

MINUTES

TITLE: Environment & Planning - Commissioner Hearing
DATE: Monday , 23 April 2012
TIME: 10.00 am
VENUE: Waimea Room, Club Waimea, 345 Queen Street, Richmond
PRESENT: Commissioner Gary Rae
IN ATTENDANCE: Consent Planner - Land Use (Jane Harley)
Transportation Manager (Gary Clark)
Principal Resource Consents Advisor (Jeremy Butler)
Executive Assistant (Valerie Gribble)

1. S and R EASTELL, MAIN ROAD, HOPE - APPLICATION RM110916

The application seeks to establish a community activity, namely an early childhood learning centre. The centre will cater for up to 60 children at any one time between the ages of three months and six years. The facility will be open from 7.00 am to 6.00 pm Monday to Friday, but closed on public holidays. The facility will be staffed by up to seven full-time equivalent staff.

The application site is located at 219 Main Road, Hope, being legally described as Lot 9 DP 4405 held on CT NL111/21.

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

Report and Decision of the Tasman District Council through a Hearing Commissioner

Hearing held at Club Waimea, Richmond
on Monday, 23 April 2012, commencing at 10.00 am
Hearing closed on 23 April 2012 at 1.25pm

A Hearing Commissioner ("the Commissioner") for the Tasman District Council ("the Council") was appointed to hear the application lodged by **S and R Eastell** ("the Applicants"), for land use consent to establish an early childhood learning centre for up to 60 children at 219 Main Road, Hope. The application, made in accordance with the Resource Management Act 1991 ("the Act"), was lodged with the Council and is referenced as RM110916.

PRESENT: Hearing Commissioner
Mr G Rae

APPLICANT: Ms J Hilson (Planner)
Mr A Fon (Traffic Engineer)
Mr R Eastell and Mrs S Eastell (Applicants)

CONSENT AUTHORITY: **Tasman District Council**
Ms J Harley (Consent Planner - Land Use)
Mr G Clark (Transportation Manager)
Mr J Butler (Principal Resource Consents Advisor - Assisting the Commissioner)
Ms V Gribble (Executive Assistant - minutes)

SUBMITTERS: Mr C Carson
Mr S Gray
Mr B Strange

1. SUMMARY

The Commissioner has **GRANTED** resource consent, subject to conditions.

2. DESCRIPTION OF THE PROPOSED ACTIVITY

The application is to establish a community activity, namely an early childhood learning centre, including the erection of two signs, on the property at 219 Main Road, Hope. The centre will cater for up to 60 children at any one time between the ages of three months and six years. The facility will be open from 7.00 am to 6.00 pm Monday to Friday but closed on public holidays. The facility will be staffed by up to seven full-time equivalent staff. The proposal provides for fourteen on-site car parks.

3. TASMAN RESOURCE MANAGEMENT PLAN ("TRMP") ZONING, AREAS AND RULE(S) AFFECTED, CONSENT STATUS

The subject property is zoned Rural 1 in the TRMP.

The proposed early childcare centre is a 'Community Activity' and as such is deemed a Restricted Discretionary Activity in the Rural 1 Zone.

In addition, the application does not comply with the Rural 1 Zone Permitted Activity Rules in the following respects:

- Rule 17.5.3.1(l) - the existing building on the site will no longer be a dwelling therefore building coverage (max 200 m²) will be exceeded by the conversion of the building to an early childhood learning centre;
- Rule 16.2.2.2 (d) - the activity is deemed to be a traffic sensitive activity on a site that has frontage (but not access) to an arterial road;
- Rule 16.2.2.2 (h) - the activity will not provide a dedicated loading bay;
- Rule 16.1.5.1 - the activity involves more than one sign, one on each road frontage and each of 2 m² in area;

The proposed activity does not comply with the permitted activity Rural 1 Zone, Outdoor Sign and Advertising and Transport rules above, and the application is therefore deemed to be a restricted discretionary activity under Rules 16.1.5.4, 16.2.2.6, 17.5.3.3 and 17.5.2.8 of the TRMP.

4. NOTIFICATION AND SUBMISSIONS

The application was notified using limited notification to 16 parties on Wednesday, 25 January 2012. Submissions closed on Friday, 24 February 2012.

Five submissions were received, as follows:

In support (with conditions)

- Mr S Gray, 263 Ranzau Road East
- Mr S Carson, owner 205 Main Road Hope and 229 Ranzau Road

These submissions requested that consent be granted subject to conditions relating to further assessment of traffic by New Zealand Transport Agency and certain traffic measures being implemented on the road network.

In opposition

- Ms V Matheson and Mr T Dodgshun, 251 Ranzau Road
- Mr B Strange, 237 Ranzau Road
- Mr W Verry, 252 Ranzau Road

These submissions oppose the application for reasons that are related to traffic, access and parking.

Matters raised in submissions are discussed in more detail under Section 6 of this Decision.

Written approvals

A number of written approvals were submitted with the application, these being from:

- Kevin Luff of 242 and 244 Ranzau Road, Hope;
- Colin Carson of Cars and Trucks Holdings Limited, landowner of 205 Main Road Hope and 229 Ranzau Road, Hope (however further roading issues were raised by Mr Carson and he was included in the limited notification process and lodged a submission as recorded above);
- C J Fraser of 235 Main Road Hope;
- D H and D J McDowell of 246 Ranzau Road;
- A F Delaurier and D A Faulhaber of 240 Ranzau Road (this was submitted 16 February 2012 after an agreement was reached by way of a rural emanation easement and the applicant volunteering certain conditions of consent); and
- The New Zealand Transportation Authority (NZTA) in relation to the State Highway Network.

5. PROCEDURAL MATTERS

There were no procedural matters that arose during the hearing.

6. EVIDENCE HEARD

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

6.1 Applicant's Evidence

Ms J Hilson presented planning evidence in support of the application. Ms Hilson said she has been involved in obtaining resource consents for a number of early childhood centres or pre-schools elsewhere, and that in her experience this is a good site for the proposal and effects will be mitigated through conditions. She said that with the number of written approvals from neighbouring landowners, and from the matters covered in the submissions, this was not really an issue of residential or rural amenity, but rather the main issues in contention are to do with traffic and access. Ms Hilson suggested some minor changes to the conditions recommended in the Section 42A report.

Mr A Fon presented evidence on traffic matters. He said traffic generation is estimated at 124 trips per day (one-way), with an average peak hourly rate of 31 per hour (one way). Mr Fon said that car parking on site for 14 spaces will be adequate and he considers there will be no overflow parking on the street. He described the access arrangements and said the splitting of the access to take account of a power pole may not be ideal, but he was of the opinion the split flow for entry/exit would nevertheless work well given the estimated volumes of traffic generation, the low flows on Ranzau Road East and the low speed of cars entering and exiting the site. The existing access on Main Road Hope will be closed and gated, with signs to advise of the entrance on Ranzau Road East. The childhood centre will make parents aware of the access arrangements and they would quickly become familiar with regular visits. He said sight distances at the access are good, and that the driveway will have a passing bay area to deal with any conflicts from in and out traffic on the drive.

In terms of wider traffic effects, Mr Fon highlighted that, in signing an affected person's approval form, the NZTA has in effect accepted there will be no more than minor impact from the childhood centre on the safe and efficient functioning of Main Road Hope (which is part of State Highway 6) or on the intersection at Ranzau Road. His own assessment of the crash record, and of the intersection's layout and sight distances, was that the proposed activity can be safely accommodated on this site.

Mr S and Mrs R Eastell, in response to questions from the Commissioner said they have been involved in early learning centres for 20 years. They consider this property is ideal for a new centre because it has an existing character house, with large trees and grounds, and it has an outdoor feeling. In addition the house is set right back from the street, and as a result they believe parents will use the car park provided on site rather than park on the street. Mrs Eastell said she does not see a problem with people trying to use the locked gate as an access of the Main Road.

6.2 Submitters' Statements

Mr C Carson said a preschool facility is a good idea for the property and he believes the Eastells are the right people to make it work. His concern is to do with the "what-ifs", i.e if the childhood centre leads to parents parking on the street and blocking the driveways of his properties on the opposite side of Ranzau Road. He

suggested that there should be formed kerbing opposite the activity to allow for formation of defined driveways as well as painted yellow lines, which can be enforced. He supported the review condition recommended in the Section 42A report.

Mr S Gray expressed concern about the intersection of Main Road, Hope and Ranzau Road East. He supported the two recommendations made by the Transportation Manager in respect to the dual carriageway and painting of broken yellow lines, but sought clarification on where they would be painted. He commented that in his experience the intersection is extremely busy between 7.15 am and 8.15 am. Mr Gray noted that vehicles exiting Ranzau Road East from the childhood centre will be mostly turning right which can be a difficult manoeuvre. He was also concerned about vehicles parking outside the property on Main Road Hope which would obstruct visibility. He believes it is incorrect to say there will not be significant increase in vehicle movements on Ranzau Road East. Overall Mr Gray supported the application, and accepted that the NZTA cannot be required to attend the hearing or to do a separate assessment of the intersection for this application.

Mr B Strange presented a statement which contained several photographs and diagrams. His concerns relate to “underpassing” where cars travelling east along Ranzau Road East will be forced to pass on the inside of cars waiting on the road to turn right into the site. He said there is insufficient space for these manoeuvres, and this will result in damage to the seal edge. He also said the traffic generations estimated in the application did not take account of holiday programs (which were referred to in the application documents) and also with up to three cycles of children being dropped off and picked up during the day, there would be considerably higher generation. Mr Strange considered that yellow broken lines need to be painted on both sides of Ranzau Road East for at least 25 metres, lanes marked at the intersection, and measures to address the illegal parking that occurs in front of the shop which reduces visibility for motorists at the intersection. He said he supported the Transportation Manager’s recommendations for yellow broken lines around the intersection.

Mr W Verry was unable to attend, however the Commissioner read out a statement he had supplied. The statement said he disputes the applicants’ claim that this is a good intersection with good sight distances, and he considered the applicants are making unfounded assumptions about traffic generation numbers. The statement said the traffic counting was done in the wrong place, and that the split entry/exit will take away existing parking.

6.3 Council’s Reporting Officers

Ms J Harley in response to matters that had arisen said she stood by her recommendation to grant consent to the application. She said the site is capable of absorbing the effects generated by the proposal, and that traffic effects are the key effects and these have been addressed in the Transportation Manager’s report. Ms Harley said that in her assessment the activity is not contrary to thrust of the TRMP.

In terms of the recommended conditions, she said she agreed with Ms Hilson that a cap of 60 children is all that is needed, without further describing the ages of children; the noise condition does not really deal with noise from children playing outside but this is a standard type of condition and should be imposed; and the financial

contributions condition did not need to address roading (which is a development contribution matter that is covered at the building consent stage).

Mr G Clark in response to matters raised during the hearing said he considered the driveway design would be acceptable if it was widened to 4.8 metres to allow for two way flow. He said the power pole is not a hazard, and bollards are not required. The site is large enough to cater for additional parking should it be required, and he does not expect people will park on the road. Mr Clark considers there are no issues in relation to capacity on Ranzau Road East. He said courier movements would be outside the peak hours and a condition was not required in this regard. He agreed with the applicants that there is no need for a loading area. He suggested if angle parking was to be provided the spaces should be made wider so doors can be opened properly.

Mr Clark said he can arrange for broken yellow lines to combat existing illegal parking near the intersection, but yellow lines along Ranzau Road East would need to be part of a separate process and is inappropriate for the Commissioner to impose a condition relating to that. He said it is accepted under law for cars to edge out past the hold bar line until a driver can see safely up/down the road and that this does not illustrate a problem with visibility at the intersection. He said Paton Road upgrading is on Council's programme, and speed humps have been installed and since then there have been very few accidents.

In response to a question from the Commissioner regarding right hand turns at the intersection, Mr Clark said in his experience as the intersection gets busier drivers will change their behaviour before they begin to make unsafe decisions and manoeuvres. For example, it is possible that more motorists will turn left and then make a U-turn down the road and come back, or decide to go through Paton Road. However, he said that the NZTA had approved the application (as an affected party) and that that agency has responsibility for the operations of the intersection and was clearly comfortable with the traffic effects of the proposed activity. Mr Clark said he too was comfortable with the traffic effects of the application, and that the widening of the driveway to facilitate two way flow will reduce the need for cars to be waiting on the road to enter, thereby negating the need for "underpassing" manoeuvres. He said he supports the review condition to address any unforeseen effects once the activity was established on the site.

6.4 Applicant's Right of Reply

Ms Hilson said in response to the concerns raised by Mr Carson that she noted Mr Clark said he does not expect people to park on Ranzau East, and the Commissioner needs to decide if that is a significant risk. She reiterated that if the Council wished to respond to desires to improve the kerb and channelling, impose yellow lines, or other measures out on the road, then the applicants will not oppose this. However those matters are not required as a result of this proposal, and in any event are beyond the scope of this application. She acknowledged there may be existing problems that Council may need to address, and that residents could make application to Council on those matters.

In relation to the conditions recommended in then Section 42A report, Ms Hilson said:

- Condition 6 - The noise condition is accepted;
- Condition 11 - the applicants are happy to widen the driveway to 4.8 metres;

- Condition 20 - the applicants agree with Mr Clark that there is no need for this condition on courier deliveries.
- Condition 21 - the applicants concur with Mr Clark that the review condition can work without any further condition on vehicle movements on the driveway, which would be difficult to monitor and enforce. Condition 2 with a cap of 60 students is sufficient.

In response to the Commissioner's questions Ms Hilson said that a passing bay will not be needed with the widening of the driveway. She said that the driveway will be sealed and marked with white paint to make it clear, together with the signs, which direction visitors should take up the drive. She noted that the intersection is operating safely and that the NZTA had made an assessment of the application and chose to accept the proposal.

The Commissioner asked a question as a follow up on issues raised by submitters regarding traffic generation. This was on the potential for children to be booked in for morning only or afternoon only sessions, potentially resulting in more than 60 children being dropped off and collected during a typical day. In response Mr and Mrs Eastell said that the experience at other centres was that children were generally booked in for all day visits to the centres, and that the potential for a lot of "double ups" was low. They said this may lead to traffic generation 5 - 10 per cent higher than had been estimated.

7. PRINCIPAL ISSUES AND MAIN FINDINGS

The principal issues, and my findings, are:

a) Is the proposed early childhood centre an appropriate activity on this site in the Rural 1 Zone?

Whilst most submissions were focused on traffic matters, the submission of V Matheson and T Dodgshun raised the concern that this activity will adversely affect the quality of the environment in this relatively quiet rural area.

Whilst the site is zoned Rural 1, it is in a "built up" area in a group of dwellings and commercial activities near the centre of the Hope settlement adjoining State Highway 6. The planning evidence from both Ms Hilson, for the applicants, and Ms Harley, for the Council, was clear that this area is more urban in character than rural, despite the zoning of the site. The site is one of a group of several residential sites and is adjacent to commercial properties near the intersection of Ranzau Road and Main Road Hope. This is quite a large site, and the building is set back from the road amongst large trees and gardens.

The planning evidence on the suitability of this site for an early childhood centre, from an amenity point of view, is accepted.

It is also noted that written approvals were obtained from owners of five adjacent properties. Therefore under Section 104(3) any amenity effects or other effects on those properties are not able to be considered.

b) Will the activity have adverse traffic safety effects in terms of access, parking and manoeuvring, and on the local road network and SH6?

There was some discussion on the applicants' estimation of traffic generation. Some of the submitters were of the view that the numbers will be considerably higher than had been estimated. However the applicants' evidence clarified that most of the children will be booked in for the whole day, and not for separate sessions in the mornings and afternoons, and so the increases in traffic generation will be only marginal. That evidence is accepted.

The qualified traffic evidence from Mr Clark and from Mr Fon was conclusive that this activity, even with some additional generation over and above what had been estimated, would still provide safe access to and from the local roads and there will be sufficient parking on site to accommodate the demands without the need for parents to park on the street. The experience of the applicants in having been involved in similar activities elsewhere over many years, and the experience of Ms Hilson in also having assessed and observed the operation of other centres such as this, assisted me in coming to that conclusion.

The use of a review condition was accepted by the parties as providing a means to address traffic issues should they arise. This condition could ultimately result in a review of the access, on-site parking, or even the numbers of children and/or staff at the centre, however on the evidence I would find that to be unlikely to be required.

The applicants have also volunteered or accepted a number of conditions on traffic matters such as closing the access on Main Road Hope (SH6); widening the driveway to allow two-way vehicle flow; restricted hours of operation; signs to advise motorists of the access arrangements; and a cap on numbers of children and staff. On the evidence presented, it is considered these conditions will satisfactorily avoid or mitigate any traffic safety issues arising from this activity.

The submitters raised what appear to be valid concerns relating to illegal parking activity on the road frontages, and it seems that there are some issues with road formation and drainage that could also do with some attention. However, those are existing problems and can be taken up with the relevant Council department, which I would recommend should happen. There was no conclusive evidence that the proposed activity will have adverse effects on the road network, or worsen the current situation. However I note that the applicants agreed to widen the driveway which was in partial response to submitters' concerns, also raised by Mr Clark, that cars should not be left waiting on the road, potentially encouraging cars to pass inside them with resultant effects on the road edge.

Overall the traffic evidence was that Ranzau Road East has sufficient capacity to accommodate traffic from this activity without additional works on the road network.

It is also pertinent to note that the NZTA has signed its written approval to the application. This means that under Section 104(3) of the RMA any effects on that agency (which is the national agency responsible for Main Road Hope and its intersection with Ranzau Road East) cannot be considered. In any event the evidence from a qualified traffic engineer (Mr Clark) and a civil engineer experienced in traffic matters (Mr Fon) was that the activity - with its cap on numbers of children and staff, and the relatively low traffic volumes on Ranzau Road East using the intersection - will not result in adverse traffic safety effects at the intersection.

8. RELEVANT STATUTORY PROVISIONS

8.1 Policy Statements and Plan Provisions

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

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

8.2 Part 2 Matters

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

I am also of the view that precedent is not a relevant issue, as this application is for a Restricted Discretionary Activity in the Rural 1 Zone. Community Activities are therefore considered appropriate in this zone subject to site specific assessments. The relevant matters over which discretion is restricted will apply to any further applications that may arise for similar activities, and any such assessments should not be influenced by the grant of consent to this application

9. DECISION

Pursuant to Section 104C of the Act, I hereby **GRANT** the application for resource consent, subject to conditions.

10. REASONS FOR THE DECISION

The actual and potential effects are considered to be no more than minor for the following reasons:

1. The location and nature of the site is such that any effects can be contained on the site without adversely affecting the character and amenity of the locality. The site is large and the building to be used is set back from the road frontages retaining large trees and gardens so that the character of the site and area will not be adversely affected. Written approvals have been provided from owners of five of the adjacent properties, and so there is to be no consideration of any effects on those properties.
2. The scale and traffic generation of the activity are such that the road network has capacity to handle the additional traffic without adverse traffic safety effects. It is noted that the NZTA has provided written approval to the application. The closure of the existing access on Main Road Hope is a positive effect from a traffic safety perspective. The new access arrangement with a split access on Ranzau Road East is designed to operate safely. The applicants will operate an awareness program to assist parents to understand the arrangements for drop off and pick up of children. Sufficient parking has been provided on site to meet demand, and with together with the building's set back from the street, it is expected that parking on the street, and effects arising from that, will not occur.

3. Overall the activity, with conditions in place, will have no more than minor effects on the environment. A review condition will enable the review of the conditions at regular intervals to address any adverse effect on the environment that may arise when the activity is operational.

Objectives and Policies of the TRMP

The proposed activity is not considered contrary to the relevant objectives and policies with respect to site amenity and rural environmental effects in Chapters 5 and 7, and land transport effects in Chapter 11. In this respect the opinions expressed in the Section 42A report of Ms Harley are adopted, i.e. section 6 of that report.

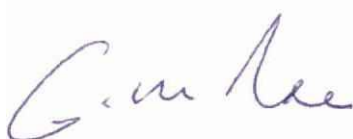
Matters for which Council's Discretion is Restricted

The matters in Rule 17.5.2.8 for which consent is restricted (for a community activity) of relevance to this application are considered to be met with respect to the proposed activity.

Purpose and Principles of the Act

By taking into account the relevant considerations in Sections 6 and 7 of the Act, I consider that the proposal does not compromise the sustainable management of natural and physical resources and is therefore consistent with Section 5 of the Act.

Issued this 1st day of May 2012



Mr Gary Rae
Commissioner

RESOURCE CONSENT DECISION

Resource Consent Number: RM110916

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

S and R Eastell
(hereinafter referred to as “the Consent Holder”)

Activity authorised by this consent: To establish an early childhood learning centre for up to 60 children.

Location details:

Address of property: 219 Main Road, Hope
Legal description: Lot 9 DP 4405
Certificate of title: NL111/21
Valuation number: 1943031900

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

General

1. The establishment and operation of the early childcare education facility shall, unless otherwise provided for in the conditions of the consent, be undertaken in accordance with the documentation submitted with the application and with the plans marked RM110916 Plan A, B and C and attached to this consent.
2. The maximum number of children on site at any one time shall be 60.
3. The maximum number of full time equivalent staff on site at any one time shall be seven.
4. The hours of operation for children attending the facility shall be 7.00 am - 6.00 pm Monday to Friday excluding public holidays.

Building Coverage

5. The overall coverage of all buildings constructed on the site, (excluding outdoor shade sails) shall not exceed 8.0 per cent of the total area of the site.

Noise

6. Noise generated by the activity, measured at or within the boundary of any site within Rural zones when measured at or within the notional boundary of any dwelling does not exceed:

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

NB Day = 7.00 am to 9.00 pm, Monday to Friday, inclusive of 7.00 am to 6.00 pm Saturday (but excluding public holidays).
Night = all other times, including public holidays.

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

For the avoidance of doubt, the Tasman Resource Management Plan defines notional boundary as:

Notional Boundary - in relation to noise, means:

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

7. Notwithstanding condition 6 above, the Consent Holder shall adopt the best practicable option approach to mitigate the effects of noise from the activity.

Access and Parking

8. A new 3 metre wide access crossing shall be formed as shown on Plan A attached to this consent. The existing access crossing shall be retained as also shown on Plan A.

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

9. The existing State Highway 6 access crossing shall be closed off, and provided with a gate which is to be padlocked to prevent vehicle access to the childcare centre from State Highway 6. Evidence that the works have been completed and signed off by the NZTA shall be forwarded to the Council prior to the day care facility activities commencing on site.

Advice Note: This condition is volunteered by the consent holder

10. A minimum of 14 onsite car parks shall be provided for the facility and the car parks shall be laid out in accordance with those shown on RM110916 Plan A attached to this consent. The car parking area shall be finished in a two coat chip seal in keeping with the existing driveway and parks shall be clearly marked on the ground prior to the day care facility activities commencing on site.
11. The internal driveway shall be widened to a minimum width of 4.8 metres to provide for two way traffic. The widening shall apply from the intersection of the ingress/egress along the full length of the south eastern boundary.

Advice Note: There will be no need for a dedicated passing bay.

12. The internal driveway shall be marked with white arrows near the entrance to show the directional flow in and out.

Landscaping

13. Existing onsite vegetation shall be retained where practicable and additional onsite planting shall be undertaken by the consent holder between the driveway (on its northern side) and the proposed outdoor play area to provide further screening between the site and 240 Ranzau Road. All site landscaping shall be maintained and any plants that die shall be replaced during each planting season.
14. Amenity planting and feature rock work shall be established around the base of the power pole between the two vehicle crossings on Ranzau Road.

Advice Note: These conditions are volunteered by the consent holder

15. Vegetation along the Ranzau Road property frontage shall be trimmed back and maintained in a manner that allows clear visibility for traffic entering and exiting the site.

Fencing

16. The site shall be fenced in accordance with the fencing detail shown on RM110916 Plan A attached to this consent. There shall be no pedestrian entry points into the property, with the only entry and exit points being the formal vehicle crossings required by condition 8 above.

Advice Note: The exclusion of pedestrian access points into the site is not intended to preclude local families within walking distance of the facility accessing the facility on foot, it is to prevent drop off and pickup traffic using the Ranzau Road kerbside.

Signage

17. No more than two onsite advertising signs shall be permitted. The signs may be double-sided signs and shall not exceed 2.0 square metres in area and 3.0 metres in height. The placement of these signs shall be in accordance with RM110916 Plan A attached to this consent. The sign adjacent to State Highway 6 shall also comply with NZTA standards outlined in NZTA booklet labelled "*State Highways - advertising signs*".

18. The entry and exit points of the property (per Condition 8 and Plan A, attached) shall be clearly labelled with doubled sided ENTRY ONLY and EXIT ONLY signage so as to be visible from both directions of traffic. The signs shall be completed prior to the day care facility activities commencing on site.

Rural Emanation Easement

19. An easement for the benefit of adjoining Lot 8 DP 4405 (240 Ranzau Road CT NL140/31) shall be registered on the subject title prior to the day care facility activities commencing on site granting the occupiers of Lot 8 DP 4405 the right to undertake existing business activities (including any permitted air discharge from the smoke house) and home occupation. The consent holder's solicitors shall prepare and register the easement, with all costs to be met by the consent holder. The Consent Holder shall provide evidence of the registration to Council's Co-ordinator, Compliance Monitoring prior to the day care facility activities commencing on site.

Advice Note: This condition is volunteered by the consent holder

Financial Contributions

20. The Consent Holder shall, no later than the time of uplifting the building consent for the building, pay a financial contribution to the Council. The amount of the financial contribution shall be assessed as a percentage of the value of the building consent component in accordance with the following table:

Financial Contribution - Building	
Component	Contribution
Building Consent (\$0 to \$50,000 value)	0%
Building Consent (\$50,001 to \$200,000 value)	0.5%
Building Consent (above \$200,001 value)	0.25%
Notes:	
(1) The financial contribution is GST inclusive.	
(2) The building consent value is GST exclusive.	
(3) The contribution due on a building should be identified separately from other contributions set for any resource consent for an activity that includes buildings.	
(4) The financial contribution shall be determined by taking the total estimated value of the work required for a building consent and applying each component identified in the table to that value and the contribution is the sum of the components.	

Review

21. That pursuant to Section 128(1) (a) and 128(1) (c) of the Resource Management Act 1991, the Consent Authority may review any conditions of the consent within 12 months from the date of issue and annually thereafter for any of the following purposes:
- a) to deal with any adverse effect on the environment which may arise from the exercise of the consent and which it is appropriate to deal with at a later stage;
or

- b) to deal with inaccuracies contained in the consent application that materially influenced the decision made on the application and are such that it is necessary to apply more appropriate conditions; or
- c) to assess the appropriateness of imposed compliance standards, monitoring regimes and monitoring frequencies and to alter these accordingly; or
- d) to review the appropriateness of the access and parking requirements specified in this consent.

ADVICE NOTES

Council Regulations

1. The Consent Holder shall meet the requirements of Council with regard to all Building and Health Bylaws, Regulations and Acts.

Tasman Resource Management Plan

2. Any activity not referred to in this resource consent must comply with either:
 1. a relevant permitted activity rule in the Tasman Resource Management Plan (TRMP);
 2. the Resource Management Act 1991; or
 3. the conditions of a separate resource consent which authorises that activity.

Development Contributions

3. The Consent Holder is liable to pay a development contribution in accordance with the Development Contributions Policy found in the Long Term Council Community Plan (LTCCP). The amount to be paid will be in accordance with the requirements that are current at the time the relevant development contribution is paid.

Council will not issue a Code Compliance Certificate or certificate of acceptance until all development contributions have been paid in accordance with Council's Development Contributions Policy under the Local Government Act 2002.

Safety Protocols

4. The Early Childhood Education facility is responsible for the development of safety protocols that all parents will enter into, ensuring safe traffic practices when delivering and collecting children from the facility including a policy that all drop offs and pickups are to occur onsite.

Ministry of Education

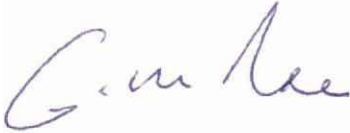
5. The Early Childhood Education Centre is to meet the Ministry of Education Codes and Standards and be registered with the Ministry of Education.

Monitoring

6. Monitoring of the consent is required under Section 35 of the Resource Management Act 1991 and a deposit fee is payable at this time. Should monitoring costs exceed

this initial fee, Council will recover this additional amount from the Consent Holder. Costs are able to be minimised by consistently complying with conditions and thereby reducing the frequency of Council visits.

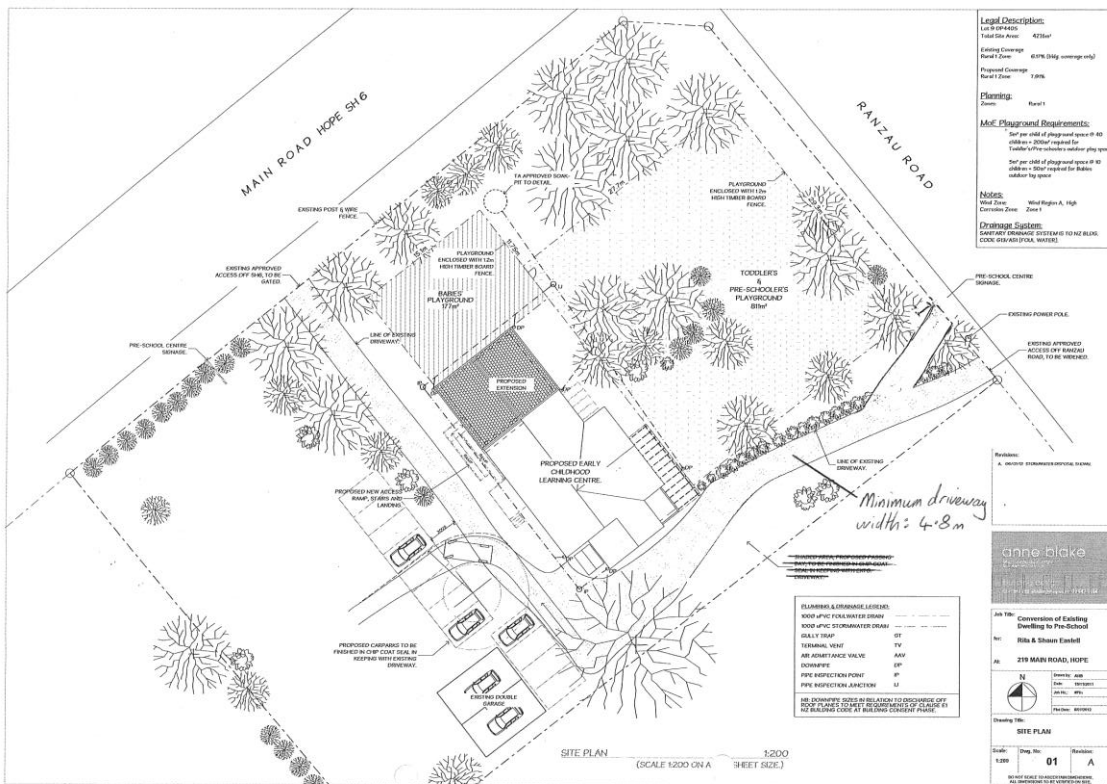
Issued this 1st day of May 2012



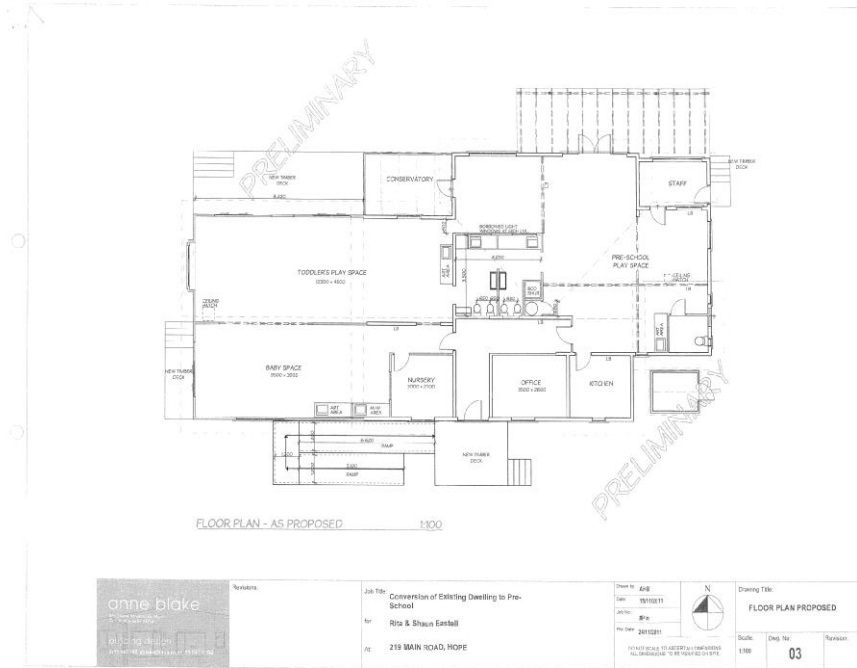
Mr Gary Rae
Commissioner

RM110916 - SITE PLAN - PLAN A

MINUTES



RM110916 - FLOOR PLAN - PLAN B



RM110916 - ELEVATIONS - PLAN C



Date Confirmed:

Chair: