morning or evening. She considered it unlikely that tractors and laden boats will be able to enter Sandy Bay – Marahau Road at idling speed.

Ms Hannen stated that they would have previously opposed moves to grow the business but they were not given an opportunity as the growth was illegal.

She stated that, to her knowledge, there are no other tractor based tourism operations of this nature in New Zealand. She stated that they are not opposed to sensible commercial activity at Marahau and in the Franklin Street area.

Commissioner Shaw asked about the disruption and Mr Tony Hannen responded that he was mindful of his children playing on the property which was not fully fenced. They have reduced their use of the bach due to the noise, safety and intrusion caused by the applicant's activities. Ms Hannen stated that the area was not the haven it once was and that it was not a peaceful environment to stay in due to the noise and lack of privacy.

Commissioner Shaw asked Mr and Ms Hannen if any of their concerns had been eased due to the recent changes and amendments volunteered by the Applicant during this hearing. The Hannens still had concerns and did not gain any comfort from what they had heard.

Commissioner Riley asked if they had ever expressed their concerns about the applicant's activities directly to the applicant. The Hannens felt it was confrontational and naturally assumed that the applicant had all the appropriate resource consents in place.

In response to a question from Commissioner Reese regarding a complaint register, Mr Hannen stated that he went to the bach for a holiday and not to act as a policeman for the Council.

Ms Barbara (Vig) Franklin (219 Sandy Bay Marahau Road)

Ms Franklin stated that the tractors do multiple boat movements for every boat trip into the Park. She considered that all vehicles related to the operation should be parked on the applicant's own land. She described the considerable pressure on parking and the effects of the vehicle movements.

She considered the 27 car parks at 13A as being totally inadequate. She also stated that the corner on the right-of-way to 13A was very tight. She supported the installation of a convex mirror on the corner.

Ms Franklin then addressed staff parking. She did not think this matter had been adequately considered.

She referred to the TRMP and stated that it is intended to keep signage to a minimum in Marahau.

Ms Franklin considered that the mountain biking business has very little impact and is a positive thing for people to be able to do. She said that it is not a main attraction but is an extra activity.

Ms Franklin then discussed the discharges and said that not just kayaks were washed down but also kayaking gear, booties, coats, leggings, jackets etc and that these are disinfected.

She appreciated the applicant reducing their use of the road but stated that she is still concerned about the congestion. She felt that there is still insufficient parking and was concerned that the numbers of parks required were being made up to suit the parks that are available.

With regard to noise she queried whether the engine covers are to be fitted to MSK tractors as well as water taxi tractors. (The applicant volunteered that covers would be fitted to all tractors.)

Mr Ian Franklin (219 Sandy Bay Marahau Road)

Mr Franklin stated that the three commercial operations are too big to operate from this residential zone. He stated that the motor camp already operates as well as backpacker accommodation. Parking is, therefore, hazardous. He considered that the applicant should move from its current site.

Commissioner Riley asked if there had been any accidents or near misses in Franklin Street. Mr Franklin had not observed any but had seen cars come to a complete stop in the middle of the highway whilst deciding if they were going to use the business completely unaware of other traffic.

Ms Alison Rae (13 Franklin Street)

Ms Rae stated that things have changed a lot from when she was young. Now a flotilla of water taxis and kayaks clutters the seascape.

Ms Rae shares the right-of-way with 13A Franklin Street. She stated that the right-of-way is very unsafe due to tourists using it and it has been reduced to potholes.

She stated that she is not anti the applicant's commercial activities but considers the location to be wrong.

Commissioner Reese asked whether Mrs Rae was able to see the long term car parking at 13A Franklin from her property. Mrs Rae confirmed that she could and that during the peak summer period it was always very full with lots of traffic movements.

Commissioner Riley asked whether Mrs Rae had seen people camping at 13A Franklin Street and Mrs Rae confirmed that she had but not in large numbers.

Mr Mark and Ms Helen Kilvington (22 Franklin Street)

Mr and Mrs Kilvington considered that Franklin Street is being 'totally abused' by this business. They considered that the people and the environment were being mistreated and damaged. They considered that there is only space to run one business on the site.

With regard to the quad bike, they agree that people can choose their own private vehicles but that consideration for other residents should be paramount.

They stated that the mountain bike business is a good idea in Marahau.

They considered that locals have been made to feel in the way whilst going about their own lives. Walking, driving or cycling has become a hassle.

They strongly objected to the application on the basis of pollution, noise, safety and ongoing expansion.

Commissioner Shaw asked about the parking situation in Franklin Street. Mr and Mrs Kilvington said that it was totally congested during the summer months and that they had been unable to move their boat and trailer for two days due to the parking situation.

Mr Peter Campbell (19 Franklin Street)

Mr Campbell stated that the right-of-way to 13A passes behind their property. He described ongoing noise, dust and fume problems.

He considered the proposal to be inconsistent with the residential zone. He expressed disappointment that no contact had been made by the applicant at any stage to discuss issues.

Mr Campbell disagreed with any farming comparison. He stated that it is constant and ongoing and not stop and start like farming.

He stated that there needs to be better communication and that residents and the applicant needed to achieve a win-win solution.

Mr Campbell then outlined a range of recommended conditions for consideration. These included sealing of surfaces, fencing, restriction of use of 13A car park, additional signage, restrictions on vehicle noise and various operational procedures.

With regard to the discharges, Mr Campbell considered the salt discharge to ground to be a concern in the light of uncertainty about the aquifer. He considered that more investigation is needed.

Overall, he sought that the applications be declined.

Ms Jenny Sauer (213 Sandy Bay – Marahau Road)

Ms Sauer supported the comments of the other submitters. She thanked the applicant for the mitigation measures proposed. She also considered that a traffic survey is needed for what she considered to be a very large operation.

6.3 Council's Reporting Officer's Report and Evidence

Mr Paul Gibson (Consent Planner, Land Use)

Mr Gibson addressed the effects and other matters. He stated that it is a challenge because it is a retrospective consent and has changed over time. It is difficult to separate what has been happening to date and how it will operate with the volunteered mitigation measures.

Mr Gibson stated that for people living on Sandy Bay - Marahau Road the main effect will be tractors on the road and that this won't change from a relocation to the Tourist Services Zone.

Mr Gibson outlined the introduction of the Tourist Services Zone. He stated that the TRMP was initially notified without a Tourist Services Zone and that submissions requested a change to tourist services from Rural 1. He said that no submission requesting tourist services at this site was received. Therefore it was not created and the site remains residentially zoned.

He considered it appropriate that fencing on the north side of the right-of-way to 13A be imposed as well as sealing of that right-of-way.

He estimated that there will be less than one tractor trip per hour and therefore only about 11 minutes of tractor noise per day on average. He did not consider this to be a major effect. With regard to dust on the carpark or on the sealed road from mud, he stated that basecourse on the carpark could be required as a condition.

He stated that vehicles on the road are subject to the NZTA regulations which the Police are responsible for enforcing.

Mr Gibson recommended a low (1 metre) fence on the boundary around the car parking area at 8/10 Franklin Street to physically separate client movements on the site from the street, being an area of public use.

Mr Gibson also addressed other conditions and stated that he can see no reason to extend hours beyond 7.00 am to 7.00 pm. He recommended inclusion of a complaints register, inclusion of the quad bike in conditions if it is to be used as part of the business and that the 13A access be sealed before the next busy season.

Mr Leif Pigott (Co-ordinator Natural Resources Consents)

Mr Pigott stated that any existing use rights that the land use consent may have do not extend to the discharges.

He said that the stormwater rules currently allow up to 15 milligrams of hydrocarbons per litre as permitted. He also stated that to ensure the API oil interceptor works appropriately a maintenance and operation plan will need to be worked out with the servicing agent. He described this as a common procedure.

Mr Pigott also stated that no new domestic groundwater takes are allowed as permitted.

Mr Pigott was not concerned with the volumes of salt being discharged as the dilution in the groundwater aquifer would be very high. He said that the substrate is just sand and is quite consistent, without confining layers or other complicating hydrogeology.

He considered there to be some inconsistencies with the rules in terms of what can be discharged. He said that sand cannot even be discharged to the beach as of right. He said that this kind of wastewater could not be discharged into a septic tank system. He considered it most appropriate to discharge this washwater into the stormwater system as long as there are no added chemicals.

He described the receiving environment as sensitive but said that the API oil interceptor is a good solution.

Mr Graham Caradus (Co-ordinator Environmental Health)

Mr Caradus stated that he is mindful of Ms Hannen's evidence about effects on the corner of Franklin and Sandy Bay - Marahau Road. He said that vehicles on the roads cannot be controlled under the Act. However, he considered that some weight can be given to the tractor movements in that they can be attributed to the business.

He found in his noise measurement tests that a fence would achieve a significant reduction in noise but raised the concern that noise may bounce off acoustic fences and amplify elsewhere. He emphasised the role of Section 16 of the Act which requires an assessment of the reasonableness of noise. Many of the measures to reduce noise, such as those proposed in the noise management plan, rely on the way equipment is operated.

With regard to dust he considered that the long term parking area should be surfaced to prevent dust and mud being tracked onto the sealed surface or the road.

Mr Dugald Ley (Development Engineer)

Commissioner Reese questioned whether the right-of-way was of sufficient width for this proposal. Mr Ley considered that 5 metres would be adequate. When asked about vehicle movements, Mr Radich stated that there would be 70 vehicle and 16 tractor movements a day. Mr Ley felt that this number would cause concern and that a convex mirror and signage would aid visibility and improve safety. It would be appropriate to widen the corner of the dog leg if space permitted.

Commissioner Shaw asked if the material being proposed to seal the right-of-way was appropriate and Mr Ley confirmed that it was because traffic speed would not exceed 25 kilometres per hour.

Mr Ley confirmed that he did not have any issues with the number of vehicles using Franklin Street.

6.4 Applicant's Right of Reply

Mr Radich considered that the consultative process under the Act had been good but that it had been a shame that it had taken this process to illuminate the concerns of the residents. He said that he hoped that a spirit of co-operation had been begun during the hearing.

Mr Radich addressed the ownership structure of 13A Franklin Street. He said that the registered proprietor of the land is a company called Abel Tasman Estates Limited and the shareholders of that company are Messrs John Davies and Graham Dick. They hold those shares as trustees pursuant to a deed of trust for a partnership named Abel Tasman Estates Syndicate. The applicants hold a 40% interest in the partnership. The reason is for accounting purposes but, regardless, there is no problem with the security of 13A Franklin Street for the applicant.

Mr Radich acknowledged that, strictly speaking, existing use rights do not apply. But he said that the existing environment can be taken into account under Section 104(1)(c). Investment can also be taken into account under that section, if not under Section 104(2A).

With regard to the photographs that had been presented by submitters of the traffic and parking intensity, Mr Radich said that there is nothing stopping people parking on the legal road and there is nothing uncommon about a van or minibus parked on a roadside. He considered that noise and parking has been adequately covered and effects dealt with.

With regard to the Tourist Services Zone, he said that a start-up business would probably locate there but that this situation is unique and the business has nowhere else to go.

Mr Radich stated that he had been assured that there was no problem getting tractors and trailers around the dog-leg in the 13A right-of-way within the legal boundaries.

7. PRINCIPAL ISSUES OF CONTENTION AND MAIN FINDINGS ON THESE ISSUES

The principal issues that were in contention and the Panel's findings of fact are:

- a) To what extent do existing use rights exist for the proposed activity? Given that the application is for a retrospective consent for an activity that has been operating for many years, what is the "existing environment" for the purposes of assessing this application?**

During the hearing, this matter was considered in the context of existing use rights as it was raised by Mr Radich. The Panel is clear that the applicant does not hold any existing use rights for the current operation; however this consideration raises the issue of what is the “existing” or “receiving” environment upon which the Panel is considering the application.

There are two possible schools of thought on this issue. The first is that when the Applicant continued to grow its business (without legal authorisation) after the implementation of the Act it immediately and irrevocably lost all existing use rights and that the existing environment in which the application is being considered should include only those activities which can be done as permitted activities in the residential zone.

The second is that some weight can be given to the long-term presence of the business in some form. At the time that the Act came into effect the business, in a smaller form, would have had existing use rights. Therefore, in assessing this proposal it may be appropriate to consider the increased effects beyond the effects that existed at that time.

The Panel considers that, in theory, the second approach does have some merit in a case such as this, but it does rely on a reasonable level of accuracy in determining the effects that would have existed at the time that the business held existing use rights. The burden of evidence would be on the applicant to present such information as necessary to allow the Panel to gauge the extent and magnitude of effects at that time; this was not done in any detail. Therefore, the Panel is of the opinion that it is too speculative to undertake an exercise of trying to determine exactly what the effects would have been and existing use rights do not apply. However, the Panel does accept that the existing environment is ‘mixed use’ in nature and that this differentiates it from a purely residential existing environment.

b) To what extent can Section 104(2A) of the Act be considered in making a decision on this application?

Section 104(2A) is very explicit in the manner in which it can be applied. The Panel considers that it is neither appropriate nor possible to consider this clause. An argument in favour of Section 104(2A) in relation to activities which are not permitted and where no authorisation exists (by way of consent) cannot be sustained.

c) To what extent is dust an adverse effect currently caused by the activity, and to what extent can adverse effects associated with dust be avoided, remedied or mitigated by the applicant?

Dust is clearly an existing adverse effect generated by traffic over the access way into 13A Franklin Street. The sealing of this right-of-way will largely solve this problem. It has been suggested that mud tracked onto this new sealed surface from the long term car parking area will dry and cause continuation of the problem. The Panel heard little evidence of merit on this and considers that this is a small risk compared to the existing problem.

d) To what extent does the noise of tractors cause adverse effects, and to what extent can any such adverse effects be avoided, remedied or mitigated?

Tractor noise is a considerable adverse effect at a range of locations, particularly along the 13A right-of-way access, on Franklin Street itself and outside the Hannens’ property where they pull loaded boats and trailers out onto Sand Bay – Marahau Road. The Panel considers that the proposed mitigation measures (acoustic fences, noise management plan, fewer movements, engine covers and muffler upgrades) will adequately address much of the adverse noise effects from the tractors where they

travel at low speeds and with less loading on the boats. Where no appreciable improvement may be realised is where the fully laden tractors pull off 8/10 Franklin Street onto Franklin Street itself and thence onto Sandy Bay – Marahau Road. The Panel does not doubt that the noise and fumes at the corner are unpleasant, but finds that the effects of the applicant's activities must be considered in the context of a high level of activity (tractors, both laden and unladen, and other vehicles) on Sandy Bay – Marahau Road. Although the tractors entering and exiting Franklin Street are directly attributable to the applicant's proposal, their adverse effect at the corner is "diluted" by the background traffic. (The Panel also reminds all parties that the rules on the public road are not restricted by the Act and the Police are the relevant agency for governing the rules of the road.) The Panel finds that the traffic on Sandy Bay – Marahau Road, once it has left Franklin Street, is beyond the scope of effects to be considered due to the high level of background traffic during the summer.

e) How appropriate is the use of the quad bike by the applicant for (i) travelling to work each day and (ii) day to day use for running the business?

The Panel agrees that it has no power to prevent the applicant using a quad bike to get to work from his house and back again.

However, it is within the Panel's jurisdiction to rule on whether the quad bike can be used as part of the running of the business. The Panel heard complaints about the quad bike, but there was very little evidence presented about when or how it is used or what noise effects result. Also, little was heard about the state of the bike and whether it has any muffling that is greater than a normal farm bike. Further, it is unclear exactly how much the bike is used. Mr Alborn, in reply to a question, clearly stated that he only uses it to get to work and back and does not use it as part of the operation of the business. However, as part of the right of reply the applicant sought that a condition restricting the use of the bike be removed. Overall though the Panel can see no good evidence or reason to restrict the use of the bike through a condition of consent. Control of such matters should be done through enforcement of noise standards and Section 16 of the Act.

f) To what extent does the proposal cause traffic congestion and adverse effects on the residential amenity of the eastern Franklin Street area? To what extent can any such adverse effects be avoided, remedied or mitigated?

The evidence presented by submitters largely suggested that there has been a significant adverse effect on the residential amenity of Franklin Street. These effects arose from tractors and boats being parked in various places on the margins of Franklin Street and people waiting to board the boats also on Franklin Street.

There is also a very high level of exposure of the business from the road, particularly now that some vegetation along the road edge has been removed to facilitate getting vehicles onto and off the site.

The Panel also heard a considerable amount of evidence about the level of traffic and parking on the road reserve in the vicinity of the site.

The applicant has volunteered a number of conditions to address these matters including ensuring that all tractors and boats and customers waiting to be loaded are accommodated on the 8/10 Franklin Street site. A low fence separating the footpath from the site has also been volunteered and the Panel considers that this may further improve the situation with regard to keeping the activities of the business on the site. It may be that planting along this fence will further enhance this separation.

With regard to parking on Franklin Street, the Panel understands that it is certainly busy and that many car parks are taken up. However the Panel is less concerned about this

issue as it is of the opinion that it is the responsibility of all property owners to provide on-site parking and not to rely on on-street parking. Having stated this, it is of course essential that the applicant be required to provide and maintain an appropriate number of on-site car parks for its staff and customers. The problem is that there is little or no way of forcing their customers to use these car parks. However, it is appropriate that the applicant provides information to clients about where the on-site carparking is located and installs adequate signage.

- g) What is the appropriate number of car parks that should be provided by the applicant to satisfy the requirements of the TRMP and to largely ensure that the effects of the proposal are contained within the applicant's properties?**

The Panel is tentatively satisfied with the parking assessment calculated during the course of the hearing and the requirement for 53 car parks spread over the long term parking area at 13A Franklin Street and the parking at 8/10 Franklin Street.

The information about the methods that clients used to travel to the site that was provided in the application was inadequate. The information provided at the hearing was still somewhat sparse, but sufficient to give the Panel a basic idea of the situation. During the hearing Ms Bayley presented a summary table that suggested that 53 car parks are required for accommodating customers and staff. Mr Gibson agreed with the assessment. The Panel finds that the assumptions involved are reasonable. However, further information is considered desirable to determine exactly what conditions are most appropriate and to provide more certainty in the figures presented by the applicant. The Panel accepted that it would be difficult to collect this information unless the businesses were operational and it was preferable that the information was collected during the summer period.

- h) Are there changes that could be made to the Franklin Street markings and signage that may avoid, remedy or mitigate some of the adverse effects on traffic safety and congestion?**

During the hearing a number of options were discussed to address traffic congestion and mitigate the effects of the proposal. These included the painting of yellow 'no-stopping' lines from 8/10 Franklin Street to the intersection with Sandy Bay - Marahau Road. Also considered was the possibility of implementing 'residents only' car parking signage along Franklin Street.

The Panel considers that both ideas warrant consideration, however the Panel considers that it would be unreasonable to require a different management regime to implement 'residents only' car parking. The 'no-stopping' lines were suggested by the applicant and the Panel does not consider that sufficient evidence has been heard to require this to be done. However, it is recommended that both suggestions be given some consideration in the future for addressing traffic and parking issues as they may provide considerable benefit.

- i) What are the appropriate hours of operation for the businesses to enable the businesses to be run effectively, but to avoid the loss of residential amenity in an area recognised as being a holiday destination?**

A range of opinions were expressed about the appropriate hours for the business. It is the finding of the Panel that the hours as applied for are not unreasonable given that the business is busy during the summer months when it is lighter in the morning.

- j) What adverse effects arise from the use of the long term parking area at 13A Franklin Street?**

Mr Campbell in particular described the concerns they have with dust, and fire risk. A suggestion was made that the long term parking area be surfaced to address these effects. The Panel considers that the main dust source has been addressed through the sealing of the right-of-way. However, the fire risk in the summer is certainly an issue with tourists and vehicles. The Panel is not convinced that laying a car parking surface such as a basecourse layer is the best way to address this problem as it may result in more noise, adverse visual effects, some dust and additional stormwater runoff.

k) What positive effects would arise from a grant of consents?

With reference to point a) above the Panel considers that this business is very established on this site and forms part of the dynamic tourism environment in Marahau. The Panel heard evidence of the considerable economic benefits that the business has for the community through employment and tourism and considers that this is a significant positive effect that would arise from the granting of the consents.

l) To what extent will the discharges of wash water have adverse effects on the environment?

The Panel is satisfied that the discharges should have no more than a negligible adverse effect on the environment.

The discharge of wash water from the kayak wash down area is to be directed straight to the stormwater outfall into the sea. The Panel has been assured that no chemicals or additives are used in this process and that the only contaminants in the water will be sea-derived salt and possibly the odd sunscreen smear. There will be nothing in the discharge that will cause any detectable effects.

The only concern that the Panel does have with this discharge is the potential for inexperienced or untrained operators to be unaware of the fate of the wash water and add some other contaminants. This would give rise to potential adverse effects but the Panel is satisfied that this risk can be mitigated through appropriate consent conditions.

The discharge of wash water from the tractor and water taxi wash down will contain more contaminants but will be served by a good quality API oil interceptor. The Panel is satisfied that this is an appropriate level of protection. The separator will not trap dissolved contaminants such as salt but the Panel is confident that the concentrations of salt and the dilution available in what is a significant aquifer will not cause any adverse effects on water supplies taken from bores.

8. RELEVANT STATUTORY PROVISIONS

8.1 Policy Statements and Plan Provisions

In considering this application, the Panel has had regard to the matters outlined in Section 104 of the Act. In particular, the Panel has 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).

The proposed activity contravenes Section 15 of the Act, and therefore the Council has also had regard to the matters outlined in Sections 105 and 107 of the Act.

8.2 Part 2 Matters

In considering this application, the Panel has taken into account the relevant matters 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, the Panel **GRANTS** consent subject to conditions.

10. REASONS FOR THE DECISION

Effects on the Environment

The Panel has found that the business as it has been run in recent years is likely to have significant adverse effects on the immediate amenity of the area, particularly through noise, dust and loss of residential amenity.

The Panel considers that it is appropriate to grant this application subject to a range of conditions. It should be clear that the effects of the proposal are only acceptable to the Panel on the basis of the conditions that have been imposed and that these should be rigorously complied with in the future.

Significant improvements in the noise environment are anticipated through the implementation of acoustic fences, noise reducing devices on the vehicles, reduced tractor movements to 13A Franklin Street as a result of large fuel tanks and other restrictive conditions.

The conditions imposed also make it clear that all tractors, boats and customers are to be kept on 8/10 Franklin Street. This should address the principal concern of Mr Raymon Franklin which was the congestion of people and vehicles at the end of Franklin Street. However, the Panel does caution that it can not prohibit the use of the parking on Franklin Street by the applicant's customers. A reduction in this use of the on-road parking will likely be facilitated by the further development of the parking areas, including improved signage, the sealing of the access to the long term parking at 13A Franklin Street and layout marking of parking areas.

The adverse effects on the amenity of the area have been further reduced through the imposition of conditions which require the separation of on-site activities from Franklin Street and further landscaping to soften and screen the activities.

The dust problem from the right-of-way will be significantly improved through its sealing. There is little that can be done by way of conditions to address the problems of tourists attempting to stay overnight in the long term parking area at 13A Franklin Street. This does not appear to be a major problem; rather an irregular annoyance. The issue is not in the best interests of the applicant either and the applicant is encouraged to address the problem through active management.

Fire risk in the grass on the long term parking area is a concern during dry periods in the summer. However, it is not an insurmountable problem and has been dealt with through a condition relating to grass length.

The Panel is satisfied that the discharges are being dealt with appropriately. There are practical constraints with the 8/10 Franklin Street site that restrict the installation of dedicated treatment or containment facilities, and in any case, it is not considered that such facilities are warranted given the nature of the discharge. The discharge at 13A is adequately treated and the Panel is satisfied that there will be no adverse effects.

Objectives and Policies of the TRMP

There are five broad sets of objectives and policies in the TRMP relevant to this application. These relate to:

- effects of activities and amenity values
- land for commercial activities
- the Marahau settlement
- cumulative effects of land fragmentation on productive opportunities
- effects on transport safety and efficiency

Chapter 5 – Site Amenity Effects

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

Policy 5.1.3.1 To ensure that any adverse effects of... development on site amenity... and landscape values ... are avoided, remedied or mitigated.

Policy 5.1.3.9 To avoid, remedy or mitigate effects (such as noise, vibration, dust, and vehicles) beyond the boundaries of the site.

Policy 5.1.3.11 To avoid, remedy, or mitigate the likelihood and adverse effects of the discharge of any contaminant beyond the property on which it is generated, stored, or used.

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

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

Policy 5.2.3.4 To promote amenity through vegetation, landscaping, ... and screening.

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

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

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

The Panel is satisfied that the proposal is not inconsistent with these objectives and policies. Subject to conditions, the proposal will not significantly adversely affect residential amenity. The signs, following their relocation to the applicant's site, will have reduced effects and will meet the outcomes sought by the relevant policies.

Chapter 6 – Land for Commercial Activities

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

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

- Policy 6.6.3.3 To ensure that the intensity and scale of tourist development in rural areas does not adversely affect the character, amenities and image of surrounding rural resources.*
- Policy 6.6.3.4 To provide opportunity for tourist activities to be grouped, and their effects contained, in key tourist areas.*

Given that the Panel is satisfied that the proposal and the conditions have, as appropriate, avoided and mitigated adverse effects, the proposal is considered to give effect to this objective and these policies.

Chapter 6 - Marahau Settlement

- Issue 6.13.1 The extent, type and location of additional development at Marahau – consolidation at Marahau township or scattered development near the national park boundary.*
- Policy 6.13.3.1 To provide additional land at Marahau for residential and business development, consolidating between the existing arms of development, and for recreational and tourist development at the beachfront, in keeping with the special rural and coastal character of the area.*
- Policy 6.13.3.13 To avoid, remedy or mitigate the adverse effects of tourist activities and of the scale of tourist development at ... Marahau...*

Again, given the avoidance and mitigation of adverse effects, the proposal will not be inconsistent with these policies.

Chapter 11 - Effects on Transport Safety and Efficiency

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

- Objective 11.1.2 A safe and efficient transport system, where any adverse effects of the use or development of land on the transport system are avoided, remedied or mitigated.*
- Policy 11.1.3.1 To promote the location and form of built development, particularly in urban areas, that avoids, remedies or mitigates adverse effects of traffic generation; provides direct and short travel routes by vehicle, cycling and pedestrian modes between living, working, service, and recreation areas; avoids an increase in traffic safety risk; ...*
- Policy 11.1.3.2 To ensure that land uses generating significant traffic volume: are located so that the traffic has access to classes of roads that are able to receive the increase in traffic volume without reducing safety or efficiency; and are designed so that traffic access and egress points avoid or mitigate adverse effects on the safety and efficiency of the road network.*
- Policy 11.1.3.4 To avoid, remedy or mitigate adverse effects of traffic on amenity values.*
- Policy 11.1.3.7 To ensure that adequate and efficient parking and loading spaces are provided, either on individual sites or collectively, to avoid or mitigate adverse effects on the safety and efficiency of the road network.*

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

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

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

The potential effects of traffic and parking associated with the proposal are the most significant. Based on the evidence presented, the Panel is satisfied that the effects have been addressed through conditions to the point where the effects are unlikely to be inconsistent with the above objective and policies.

Chapter 21 – Coastal Marine Area

Objective 21.1.0 Preservation of the natural character of the coastal marine area, particularly its margins, and including the maintenance of all values that contribute to natural character, and its protection from the adverse effects of use or development.

Policy 21.1.1 To avoid, remedy or mitigate adverse effects on the natural character of the coastal marine area from activities, including:
(d) The use of vessels or vehicles.
(f) The discharge of any contaminant or waste.

Chapter 33 – Discharges

Objective 33.3.0

Stormwater discharges that avoid, remedy or mitigate the actual and potential adverse effects of downstream stormwater inundation, erosion and water contamination.

Policies

33.3.1 To require all owners, particularly the Council as stormwater asset manager, of all or part of any stormwater network to avoid, remedy, or mitigate adverse effects of stormwater discharges.

33.3.5 To avoid, remedy or mitigate the adverse effects of stormwater on water quality and the potential for contamination.

33.3.7 To require owners of all or part of any stormwater drainage network to avoid, remedy or mitigate any adverse effects of stormwater discharges.

33.3.9 To require the use of low impact design in the management of stormwater discharges in any new development where practicable.

Objective 35.1.0

The discharge of contaminants into the coastal marine area in such a way that avoids, remedies, or mitigates adverse effects while:

(a) maintaining existing water quality; and

- (b) *enhancing water quality where existing quality is degraded for natural and human uses or values.*

Policies

Policy 35.1.4A Adverse effects of discharges into the coastal marine area including adverse effects of:

- (a) *point source discharges on their own or in combination with other point source discharges; and*

Policy 35.1.5 To ensure that existing water quality is not degraded after reasonable mixing as a result of any discharge of contaminants into water and to take into account the following criteria when determining what constitutes reasonable mixing:

- (a) *the depth, water circulation patterns and tidal flow characteristics of the receiving water, including the nature and extent of mixing which may occur and the assimilative capacity of the water;*
(b) *the extent of the mixing zone and the likely adverse effects on aquatic life and ecosystems within the mixing zone;*
(c) *the characteristics of the discharge, including the presence of toxic constituents;*
(d) *the classification of the water; provided that the inter-tidal areas are excluded from any mixing zone unless the discharge has no more than a minor adverse effect on the inter-tidal area.*

Policy 35.1.6 To take into account the following factors in determining the significance of actual or likely adverse effects on the receiving water of or from contaminant discharges:

- (a) *Any water classification.*
(b) *Existing water quality of the receiving water.*
(c) *The sensitivity and significance of the aquatic life or ecosystem.*
(d) *The extent of the water adversely affected.*
(e) *The magnitude, frequency and duration of the adverse effect(s), including any cumulative effects as a result of the discharge.*
(f) *The range and intensity of uses and values of the water.*
(g) *The conflicts between uses and values of the water.*
(h) *The nature of the risks of adverse effect(s).*
(i) *Any relevant national or international water quality guidelines or standards.*

Policy 35.1.8 To discourage the introduction of new point source discharges and to reduce contamination from existing point source discharges into the coastal marine area, particularly hazardous wastes, non-biodegradable wastes, and trade and industrial wastes.

Policy 35.1.9 To promote and advocate development of site contingency plans to avoid, remedy or mitigate the likely adverse effects of any emergency discharges or other accidental spills in the coastal marine area.

Policy 35.1.10 To ensure that land use and discharge activities, particularly those involving hazardous substances, are carried out having regard to contingency planning measures appropriate to the scale and nature of any discharge or potential discharge and the risk to the environment for any accidental discharge of any contaminant that may result in connection with the activity.

Policy 35.1.13 To avoid, remedy or mitigate adverse effects of contaminants arising from land-based activities on the coastal marine area, particularly those discharged via urban and rural run-off/stormwater.

Due to the minimal effects of the discharges, as stated above, the Panel is satisfied that the proposed wash water and stormwater discharges to the coastal marine area and to ground will not be inconsistent with these objectives and policies.

Other Matters

A number of submitters told the Panel that a lack of communication between the applicant and residents and land owners was a large part of their opposition to the proposal. This is not something that can be easily addressed; however the Panel has imposed a condition which may provide an opportunity for greater communication.

Purpose and Principles of the Act

The Panel does not consider that there are any matters of national importance, under Section 6, that are relevant. Mr Radich considered that the maintenance and enhancement of public access to and along the coastal marine area (Section 6(d)) to be relevant. The Panel does not consider that this has more than a very peripheral relevance. The intent of this provision seems to be to guide development where it directly affects access, rather than indirectly as is the case here.

Sections 7(c) and 7(f), which require the Panel to have particular regard to amenity values and the quality of the environment, have been considered and the proposal, with the conditions imposed, will maintain these values to an appropriate level.

The Panel does not consider that Section 8 is relevant in this case.

Adopting a broad overall judgement approach to the purpose of the Act, the Panel is 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

A condition has been included which requires a comprehensive review of the parking to be carried out. While the Panel is aware that it is problematic to grant a consent on the basis of inadequate information, in this instance it believes that there are a wide range of further measures that can be taken in the event that the review illuminates problems with the parking situation. If chronic and seriously adverse problems are found with the traffic and parking situation then it may, in the light of Mr Alborn telling the Panel that there are not and have never been traffic problems, be appropriate to consider whether there have been inaccuracies which materially influenced the decision in the application which could trigger a review and, at worst, cancellation pursuant to Section 132(4) of the Act.

A condition is imposed which requires the long term car park area to be marked with individual car parks. This will allow for more efficient parking to ensure that the best use of this area is made so that there is less or no spill over into Franklin Street at busy times.

An acoustic fence has been required in a number of locations including along the right-of-way access to 13A Franklin Street. However, an acoustic fence along the common boundary between the water taxi storage area and 23A Franklin Street (owned by Judith Wendy Ward) has not been included in this condition as Ms Ward provided her written approval. The Act explicitly prohibits the effects on this property from being taken into account by the Panel. However, there is nothing in this condition that stops the applicant from volunteering to construct a fence along this boundary as an extension of the fence that is required. Doing so may serve to avoid noise issues in the future should the property change hands. Any such volunteered fence should be negotiated between the consent holder and the 23A Franklin Street landowner.

The Panel has imposed a condition which requires community liaison meetings to be held (or at least invitations sent). Mr Radich, other members of the applicant's team and submitters all expressed a desire for communication to be better in the future. Mr Campbell asked rhetorically why the applicant could not pick up the phone and call them to discuss matters. Therefore, the Panel has taken this opportunity to attempt to facilitate better communication through a requirement for these meetings to be held.

Imposing a term on the land use consent was considered by the Panel due to the uncertainties that remain with the effects. However, it was considered that the parking and traffic review required by the conditions will be sufficient to identify any problems in this regard. If it is found through that review process, or at other times, that the effects are far beyond what was presented in the application and the hearing then this may constitute material inaccuracies with the application which may, pursuant to Section 128, allow the consent to be cancelled. Following this reasoning it is considered that a term is not warranted.

13. EXPIRY OF CONSENT(S)

Pursuant to Section 123 of the Act, land use consents have no expiry provided they are given effect to within the lapse period provided.

The Discharge Permit, (RM080844) expires in 15 years, which is a standard term provided by the Council for such discharge permits. The expiry date is recorded on the consent.

Issued this 19th day of October 2009

A handwritten signature in black ink, appearing to read 'Rachel Reese', with a decorative flourish at the end.

Rachel Reese
Chair of Panel of Independent Commissioners



RESOURCE CONSENT

RESOURCE CONSENT NUMBERS: RM080841
RM080844

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

Alborn Properties Limited
(hereinafter referred to as "the Consent Holder")

ACTIVITIES AUTHORISED BY THIS CONSENT:

To undertake commercial water taxi, kayaking hire and mountain bike hire businesses on and around Franklin Street, Marahau.

To discharge wash water to the coastal marine area and to land.

LOCATION DETAILS:

Addresses of properties: 8/10 and 13A Franklin Street
Legal descriptions: Lots 1 and 2 DP 6931 and Pt Lot 1 DP12789
Certificates of title: NL2B/970 and NL10C/676
Valuation numbers: 1931010101 and 1931008700
Eastings and Northings: 2510747E 6022416N & 2510597E 6022420

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

CONDITIONS

Conditions Applying to RM080841 (Land Use Consent)

General

1. The activity shall be undertaken in accordance with the documentation submitted with the application and plans attached marked Plans A, B and C dated 19 August 2009, and plans D and E (Parking Plans) dated 1 September 2009, as amended by the conditions of consent.

Scale

2. The maximum number of water taxis operating from the site shall be four. The total number of seats within the four water taxis combined shall not exceed 74.
3. The maximum number of seats in kayaks available for hire from 8/10 Franklin Street shall be 80. For the avoidance of doubt, this means there will be less than 80 kayaks available for hire at any one time as some kayaks contain two seats.
4. The maximum number of mountain bikes available for hire from 8/10 Franklin Street shall be 12.

Advice Note:

For the avoidance of doubt this means that the total number of bikes rented at any time, plus the bikes still available to be rented shall not exceed 12. The condition does not allow 12 bikes to be available to be rented at any one time irrespective of how many have already been rented.

Hours of Operation

5. The kayak/mountain bike hire businesses and the water taxi operation shall only operate during the hours of 7.00 am to 7.00 pm, except for emergency situations.

Advice Note:

Emergency situations include call outs for Police, Search and Rescue and recovery of stricken kayakers.

Noise

6. All parts of the water taxi operation and the kayak/mountain bike hire operation shall meet the Tasman Resource Management Plan permitted activity noise standards for the residential zone (Rule 17.1.2.1).
7. Engine covers of the type used during the noise testing on 11 August 2009 shall be fitted to all tractors within one month of this consent becoming effective. Engine covers shall be maintained and be replaced when their performance is reduced. Tractor mufflers shall be upgraded as necessary so that all mufflers are as effective as the most effective currently used muffler. Within six weeks of this consent becoming effective the consent holder shall contact the Council's Coordinator – Regulatory Services to request that the engine covers and mufflers be inspected. Any replacement tractors shall either emit the same or a lower level of noise than the existing tractors with their engine covers and mufflers fitted.

Advice Note:

As part of the consent holder's duty to avoid unreasonable noise, the mufflers on all tractors used should be modern and effective. At the time of assessment there was one tractor which had an older and less effective muffler. This condition requires that at least this muffler be upgraded to be at least as effective as the other tractors' mufflers.

8. Within three months of this consent becoming effective a solid fence consisting of overlapped wooden boards to a height of 1.8 metres with no gaps either within or underneath the fence, and with a density of at least 10 kilograms per square metre shall be erected and maintained at all times along the boundaries identified in Plans D and E dated 7 October 2009 (attached).
9. Prior to the issue of a certificate pursuant to section 224(c) of the Act for the subdivision consent RM070062 a solid fence consisting of overlapped wooden boards to a height of 1.8 metres with no gaps either within or at the bottom of the fence, and with a density of at least 10 kilograms per square metre shall be erected and thereafter maintained at all times along the boundaries of the long term parking area on 13A Franklin Street as shown on Plan E dated 7 October 2009 (attached).

Advice Note:

This condition was volunteered by the applicant. The submission and subsequent email correspondence from Mr Davies, owner of Newhaven Syndicate and Abel Tasman Estates, confirms that the aforementioned fence is not required to be erected until prior to the issue of a certificate pursuant to section 224(c) of the Act for the subdivision consent RM070062.

10. A fence of a height of 1.0 metre shall be constructed along the road frontage, with the exception of planted areas and vehicle crossings, of 8/10 Franklin Street. The fence shall be constructed on the boundary of the legal road or within the subject site. The fence shall be completed before the first parking review day is done subject to Condition 20.
11. The Noise Management Plan quoted below shall be complied with at all times by the consent holder:
 - a) The marine radios that are located within the boats shall be switched off when the boats are not in the water. This means that no radios will be operating from the boats at either 13A Franklin Street, 8/10 Franklin Street or 229 Sandy Bay-Marahau Road.
 - b) All servicing of the boats, except for quiet servicing such as oil changes, shall occur off site. Quiet servicing of the boats shall occur at 13A Franklin Street.
 - c) When refuelling at 13A Franklin Street, tractor engines shall be switched off.
 - d) At 13A Franklin Street, tractors are not to be left idling.
 - e) All tractors are to be maintained to be in good working order and any defects are to be repaired that are assessed as being potentially noisy, such as damaged pipes and mufflers.
 - f) When flushing boat engines, the propellers shall be immersed in a bucket of water.
 - g) The right-of-way to 13A Franklin Street shall be maintained to be in a good state of repair.
 - h) Tractor movements per day along the right-of-way to 13A Franklin Street shall be restricted to a maximum of 16 movements in the peak tourist season (December to March); 12 movements on the shoulder seasons (March to May, and October to December); and six movements in the off season (May to October). For the avoidance of doubt, a "tractor movement" constitutes a one way trip along the right-of-way.
 - i) The speed of vehicle movements along the right-of-way to 13A Franklin Street shall not exceed 10 kilometres per hour.
 - j) Compliance with Land Transport New Zealand (LTNZ) regulations, including a 12 monthly safety check and Certificate of Fitness for all tractors, trailers, and any other vehicles used.

Advice Note:

This condition was volunteered by the applicant.

Parking and Loading

12. All loading and unloading of passengers from the water taxis shall take place on the areas marked "proposed boat loading parks" on attached Plan A dated 19 August 2009. For the avoidance of doubt, the loading and unloading of passengers from the water taxis shall not take place on the road reserve or on any public land.
13. All loading and unloading of kayak customers shall be undertaken on 8/10 Franklin Street. For the avoidance of doubt, the loading and unloading of kayak customers shall not take place on the road reserve or on any public land.
14. During operating hours all water taxi boats and associated tractors and trailers, when they return from the boat launching area, shall be parked on the areas marked "boat and trailer parks" on attached Plan A dated 19 August 2009. Water taxis that are not required for use

for the rest of the day shall be parked in the barn on 13A Franklin Street. For the avoidance of doubt, water taxis and associated tractors and trailers shall not be parked on the road reserve or on any public land.

15. No assembly of customers or staff related to either the water taxi operation or the kayak/mountain bike operation shall take place outside of the subject site, with the exception of an emergency when the assembly point is on the seaward side of Sandy Bay-Marahau Road.
16. All car parking / boat parking and loading areas / and manoeuvring areas shall be in accordance with Plans D and E attached and dated 1 September 2009. For the avoidance of doubt the following minimum number of parking and loading spaces shall be maintained:
 - Ten customer parking spaces at the rear of 229 Sandy Bay-Marahau Road;
 - Eight customer parking spaces at the front of 8/10 Franklin Street;
 - Thirty-five customer parking spaces in the fenced long term car park at 13A Franklin Street;
 - One shuttle parking space at the rear of 229 Sandy Bay-Marahau Road
 - One space for the kayak operation bus in the open shed adjacent to the western boundary of 8/10 Franklin Street;
 - Three staff parking spaces in the four bay shed adjacent to the eastern boundary of 8/10 Franklin Street;
 - One staff parking space at the rear north-eastern corner of 8/10 Franklin Street;
 - Three staff parking spaces within the water taxi storage barn at 13A Franklin Street;
 - Two parking spaces for the dwelling at 8/10 Franklin Street;
 - Two parking spaces for the dwelling adjacent to the long term parking area at 13A Franklin Street;
 - One rubbish truck space adjacent to the water taxi storage barn at 13A Franklin Street; and
 - Four boat and trailer parks at 8/10 Franklin Street.

Advice Note:

The 11 parking spaces required by RM020239 need to be maintained on 229 Sandy Bay-Marahau Road. These spaces are additional to the spaces required by the above condition.

17. The consent holder shall clearly mark out 2.5 metre wide car parks in the long term parking area to ensure the most efficient use of that area. At least 35 car park spaces shall be provided.

Advice Notes:

This condition requires that a clear indication of parking spaces is provided. It is envisaged that half round posts securely anchored to the ground would be appropriate. It is anticipated that this will allow more vehicles to be parked in this area which will reduce the likelihood of vehicles parking on Franklin Street.

While 2.5 metre wide car parks are specified it may be appropriate to have a range of carpark sizes to accommodate some larger vehicles (e.g. camper vans). In which case a mixture of 2.6 and 2.4 metre wide parks should be provided.

For the avoidance of doubt, there is no condition which requires the long term car park to be surfaced in basecourse as was discussed at the hearing.

18. The grass on the long term parking area (13A Franklin Street) shall be kept mown so that it is generally no longer than 100 millimetres in length.

Advice Note:

It is acknowledged that during a busy summer there will be lots of cars in the car park and it may be difficult to keep it to this length. However a weed eater used around cars at regular time intervals should keep the grass to a reasonable length to minimise the fire hazard.

19. The registered proprietors of Certificates of Title NL125/5 (229 Sandy Bay-Marahau Road), NL2B/970 (8/10 Franklin Street) and NL10C/676 (13A Franklin Street) shall register a covenant in favour of the Consent Authority made pursuant to Section 108(2)(d) of the Resource Management Act 1991. Evidence of the successful registration of this covenant shall be presented to Coordinator Compliance Monitoring within three months of the date that this consent commences.

The operative part of the covenant shall state:

Titles NL125/5, NL2B/970 and NL10C/676 shall be encumbered so that one shall not be disposed of independently of the other. The registered proprietor shall at all times hereafter ensure that all parking spaces and loading areas remain in accordance with resource consent RM080841 Plan A dated 19 August 2009 or any subsequent consent.

The Consent Holder shall meet all costs of the preparation, execution and registration of the covenant.

Advice Note:

This will ensure car parking areas that are located on three separate titles continue to be provided while the activities are present on this site. In effect, this means that the three titles subject of this application shall be encumbered.

Parking and Traffic Review

20. On two occasions during the 2009 – 2010 summer (or the 2010 – 2011 summer if this consent is not effective by 1 November 2009) when tourist numbers are at approximately 80% of their maximum (say between 15 and 22 December and between 20 January and 10 February) and when the weather is clear, the consent holder shall conduct a survey of the traffic and parking requirements and effects. The survey shall be done in accordance with the methodology required to be submitted to and certified by the Council's Transportation Manager (Condition 21).
21. Within six weeks of this consent commencing the consent holder shall submit to the Council's Transportation Manager a traffic and parking review methodology.

The methodology shall include, as a minimum, the following:

- a) the two dates (and backup dates in case of unsuitable weather) on which the surveys will be undertaken;
- b) a full description of the methods and personnel that will be used to undertake the surveys;

- c) the survey forms that will be used to gather the data;
- d) the photographs that will be taken throughout the survey days;
- e) a rationale for the methods used and the data that is to be obtained; and
- f) any other information that may be reasonably relevant or necessary to the understanding and explanation of the methodology.

The methodology shall be such that suitable and useful data is obtained on:

- a) the travel and parking details by way of an interview survey (or similar) of all water taxi, kayak hire and mountain bike hire customers. As a guide it is suggested that collection of the following information, as a minimum, may be appropriate:
 - i) how they got to the site;
 - ii) where they are staying in Marahau;
 - iii) how many passengers they are travelling with, if in a private vehicle; and
 - iv) where they parked if they drove to the site.
- b) the parking patterns in Franklin Street and on the consent holder's sites. As a guide it is suggested that collection of the following information, as a minimum, may be appropriate:
 - i) the main activities of people parking in Franklin Street throughout the day;
 - ii) the level of congestion in Franklin Street throughout the day measured by survey and photographs;
 - iii) the proportion of consent holder's clients who park on legal road; and
 - iv) the level of usage of the car parks provided on 8/10 and 13A Franklin Street associated with the activity.
- c) the predominant weather on each of the days; and
- d) observations on the relative use of each of the days compared to normal.

The methodology, including the forms, shall be certified by the Council's Transportation Manager prior to the surveys being implemented.

22. On or before the 1 July immediately following the implementation of Conditions 20 and 21 the consent holder shall submit to the Council's Transportation Manager and Resource Consents Manager a report. The report shall contain:
- a) a summary of the results of the surveys;
 - b) a copy of the raw survey data obtained including photographs; and
 - c) an assessment of the suitability of the level of parking provided on the sites and the conditions of this consent.

Pursuant to Section 128 of the Act and Condition 45 of this consent the Council may initiate a review of the conditions of this consent based on the results and findings of this report.

Advice Note:

In granting this consent subject to the parking and traffic review conditions above, the Panel was satisfied that there is sufficient scope for conditions to address any congestion or parking shortage issues that may arise through the review. If the review shows that significant adverse effects are arising due to congestion etc then conditions such as requiring the long term parking area to be expanded, requiring the provision of more parks on 8/10 Franklin Street, limiting the number of passengers or customers, or other such measures may be required as part of the Section 128 review process. The nature of any further conditions to be placed will depend on the issues or effects illuminated through the survey and review process.

Access

23. By 1 August 2010 the access leg shall be sealed from the concrete apron entrance of the access leg adjacent to Franklin Street to the concrete pad outside the water taxi storage barn on 13A Franklin Street. The right-of-way shall have a minimum formed width of 5.0 metres except for within 10 metres either side of the 90 degree corner in the right-of-way where the width of the seal shall be the maximum available whilst still allowing for stormwater runoff to be contained within the right-of-way. Construction shall be in accordance with the Tasman District Council Engineering Standards and Policies 2008 standards for rights of way.
24. Throughout the summer of 2009/2010 the consent holder shall install and maintain a water sprinkler system on the right-of-way so that there is no discharge of dust that is, in the opinion of the Council's Coordinator Compliance Monitoring (or his delegate) offensive or objectionable. Alternatively, a proprietary dust control product may be used, subject to obtaining an appropriate resource consent. However, under no circumstances shall oil or waste oil be used on the right-of-way to suppress dust.
25. By 1 August 2010 the three vehicle crossings shall be upgraded with an extension of the road carriageway surface standard from the edge of the road carriageway to a minimum of 5.0 metres into the legal site.
26. No vehicles associated with the water taxi or kayak/mountain biking operations and being used as part of the operation of the business shall use the access leg from Pt Lot 1 DP 12789 (the long term car parking and the water taxi storage site) and Sandy Bay-Marahau Road. For the avoidance of doubt this is the access that is adjacent to 263 & 267 Sandy Bay-Marahau Road.

Advice Note:

For the avoidance of doubt, there is nothing in this condition that restricts the use of this accessway for private use whether a company vehicle or a private vehicles is used.

27. Within three months of the issue of consent a convex mirror shall be erected at the corner of the right-of-way for the purpose of traffic visibility. The mirror shall be maintained at all times.

Planting

28. Amenity planting shall be established on 8/10 Franklin Street in the location shown on attached Plan A dated 19 August 2009. The planting shall consist of species that at maturity are no greater than 1.5 metres and no less than 1.0 metre in height and spaced no greater than 0.5 metres apart. Condition 30 shall apply.
29. If there are any gaps between the edge of the Franklin Street footpath and the low fence that is to be constructed on the Franklin Street boundary (Condition 10) that are 1 metre in width or greater, then Condition 30 shall apply to the area between the low fence and the edge of the footpath.

30. The Consent Holder shall, prior to 1 April 2010, submit to the Council's Community Services Manager a planting plan for approval. The planting plan shall cover the areas described in Conditions 28 and 29 as relevant. The planting plan will be approved if:
- a) the plants selected are appropriate for conditions of the location and provide some food for native bird species (in this regard the consent holder is directed to the Council's native plant restoration list for the 'Abel Tasman Granite Ecosystem' compiled by Shannel Courtney in June 2007 available on the Council's website);
 - b) the plants will provide screening of the consented activity from Franklin Street;
 - c) the plants selected will provide for a long-term enhancement of the amenity of Franklin Street (for example, the consent holder may propose one or more specimen trees for achieving a long-term enhancement of the streetscape);
 - d) the plants will not grow to be a maintenance nuisance on the Franklin Street footpath; and
 - e) the plan provides:
 - i) a planting and maintenance programme;
 - ii) the numbers, sizes, and species of plants to be planted; and
 - iii) for replacement planting for any plant mortality.
31. The planting required by the plan specified in Condition 30 above shall be undertaken preferably in the months of April or May 2010 but in case before the end of October 2010. The plantings shall be maintained in accordance with the plan.

Colour

32. The exterior of the water taxi storage barn at 13A Franklin Street and the kayak, bike, and associated equipment storage sheds at 8/10 Franklin Street shall be painted/finished in colours that are recessive and which blend in with the immediate environment. The consent holder shall submit to the Council's Consent Planner, Motueka for approval within one month of the issue of consent the following details of the colours proposed to be used on the walls and roof of the building:
- a) the material to be used (e.g. paint, colour steel);
 - b) the name and manufacturer of the product or paint;
 - c) the reflectance value of the colour;
 - d) the proposed finish (e.g. matt, low-gloss, gloss); and
 - e) Either the BS5252:1976 (British Standard Framework for Colour Co-ordination for Building Purposes) descriptor code, or if this is not available, a sample colour chip.

The building shall be finished in colours that have been approved by the Council within one year of the date that this consent becomes effective.

Advice Note:

The consent holder should engage the services of a professional to ensure the exterior cladding and colour selection are compatible with the long term durability of the building material in the subject environment and in accordance with the requirements under the Building Act 2004.

Lighting

33. If any lighting is erected in the long term car park at 13A Franklin Street the maximum bulb height shall be 1.2 metres from ground level.

Signage

34. The two sandwich board signs at 229 Sandy Bay Marahau Road shall advertise the water taxi and the kayak/mountain bike operations only.
35. The two sandwich board signs shall be located and secured within the legal boundaries of 229 Sandy Bay-Marahau Road.

Advice Note:

The applicant volunteered to secure the signs to the site rather than use mobile signs as originally proposed.

36. The signs on 8/10 Franklin Street shall be limited to the 4.88 by 0.5 metre "Mountain biking / Kayaking " sign and the two small signs, all attached to the main building and shown on attached Plan C dated 19 August 2009.
37. A sign displaying only the company logo and an arrow shall be erected and maintained at all times at the entrance to the right-of-way on 13A Franklin Street. The sign shall be visible from Franklin Street. The sign shall comply with the Tasman Resource Management Plan outdoor sign standards for the Residential zone, or subsequent planning document.
38. Two signs, one within the first 15 metres of each end of the 13A Franklin Street right-of-way, limiting the speed to 10 kilometres per hour shall be erected and maintained at all times.
39. A sign shall be erected and maintained at all times at the entrance to the long term parking area on 13A Franklin Street stating "no camping" or similar wording. The sign shall comply with the Tasman Resource Management Plan outdoor sign standards for the Rural 1 zone, or subsequent planning document.
40. The signs in Conditions 37 and 39 shall not contain or incorporate retro-reflective materials, flashing illumination, or moving display.
41. All signs shall be maintained in good repair at all times.

Tractors and Boats

42. All tractors, trailers and boats shall be maintained in a tidy and clean condition.

Complaints Register and Community Liaison

43. The consent holder shall, during the months of March or April each year, invite all landowners, occupiers and residents in Franklin Street and also all those landowners, occupiers and residents of Marahau who were submitters to this resource consent to a public liaison meeting at a specified time and location. One or more representatives of the consent holder shall be present at the meeting.

The meeting shall be facilitated by the Chair of the Motueka Community Board at the time, or his or her delegate. The facilitator shall be responsible for keeping a record of attendees and issues raised at the meeting. The cost of the facilitator is to be met by the consent holder. Evidence of the scheduling of the meeting and the sending of invitations shall be kept by the consent holder and provided to the Council's Coordinator Compliance Monitoring upon request.

In the event that the position of Community Board Chair does not exist or the Chair is unwilling to be involved or appoint a delegate then the facilitator shall be appointed by the Council's Environment and Planning Manager and shall have appropriate facilitation or mediation skills and experience.

Advice Note:

The meeting shall provide an opportunity for issues and concerns to be raised by landowners, occupiers and residents and for constructive discussion to enable improvements to the management of the tourist operation. There is nothing in this condition that requires landowners, occupiers or residents to attend, nor the consent holder to implement management practices except as is required by the conditions of these consents. However, it is strongly recommended that all parties involved in such meetings use them constructively. In the event that, consistently, no landowners, occupiers or residents attend the meetings (say two or more meetings in a row) or the meetings are entirely unconstructive then these may be sufficient grounds for the applicant to apply, under Section 127 of the Act, to amend or delete this condition. However, any such application will need to be assessed at the time it is lodged.

44. The consent holder shall maintain a "complaints register" which records in sufficient detail the nature of the complaint, the name of the complaint, the date of the complaint and any action taken by the consent holder to address the complaint. The complaints register shall be kept by the consent holder and provided to the Council's Co-ordinator Compliance Monitoring immediately upon request.

Review

45. Pursuant to Section 128 of the Act, the Consent Authority may, during the months of November and May each year, review any conditions of the consent for any of the following purposes:
 - a) to require the surfacing or sealing of the long term car parking area at 13A Franklin Street in the event that adverse effects arise from its existing grass surface. Such effects may include dust, mud, fire risk, or other adverse effect.
 - b) 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; or
 - c) to deal with inaccuracies contained in the consent application that materially influenced the decision made on the application and are such that it is necessary to apply more appropriate conditions; or
 - d) to assess the appropriateness of imposed compliance standards, monitoring regimes and monitoring frequencies and to alter these accordingly.
 - e) to deal with any adverse effects or issues that may arise as a result of the traffic and parking review work required to be undertaken by Conditions 20 to 22.

Conditions Applying to RM080844 (Discharge Permit)

General

46. The Consent Holders shall ensure that all works are carried out in general accordance with the application and plans submitted with the application on the 23 September 2008 and further information supplied on 14 August 2009, unless inconsistent with the conditions of this consent, in which case the conditions shall prevail.

47. The Council may, during the months of November and May each year, review any or all of the conditions of the consent pursuant to Section 128 of the Act for all or any of the following purposes:
- a) to deal with any adverse effect on the environment which may arise from the exercise of the consent that was not foreseen at the time of granting of the consent, and which is therefore more appropriate to deal with at a later stage; and/or
 - b) to require the Consent Holder to adopt the best practical option to remove or reduce any adverse effects on the environment resulting from the discharge; and/or
 - c) to review the contaminant limits, loading rates and/or discharge volumes and flow rates of this consent if it is appropriate to do so; and/or
 - d) to review the frequency of sampling and/or number of determinants analysed if the results indicate that this is required and/or appropriate;
 - e) to require consistency with any relevant Regional Plan, District Plan, National Environmental Standard or Act of Parliament.
48. This resource consent expires on 1 November 2024.

Washdown at 10 Franklin Street

49. Suitable signage shall be placed and maintained at the kayak wash down site, at the entrance to the sump, and at the tap where the water is turned on. The signage shall state that the washdown water is not treated and flows straight to the sea; and that no tractors, cars, trailers, mountain bikes or motor boats shall be washed here and no detergents are to be used.
50. The washdown shall only be used to wash down kayaks and associated equipment (e.g., paddles, life jackets, booties). Specifically no motorised vehicles and/or trailers, nor any mountain bikes, shall be washed down on site.

Advice note:

This is to eliminate the risk of hydrocarbons and other contaminants being washed into the stormwater system.

51. Only fresh water shall be used in the wash down.
52. The discharge shall only comprise of water and the contaminants on the kayaks.
53. The Consent Holder shall ensure that the discharge does not cause the production of conspicuous oil or grease films, scum or foams, or floatable or suspended materials in any receiving water or on the beach.
54. The washdown water shall be discharged to a sediment trap that shall include a cut-off valve to isolate any spill from the stormwater system. The design of the system shall be approved by the Council's Coordinator Compliance monitoring prior to the installation of the sediment trap.
55. The sediment trap shall be maintained in good working order at all times.
56. A spill kit shall be kept onsite available for use near the kayak washdown area. Visual signs outlining the use of the spill kit shall be displayed and made available at the site.

57. The consent holder shall train all staff using the kayak washdown area and shall ensure that they are aware of the destination of the washdown water (i.e. the coastal marine area). All staff shall be aware of the conditions of this consent.
58. The consent holder shall be responsible for ensuring that users of the washdown know what to do in the event of a spill, know how to use the spill kit and how to operate the emergency shut-off valve.
59. In the event of spills, the shut-off valve shall be closed to prevent contaminants leaving the sediment trap. Once the spill has been contained, the sediment trap shall be completely cleaned and contaminants disposed of to an approved hazardous waste facility.

Monitoring

60. An access point downstream of the sediment trap but upstream of the point where it enters the stormwater network shall be provided to allow sampling of the washdown water.

Washdown at 13A Franklin Street

61. The tractors shall be maintained at least annually or as often as is necessary to ensure that there is no leakage of oil.
62. No oil shall be present on the underside of the tractors engine of structure.

Advice Note

Conditions 61 and 62 are aimed at minimising the contaminants in the wash down water. They will also reduce the risk of oils being discharged into the coastal waters when boats are being launched and retrieved.

63. The concrete wash down platform shall be shaped to direct stormwater surface flows away from the wash down area. The discharge from the washdown area shall be served by a Humes API Oil Interceptor or a similar device which has capacities and performance specifications and that are either the same as or better than the above model.

Advice Note:

The provision of an API Oil interceptor was volunteered by the applicant.

64. All stormwater runoff and washdown water from the washdown pad shall be collected and directed to the oil interceptor.
65. The interceptor shall be sized and designed by a suitably qualified and experienced person to ensure that it is of sufficient capacity to accommodate expected washdown water and stormwater flows.
66. All work that may cause spills of hydrocarbons shall be undertaken on the washdown pad.
67. The Consent Holder shall discharge a maximum of 0.8 cubic metres per day to the land from the wash down pad (excluding stormwater).
68. The Consent Holder shall ensure that the discharge does not cause the production of conspicuous oil or grease films, scum or foams, or floatable or suspended materials in any receiving water.
69. The discharge shall not cause contamination of groundwater taken from bores and wells.
70. The suspended solids and hydrocarbons contained in the water being discharged from the separator shall not exceed the following concentrations:

Total suspended solids 100 milligrams per litre
Total petroleum hydrocarbons 15 milligrams per litre

71. No detergents or degreasers shall be used anywhere on the washdown area. If the consent holder needs to use any such products then the consent holder shall ensure that the shut-off valve on the interceptor is closed, and the interceptor completely pumped out at the conclusion of cleaning.

Spills

72. A spill kit shall be kept onsite. Visual signs outlining the use of the spill kit shall be displayed and made available at the site.
73. The consent holder shall be responsible for ensuring that users of the washdown know what to do in the event of a spill, and how to operate the emergency shut-off valve.
74. In the event of spills that are greater than 5 litres, the stormwater shut-off valve shall be closed to prevent contaminants leaving the oil and grit separator. Once the spill has been contained, the separator shall be completely cleaned and contaminants disposed of to an approved hazardous waste facility.

Monitoring

75. An access point shall be provided to allow sampling from the separator before being discharged to land.
76. A maintenance programme shall be agreed with the supplier of the oil interceptor prior to the use of the washdown area. The programme shall be based on the likely loading, use patterns and stormwater flows that can be expected as well as any other relevant considerations. A copy of the maintenance programme shall be provided to the Council's Coordinator Compliance Monitoring immediately upon its finalisation.
77. The separator shall be monitored on a monthly basis and Maintenance Schedule completed. A summary of these results shall be forwarded to Council's Coordinator Compliance Monitoring upon request.
78. Water discharged from the oil interceptor shall be sampled and tested for the contaminants specified in Condition 70 by an accredited laboratory on one occasion during the first January, April and July (i.e. three samples in total) following the installation of the oil interceptor. Thereafter the consent holder shall have the discharge water sampled and tested once annually during the month of January. In all cases the results shall be provided to the Council's Coordinator Compliance Monitoring within 1 week of them being received by the consent holder. In the event that a sample fails to meet the standards specified in Condition 70, the consent holder shall, in conjunction with the directions of the Coordinator Compliance Monitoring, either upgrade the standard of treatment of the water, increase the maintenance standard and frequency and/or implement other measures to improve the quality of the discharge.

ADVICE NOTES

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, including, but not limited, to the requirements for toilets under the Building Regulations
2. The Consent Holder should note that this resource consent does not override any registered interest on the property title.

3. With regard to the access way to 13A Franklin Street and other properties, it is the responsibility of the consent holder to ensure that any legal requirements, including any obligations to registered proprietors of the land and any property owners who have rights under the Easement certificate, are met.
4. 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.
5. Consent RM080841 is granted to the above mentioned 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 which are required to be complied with on an ongoing basis.
6. Consent RM080844 is not subject to Section 134 of the Act and therefore does not "attach to the land". Therefore, when the ownership of the lot that this consent pertains to changes, this consent should also be transferred to the new owners as there are ongoing consent requirements that must be met.
7. 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 the monitoring costs exceed this fee, the 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. Access by the Council or its officers or agents to the property is reserved pursuant to Section 332 of the Act.
8. All reporting required by this consent should be made in the first instance to the Council's Co-ordinator Compliance Monitoring.
9. As a guide, the Council will generally approve colours that meet the following criteria:

Colour Group*	Walls	Roofs
Group A	A05 to A14 and reflectance value $\leq 50\%$	A09 to A14 and reflectance value $\leq 25\%$
Group B	B19 to B29 and reflectance value $\leq 50\%$	B23 to B29 and reflectance value $\leq 25\%$
Group C	C35 to C40, reflectance value $\leq 50\%$, and hue range 06-16	C39 to C40, reflectance value $\leq 25\%$, and hue range 06-16
Group D	D43 to D45, reflectance value $\leq 50\%$, and hue range 06-12.	Excluded
Group E	Excluded	Excluded
Finish	Matt or Low-gloss	Matt or Low-gloss

Based on BS5252:1976 (British Standard Framework for Colour Co-ordination for Building Purposes). Where a BS5252 descriptor code is not available, the Council will compare the sample colour chip provided with known BS5252 colours to assess appropriateness.

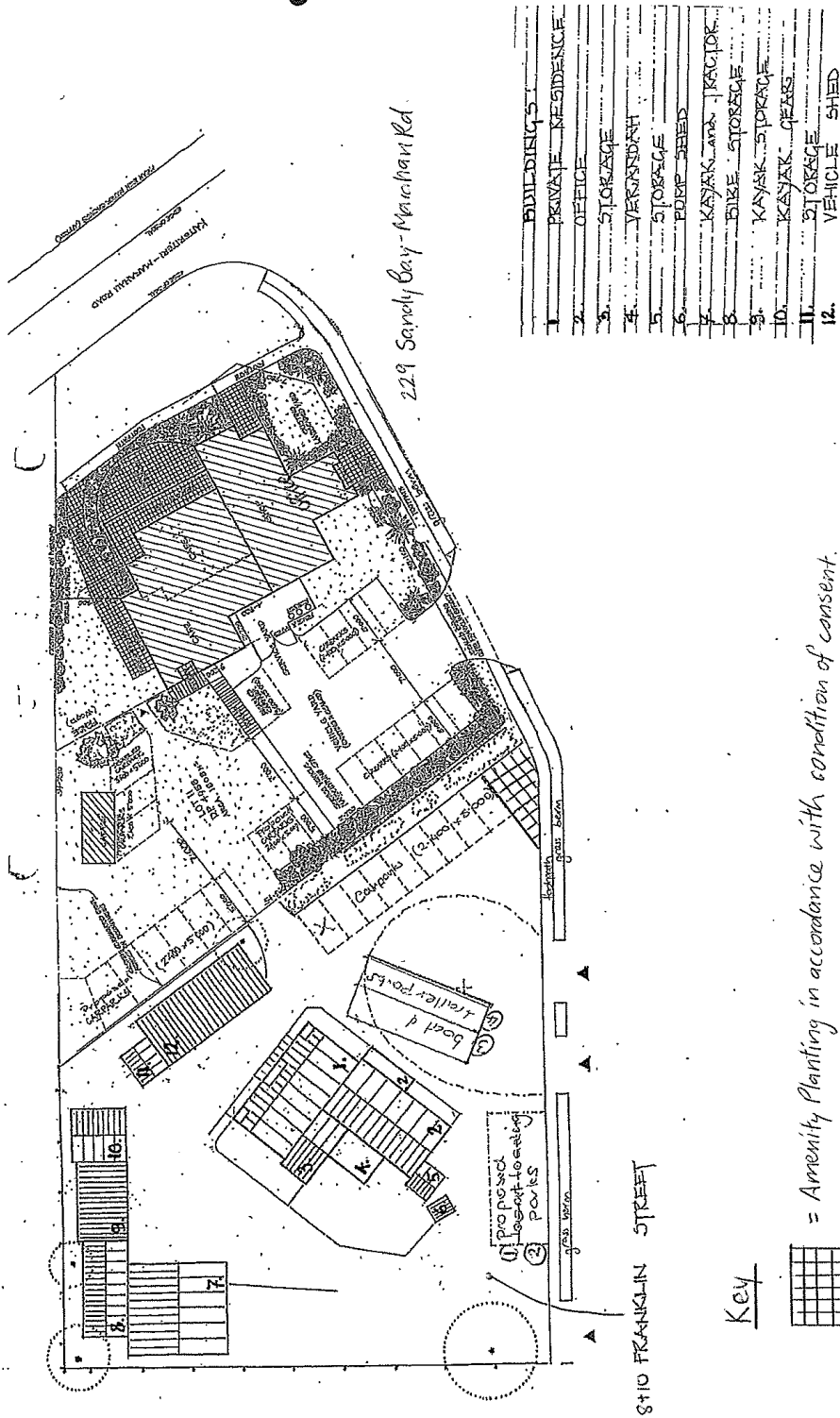
10. Council draws your attention to the provisions of the Historic Places Act 1993 that require you in the event of discovering an archaeological find (eg, shell, midden, hangi or ovens, garden soils, pit, depressions, occupation evidence, burials, taonga) to cease works immediately, and tangata whenua, the Tasman District Council and the New Zealand Historic Places Trust should be notified within 24 hours. Works may recommence with the written approval of the Council's Environment & Planning Manager, and the New Zealand Historic Places Trust.
11. Plans attached to this consent are (reduced) copies and therefore will not be to scale and may be difficult to read. Originals of the plans referred to are available for viewing at the Richmond office of the Council. Copies of the Council Standards and documents referred to in this consent are available for viewing at the Richmond office of the Council.

Issued this 19th day of October 2009

A handwritten signature in black ink, appearing to read 'Rachel Reese', with a long horizontal flourish extending to the right.

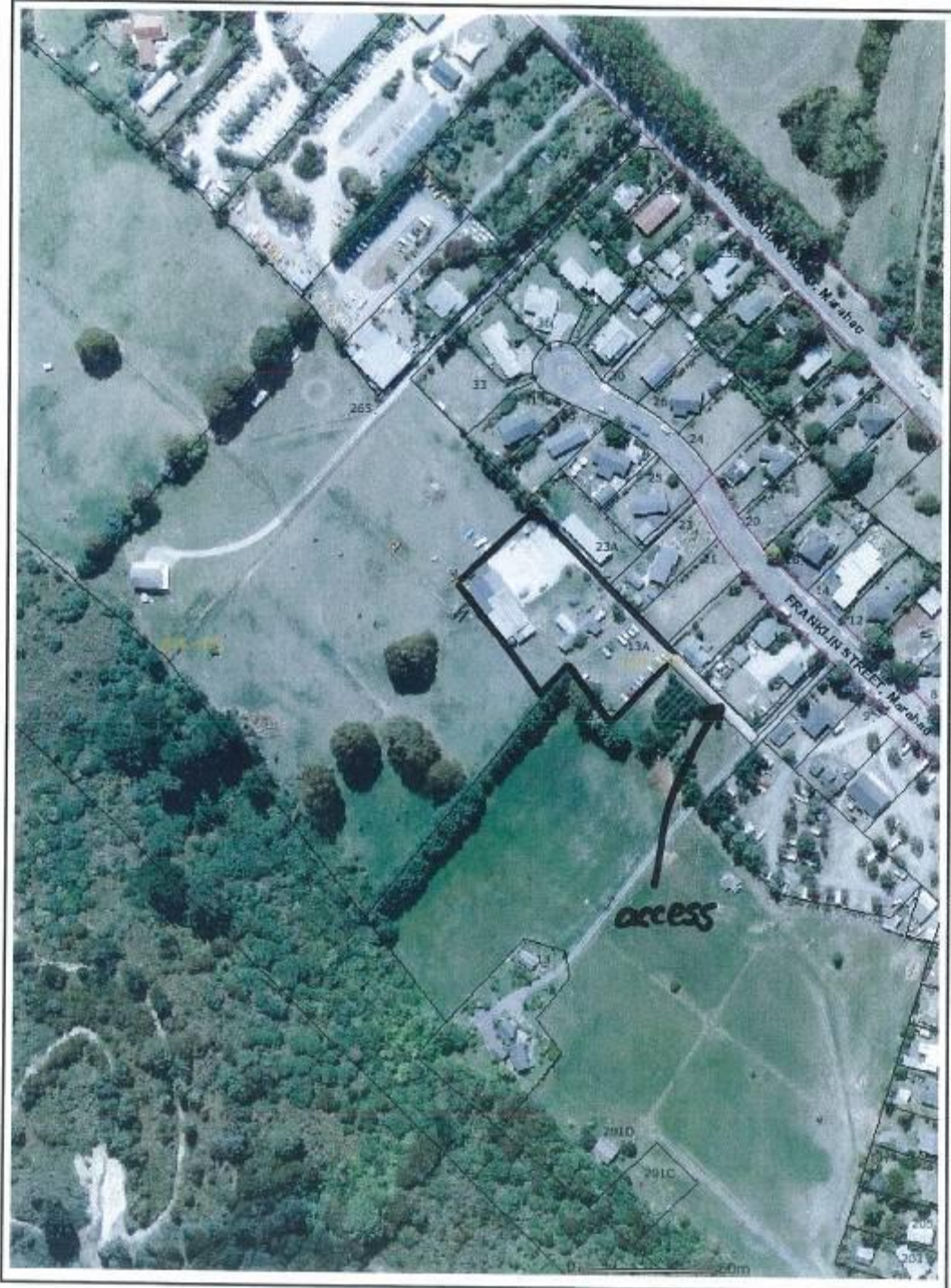
Rachel Reese
Chair of Panel of Independent Commissioners

Plan A 19 August 2009

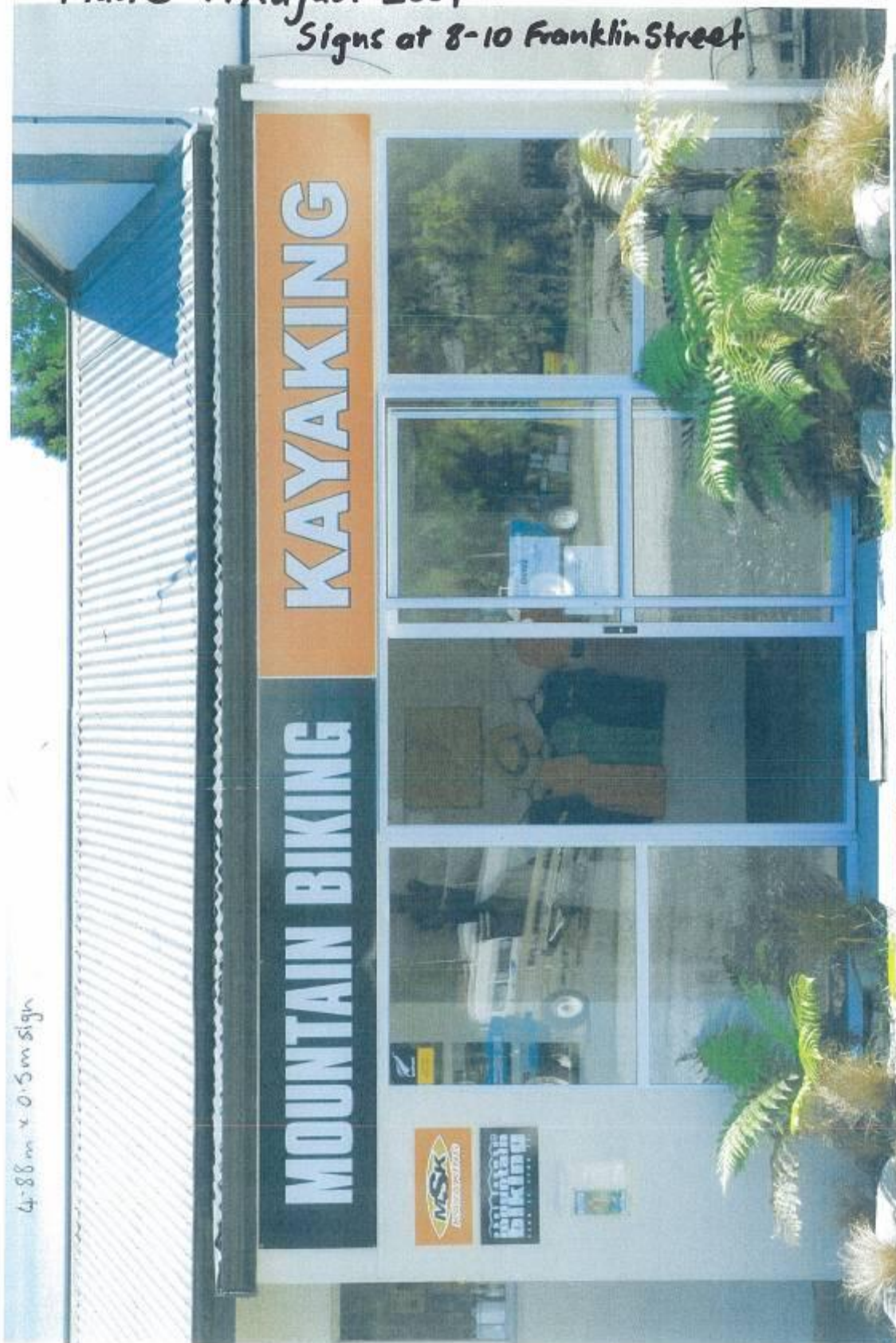


Plan B 19 August 2009

Key  = Water taxi storage + long term parking area

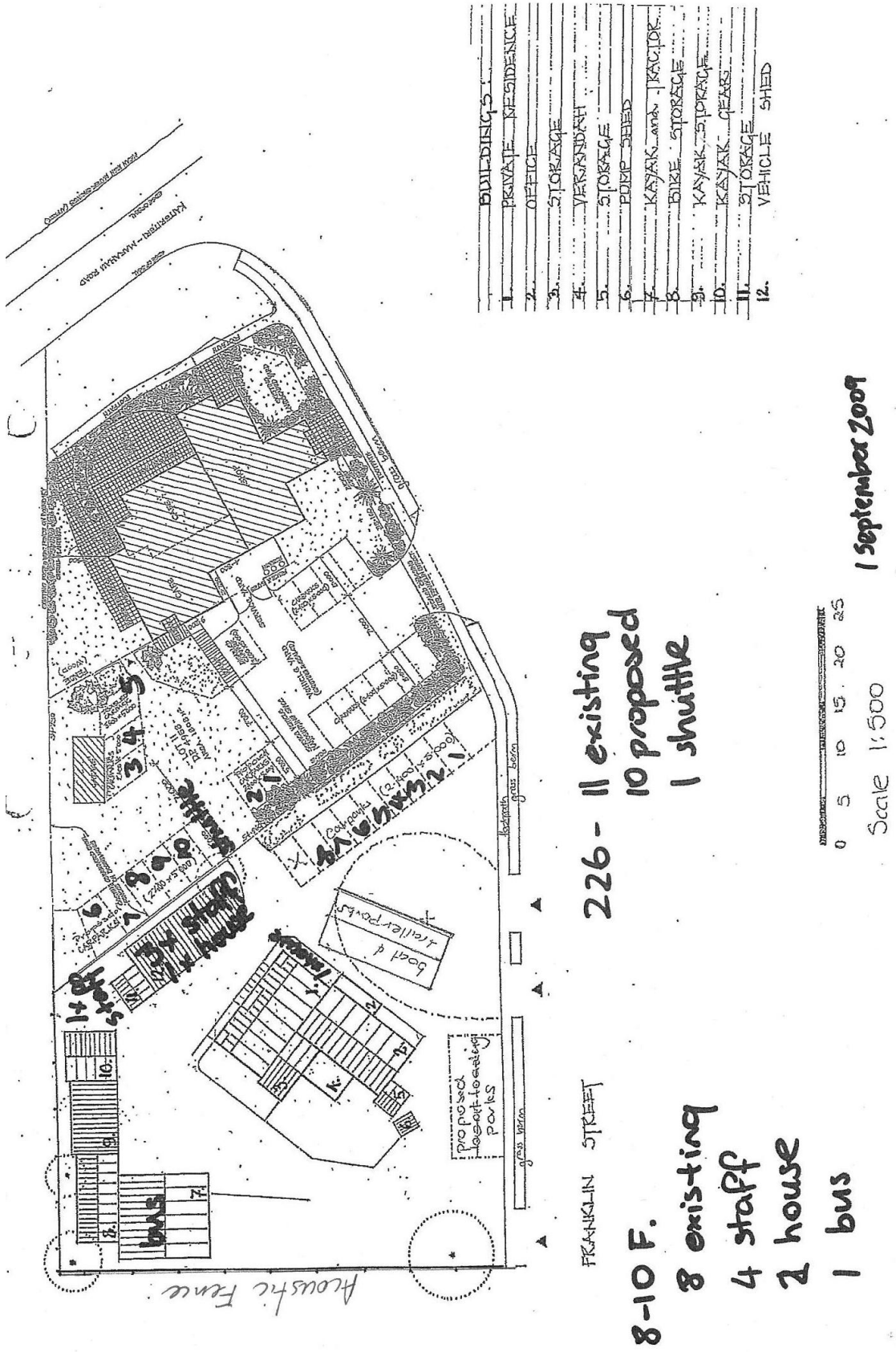


Plan C 19 August 2009
Signs at 8-10 Franklin Street



4.88m x 0.5m sign

Plan D – Parking Plan, 8/10 Franklin Street
7 October 2009



**Plan E – Parking Plan, 13A Franklin Street
7 October 2009**



Date Confirmed:

Chair: