



STAFF REPORT

TO: Environment & Planning Subcommittee

FROM: Jane Harley, Consent Planner - Land

REFERENCE: RM070581

SUBJECT: **NELSON DISTRICT FREE KINDERGARTEN ASSOCIATION INCORPORATED - APPLICATION FOR AN EARLY CHILDHOOD EDUCATION CENTRE AT 9 WARREN KELLY STREET, RICHMOND – REPORT EP08/02/10 - Report prepared for Hearing Monday 18 February 2008**

1. APPLICATION BRIEF

1.1 Proposal

The application is for land use consent to establish and operate a community activity, namely a Government licensed early childhood education centre. The centre will cater for up to 26 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 four registered teachers.

1.2 Location and Legal Description

The property is located at 9 Warren Kelly Street, Richmond. (see Appendix 1 attached).

The legal description of the land is Lot 31 DP 5962, Certificate of Title NL 166/62.

1.3 Zoning and Consent Requirements

The land is zoned 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 stations, ambulance stations, courthouses, and probation and detention centres

The application is a Restricted Discretionary Activity under Rule 17.1.7A of the Proposed Tasman Resource Management Plan. The proposal involves a community activity that generates vehicle movement to and from the community activity exceeding 30 per day on any one day.

Consent may be refused or conditions imposed, only in respect of the six matters to which Council has restricted its discretion. These six matters are outlined and discussed in detail in Part 6.1 of this report.

2. INTRODUCTION

2.1 The Setting

The application site is a 809m² residential property containing an existing dwelling and single garage, it gains access off Warren Kelly Street from an existing crossing and sealed driveway at the north eastern corner of the property.

The property is surrounded by similar sized residential properties and in the vicinity of nearby community activities such as Henley School, Henley Kindergarten, Gilbert Street Futures Early Childhood Centre, Waimea Intermediate, Waimea College and Alexandra Home.

3. NOTIFICATION AND SUBMISSIONS

3.1 The application was publicly notified on Saturday 23 June 2007. Submissions closed on 13 July 2007.

Eighteen submissions were received; 16 opposing and two supporting with eight requesting to be heard.

The submissions have been summarised into the tables below:

3.1. 2 Submissions in opposition are as follows:

Submitter and submission number	Received	Reasons for Opposition	Decision
Bruce William Hanna 1	27/06/2007	Noise Congested Street parking Increased traffic and access issues	Decline This submitter indicated that he does not wish to be heard at the hearing.
Brian and Averill Moore 2	06/07/2007	Activity exceeds reasonable expectation of usual residential character Intensive use of a residential site Limited ability of landowner to make sure consent conditions are adhered to with landlord/tenant relationship proposed by this application Scale of parking area not residential in nature Review of conditions essential , including acoustic consultant input to oversee noise	Decline The submitters have indicated that they wish to be heard at the hearing.

Submitter and submission number	Received	Reasons for Opposition	Decision
		issues	
Larry Vernon Norriss 4	09/07/2007	Too many schools in the area Proposal should move to an area where more kids live No car markings in the street Car are currently parking over access ways Roads congested forcing cyclists on footpaths	Decline This submitter indicated that he does not wish to be heard at the hearing.
Alison Jane Strathern 5	11/07/2007	Volume of traffic Traffic noise in the early morning Safety for cars and pedestrians Warren Kelly Street does not have the capacity Increased noise	Decline This submitter indicated that she does not wish to be heard at the hearing.
Maarten and Jannetje Van Geldermalsen 6	12/07/2007	Traffic This area of Richmond already congested by school traffic	Decline The submitters have indicated that they do not wish to be heard at the hearing.
Constance Barbara Harris 8	17/07/2007	Extra Traffic (has supplied her own traffic count) and parking congestion Noise Loss of Residential Character Unsuitable Location	Decline This submitter indicated that she wishes to be heard at the hearing.
Helena Franklin 9	18/07/2007	Increased Traffic and access issues to properties, wet weather effects on traffic Safety issues Noise	Decline This submitter indicated that she does not wish to be heard at the hearing.
Nicky and Peter Dowling 10	20/07/2007	Loss of residential Character in Warren Kelly Street Increased Traffic congestion Noise	Decline The submitters have indicated that they wish to be heard at the hearing.
Joanne Mulvena 11	20/07/2007	Traffic volume – congestion, access, safety Residential character Pedestrian and cycle safety	Decline The submitter has nominated Delwyn Davis to speak on her behalf at the hearing
Paul John Bourke 12	19/07/2007	Parking is already a big problem during school hours Noise of the preschool	Decline This submitter indicated that he wishes to be heard at the hearing.
John and Andrea	20/07/2007	Traffic volume and noise Oppose any increase to an already heavily	Decline The submitters have

Submitter and submission number	Received	Reasons for Opposition	Decision
Babington 13		congested traffic situation in this area	indicated that they do not wish to be heard at the hearing.
Gillian Clarke 14	20/07/2007	Traffic increase, increase parking, noise and and pollution Increased noise in neighbourhood Children's safety when crossing warren Kelly street	Decline This submitter indicated that she does not wish to be heard at the hearing.
Mark Henman 15	20/07/2007	Traffic volumes Increased risk of accident, congestion noise pollution	Decline This submitter indicated that he does not wish to be heard at the hearing.
Pam Alice Joyce 16	20/07/2007	Increased traffic, 50 week operation will have an effect even outside normal term time Safety of pedestrian, residential	Decline This submitter indicated that she wishes to be heard at the hearing.
Nathan John and Delwyn Christina Davis 17	20/07/2007	Noise, privacy and general disturbance Onsite, onstreet traffic and exhaust emissions Storm water disposal	

The sixteen 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.

In the writer's opinion the principal issues relate to traffic and pedestrian safety, noise, residential amenity and cumulative effects.

3.1.3 Submissions in support are as follows:

Submitter	Received	Reasons for Support	Decision
Des Dutherie	3/07/2007	Concern for education of Children	Approve
Des and Noeline McManaway	25/06/2007		Approve

See Appendix 3 for a map showing the location of all the submissions outlined in sections 3.1.2 and 3.1.3 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 restricted 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 26 children and four teaching staff. This activity could generate an additional 112 traffic movements in this location if all the teachers arrived in the morning and all left at the end of the day and all the children were booked in all day (ie: one all day session). However, while the applicant has identified that they anticipate providing a full time care service and do not anticipate many new children after lunch to ensure clarity as to the total number of traffic movements that could occur to and from the site this aspect of the proposal needs to be carefully considered. This clarification is needed as the traffic generated by maximum of 26 children at anyone time and a maximum of 26 children per day could be significantly different. To prevent any ambiguity and to be able to assess the 'worse case scenario' with traffic movements it is recommended that the centre be limited to the following criteria, which would also need to be reflected in any consent conditions for the activity:

"The daycare centre shall cater for up to 26 children between the ages of 0 and 5 years. The centre shall not have more than 26 children attending at any one time and no more than 26 children booked in for any one day."

The size and scale of this proposal is significantly larger than that permitted by the plan. One might argue that 30 vehicle movements 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 local environments. 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 a larger site on higher classification of road with a suitable surrounding environment would not be perfectly acceptable for larger scale community activity operating under conditions of a resource consent.

Chapter 16 details access and parking standards, where one parking space is required for every employee of a day care facility. The activity proposes 4 teaching staff so a minimum of 4 car parking spaces are required by the plan. The proposal is to provide a total of 8 onsite car parking spaces, 4 for staff and 4 for child drop offs and pick ups.

The proposed building extensions will meet the permitted activity requirements for building, construction or alteration (coverage, height, setbacks etc) in the residential zone under the proposed Tasman Resource Management Plan.

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 (traffic report) 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 oxford dictionary definition of amenity:

“A useful or desirable feature of a building or place – the pleasantness of a place”

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 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 considered to be compatible with the zone, and part of the expected amenity of residential locations.

The amenity issues in this case include adverse effects of noise, adverse effects on visual amenity (non residential activity, higher traffic flow and sealed parking areas) and loss of general amenity through having another community activity in the neighbourhood. Perceived problems raised by submitters include:

- potential parking nuisance along Warren Kelly Street;
- noise generated by additional traffic and children in the centre;
- loss of residential amenity;
- the non-residential nature of the development and
- effects of increased traffic movements in an environment that already experiences high flows from the nearby schools and early learning centres.

The existing residential amenity in this location is one of a tidy residential street, with similar aged dwellings on similar sized properties. The street does experience peak school traffic and parking due to its proximity to the Gilbert Street entrance to Henley school, Henley Kindergarten and Gilbert Street Futures daycare centre.

The proposal will not alter the dwelling significantly as viewed from the street, as the majority of proposed building alterations will occur to the rear of the building. The sealed parking area will be visible from the street frontage and would require landscaping and fencing to help screen the frontage in a manner that would not compromise traffic visibility when entering and exiting the site. This would need to be managed by way of a condition of consent.

The 50 week operation of the proposed centre is of concern to submitters who feel that the effects from the centre activity will be greater and more noticeable than from the schools, who have shorter terms and regular holidays.

Due to the site only being occupied used during work hours and week days the site will be empty and quiet during the hours when most homes are generally occupied, which may be of benefit to some adjoining residential who work similar hours.

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.

Residential amenity refers to people's appreciation of an area and amenity values are highly subjective. Opposing submissions indicate that the existing amenity in this location is already under threat. There is a great concern that this proposal will add to the existing issues and generate new effects that are not in keeping or sustainable in the current Warren Kelly Street environment. Surrounding properties will be affected the most by the changes to the noise and built environments as well as traffic, where as the wider environment will mainly experience a change in the amenity of the area due to larger numbers of traffic volumes through the area.

Submitters have commented that this high level of traffic and parking demand is out of character and unrealistic for a small residential street. The attached traffic and transportation report from MWH reveals that the street still has available parking capacity and would operate well within the roads capacity, however it does not take into account whether a street full of parked cars has an effect on the streets residential amenity or whether it creates a reasonable or fair situation for the street residents. Overall the amenity is gauged largely by the people who reside in and experience on a daily basis these effects on the enjoyment of their properties.

6.3.2 Noise Effects

Some of the adjoining landowners are concerned about potential noise generated by outdoor play of up to 26 children on the subject site. As outlined in the attached noise report by Council's Environmental Health Officer, Graham Caradus (see appendix 4) he also has concern of the site suitability for an activity that generates noise and nuisance effects. Mr Caradus has highlighted that the landowner or consent holder is responsible for adopting the best practical options to control the noise generated onsite.

Noise and emissions generated by traffic on adjoining sites forms part of the overall noise issues. 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 areas and adjoining sites could assist to buffer the noise and car emissions from the front parking area.

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 adjoining sites and dense nature of the surrounding residential development that determines the impact any noise generated by the activity will have. It is considered that noise is unavoidable with any activity, permitted or discretionary in this case it comes down to whether the noise can be successfully mitigated and managed on an on going basis at a reasonable level. 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 the following noise attenuation measures in an effort to manage noise:

- Use concrete floor for the new addition
- Cover floor with either carpet or vinyl
- Use sound proofing material to line the addition
- Double glazed windows in the new addition
- Seal the off-street car parking
- Majority of music sessions held inside
- Management strategies relating to staff child ration, sleep times, meeting children's needs quickly etc

The centres ability to comply with the residential zone standards will rely heavily on the conduct of the centre and implementation of appropriate management strategies. The finer detail that will be developed 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 pages 18-20 of their application document) 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 Environmental Health 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. It is Councils experience that the perceived problems relating to noise from daycare centres are greater than the actual problems that arise when centres are established.

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 13 which could be used in the event of unforeseen noise issues arising. If consent was granted then it is considered that requiring the centre to generate a full management plan for certification by Councils Regulatory Co-ordinator prior to commencement of the early childhood centre activity would ensure that all the appropriate noise mitigation measures have been formalised and certified by Council.

6.3.3 Transport Effects

Traffic effects were identified by submitters as the major 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 Warren Kelly Street.

The applicant has submitted a transportation assessment by Traffic Design Group Limited which supports the application from a traffic perspective. Appended to my report are two specialist reports which have also looked at these transport effects.

- MWH have prepared a report on traffic and transport effects (appendix 6); and
- Councils Road Safety Coordinator, Krista Hobday has addressed traffic safety environment of Warren Kelly Street (appendix 5).

Engineering

The traffic issues have been discussed with Councils Rooding and Development Engineers, Dugald Ley and John Karaitiana who reviewed the application and initially indicated that there may be some engineering and safety concerns with this location. It is considered to be busy street and a known area of congestion during school drop off and collection times. Engineering comments acknowledged that approval of another traffic generating activity in this location may lead to complaints to Council and therefore neighbours approvals should be sought as part of the process. In response to Traffic Design Groups August report submitted by the application Council Engineers sought further advice and review of the situation by Chris Pawson of Montgomery Watson Harza (His full report is attached as Appendix 6) and Dugald Ley (memo attached as Appendix 7) now concludes that:

Based on MWH report dated 30 January 2008 Engineering therefore supports this early childhood application and concurs with the suggested conditions as set out in the planner's report.

The neighbour's concerns regarding vehicles being parked over entrance ways are noted. Council will arrange at its expense for parking limit lines at each side of existing entrances to properties in both Warren Kelly and Gilbert Streets to provide a better guide for parking in the street.

In regard to the Safety Coordinator's concerns it is imperative that safety protocols be imposed on drivers who deliver children to the complex and these shall be part of the "agreement" to join the centre. Again the proposed conditions of consent as outlined in the

planner's report are appropriate and, if approved, a potential review clause/condition be imposed to verify predictions after the centre has been operating for 12 months.

The MWH report confirms that the road network has capacity and theoretical evidence shows that this location could cope with the additional traffic. The site can provide more car parks than required by the plan and the street has ample car parking spaces available within walking distance of the proposed centre should the onsite car park be full. The parking demand information supplied by MWH indicates that in practice a centre of this size would need 10 parking spaces and with only 8 it does fall short of satisfying demand.

Safety

Krista Hobday has highlighted the fact that there are existing safety concerns in this location because of the large numbers of vehicle traffic for the schools, dangerous u-turn manoeuvres within the road carriage way and across foot paths and access ways. This proposal will not only generate more traffic within the road but a large number of vehicle movements crossing the footpath where many of the children are walking and cycling.

The Council and schools have been actively encouraging more children to walk and cycle, there are nationwide campaigns that seek to provide community environments and transport systems that support walking and cycling and improved safety for pedestrians and cyclists (Ministry of Transport "Getting there – on foot, by cycle"). Tasman District Councils Annual Plan and Cycling and walking strategies emphasise that it is Councils role to prevent and mitigate road safety problems through early identification and management of issues. The safety issues associated with this proposal are in direct conflict with these strategies and potentially compound an existing safety problem in this area.

Council must also consider the need to prevent further problems and potential accidents before they occur.

The existing community activities (when taken cumulatively rather than individually) are creating a traffic environment around the subject site that is perceived to be at a safety threshold. In the situation of conflicting traffic safety advice I consider a precautionary approach is appropriate.

Overall, in this case the site is considered capable of supplying more than the number of car parks that are required by the Proposed Tasman Resource Management Plan onsite which would assist in managing the increase and providing safe onsite facilities. The brevity of the actual peak times is a mitigating factor and limits the times when traffic effects will occur, but these peak times have a high likelihood of coinciding with existing school peak times. Unless the day-care can be operated in a manner to restrict or stagger drop off and pick up times to fall outside the 9am and 3pm peak times the traffic effects must be considered as a cumulative rather than isolated effect from the proposal.

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 the location already supports the traffic and related effects from Henley Primary School, Henley Kindergarten, Gilbert Street Futures flow on effects from the nearby intermediate and high schools. When taken as a whole and when reviewing submissions it is clear that there are already effects being generated that have adverse impact on the local residents in relation to traffic, parking and noise therefore additional activity would exacerbate the effects further and compromise amenity of the neighbourhood. When the effects are separated and mitigation measures looked at they all have the ability to be no more than minor however when the cumulative impact is considered as a whole the overall proposal is considered to generate effects in this location that exceed those considered reasonable or in keeping with the surrounding environment.

In relation to precedent effect, While Richmond is a growing centre and more early childhood centres may be needed each application must be assessed on its own merit. I acknowledge that the demand is evident for further childcare facilities and the council has experienced an increase in enquiries and application for such centres in the past 12 months. However one application will not set precedent for any other as its success is highly dependent on the suitability of the location and its surrounding environment to cope with the effects these centres generate.

6.3.5 Summary of Effects

When assessed by itself the proposed activity for a daycare facility at 9 Warren Kelly Street, catering for up to 26 children and four teachers will be able to meet the Residential Zones noise, car parking, access and building requirements. However it is proposed to be located in a neighbourhood that already has several community activities that are generating adverse amenity effect for residents. The cumulative amenity effects, and potential safety effects on this particular neighbourhood from another community activity, and having regard to the concerns of Councils Traffic Safety Co-ordinator and local residents indicate that these effects will be more than minor.

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 incorporated 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 community in this location seek protection of already compromised amenity values; they seek use of the site that does not adversely affect the use and enjoyment of adjoining and nearby sites and the overall safety of the community.

The writer's opinion is a community activity such as this is anticipated and catered for in the residential zone; however it is difficult for me to confidently say that in this location

the activity meets or would be consistent with the relevant policies and objectives above. Adverse effects on residential amenity and potential safety issues have been raised and need to be carefully considered before consenting to a further community activity in this location. The residents of the neighbourhood also need to be satisfied that they will have an acceptable level of amenity in their street should this activity proceed. This is emphasised by objectives 5.1.0, 5.2.1. Evidence to date and opposing submissions suggest that an acceptable level of amenity has already been exceeded.

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 attached report from Councils Environmental Health Officer raises questions about the sites ability to successfully mitigate noise and nuisance effects, and maintains that no less than the residential noise standards should be considered for 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. It is Councils practise to require management plans be submitted to the Co ordinator of Regulatory Services for certification prior to these facilities commencing to ensure all practical measures are in place.

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
<p>6.1A.0 Urban buildings, places, spaces and networks that together, by design sustain towns as successful places to live, work and play.</p>	<p>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 designing development to address cross-boundary effects between land uses.</p>

Comment

There is no question the regions growing population and the Governments introduction of 20 free hour ECE policy has influenced the demand for day care facilities in and around Richmond.

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. It is considered that if the proposal was established in the subject location it has the potential to could compromise both amenity and safety of the area. The high level of opposing submission from adjoining and nearby landowners confirms that the location is already compromised by existing activities and would not cope with an additional traffic and noise generating 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>

Comment

The application site has always been highlighted as an area with existing parking and traffic congestion issues from existing land use activities within the vicinity. The Opposing submitters and Councils Traffic Safety Co-ordinator consider the application to contradict the following policies and objectives by compromising the health and safety of cyclist, pedestrians and motorists with the increase in traffic moving through Warren Kelly Street and linking roads.

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 while the provision of onsite car parking and manoeuvring space will internalise some of the traffic effects from the activity the overall increase in traffic numbers and congested nature of the location could eventually compromise the successful function of the local transport network. However Council Engineers have concluded that the road network and streets parking capacity is not yet full and therefore could cope with the additional movements and parking demand.

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.

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—

- (a) must consider only those matters specified in the plan or proposed plan to which it has restricted the exercise of its discretion; and*
- (b) may grant or refuse the application; and*
- (c) 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.*

As already discussed, when assessed by itself the proposed activity for a daycare facility at 9 Warren Kelly Street, catering for up to 26 children and four teachers will be able to meet the Residential Zones noise, car parking, access and building requirements. However it is proposed to be located in a neighbourhood that already has several community activities that are generating adverse amenity effect for residents. The cumulative amenity effects, and potential safety effects on this particular part of the this residential neighbourhood from another community activity, and having regard to the report of Councils Traffic Safety Co-ordinator and concerns local residents indicate that the cumulative effects are more than minor.

On this basis as reporting Officer, and on balance of the issues I am unable to support the application, and while I acknowledge that making a decision on this basis of the cumulative adverse effects is difficult one, it is my opinion that the proposed community activity at the subject site would detract from the amenity of the neighbourhood.

However, should the committee decide to grant approval then the following conditions would need to be considered as a minimum requirement for any consent approval.

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 early childcare centre shall cater for up to 26 children between the ages of 0 and five years. The centre shall not have more than 26 children attending at any one time and no more than 26 children booked in for any one day.
3. The hours children attending the centre may be on site are between 7.30 am -5.30pm 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 form which the noise is generated does not exceed:

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

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

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.

Access and Parking

6. A new central access crossing 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 1 February 2008. 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 Councils Engineering Department for a road opening permit to allow for the above works to commence.

7. A minimum of 8 on site car parks shall be provided for the activity and a new parking plan designed showing vehicles can manoeuvre on site and leave in a forward direction. This plan shall be submitted for certification from Councils Development Engineer.
8. 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.

Signage

9. 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 Councils Engineering Department in relation to the road signage processes.

10. The site shall have no more than one identification sign which is no greater than one square metre in area. The sign shall be attached to the front fence of the site or building and in a manner that maintains unrestricted vision for vehicles entering and exiting the site. The location of the sign shall be submitted for certification from Councils Development Engineer.

Landscaping

11. The site shall be landscaped and fenced along the front boundary in a manner that screens the parking area while maintaining unrestricted vision for vehicles entering and exiting the site.

Stormwater

12. Stormwater from the access, parking and paved areas shall be designed so it can be directed into an Council approved reticulated storm water system in Warren Kelly Street.

Review

13. 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.
- e) to review the appropriateness of the access and parking requirements specified in Conditions 6, 7 and 8 of this consent

Advice Note:

Condition 13(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 may be 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 Centre is responsible for the development of safety protocols that all parents will enter into ensuring safe traffic practises when delivering and collecting children from the centre.

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 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

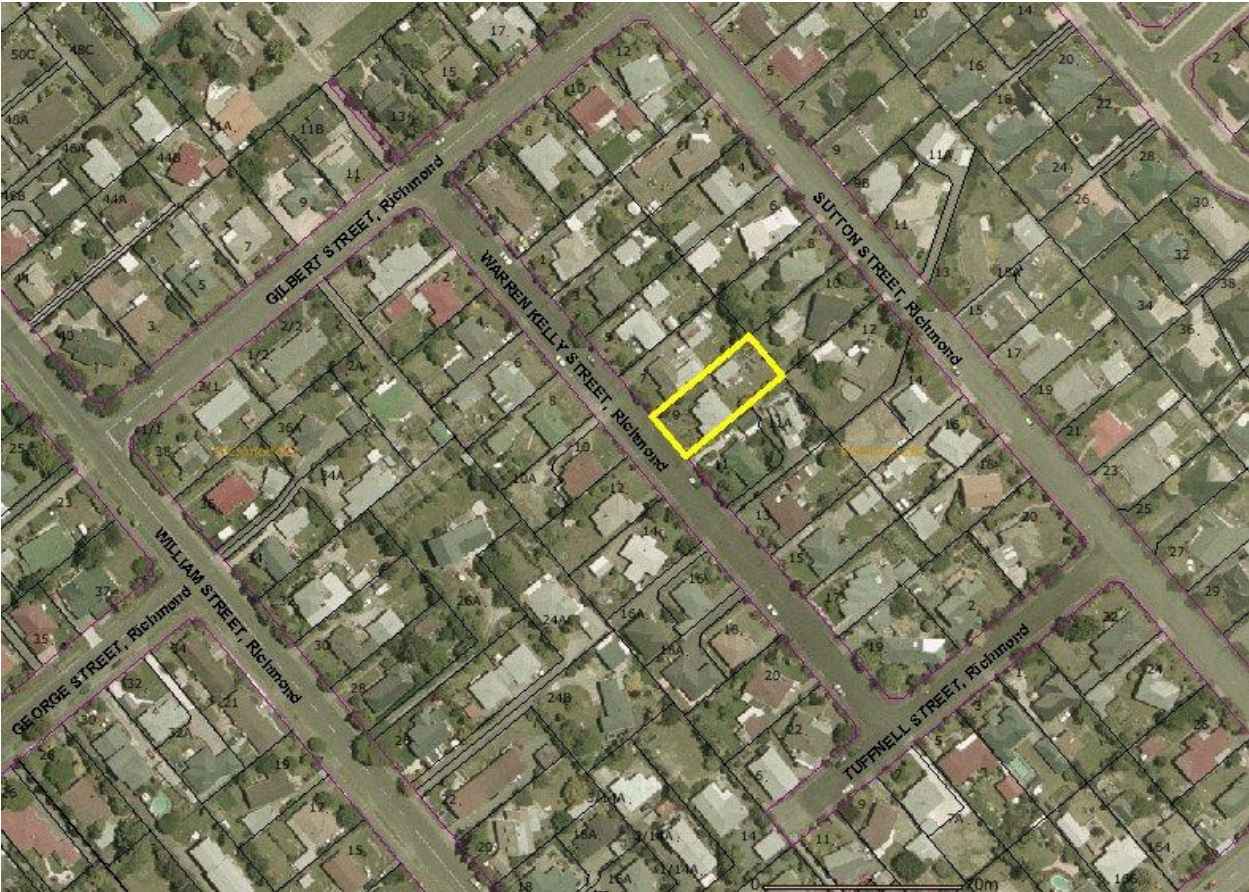
Appendices


1. **Zone Map**
2. **Aerial Photograph showing the application site**
3. **Location Map of submitters and written approvals**
4. **Noise and Health Impact Report from Graham Caradus, Environmental Health Officer, dated 23 January 2008**
5. **Memo from Krista Hobday, Road Safety Coordinator**
6. **MWH Traffic and Transportation Report dated 30 January 2008**
7. **Memo from Dugald Ley, Council Development Engineer dated 31 January 2008**
8. **Plan A dated 1 February 2008**



★ 9 Warren Kelly Street – Residential Zone, Richmond

Appendix 2
Aerial Photograph of the Site



 Application Site

Appendix 3 Location Map of submitters



Application Site



Submissions in support / submission number from table 3.1.3



Submissions in opposition / submission number from table 3.1.2

Nearby Community Activities



Proposed entrance to New Day care centre



Existing entrance to Gilbert Street Futures



Existing entrance to Henley Kindergarten



Existing pedestrian entrance to Henley school

TDC Tasman
District Council
Environment & Planning Department

TO: Jane Harley
FROM: Graham Caradus
DATE: 23 January 2008
FILE NO: File No. RM 070581
RE: **Resource Consent Application: Early Childhood Education Centre,
9 Warren Kelly Street, Richmond**

This report deals with the impact of noise that may be generated by the Early Childhood Education Centre (ECEC) on the surrounding neighbours and offers brief comment on other potential annoyance that may be created for nearby properties.

Noise

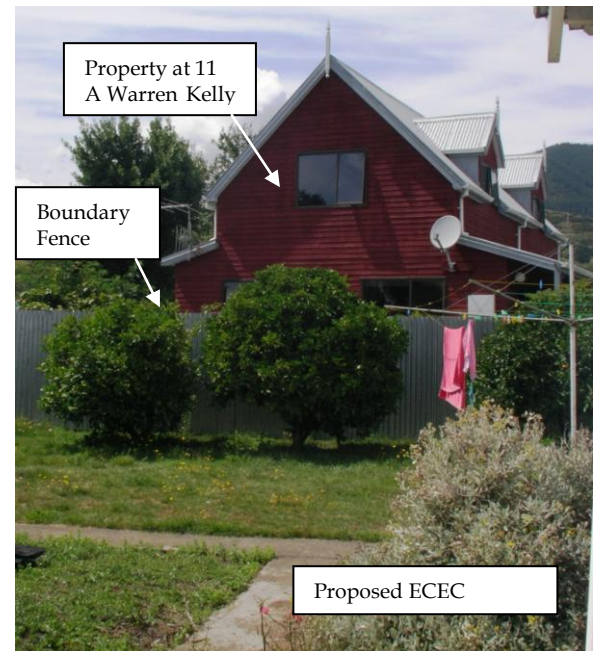
It is likely that noise will be generated on the site from a number of activities. These are as follows:

1. Noise from vehicles arriving at the sight, the accompanying motor noise, slamming of doors, and then motor start-up prior to departure.
2. Noise from outdoor activities within the ECEC, which can be expected to include the happy sound of children playing with the usual conversations, shouts and such like, plus the sounds of children in a less happy mode and distressed, arguing or crying for short periods from time to time.
3. Noise from indoor activities which may include singing and other musical endeavours as well as a range of noise similar to those generated out of doors.

The AEE makes a number of statements in relation to noise that are questioned. They are as follows:

- The comments “Henley school children can be clearly heard.....so the residents of Warren Kelly Street already understand and live with the sound of playing children” and “We can guarantee that just as with the school children the sounds from the ECE Centre will be at a low level....” Does not appear to recognise the mitigating effect that distance has on noise transmission. Henley school is a minimum of 150 metres from the houses adjacent to the proposed ECEC, and noise from the school must transmit past all of the obstructions created by buildings and plantings within that 150 metres to reach those neighbouring properties. Substantial attenuation of the noise generated in the school grounds can be expected prior to it reaching the properties adjacent to the proposed ECEC. The same is not true for the noise that can reasonably be expected to be generated in the proposed ECEC. No attenuation of noise due to distance or structures can be expected, except for that provided by the 1.8 metre fence or plantings on a single boundary.

- The comment “G. S Futures caters..... there is very little sound on the street or from the surrounding boundaries” identifies the fact that from time to time, very little noise will be generated by the proposed ECEC. The issue that Council must give consideration to are those occasions that noise is generated by the proposed ECEC, and the fact that the premises generate no or little noise on occasions is not of great consequence.
- The comment “The neighbouring boundaries.... gardens and buildings.” suggests that that a reasonable degree of noise attenuation will be provided by existing structures and plantings. This is not considered to be an accurate statement, particularly in the case of the property at 11A Warren Kelly Street. Direct line of sight will exist between the outdoor area and a significant portion of that property a few metres away: see photo on right.
- In the comments under the heading “In an effort to manage noise we can.”, it is noted that a number of conditions are offered that would mitigate some of the noise potentially generated inside the ECEC building, but that no comment has been made in relation to closing of doors and windows which is a significant “conduct” factor that may further reduce transmission of noise generated inside the building
- It is noted that the ratio of children to staff is intended to be “high”, and that statement implies a ratio that exceeds the minimum required by legislation. Depending on the breakdown of the age groups catered for and the numbers in each group, the suggested ratios may or may not comply with, meet, or exceed the specified staffing levels defined in the Education (Early Childhood Centres) Regulations 1998. The question therefore remains as to whether the staffing levels will be in excess of the minimum standards, and by implication, provide sufficient numbers of staff who may be in a better position to control the noise that may be generated by children attending the ECEC.
- It is noted that most music sessions will be indoors: but by implication, that suggests that some music sessions will be outdoors. Such activities may be in breach of the legislative obligations detailed below.



General obligations in relation to Noise

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 attending the centre. The AEE also states that the level of noise emission will be “very little sound on the street or from surrounding boundaries”. There is a concern about whether a fence of 1.8 metres height could be seen as the best practicable option, as defined above. The situation is exacerbated by one of the adjacent houses being elevated and having a reasonably clear view into the proposed play area.

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 TRMP standards for noise can also be used to determine non-compliance with this section.

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.

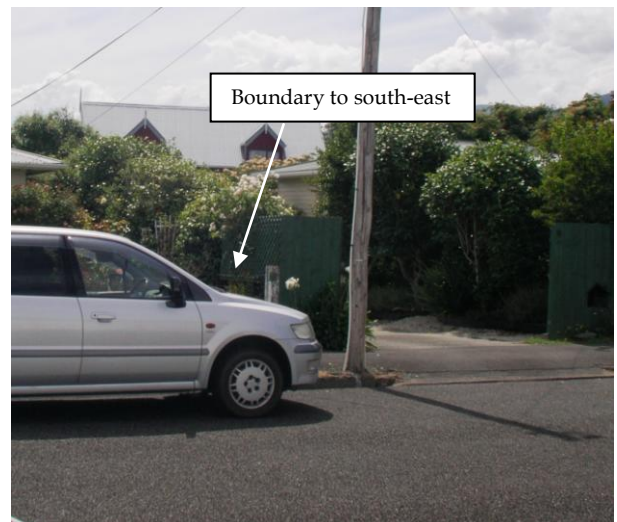
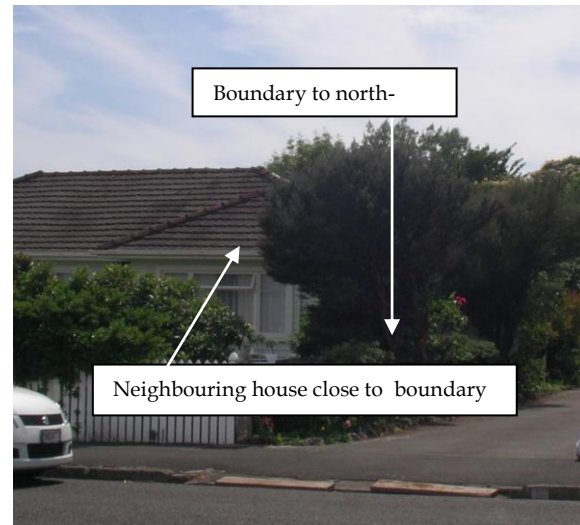
General Comment on Noise relating to the proposed ECEC

The site chosen for this ECEC is within an area of reasonably dense residential development, with infill subdivision on the south-eastern boundary, and a total of 6 residential properties directly adjoining the proposed ECEC site. The most affected immediate neighbour is likely to be the property at 11A Warren Kelly Street, for reasons already detailed. In considering this matter, Council's Planners will need to give very careful consideration to the numbers of children that will attend the proposed ECEC, noise mitigation measures proposed and weigh up the additional disturbance and potential nuisance that may occur as a result of an ECEC being established at this site.

Other Potential Nuisance Conditions

The proposal details a total of 8 car parks that will be provided on site, with 2 of these apparently being provided for the 4 staff. The remaining 6 car parks are identified for client parking during drop off and pick up times for children. The possibility exists for exhaust fumes from vehicles parked immediately adjacent to the shared boundaries creating annoyance or nuisance to those neighbours immediately adjacent to the north-west and south east; see photos of those boundary.

The likelihood of vehicles finding it easier to back into these parks would exacerbate that potential. Generally mechanically sound petrol powered vehicles will not cause great offence from odour or fumes. However diesel powered vehicles generate fumes that may be considered objectionable as well as having increased health risk. The increasing use of diesel powered vehicles, particularly the older types typically found in the SUV vehicles that seem to find favour as family transport in middle class NZ makes this an issue worthy of consideration as such older type of diesel engines are recognised for the poor quality of their emissions compared to the latest technology available.



Graham Caradus
Environmental Health Officer

Proposed Kindergarten at 9 Warren Kelly Street

From Krista Hobday, Road Safety Coordinator, TDC

There are already traffic congestion problems around this area due to parents dropping their children off at the two kindergartens on Gilbert Street and the 3 schools in the immediate vicinity of Warren Kelly Street – Henley, Waimea Intermediate and Waimea College. St Paul's School is also close by. There are also a large number of children walking and cycling to these 3 schools – using the streets in the immediate vicinity to the proposed kindergarten and then using the Henley School entrance on Gilbert Street to enter/exit their school.

As part of my role as road safety coordinator I work with schools to encourage active forms of transport to school. Henley School has 4 established walking school buses and for the last 2 years has taken part in the national Bike to School and Walk to School weeks. One of the largest barriers for parents allowing their children to walk/cycle to school is the amount of traffic on the roads. Increasing the number of cars in the surrounding roads will not encourage participation in these initiatives and could potentially decrease the amount of children walking/cycling to school. This in turn will increase the number of cars on the road and can also lead to children being less active.

Allowing a new kindergarten to be built will not only increase the amount of traffic on the surrounding roads but it will also increase traffic pulling into and away from the side of the road to park and also the number of cars that are likely to carry out u-turns on the street. All of this causes a hazard to children walking and cycling along these streets.

There has been mention that the kindergarten is allowed to go ahead but that it has to provide on site car parking. This again can have safety issues.

Encouraging parents to drop off their children within the kindergarten grounds by providing parking spaces will not decrease the amount of traffic on the roads. It will actually encourage parents to drive their children by promoting the fact they will have a parking space to use. Traffic would have to slow near the kindergarten to see if there is a park which in turn can create a hazard for children cycling. If no parks are available the parents will then have to travel to find a park in the already congested streets.

Allowing for on site parking will create more traffic movements over the footpath where there are children walking/cycling to school. The proposed crossing only allows for one car to enter/exit the grounds at one time – this could cause traffic delays on Warren Kelly St as cars wait to enter the grounds as another one leaves. This can not be easy for children cycling along this street to negotiate.

Cars could also become parked over the footpath as they try to leave/enter the kindergarten grounds – this is also a safety hazard for children walking along the footpaths as the path could be blocked by cars.

Encouraging the cars to back out of the spaces on the kindergarten grounds could also become a hazard. As cars are backing out of spaces they will be backing into the area where parents and children will be walking into the kindergarten building – another safety hazard.

**TASMAN DISTRICT COUNCIL
CONTRACT NO 682 - PROFESSIONAL SERVICES**

REPORT FOR ROADING ASSET MANAGER

Date: 30 January 2008
To: Dugald Ley
Reference: Z2012001
Subject: Warren Kelly Street Childcare Centre
Status: Final

1. Introduction

MWH have been asked by Tasman District Council to assess the traffic and transportation effects of a proposed childcare centre at 9 Warren Kelly Street Richmond. The relevant issues as identified by submitters and the TRMP are as follows:

- The ability of the proposed activity to provide adequate on-site parking facilities.
- The effect of the additional traffic movements on the safe and efficient operation of the surrounding local road network.
- Appropriate mitigation measures to reduce the occurrence of vehicles parked over neighbouring driveways.

These issues are assessed and discussed in the following report.

In summary, there are no traffic or transportation reasons to preclude granting of a resource consent for the proposed activity.

2. Parking

2.1 Parking Demand

In order to gain an understanding of the peak parking demand of a childcare centre like that proposed, surveys were undertaken at the First Years childcare centre on Salisbury Road. This centre was chosen as it has a large off street car park area and no parking allowed on the street adjacent, this results in all parking occurring on-site, isolated from the on-street conditions so therefore gives an accurate measure of the parking demand.

The survey of the First Years Childcare Centre showed that the peak parking demand was for 11 spaces, with a total of 30 children attending the centre that day. This gives a parking demand rate of about 0.37 spaces/child, including staff.

The proposed Futures Childcare Centre on Warren Kelly Street intends to cater for a maximum of 26 children which, using the parking demand rate above, will require a total of 10 parking spaces. With the intention to provide 8 parking spaces on-site, there can be expected to be demand for a further 2 spaces on-street.

2.2 Parking Effects

To assess any relative on-street parking effects a permitted activity of approximately 10 children has been used. A childcare centre of this size can be expected to generate about 30 vehicle trips per day so can be considered to be a permitted activity from a traffic engineering point of view. The Tasman District Council TRMP requires parking for this type of activity to be provided at a rate of 1 parking space per staff member. Therefore, using the surveyed rate, the parking demand would be between 2 and 3 parking spaces. Therefore the proposed activity is expected to have no more on-street parking effect than that of a permitted activity.

2.3.1 Parking Layout

In order to facilitate easier access to car parks 1 and 4 it is recommended that all of the parking spaces 1 to 6 be shifted approximately 0.2m towards the buildings. This will give marginally better clearance between the boundary and the edge of the parking spaces while maintaining a suitable clearance from the fence to the North East.

3. Traffic Generation Effects

Peak hour traffic volumes on the surrounding streets range from about 100 veh/hr on Warren Kelly Street to 430 veh/hr on William Street based on surveys from June and July 2006. These traffic volumes are very low and well within the capacity of these roads. Any additional peak hour traffic movements generated by the proposed childcare centre will be easily accommodated in the surrounding local road network with no noticeable effect of the safety or efficiency of its operation.

Observation of the streets surrounding the proposed Futures Childcare Centre during peak school leaving and arrival times give a perception of a higher traffic volume than that surveyed. This may be a result of the large number of children and parents walking to and from vehicles. During these on-site observations, no inherently unsafe behaviour was observed and traffic flowed in an efficient manner.

4. Residents Concerns

The primary concern amongst local residents regarding traffic effects seems to be the issue of vehicles being parked over driveways or blocking sight lines from driveways. This behaviour is not expected to be significantly worsened by the demand for an additional 2 spaces on-street. Nevertheless, it is recommended that pavement marking be installed either side of each driveway on Warren Kelly Street and Gilbert Street to better delineate the appropriate parking locations and prevent any undesirable behaviour.

5. Conclusions

The expected parking demand of 10 spaces is two more than the eight spaces proposed to be provided on site. Surveys of the availability of on-street parking have shown that there is ample on-street parking capacity to be able to accommodate the additional demand for two spaces.

Traffic flows on the surrounding local road network are well within any theoretical capacity constraints and are more than able to accommodate any additional traffic movements generated by the proposed childcare centre.

In order to attempt to address resident's concerns regarding vehicles parking over driveways on Warren Kelly Street and Gilbert Street, it is recommended that the ends of each park bay are marked in the vicinity of the proposed childcare facility and the primary school side of each driveway crossing on these streets.

In summary, there are no traffic or transportation reasons to preclude granting of a resource consent for the proposed activity,

This report has been prepared solely for the benefit of Tasman District Council. No liability is accepted by this company or any employee or sub-consultant of this company with respect to its use by any other person.

This disclaimer shall apply notwithstanding that the report may be made available to other persons for an application for permission or approval or to fulfil a legal requirement.

Prepared by: Chris Pawson Date:30/01/08	Reviewed by: Rhys Palmer Date:30/12/08
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Yours faithfully
MWH NEW ZEALAND LTD

Chris Pawson
Graduate Transportation Engineer

TO: Jane Harley, Consent Planner
FROM: Dugald Ley, Development Engineer
DATE: 31 January 2008
REFERENCE: RM070581
SUBJECT: **EARLY CHILDHOOD EDUCATION CENTRE, 9 WARREN KELLY STREET**

INTRODUCTION

This application is to convert the existing residential dwelling into an early childhood centre. The centre will cater for up to 26 children aged between 0-5 years together with four teachers.

BACKGROUND

The site will be fully serviced and connected to Council's services.

In regard to traffic and car parking the applicant shows that eight vehicle car parks shall be formed on site and the access crossing relocated to the centre of the site. A traffic assessment was carried out by the applicant's traffic advisers and following the close of submissions that report was peer reviewed by Council's consultants (MWH NZ Ltd).

Chris Pawson a graduate transportation engineer carried out a site inspection and undertook a parking survey prior to Christmas 2007 when the effect of the adjacent schools were still operating. His report is attached to the planner's report and concluded that the effects of the change in use would be no more than minor. He reported that ideally ten car parks should be created on site however there is "ample on-street parking capacity to be able to accommodate the additional demand for two spaces".

RECOMMENDATION

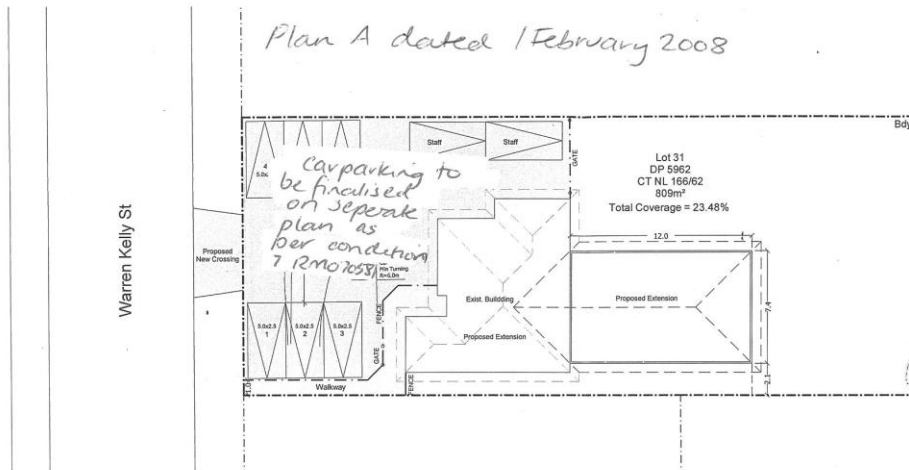
Engineering therefore supports this early childhood application and concurs with the suggested conditions as set out in the planner's report.

The neighbour's concerns regarding vehicles being parked over entrance ways are noted. Council will arrange at its expense for parking limit lines at each side of existing entrances to properties in both Warren Kelly and Gilbert Streets to provide a better guide for parking in the street.

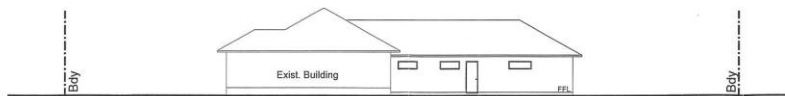
In regard to the Safety Coordinator's concerns it is imperative that safety protocols be imposed on drivers who deliver children to the complex and these shall be part of the "agreement" to join the centre. Again the proposed conditions of consent as outlined in the planner's report are appropriate and, if approved, a potential review clause/condition be imposed to verify predictions after the centre has been operating for 12 months.

Dugald Ley
Development Engineer

Appendix 8
Plan A dated 1 February 2008
Showing central access to the site as per condition 6



PLAN



EAST ELEVATION

Job Title:	
9 Warren-Kelly Street Richmond	
Drawing Title:	
Proposed Extension	
Plan Information:	
Scale: 1:200 @ A3	
Job No:	Sheet
1013	A02
Drawn:	Date
1	May 2007
M.Craf	
Annotations	