



## STAFF REPORT

**TO:** Environment & Planning Subcommittee

**FROM:** Jane Harley, Consent Planner - Land

**REFERENCE:** RM070803

**SUBJECT:** **L J LAWSON - REPORT EP07/11/02** - Report prepared for 13 November 2007 Hearing

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### 1. INTRODUCTION - APPLICATION BRIEF

#### 1.1 Proposal

To establish and operate a community activity, namely a privately owned, Government licensed and chartered Early Childhood Centre. The centre will cater for up to 40 children aged between 0-5 years and be open from 7.30 am to 5.30 pm Monday to Friday but closed on public holidays and for two weeks over the Christmas period. The centre will be staffed by up to four teachers and a teaching assistant.

The site is partially zoned Residential and partially Rural 1 deferred Residential according to the proposed Tasman Resource Management Plan. (See Appendix 1 attached.)

#### 1.2 Location and Legal Description

The property is located at 86 Aranui Road, Mapua. (See Appendix 2 attached).

The legal description of the land is Lot 1 DP 17890 and Lot 1 DP 15774, Certificate of Title NL NL12A/403.

#### 1.3 The Setting

The application site is a 2039 m<sup>2</sup> property containing an existing dwelling and a large grassed and landscaped rear yard. The dwelling was converted from a shed in 1992. The site gains access directly off Aranui Road from an existing crossing and gravelled driveway in a central location along the front property boundary.

The property adjoins smaller sized residential properties on either side along Aranui Road and it backs onto a large 10.2 hectare block currently seeking a 103 lot subdivision through resource consent RM070637. The site adjoins an existing community activity – Mapua Play Centre to the south east of the property located on Tasman District Council recreation zoned land that also contains the Mapua Bowling Club and Mapua Domain.

## 1.4 Zoning and Consent Requirements

The title is partially zoned Residential and partially Rural 1 deferred Residential under the Proposed Tasman Resource Management Plan. This zoning is considered to be operative (as there are no outstanding appeals of relevance to this proposal), so no analysis is given of the Transitional Plan provisions.

The Proposed Tasman Resource Management Plan provides the following definition of community activity:

**Community Activity** – means the use of land and buildings for the primary purpose of health, welfare, care, safety, education, culture or spiritual well-being, but excludes recreational activities. A community activity includes schools, **preschools, day-care facilities**, hospitals, doctors surgeries and other health professionals, churches, halls, libraries, community centres, police stations, fire station, ambulance station, courthouse and probation and detention centres.

The application does not comply with Permitted Activity Rule 17.1.2 (da) In that the proposal involves a community activity where vehicle movements to and from the community activity exceed 30 per day on any one day. The application is deemed to be a Restricted Discretionary Activity under Rule 17.1.7A of the Proposed Tasman Resource Management Plan. Council has restricted matters over which the Council has reserved its control which are outlined in Part 6.1 of this report and discussed further in Part 6.3 - The Assessment of Effects.

## 2. CONSULTATION

The application states that consultation was undertaken either by telephone or personal consultation with all the adjoining landowners. The following written approvals were received by Council with the lodged application on 16 August 2007:

Name	Address	Response
Peter and Adrienne Black	93 Aranui Road, Mapua	Written Approval
Timothy Eugene	84a and 84b Aranui Road, Mapua	Written Approval
Aoi Tsuruta	92 Aranui Road, Mapua	Written Approval (withdrawn by way of an opposing submission received 27/09/2007)

In accordance with Section 104(3)(b) of the Resource Management Act 1991 the Council cannot consider any adverse effects on persons that would normally be considered to be potentially adversely affected by a proposed activity that have given written approval to the activity.

Note: The site plan accompanying the proposal was amended on 28 August 2007 and the new plans were subsequently initialled by P and A Black and T Eugene, therefore written approvals are considered valid from these two parties.

### 3. NOTIFICATION AND SUBMISSIONS

3.1 The application was publicly notified on Saturday, 1 September 2007. Submissions closed on 28 September 2007.

Fifteen submissions were received; seven in support, seven opposing the application and one neutral to the application. Six submitters wish to be heard at a hearing.

The submissions have been summarised into the tables below: See Appendix 3 for the location of submitters and those who have provided their written approvals.

#### 3.2 Submissions in Support (seven)

Submission No.	Submitter	Reasons	Decision
10	Monique Anne Steer	Mapua needs more childcare facilities	Approve <b>Does not wish to be heard.</b>
11	Ella Jane Evans	The need for more childcare facilities in Mapua	Approve <b>Wishes to be heard.</b>
12	Belinda Barden	Urgent need for childcare facilities in Mapua and surrounding communities Frustrated with current waiting lists and lack of available childcare	Approve <b>Does not wish to be heard.</b>
13	Dr Sally Harris	An increasing need for further facilities for Mapua and surrounding area Aware that local families are unable to secure childcare for their children in the local area and this is causing concerns and difficulties Aranui Road site ideally located as its central and large area for parking	Approve <b>Does not wish to be heard.</b>
14	Rebecca Olney	Desperately need another childcare centre in Mapua Long local waiting lists, frustration for parents	Approve <b>Wishes to be heard.</b>
15	Nicola Picard	Huge need for further childcare facilities in the community Long waiting lists	Approve <b>Does not wish to be heard.</b>
1	Nyla Breakspeare	Need for facilities to be increased, currently has a child on an 16 month waiting list in Richmond Noise emissions anticipated are not expected to disrupt our business activities in any way	Approve <b>Wishes to be heard.</b>

3.2.1 The seven submissions which support the application have all identified very similar issues and highlighted that there is the demand and need for further day-care facilities in Mapua.

### 3.3 Submissions in Opposition (seven)

Submission No.	Submitter	Reasons	Decision
8	Aoi Tsurata	Noise Affects resale of property Loss of view across the rear of No.86 to the domain/paddock Traffic congestion	Decline <b>Wishes to be heard.</b>
7	Ian and Coral Greenhill	Parking issues on the opposite side of Aranui Road, affecting visibility when existing private driveways on the south western side of Aranui Road	Decline <b>Does not wish to be heard.</b>
6	Glenn Atkinson	Residential amenity, noise, hours of operation, hours of outside play, parking , effect on traffic and safety	Decline <b>Wishes to be heard.</b>
5	Eileen and Graeme Thawley	Traffic congestion surrounding private driveways Proposal to the detriment of the adjoining playcentre Does not support another business involving lots of cars on Aranui Road	Decline <b>Does not wish to be heard.</b>
3	Dave Sando	Safety Issues, as Mapua gets busier the location will cause an issue with children's safety when being dropped off and picked up	Decline <b>Does not wish to be heard.</b>
2	Arlene Lock	Vehicle traffic to and from and parking affects the safety of my entrance There are three centres locally, if the centre is to accommodate future increase in population that traffic will also increase	Decline <b>Does not wish to be heard.</b>
4	Gaylene Williams	Traffic and parking congestion Mapua is a growing area the main road location will create traffic problems Already daycare in Mapua that is not full 40 children will need more than four teachers requiring parking.	Decline <b>Does not wish to be heard.</b>

3.3.1 The seven submissions which oppose the application have very similar issues identified as concerns which will be addressed individually in the assessment of affects made later in this report.

3.3.2 In the writer's opinion the principal issues relate to traffic, parking, noise, residential amenity.

### 3.4. Neutral Submission (one)

Submitter and submission No.	Reasons	Decision
Mapua Playcentre and Nelsons Playcentre Association <b>9</b>	Traffic effect – exhaust emissions, adverse noise and pedestrian safety, congestion Inefficient use of large outdoor space as car parking	Neutral <b>Wishes to be heard.</b>

3.4.1 The adjoining play centre lodged a neutral submission to the application, but held concern regarding the effects on their community activity from the large area of proposed parking which is located along the shared boundary between the two sites. The effects on the play centre have been assessed in more detail under Section 6.3 Assessment of Environmental Effects.

3.4.2 See Appendix 3 for a map of all the written approvals and submissions outlined above.

## 5. STATUTORY CONSIDERATIONS

### 5.1 Resource Management Act

#### 5.1.1 Part II Matters

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

If consent is granted, the proposed activity must be deemed to represent the sustainable use and development of a physical resource and any adverse effects of the activity on the environment are avoided, remedied or mitigated.

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

#### 5.1.2 Section 104

Subject to Part II matters, Council is required to have regard to those matters set out in Section 104. Of relevance to the assessment of this application, Council must have regard to:

- Any actual and potential effects of allowing the activity to proceed (Section 104 (1)(a));
- Any relevant objectives and policies in the Tasman Regional Policy Statement and the Proposed Tasman Resource Management Plan (Section 104(1)(b));

- Any other relevant and reasonably necessary matter(s) to determine the consent (Section (1)(c)).

In respect of Section 104(1)(b), the Proposed Tasman Resource Management Plan is now considered to be the dominant planning document, given its progress through the public submission and decision-making process.

Section 104C sets out the framework for granting or declining consent based on the status of an activity as set out in the relevant Plan.

## **5.2 Tasman Regional Policy Statement**

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

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

## **5.3 Proposed Tasman Resource Management Plan**

The most relevant Objectives and Policies are contained in: Chapter 5 “Site Amenity Effects”, Chapter 6 “Urban Environment Effects” and Chapter 11 “Land Transport Effects”. These chapters articulate Council’s key objectives: To ensure land uses do not significantly adversely affect local character, to provide opportunities for a range of activities in residential areas and ensure land uses do not significantly adversely affect the safety and efficiency of the transport system.

The most relevant Rules which follow from these imperatives are contained in Chapter 17.1 “Residential Zone Rules” and Chapter 16.2 “Transport (Access, Parking and Traffic)”.

Details of the assessment of the proposed activity in terms of these matters are set out in the chapters following.

## **6. ASSESSMENT**

In accordance with Section 104 of the Resource Management Act, Council must consider the actual and potential effects on the environment of allowing the activity, have regard for any relevant objectives, policies, rules, and consider any other matters relevant and reasonably necessary to determine the application.

### **6.1 Matters of Discretion and Control in the Proposed Tasman Resource Management Plan**

The proposal is a discretionary activity where the Council has restricted matters over which it has reserved its control to the following six matters:

1. The extent to which the activity will result in loss of residential character.

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

## **6.2 Permitted Baseline**

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

The Plan permits Community Activities in the Residential Zone provided vehicle movements (vm) to and from a community activity in combination with any other permitted activity on the site do not exceed 30 per day on any one day. (Rule 17.1.2 (da))

The proposal is for a maximum of 40 children, four teaching staff and an assistant which could generate a maximum of 170 vehicle movements per day to and from the community activity.

Chapter 16 details access and parking standards, where one parking space is required for every employee of a day care facility. The activity proposes four teaching staff and one assistant so a minimum of five car parking spaces are required. The proposal is to provide a total of 13 onsite car parking spaces.

The following assessment encompasses the potential and actual effects from the activity, in relation to the six matters outlined in Section 6.1 above.

## **6.3 Assessment of Environmental Effects**

Following a site visit and reviewing the applicants further information response and consideration of the matters raised by submitters it is clear that the adverse effects both actual and potential can be summarised into the following groups:

1. Residential Character and Amenity Values
2. Noise effects
3. Traffic Safety
4. Cumulative effects

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

### 6.3.1 Residential Character and Amenity Values

Amenity values, as defined in Section 2 of the Resource Management Act 1991, mean:

*“those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes.”*

The first three matters in Section 17.1.7A which council reserves its discretion to relate to amenity.

#### *Section 17.1.7A Matters 1-3*

- 1. The extent to which the activity will result in loss of residential character.*
- 2. The ability to mitigate adverse noise and visual effects by screening of activities from adjoining roads and sites.*
- 3. The scale of any building, structures and car parking compared to existing permitted development.*

The amenity issues in this case include adverse effects of noise, adverse effects on visual amenity (non residential activity, parking areas) and loss of general amenity through having a community activity of this scale in the neighbourhood. Perceived problems raised by submitters include potential parking nuisance along side Aranui Road, noise generated by the children, loss of residential amenity and the non-residential nature of the development and effects of increased traffic movements.

The plan permits the activity of a day care facility in the residential zone and there are no other zones where community activities are permitted. These activities are anticipated in the zone and are therefore compatible with the zone.

The size and scale of this proposal is significantly larger than that permitted by the plan. One might argue that 30 vehicle movements (vm) does not provide for a viable community activity, as most health centres, churches, educational facilities etc will generate in excess of 30 vm and therefore be dealt with through the resource consent process. Any development in the residential zone must meet Plan permitted standards or require resource consent, where assessments are made as to the compatibility of the development with the existing environment. The residential zone encompasses a widely differing range of site sizes and roading classifications and the permitted activity standards of 30 vm have been set to allow for the smallest of residential sites on the narrowest of roads. This is not to say that larger sites on higher classification of roads are not perfectly acceptable for larger scale community activity operating under conditions of a resource consent.

Forty children is the maximum number of children proposed to be on the site at any one time (this number would represent a full role). With varying hours of care between the hours of 7.30 am and 5.30 pm Monday to Friday. In practise all childcare facilities experience fluctuations in numbers due to sickness, holidays and varying session times therefore the facility will rarely be operating with a full role and fewer child numbers onsite will reduce the potential effects.



At 2039 m<sup>2</sup> in area the subject site is significantly larger than the majority of early childhood education centres currently operating in the Tasman District. The writer reviewed five established local childcare centres in the residential zone and found that they ranged in size from 809 m<sup>2</sup> to 1065 m<sup>2</sup> in area. This large site has the advantage of being able to provide more than double the required car parks to the rear of the site that also helps maintain the existing residential amenity as viewed from Aranui Road. While a large area is taken up by access and parking the site is still able to provide a relatively large area of outdoor playing space. These rear spaces will be well screened from Aranui Road by the existing building and boundary fencing and landscaping.

The scale of the built environment will not alter; the building on the site will not be enlarged by the proposal.

The writer is unable to comment as to how the proposed activity might affect property values as it is a matter outside of the Resource Management Act 1991.

Mapua is a popular village location, with a growing population and increasing development opportunity. The application site is in a mixed area of residential, rural, commercial and community facilities including the tennis courts, domain, bowling club and play centre. It is considered that the site can accommodate the activity with minimal impact on the residential amenity, albeit some adjoining sites may experience some nuisance noise. However this noise will only occur during a business day and not weekends or public holidays. Conversely noise from parties or someone learning to play a musical instrument from permitted residential activities could potentially be more intrusive. The next section addresses noise effects in more detail.

### **6.3.2 Noise Effects**

Some adjoining landowners are concerned about potential noise generated by outdoor play of up to 40 children on the subject site. As outlined in the attached noise report by Council's Environmental Health Officer, Graham Caradus (see appendix 4) the landowner or consent holder is responsible for adopting the best practical options to control the noise generated onsite.

It is acknowledged that noise is an anticipated effect from any day care facilities involving outdoor play areas and traffic to and from the site. It is the close proximity of the outdoor play and courtyard areas to the adjoining properties at 90 and 92 Aranui Road, which will have the greatest impact in this case. Fencing will help screen, and it may absorb some of the noise and a raised fence or acoustic fence could further improve the situation, however it may not avoid or completely remedy play noise. The applicant has indicated that they will be developing a range of centre policies and management provisions that will be implemented to further reduce the noise effects. The applicant has volunteered noise attenuation measures within the building that will assist in softening noise levels emitted from indoor activities.

These volunteered noise mitigation measures include:

#### **Indoor Measures:**

- Double glazed windows
- Walls with double layered Gib over noise and pink bats

- Flooring will be concrete with carpet in some areas
- Majority of music sessions held inside

**Outdoor Measures:**

- Set outdoor play times: 9.00 - 9.45 am  
10.15 – 11.45 am  
12.30 – 3.00 pm
- Fully fenced site and possibly raising existing fence heights with agreement of adjoining landowners (note fencing over 1.8 metres in height may require resource consent);
- Outdoor environment and programmes that involve noisier play to be undertaken at the far end of the play area;
- Paving area to be for quiet activities such as water, art, painting and small teacher supervised group activities (NB: this area is directly adjacent to the sleeping room therefore quiet activities will always be encouraged);
- Small groups outside at one time to limit concentrated noise;
- Tree placement to help absorb noise
- Teacher supervision at all times

**Policy Measures:**

- Respecting neighbours Policy/Listen and communicate with neighbours
- Outdoor Play and Environment Policy/regular review
- Distressed and crying children given priority and dealt with quickly

The measures offered would need to form part of an overall Management Plan for the centre. However the applicant has not applied to exceed the permitted activity standard for the residential zone and is therefore obliged to meet the residential zone noise standards. The centres ability to comply with these standards will rely heavily on the management of the centre and implementation of appropriate management strategies. The finer detail that will be development through a management plan on aspects of centre conduct, outdoor play, music sessions etc would give adjoining sites more certainty regarding limitations on outdoor noise. The applicants have outlined volunteered practical measures to be taken by the centre (as outlined in their further information submitted with council on 28 August 2007) which will assist in mitigating the expected noise levels from the activity, but it is acknowledged that these measures will require further expansion and possible additional measures taken in order to ensure an acceptable level of noise is maintained at the site.

Further discussions with Councils Health and Safety staff and Regulatory Coordinator confirms that noise is a key issue in this application. The applicant may wish to consider lesser child numbers or shorter hours of operation as means of assisting the centres ability of compliance with the noise level standards.

To date Council do not have any registered complaints relating to the noise generated from day care centres in the region.

Overall, the proposal is expected to meet the residential zone permitted activity standards for noise which could be considered to generate noise effects that will be no more than minor. This noise standard is considered appropriate for the location and Council's noise experts feel that a lesser standard should not be considered. The residential noise standard is copied into condition 4 at the end of this report; it is also reinforced by the review condition 15 which could be used in the unlikely event of unforeseen noise issues arising.

### 6.3.3 Transport Effects

Traffic effects were also identified by submitters as another area of concern relating to this application. Traffic safety concerns arising from the early childhood centre include increased vehicle movements, road and pedestrian user safety and increasing numbers of parked cars on Aranui Road. These concerns have been discussed with Council's Roding Engineer, Dugald Ley who has reviewed the application and compiled the attached report (see appendix 5) This report has determined that with the implementation of recommended conditions of consent and the onsite nature of the traffic effects, the proposal will not adversely effect the safe and efficient operation of Aranui Road.

Recommendations from Council's Roding Engineers included:

- The entrance to be 6 metres wide;
- no shrubs over 1 metre in height to be planted at the road boundary to retain visibility;
- signage is required to direct cars to the rear drop off and pick up area;
- Access to and car parking at the rear to be formed and sealed to Council's Engineering Standards;
- No parking lines either side of the vehicle crossing shall be painted and located 1.5 metres back front the edge of crossing on each side of the crossing on Aranui Road;
- Two children signs shall be erected either side of the facility and complying with the appropriate standards

Good visibility out onto Aranui Road will be secured by painting the no stopping lines either side of the physical crossing, without reducing available parking spaces for the existing residential activities and neighbouring retail activity along this stretch of Aranui Road. Because of the large amount of available onsite parking and internal nature of the drop offs and pickups Council Engineers conclude that the proposed activity will have minimal adverse effect on the efficient and safe operation of Aranui Road.

Submitters on the opposite side of Aranui Road had concerns that cars associated with the daycare will park either side of private entrances. The risk of this occurring has been reduced through providing sufficient onsite parking and centre Policy that all pickups and drop offs occur onsite therefore it is considered that the effects beyond the site will be minimal.

One of the matters of discretion Council has restricted its control is “the Adverse effects of the activity in terms of traffic and parking congestion on site and safety and efficiency of roads giving access to the site” (matter 4). An increase in traffic travelling to and from the site will result as part of the application although it is also acknowledged that some of those who will use the day care centre are likely to travel by foot.

Noise and emissions generated by traffic on adjoining sites has been raised as a potential issue, further measures to reduce these effects could be use asphaltic concrete (hot mix) or a concrete surface which would be quieter than a chip seal for the access, manoeuvring and parking areas. Also the construction of a solid fence between the parking area and play area could buffer the noise and car emissions from the north. The site already has solid fencing between the proposed car park site and the adjoining play centre site to the south.

Overall, in this case the site is considered capable of managing the increase and providing safe onsite facilities without compromising the safe and efficient use of Aranui Road. This road is one of two main roads into the village; it will experience an increase in traffic numbers as Mapua grows and develops, and this proposal does not generate an unrealistic or out of character increase in traffic for such a road.

#### **6.3.4 Cumulative Effects**

The cumulative effects have two aspects, the first being the sum of the individual effects and the second being the precedent effect. In relation to the accumulation of individual effects even with the effects of the existing adjoining Mapua Play Centre I am of the opinion that when they are taken as a whole that they will not adversely effect the amenity of the neighbourhood.

In relation to precedent effect, while Mapua is a growing centre and more early childhood centres may be needed each case must be assessed on its own merit. I do not believe that granting consent to this application would lead to a rush of community activity applications.

#### **6.3.5 Summary of Effects**

The potential adverse effects from a community activity involving 40 children on a 2039 m<sup>2</sup> residentially zoned property have been discussed and mitigating measures assessed. Overall the activity will create a change in amenity, noise and traffic from that normally generated by a singular household on the site, however it is considered that the site is large enough and the activity has been suitably designed to minimise the effects to a level that will be no more than minor. Community Activities are anticipated within the Residential zone and this proposal will provide the local community with a much needed facility which is a positive effect for the.

### **7. RELEVANT STATUTORY PROVISIONS**

#### **7.1 Relevant National Policies**

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

## 7.2. Relevant Regional Policy Statements

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

## 7.3. Proposed Tasman Resource Management Plan – Policies and Objectives

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

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

Chapter 5: Site Amenity Effects  
 Chapter 6: Urban Environment Effects  
 Chapter 11: Land Transport Effects

### 7.3.1 Chapter 5: Site Amenity Effects

Relevant Issues:

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

Objectives	Policies
5.1.0 Avoidance, remedying or mitigation of adverse effects from the use of land on the use and enjoyment of other land and on the qualities of natural and physical resources.	5.1.1 To ensure that any adverse effects of subdivision and development on site amenity, natural and built heritage and landscape values, and contamination and natural hazard risks are avoided, remedied, or mitigated.
	5.1.4 To avoid, remedy, or mitigate effects of: (a) noise and vibration; (b) dust and other particulate emissions; (c) contaminant discharges; (d) odour and fumes; (e) glare; (f) electrical interference; (g) vehicles; (h) buildings and structures; (i) temporary activities; beyond the boundaries of the site generating the effect.
5.2.0 Maintenance and enhancement of amenity values on-site and within communities, throughout the District	5.2.1 To maintain privacy in residential properties 5.2.8 To avoid, remedy or mitigate the adverse effects of traffic on the amenity of residential, commercial and rural areas. 5.2.10 To allow signs in residential, rural residential, recreation and rural areas that are necessary for information, direction or safety.
5.3.0 Maintenance and enhancement of the special visual and aesthetic character of localities	5.3.3 To avoid, remedy or mitigate the adverse effects of the location, design and appearance of buildings, signs and incompatible land uses in areas of significant natural or scenic, cultural, historic or other special amenity value.

## Comment

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

The writer's opinion is that sites visual amenity will not change significantly as viewed from Aranui Road. The buildings appearance will not change significantly. It is the large area for parking and outdoor play areas that will alter the visual amenity as viewed from the rear of the property and adjacent properties that overlook the site, and this is further mitigated by fences. The weekday traffic movements on and off the site will be greater in number and frequency than an average residential household but these movement are likely to be within, but not limited to smaller peak timeframes as opposed to all day traffic movements with other non-residential activities. Having the site empty and quiet in the evenings and over the weekends, and public holidays when most residential sites have greater occupation is seen to further mitigate adverse amenity effects on surrounding sites.

Submitters raised concern about such a the large area being used for sealed carparks and it being an inefficient use of invaluable outdoor play area, the 2039 m<sup>2</sup> is considered large enough to provide both valuable parking and outdoor play areas. The offset of this is that the site is capable of providing in excess of twice as many of the required car parks and safer parking options than if all the car parks were at the front of the property or reliant on parking availability out on Aranui Road. Existing and proposed fencing will substantially screens these areas.

The policies that seek to avoid, remedy or mitigate the effects of noise and vibration are backed up by permitted activity noise levels for each zone. There is no question that a community activity involving children will generate noise, it is whether this noise is considered excessive or unreasonable or can be adequately mitigated to produce an acceptable outcome. The hours of operation of the proposed centre do limit the periods of noise to hours when a high percentage of nearby residential homes will not be occupied and this also ensures that for the duration of the weekends and public holidays when residential homes have a higher occupation there will be no noise generated at the site.

Should this consent be granted the consent holder is under an obligation to comply with the permitted activity noise standards in the residential zone and a consent condition could be imposed to ensure the noise standard for the residential zone also applies to the land zoned rural 1, deferred residential on the rear of the subject site.

The maintenance and enhancement of amenity values on site will largely rely upon successful management of the centre and establishment of appropriate policies and practices that further protect the site amenity. The applicant emphasised their dedication to the establishment of successful implementation of these policies. Such practises would be monitored and reviewed as part of any consent approval for the day care facility.

### 7.3.2 Chapter 6: Urban Environment Effects

#### Relevant Issues:

To ensure that growth and development of towns and urban areas have socially and economically liveable and environmentally sustainable design features. It is important to sustainably manage these centres as physical resources that are convenient, attractive and safe.

Objectives	Policies
6.1A.0 Urban buildings, places, spaces and networks that together, by design sustain towns as successful places to live, work and play.	6.1A.1 To encourage development to incorporate sustain urban design principles by: (b) working with the natural characteristics of sites; (d) providing a high level of connectivity within road networks; (e) provide for safe walking and cycling (i) locating and designing development to address cross-boundary effects between land uses.

#### Comment

The successful design and establishment of urban areas relies on the proposed location and management of facilities such as these. Establishing community resources in an urban environment must be done in such a manner so as to provide and maintain high standards of amenity and safety. This proposal provides a community facility in an accessible convenient location within the hub of the Mapua Township.

Engineering have confirmed the that site is suitably serviced for water, wastewater and storm water and the local network has capacity to cope with the wastewater and storm water generated by the proposed activity.

### 7.3.3 Chapter 11: Land Transport Effects

#### Relevant Issues:

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

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

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

Objectives	Policies
<p>11.2.0 The avoidance, remedying, or mitigation of adverse effects on the environment from the location, construction, and operation of the land transport system, including effects on:</p> <p>(aa) the health and safety of people and communities; in particular, cyclists and pedestrians;</p> <p>(a) the amenity of residential areas, workplaces and recreational</p>	<p>11.2.2 To regulate the effects of traffic generation and traffic speed on the safety and amenity of places of significant pedestrian activity.</p> <p>11.2.3 To promote transport routes, and approaches and methods of design, construction, and operation which avoid, remedy, or mitigate adverse effects on:</p> <p>(aa) the health and safety of people and communities; in particular, cyclists and pedestrians;</p> <p>(a) the amenity of residential areas, workplaces and recreational opportunities;</p>

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

The writer's opinion in regards to the proposed activities is that the provision of onsite car parking and manoeuvring space will internalise the majority of the traffic effects from the activity and preserve the successful function of the local transport network.

## 8. SUMMARY

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

- Part II matters** - The efficient use and development of a natural and physical resource depends on the extent of adverse effects arising from the proposal. In this case these adverse effects will be largely internal and if noise can be managed to meet permitted performance standards, the activity can be said to use an existing resource sustainably.
- Objectives and Policies of the Proposed Tasman Resource Management Plan** - The establishment of a community activity in an urban environment with residential used properties nearby is considered appropriate. The Tasman Resource Management Plan provides several objectives, policies and rules that support the establishment of such activities in a residential zone where the adverse effects can be mitigated so they are no more than minor. It is considered that the proposal does not conflict in any material way with the Proposed Tasman Resource Management Plan.
- Adverse Environmental Effects** – The noise has been identified as a key potential adverse effect. Onsite management policies and all practicable measures taken to control noise ensure the noise nuisance will be no more than minor or potentially less than permitted residential activity standards. The visual amenity is largely unaltered as viewed from the road by this proposal and the onsite management of traffic effects reduces impact on the adjoining road network. Concerns over residential amenity, traffic and noise can be addressed through conditions of consent that will be monitored and reviewed annually.



- **Other Matters** – There is an obvious demand for childcare facilities in the Mapua Area. Volunteered or imposed conditions of consent including limitations on days and hours of operation and maximum numbers of children that can be catered for onsite will ensure that potential cumulative effects from the granting of this consent are avoided and the activity remains within the scale originally proposed. The property could be returned to a residential activity at any point, which ensures the long-term options for this property remain uncompromised.

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

*After considering an application for a resource consent for a restricted discretionary activity, a consent authority—*

- must consider only those matters specified in the plan or proposed plan to which it has restricted the exercise of its discretion; and*
- may grant or refuse the application; and*
- if it grants the application, may impose conditions under section 108 only for those matters specified in the plan or proposed plan over which it has restricted the exercise of its discretion.*

## 9. RECOMMENDATION

Subject to conditions of consent the proposal to establish and operate an Early Childhood Centre at 86 Aranui Road be **GRANTED**.

## 10. CONDITIONS

### General

1. The establishment and operation of the early childcare education centre shall, unless otherwise provided for in the conditions of the consent, be undertaken in accordance with the documentation submitted with the application:
2. The maximum number of children on site at any one time shall be 40 aged between 0 and 5 years of age.
3. The hours children may be on site are between 7.30 am - 5.30 pm Monday to Friday excluding public holidays and two weeks over the Christmas period.

### Noise

4. Noise generated by the activity, measured at or within the boundary of any site within the zone, other than the site from which the noise is generated, or at or with the notional boundary of a dwelling within any other zone, does not exceed:

	<b>Day</b>	<b>Night</b>
L <sub>10</sub>	55 dBA	40 dBA
L <sub>max</sub>	70 dBA	

Note Day = 7.00 am to 9.00 pm Monday to Friday inclusive and 7.00 am to 6.00 pm Saturday (but excluding public holidays).

Where compliance monitoring is undertaken in respect of this condition, noise shall be measured and assessed in accordance with the provisions of NZS 6801: 1991, Measurement of Sound and NZS 6802:1991, Assessment of Environmental Sound.

5. Notwithstanding condition 4 above, the Consent Holder shall adopt the best practicable option approach to mitigate the effects of noise from the activity. The Consent Holder shall submit a Management Plan for certification by Councils Regulatory Co-ordinator prior to commencement of the early childhood centre activity.
6. The consent holder shall construct a 1.8 metre high, solid fence between the carparking area and the out door play area to further reduce noise and car emission drift. As shown in attached Plan A dated 26 August 2007.

### **Access, Parking and Signage**

7. A new access shall be formed prior to the day care centre activities commencing onsite with a maximum width of 6 metres located as shown in attached Plan A dated 26 August 2007. All costs of this process and works being met by the applicant including the closure of the existing access and reinstatement of the footpath.

#### **Advice Note:**

The consent holder shall apply to the Council's Engineering Department for a road opening permit to allow for the above works to commence.

8. There shall be no shrubs over 1 metre in height within 2 metres of the road boundary to retain visibility.
9. Signage shall be erected to direct cars to the rear drop off and pick up area;
10. A minimum of 13 car parks shall be provided for the activity in accordance with Plan A dated 28 August 2007. Each car park and all access and manoeuvring areas shall be formed to a permanent, all weather asphaltic concrete (hot mix) or concrete surface and clearly marked on the ground prior to the day care centre activities commencing in onsite.
11. The applicant shall formally submit a Service Request to the Council's Engineering Department for the painting of yellow parking limit lines either side of the vehicle crossing for 86 Aranui Road. These shall be painted and located 1.5m back from the edge of crossing on each side of the crossing on Aranui Road. All costs of this process and works are to be met by the consent holder and to be completed prior to the day care activity commencing on the site.
12. Two children warning signs shall be erected either side of the facility prior to the day care activity commencing on the site.

#### **Advice Note:**

The consent holder shall undertake consultation with Tasman District Council's Engineering Department in relation to the road marking and road signage processes.

13. The site shall have no more than three signs erected onsite (inclusive of parking sign required by condition 9 above and exclusive of the children warning signs required by condition 12 above) these shall be identification signs and each sign shall be no greater than 1 square metre in area.

### **Stormwater**

14. Stormwater from the access, parking and paved areas shall be directed into the reticulated storm water system running along the western boundary of the property with a secondary flowpath being kept open at all times to mitigate any future flooding.

### **Review**

15. 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 twelve 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;
  - d) to review the noise limits specified in Conditions 4 and Management plan specified in Condition 5 of this consent should these be deemed to be inappropriate.

### **Advice Note:**

Condition 15(d) allows the Council to review the noise limits specified in Conditions 4 and 5. Such a review may take place where the Council has received complaints from members of the public but monitoring has shown that the noise limits are being complied with but are considered to be unacceptable.

### **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.

#### **Proposed 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 Proposed Tasman Resource Management

Plan (PTRMP); 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.

### **Ministry of Education**

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

### **Monitoring**

5. Monitoring of the consent is required under Section 35 of the Resource Management Act 1991 and a deposit fee is payable at this time. Should monitoring costs exceed this initial fee, Council will recover this additional amount from the resource consent holder. Costs are able to be minimised by consistently complying with conditions and thereby reducing the frequency of Council visits.

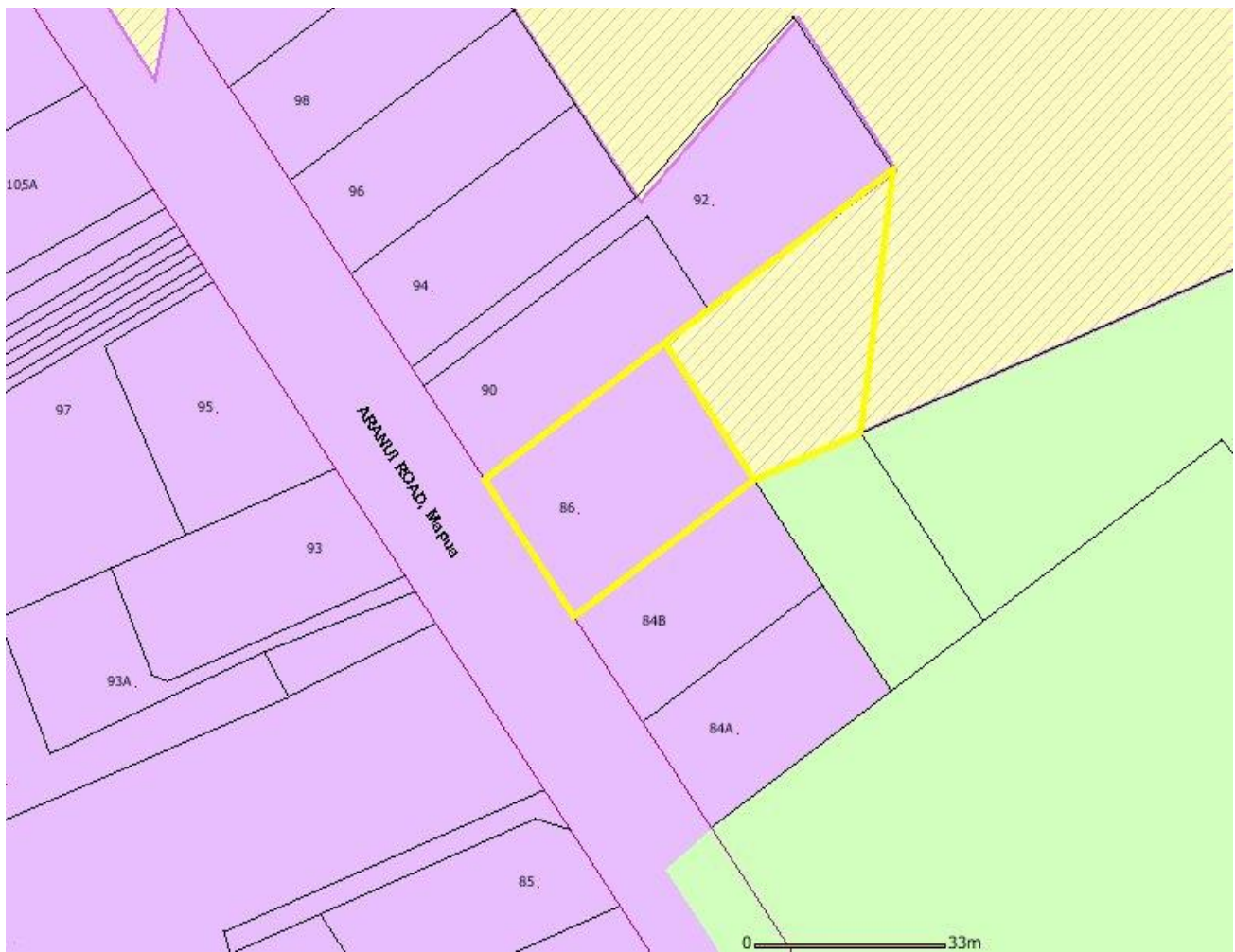


Jane Harley  
**Consent Planner, Land**

### **Appendices**

1. Zone Map
2. Aerial showing the application site
3. Location Map of submitters and written approvals
4. Noise Report dated 2 October 2007
5. Memo from Dugald Ley, Council Development Engineer regarding Engineering Issues dated 5 October 2007
6. Site photographs
7. Plan A dated 26 August 2007

**APPENDIX 1**  
**Zone Map**



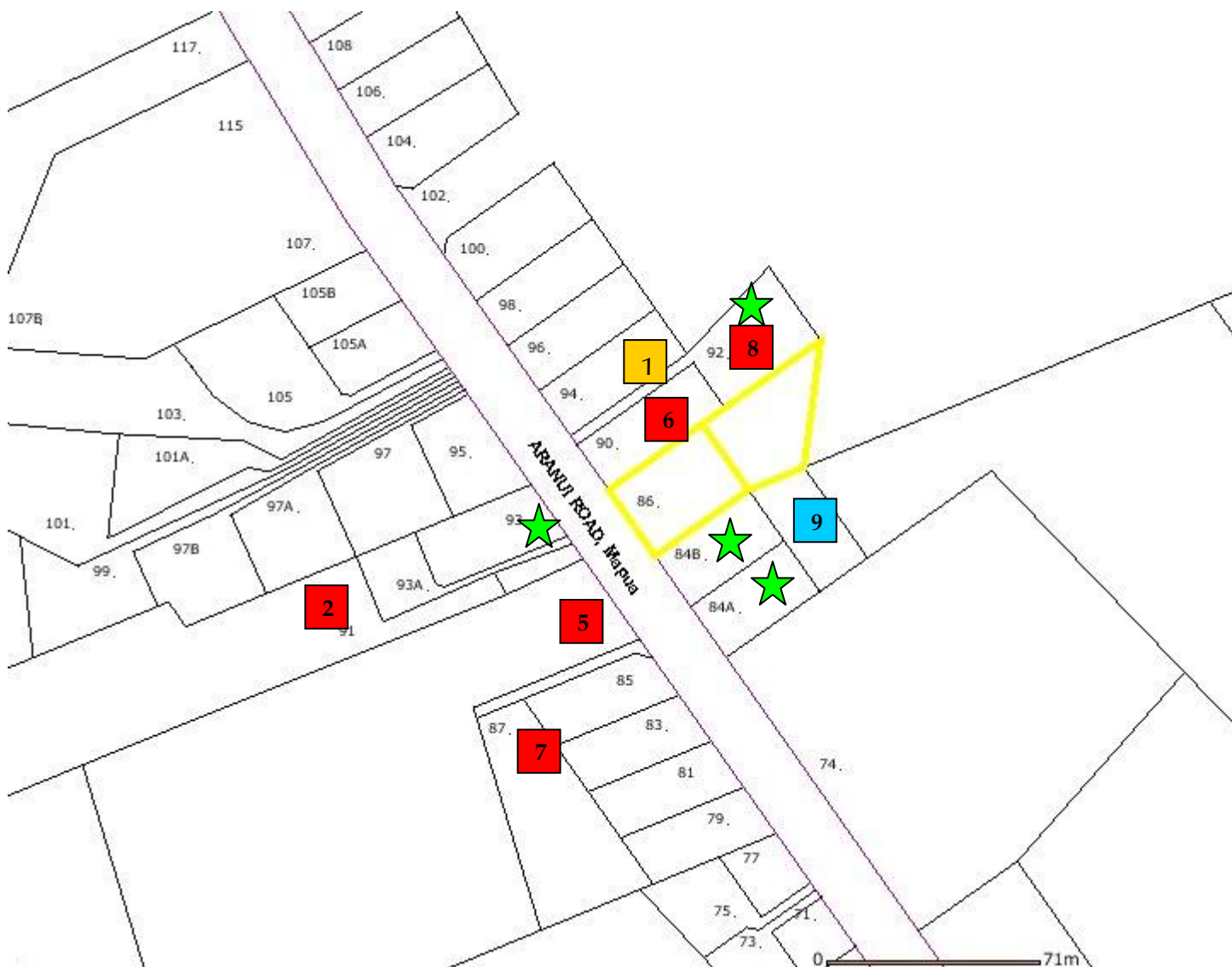
**APPENDIX 2**  
**Application Site**



Highlighted in Yellow - Subject site at 86 Aranui Road, Mapua



**APPENDIX 3**  
**Written Approvals and Submissions**



**KEY**



**Written approvals Submitted**



**Neutral Submission**



**Submissions in Opposition:**

- Off map submissions:
- 3. D Sando - Upper Hutt
  - 4. G Williams – Otaki)



**Submissions in Support:**

- Off map submissions:
- 10. M Steer – Mapua Leisure Park
  - 11. E.Evans – Toru Street, Mapua
  - 12. B Barden – Higgs Road, Mapua
  - 13. Dr S Harris – Toru Street, Mapua
  - 14. R Olney – Old Coach Road, Mapua
  - 15. N Picard – Dominion Road, Mapua

## Memorandum

Environment & Planning Department

**TO:** Jane Harley

**FROM:** Graham Caradus

**DATE:** 2 October 2007 **FILE NO:** File No. RM 070803

**RE:** **Resource Consent Application: Early Childhood Education Centre, 86 Aranui Road, Mapua**

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This report deals solely with the impact of noise that may be generated by the Early Childhood Education Centre (ECEC) on the surrounding neighbours.

There are legislative obligations imposed on the occupier of any land in relation to noise. The first and broadest requirement is contained in S 16 of the RMA which states:

**16. Duty to avoid unreasonable noise—**

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

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

The AEE recognises that “There will be a level of noise emitted from children playing.” The AEE goes on to state that all steps possible will be taken to mitigate noise emission and states that solid fencing of a height of no less than 1.5 metres will be erected on the boundary. There is some considerable question about whether a fence of 1.5 metres height could be seen as the best practicable option, let alone “all steps possible” as stated in the AEE. The situation is exacerbated by the adjacent house at No.90 Aranui Road being slightly elevated and having a reasonably clear view into the proposed play area.

It is also noted that the plan for the site development has the area adjacent to No 90 Aranui Road identified as the play area for children, whilst the parking area will be situated on the south eastern boundary, adjacent to No 84B Aranui Road which (as off 23 August) is owned by the applicant, and the play centre, both of which will be areas with less sensitivity to any noise generated by the ECEC. It is perhaps unfortunate that the section shape has obliged the applicant to have the potentially noisy activities close to the boundary where there appears to be the greatest sensitivity to noise.

In mitigation, the hours of operation of the proposed ECEC are extremely limited, and this factor tempers the degree to which noise from the site may be considered excessive. Excessive noise is defined in the RMA as follows:



## **Excessive Noise**

### **326. Meaning of "excessive noise"—**

- (1) *In this Act, the term "excessive noise" means any noise that is under human control and **of such a nature as to unreasonably interfere with the peace, comfort, and convenience of any person** (other than a person in or at the place from which the noise is being emitted), but does not include any noise emitted by any—*
- (a) *Aircraft being operated during, or immediately before or after, flight; or*
  - (b) *Vehicle being driven on a road (within the meaning of section 2(1) of the [Land Transport Act 1998]); or*
  - [(c) Train, other than when being tested (when stationary), maintained, loaded, or unloaded.]*
- [(2) *Without limiting subsection (1), "excessive noise"—*
- (a) **includes noise that exceeds a standard for noise** prescribed by regulations made under section 43; **and**
  - (b) **may include noise emitted by**
    - (i) *a musical instrument; or*
    - (ii) *an electrical appliance; or*
    - (iii) *a machine, however powered; or*
    - (iv) **a person or group of persons;** or
    - (v) *an explosion or vibration.]*

I have bolded the sections above considered most relevant above. That definition allows a subjective assessment to be undertaken of noise, and in practice it is such subjective assessments that are generally used by Councils staff and Council contractors when taking any action in relation to excessive noise. The second part of the section also implies that the TRMP standards for noise can be used to determine non-compliance with this section.

Discussions with the applicant reveal that they are relaxed with the prospect of increasing the height of the existing (generally) 1.8 metre wooden fence, and advise that infilling is planned for the top of the existing concrete fence. Any increase in the height of a solid barrier between the proposed ECEC and the adjacent neighbour would in theory have the effect of reducing noise transmission off the site. However, given the slightly elevated nature of the neighbouring house, it may not be practical to construct a fence of sufficient height to significantly reduce transmission of noise off the proposed ECEC site.

If the consent is granted, there will be controls in place on the emission of noise. These will be the duty that the occupier has to "adopt the best practicable option" as well as the expectation that the noise standards prescribed in the TRMP Chapter 17 will be applicable.

Graham Caradus  
**Environmental Health Officer**

**TO:** Environment & Planning Hearings Committee  
**FROM:** Dugald Ley, Development Engineer  
**DATE:** 5 October 2007                      **REFERENCE:** RM070803  
**SUBJECT:** **LJ LAWSON – 86 ARANUI ROAD, MAPUA – EARLY  
CHILDHOOD CENTRE**

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## 1. PURPOSE

The report reviews the Engineering issues relating to the establishment of an early childhood centre at 86 Aranui Road and conversion of the existing residential dwelling.

## 2. BACKGROUND

The existing property Lot 1 DP15774 and Lot 1 DP17890 (CT NC12A/403) occupies some 2039 m<sup>2</sup>. The site generally falls to the north-east and abuts Aranui Park. Note the main entrance to the Park/Bowling Club is two properties to the east and beside an existing Playcentre. The site has a 1200 mm diameter stormwater pipe laid by Council in 2006 on the western side of the property and also a secondary flow path (swale) installed down the eastern side of the property.

The existing dwelling is connected to Council services in the immediate vicinity.

Aranui Road has been reclassified as a Distributor Road (was Collector Road) in a report presented to the Engineering Services Committee on 12 October 2006.

The present average daily traffic for Aranui Road is approximately 3600 vehicles per day and the carriageway (kerb-to-kerb) is approximately 8.0 metres, ie two moving lanes and one parking lane. The road is therefore substandard in relation to the 2004 Engineering Standards, ie 14.0 metres (moving lanes, parking lanes and cycle lanes). Similarly it also doesn't meet the lower Collector Road standard.

It is therefore imperative that any proposal or new activity along the length of Aranui Road does not lower the standard carrying capacity and safety of the road and that all traffic effects from a proposal be mitigated on site.

### **Roading/Access**

The present access to the site is located midway along the frontage of the site. Following discussion with the applicant it is proposed the new relocated access (old crossing walled up) is moved to the eastern side boundary to allow visitors to have a "clear" view to the main car parking area at the rear of the site. The applicant has shown 13 car parks together with an on-site turning area which fully meets Council's parking requirements for early childhood centres.

The access and parking is proposed to be formed and sealed from the new road crossing and the secondary stormwater flow path reformed through the area. Sealing of the access/car parking will mitigate some noise effects from vehicle movements.

The width between the boundary and the applicant's building is shown as 4.3 metres and is adequate for one-way vehicle access. It is important that users of the centre be encouraged to deliver their children "off road" and use the parking/turning at the rear of the property and that adequate visibility for vehicles exiting the facility be created. To this end Officers would recommend:

- a) Maximum width crossing, ie 6.0 metres. (old crossing walled up and footpath made good)
- b) No shrubs/trees over 1.0 metres at the boundary.
- c) Appropriate signage advising of car parking/drop off at the rear of the site.
- d) Full area at front of site (between building and crossing to be available for passing/manouvreing) to be available for access/passing of vehicles.
- e) Access and car parking at rear to be formed and sealed to Council's standard.
- f) Parking Limit lines ether side of the vehicle crossing shall be painted and located 1.5 metres back from the edge of crossing on each side of the crossing on Aranui Road.
- g) Two "Children" signs shall be erected either side of the facility and complying with the appropriate standard.

## **Services**

The present property (residential) is connected to Council's reticulated system via a 15 mm diameter supply. Water consumption for the past year is approximately 1.3 m<sup>3</sup>/day and it is not expected it will vary due to the change of use.

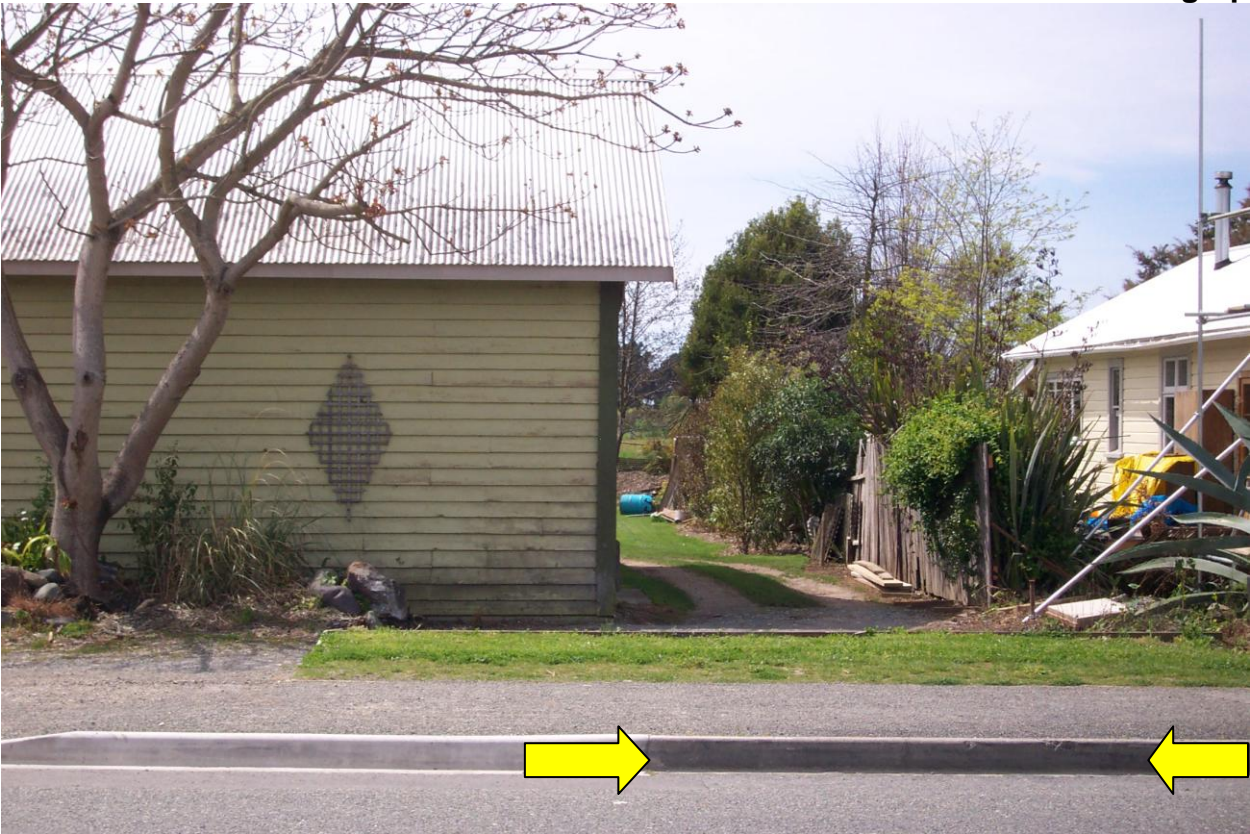
The property is also connected to Council's wastewater reticulation system and again the conversion of the property to child care use will not have a major effect on discharges to the Council system.

Stormwater from the site will be via the recently installed stormwater pipe to the west of the property and this major pipeline will need to be protected by a memorandum of Easement in Gross if this has not already been achieved.

The secondary flow path is also very important to mitigate potential flooding problems in the future and again this alignment form Aranui Road through the site should be protected.

If the above conditions are implemented as part of the consent, then Engineering would confirm that the effects of this development would then be no more than minor.

Dugald Ley  
**Development Engineer**



1. View towards the site from the opposite side of Aranui Road, new access proposed shown between coloured arrows



2. Existing access to the rear of the site



3. View looking south-east toward Mapua Township from proposed entrance



4. View looking north-west from the proposed entrance



5. Rear of the site



6. Existing North-western fence line



7. Existing courtyard to the north of the building

