



STAFF REPORT

TO: Environment & Planning Subcommittee

FROM: Janne Shaw, Consent Planner - Land

REFERENCE: RM 071190

SUBJECT: **IRELAND DEVELOPMENTS LTD - REPORT EP08/04/03** - Report prepared for 21 April 2008 Hearing

1. INTRODUCTION - APPLICATION BRIEF

1.1 Proposal

To remove two existing dwellings and establish and operate a community activity, namely a privately owned, Government licensed education and childcare facility within a newly constructed purpose built building. The centre will cater for up to 65 children, 25 children aged less than two years and 40 children aged between two and five years. The facility will be open from 7.00 am to 6.00 pm Monday to Friday but closed on public holidays. The centre will be staffed by up to 12 full time equivalent staff.

The proposal provides for twelve on-site car parks adjacent to the south western boundary of the sites (hereinafter referred to as the "site").

See Appendix 6 "Plan A" attached for site plan.

1.2 Location and Legal Description

The property is located at 34 and 36 Edward Street Richmond. (See Appendix 1 attached)

The legal description of the land is Lot 1 DP 11540 and DP 2080 described in Certificates of Title NL11B/333 and NL68/263 respectively.

1.3 The Setting

The application sites, one of which is a corner site, have a combined area of 1929 square metres containing an existing dwelling on each title, and are currently used for residential purposes. Both sites have established gardens and lawns with vehicular access gained from William and Edward Streets respectively.

The surrounding land use is predominantly residential with properties ranging in area from 491 square metres to 1139 square metres. Pedestrian access accessed from the northern side of William Street opposite the subject site serves Henley School, Waimea Intermediate School and Waimea College, and is located approximately 75 metres from the Edward and William Streets intersection.

The same access also includes vehicular access to Henley School. Children attending Henley Kindergarten would generally use the access from Gilbert Street. A pedestrian crossing is installed across William Street to the immediate west of the subject site. This crossing is manned by a school patrol for Henley School users during the before, and after school, periods.

This area is an older established part of Richmond that has accommodated kindergarten, primary, intermediate and college facilities in the vicinity, within the residential community since the late fifties, without the need for physical boundaries between each facility although Henley Kindergarten is fenced for child safety reasons.

The application seeks the removal of the two existing dwellings to enable the construction of a purpose built early education and child care facility providing pedestrian and vehicular access from Edward Street.

1.4 Zoning and Consent Requirements

The subject properties are zoned Residential under the Proposed Tasman Resource Management Plan. (See Appendix 2 attached) 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 the Residential Zone Permitted Activity Rules in the following respects:

Rule 17.1.2(da): The proposal involves a community activity where vehicle movements to and from the community activity exceed 30 per day on any one day;

Rule 17.1.2(l): The noise standards will be exceeded at the southwest (car park) boundary;

Rule 17.1.4(m): The southwest wall of the main building adjoining the car park exceeds 15 metres in length by 0.18 metres and along the northern western boundary by 0.5 metres without providing the required 2.5 metre offset. In addition the 2 metre high acoustic fencing along part of the property boundary that is also deemed a building, exceeds 15 metres in length;

Rule 17.1.4(r): Both the proposed equipment shed on the northwest boundary and the poles supporting the shade sails are setback up to 0.9 metres instead of 4.5 metres sited from the legal road boundaries. The 2 metre high acoustic fences (deemed buildings) also encroach into the required internal 1.5 metre and 3.0 metre setbacks;

Rule 17.1.5(a): The building exceeds 33% coverage by 5.6%. This is created by the shade sails that are required to be included when assessing site coverage;

Rule 17.1.7A: The “community activity” does not comply with the conditions for a permitted activity. (See Rule 17.1.2(da) above);

Rule 16.1.2(a): The proposal is for two signs having a total area of 2.62 square metres. This exceeds the permitted one sign having a maximum size of 0.5 square metres in a Residential Zone. The proposed signs consist of a free standing, 1.62 square metre sign and a 1.0 square metre sign attached above the entrance of the main building;

Rule 16.1.2(i): The vertical height of the secondary message lettering on the sign(s) will be less than the 150mm permitted standard by up to 50mm;

Rule 16.2.2(f): The proposed crossing width of 6.6 metres exceeds that permitted by 0.6 metres;

Rule 16.2E: The stall width of the 2 parking spaces provided for People with Disabilities is 2.4 metres instead of 3.6 metres.

The proposed activity does not comply with the permitted activity Residential Zone, Outdoor Sign and Advertising and Transport rules above, and the application is therefore deemed to be a non complying activity under Rule 17.1.5(AA) of the Proposed Tasman Resource Management Plan. Council has not restricted the matters it can consider. The main resource management effects generated by this application are outlined and discussed in Part 5.3 –Assessment of Environmental Effects.

2. CONSULTATION

The application states that consultation was undertaken with directly adjoining and surrounding property owners/occupiers of neighbouring sites. Neighbour information packs were sent to all immediately surrounding landowners that included conceptual information regarding the proposed education and childcare facility. The applicant states that wherever possible, any issue that has arisen from the consultation process has been adopted and plans modified to mitigate concerns.

An informal pre-hearing meeting at Council has also been undertaken since the closing of submissions with both the applicants and those submitters who were able to attend. All parties had the opportunity to express concerns and such issues may now be further addressed between the parties, either prior to, or at the hearing.

3. NOTIFICATION AND SUBMISSIONS

3.1 The application was publicly notified on Saturday, 2 February 2008. Submissions closed on 3 March 2008.

Fourteen submissions were received; one in support, one neutral and twelve opposing the application. Four 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 in relation to the proposal.

3.2 Submissions in Support (one)

Submission No.	Submitter	Reasons	Decision
11	Rick Ivory	Good location to other schools. Removal of existing truck will create additional parking spaces	Approve Does not wish to be heard.

3.3 Submissions in Opposition (twelve)

Submission No.	Submitter	Reasons	Decision
1	Marthe Jarrett	Insufficient parking All parks currently in use when schools are open.	Decline Does not wish to be heard.
3	Kenneth and Roseanne Armstrong	Traffic congestion in surrounding streets, i.e. beyond Edward Street.	Decline Does not wish to be heard.
4	Connie Winsloe	Parking congestion at school arrival and departure times. Access difficulties to properties due to current parking. Effects of traffic flow on William Street and Salisbury Road intersection is considered dangerous.	Decline Does not wish to be heard.
5	Rona Hart	Current traffic volume and parking congestion before and after school. Large removal truck currently parked in area exacerbates parking problem. Cars currently park across driveway and briefly on yellow lines.	Decline Does not wish to be heard.
6	S Novara and M Moffitt	Additional parking demand adjacent to Henley School creates vehicle access hazard for residents. Increased flow of traffic in a residential area will make entering and exiting driveways dangerous and impossible.	Decline Does not wish to be heard.
7	L and B Moffitt and R Hamilton	Additional parking demand Increased flow of traffic in a residential area will make entering and exiting	Decline Does not wish to be

Submission No.	Submitter	Reasons	Decision
		driveways dangerous and impossible. Sight distance will be very limited for vehicles exiting the access from the facility.	heard
8	Patricia Hill	Insufficient car parks provided on site Current limited parking in Edward Street Large number of properties currently exiting onto Edward Street. Increase of pedestrians (due also to growth of adjacent schools) and vehicles will cause congestion and inconvenience.	Decline Wishes to be heard
9	Mathew and Tania Bouterey	Area already overcrowded with educational facilities Current parking problems on Edward Street exacerbated by large truck parked causing danger. Insufficient parking provided on site will cause traffic hazard Proposal not enhancing community spirit and will adversely affect the residential amenity and character of Edward Street. Noise created by the activity. Affects resale of property Request double glazing of house and compensation for loss of real estate sales.	Decline Wishes to be heard
10	Grace Martin	Traffic effects and questions the need for an additional school in the area	Decline Does not wish to be heard
12	Thelma Levy	Additional traffic on William Street will adversely affect traffic safety and hinder emergency vehicles using street on an almost daily basis. "Stop" sign required at corner of William and Edward Streets. Traffic congestion and current difficulty exiting from owner's property. Discharge of stormwater into existing overloaded system.	Decline Does not wish to be heard
13	Clark Education and Training Ltd (Chris Clark)	Increase in noise and traffic levels of a noisy commercial operation better suited to a commercial/industrial area. Compromises safety of users and residents of Edward Street. Planting along boundaries will exacerbate sight distance when exiting the access. Adversely affect the residential amenity and character of the neighbourhood.	Decline Wishes to be heard
14	Joan Haughey	Increased traffic congestion in William Street/Salisbury Road will also affect access to owner's property. Continual Noise - Fencing inadequate to	Decline Wishes to be heard

Submission No.	Submitter	Reasons	Decision
		<p>block noise, and building and fence will compromise sunlight to part of owner's dwelling.</p> <p>Adversely affect quality of life.</p> <p>Reduction to value of property.</p> <p>Requests (i) fencing with a more permanent soundproofing material and an alternative to allow sunshine to penetrate owner's property.</p> <p>(ii) timeframe on construction period.</p> <p>(iii) involvement with noise protocol with building contractors.</p>	

3.3.1 The twelve submissions that oppose the application have identified very similar issues which will be addressed individually in the assessment of affects made later in this report. These issues relate to traffic and access, parking, residential amenity, noise and property values.

3.4. Neutral Submission (one)

Submission No.	Submitter and submission No.	Reasons	Decision
2	James and Dorothy Isdale	<p>Use of access (driveway) may attract skateboarders at evenings and become a recreational area</p> <p>Requests that a gate to the parking area be provided to be secured after hours.</p>	<p>Neutral</p> <p>Does not wish to be heard.</p>

3.4.1

The neutral submission to the application has concern regarding the use of the access and parking area after hours. The effects have been assessed in more detail under Section 5.3 Assessment of Environmental Effects.

4. STATUTORY CONSIDERATIONS

4.1 Resource Management Act

4.1.1 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.

4.1.2.1 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 104B sets out the framework for granting or declining consent based on the status of an activity as set out in the relevant Plan.

4.2 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.

4.3 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 16.1 (Outdoor Signs and Advertising), Chapter 16.2 (Transport - Access, Parking and Traffic) and Chapter 17.1 (Residential Zone Rules).

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

5. 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.

- 5.1** Pursuant to Section 104D of the Act the Council may only grant a resource consent for a non-complying activity if it is satisfied that either (a) the adverse effects of the activity on the environment will be minor; or (b) the application is for an activity that will not be contrary to the objectives and policies of the relevant plan which in this case is the PTRMP.

Where a Non-Complying Activity passes the tests under Section 104D of the Act, it then falls to be considered pursuant to Section 104B of the Act which provides that the Council may grant or decline and if granting may include conditions.

5.2 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 a Residential Zone and covers a wide range of health and education facilities. However, vehicle movements to and from a community activity in combination with any other permitted activity on the site must not exceed 30 per day on any one day.

The proposal is for a maximum of 65 children, catering for twenty five under two year olds and forty aged between two and five years. Up to 12 full time equivalent staff will be employed generating approximately 200 vehicle movements per day to and from the community activity. One parking space is required for every employee of a day care facility. The proposal is to provide a total of 12 onsite car parking spaces.

The following permitted activity rules associated with this proposal are contravened by the proposal:

Chapter 17 (Zone Rules):

- a) 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));
- b) Noise generated by the activity when measured at the boundary of the site to a level of 55dBA L10. (Rule 17.1.2(l));
- c) The length of a wall exceeding 15 metres requires an off set of at least 2.5 metres. (Rule 17.1.4(m));

- d) Buildings, including fences over 1.8 metres in height be setback 4.5 metres from road boundaries and 1.5 metres and 3.0 metres from internal boundaries (Rule 17.1.4(r)); and
- e) Building coverage up to 33 percent (Rule 17.1.4(d)).

Chapter 16 (Signage, Access and Parking standards):

- a) An outdoor sign in the Residential Zone up to 0.5 squares in area and up to 2.0 metres in height. (Rule 16.1.2(a); and
- b) 150mm minimum vertical height of lettering and minimum spacing of 100mm between lines on a sign (Rule 16.1.2(i));
- c) A vehicle crossing up to a maximum width of 6.0 metres (Rule 16.2.2(f));
- d) Sight distance of 105 metres between any vehicle crossing and traffic on the road (Rule 16.2.2(v) and figure 16.2C))
- e) A minimum car park stall width of 3.6 metres for people with disabilities (Rule 16.2.3(i) and Figure 16.2E)).

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

5.3 Assessment of Environmental Effects

Following site visits that included surveys of traffic movements and parking availability on several occasions, 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 including parking
4. Cumulative effects
5. Property Valuation effects

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

5.3.1 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.”

Pre-schools and day care facilities are, inter alia, defined in the Tasman Resource Management Plan as Community Activities and have been traditionally located in Residential Zones where they are easily accessible for the local residents. There are no other zones where community activities are permitted. The location of the proposal is situated in close proximity to the Henley/Waimea schools where such a development would be expected to meet the needs of the local community.

While the proposed building will clearly not be a dwelling and different in character to those which currently exist, the overall appearance is of a larger single storied building located on a larger site. The design of the building is considered compatible with the surrounding environment and nearby residential dwellings. In this instance the two sites will be held together under Section 75 of the Building Act 2004 as the proposed building will straddle the boundary of the two sites. The main building and proposed storage shed comply with the maximum building coverage permitted. The shade sails located in the front yard trigger the activity to become non-complying. To help mitigate any adverse visual effects, the landscaping proposed along the street frontages including specimen trees on the site, will effectively screen the non residential components of the activity. Whilst effective screening is provided, and a pedestrian/ vehicle entrance is provided for from Edward Street, high fencing alone has been avoided so as to provide a degree of permeability and avoid isolating the site from the neighbours and the street. In this instance access is proposed from Edward Street with the current accesses on both streets being closed and the new access located some 42 metres from the intersection. Concern was expressed by a submitter that the open parking area and driveway may attract skateboarders and become an evening recreation area. The installation of a gate that can be secured when the facility is not in use would mitigate any obvious adverse effects in this regard.

Apart from building lengths and setbacks, site coverage and signage, the predominant amenity issues in this case include adverse effects of parking congestion, traffic safety, noise and loss of general amenity through having a community activity of this scale in the neighbourhood. Perceived problems raised by submitters include additional parking congestion on Edward and William Streets, noise generated by the activity generally, loss of residential amenity and the non-residential nature of the development, effects of increased traffic movements and the reduction to the value of properties.

The size and scale of this proposal is significantly larger than that permitted by the Plan. It may be argued that 30 vehicle movements (vm) does not provide for a viable community activity, as most health centres, churches, educational facilities etc will nearly always generate in excess of 30 vm and therefore be dealt with through the resource consent process. Any development in the residential zone must either meet the Plan permitted standards or obtain 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 allotment sizes and roading classifications (roading hierarchy), and the permitted activity standard of 30 vm has been set to provide for the minimum sized allotment on the lowest ranked road (width wise). Therefore larger sites with a higher roading classification may be considered acceptable for a larger scale community activity operating under conditions of a resource consent.

The proposal is for a maximum of 65 children to be cared for on the site at any one time (this number would represent a full role) but data submitted by the applicant indicates that this is generally not the case. In practice all childcare facilities experience fluctuations in numbers due to sickness, holidays and varying session times and therefore the facility will rarely be operating with a full role. Fewer child numbers on site will go toward reducing any potential adverse effects. Hours of care vary between 7.00 am and 6.00 pm Monday to Friday but closed on public holidays.

At 1919 m² in area the subject site is significantly larger than the majority of early childhood education centres currently operating in the Tasman District. Five established local childcare centres in residential zones were reviewed and found that they ranged in size from 809 m² to 1065 m² in area. Being a purpose built facility every effort has been made to ensure that any adverse effect on the character and amenity of the area is minimal in respect of parking, access, the location of play areas, along with landscaping and screening from neighbouring properties. The site is providing the required number of car parks adjacent to the south western boundary of the site. This also helps maintain the existing residential amenity as viewed from Edward Street. With carefully designed access and parking, the site is able to provide a relatively large area of outdoor playing space located away from all neighbouring residences. These areas face William and Edward Street at the intersection while being well screened from both streets by proposed boundary fencing and landscaping.

5.3.2 Continuous Building Length

The Plan requires that an offset of at least 2.5 metres be provided at intervals no greater than 15 metres along any wall of a building. The proposal indicates that the length of the south western wall facing the car park is 15.18 metres and the north western wall 15.4 metres. The 2 metre high internal acoustic fence is also over length as it constitutes a "building" under the TRMP being over 1.8 metres in height. When assessing the extent to which the continuous building lengths will detract from the pleasantness and openness of the site when viewed from the street and adjoining site and, the ability to mitigate any adverse effects through screening, the mitigating factors overall are that the 0.18 metre breach along the south western wall is insignificant in terms of a visual effect from the car park, and the 0.4 metre length on the north western wall will effectively meet the step requirement by the addition of the verandah structure. The acoustic fence will help mitigate noise for the affected adjoining landowners.

5.3.3 Setback from Street and Internal Boundaries

Buildings are required to be set back 4.5 metres from a street boundary. In this instance the proposed equipment shed is 0.9 metres from the Edward Street boundary. In addition the shade sails and supporting poles are defined as a building and also encroach into this setback. When viewed from Edward Street, the shed and sails do not create a solid barrier along the length of the boundary. The intrusion towards the boundary is necessary to allow for more efficient, practical and pleasant use of the site.

The adverse effects of the building intrusion on the outlook and privacy of people is mitigated by a new 1.8 metre fence along the boundary that will lessen the appearance of the shed and sails. In front of the fencing along both Edward and William Streets it is proposed to plant trees to screen and soften the appearance and effect of the equipment shed.

The proposed 2.0 metre high internal acoustic fences are also defined as buildings but their height is purely for noise mitigation purposes.

5.3.4 Building Coverage

Buildings in a residential zone are permitted to have site coverage of 33 percent. Site coverage of the proposed buildings is 32.7 percent and meets this criteria. However, the 113 square metres of shade sails increases the coverage to 38.6 percent. Shade sails are an important component to the outdoor area of childcare centres for sun protection to avoid over exposure to sunlight. The applicant advises *“that the shade sails will be erected at all times during the summer periods and are likely to be removed during winter or cooler times of the year when ultraviolet light is likely to be at a level where exposure is not a significant issue”*. Because the additional coverage is shade sails as opposed to actual building, the character of the site will remain dominated by open space and vegetation rather than buildings.

It should be noted that this is the only rule that renders the activity as a whole, non complying as opposed to discretionary.

5.3.5 Signage

A sign of up to 0.5 square metre in area and 2 metres in height is permitted in the Residential Zone. The applicants propose a freestanding double sided sign of 1.62 square metres in area positioned in Edward Street adjacent to the entrance and a 1.0 square metre sign mounted on the gable end of the building facing out toward the outdoor play areas. The lettering height for the secondary message is also slightly less than the required 150mm. The sign will not be illuminated or finished in overly bright colours. It is expected that community activities located within a residential zone provide signage to advise the existence of such an activity. The signage proposed will not be visible from William Street.

5.3.6 Noise Effects

Some submitters are concerned about potential noise generated by the activity on the subject site. As outlined in the attached noises report by Council’s Environmental Health Officer, Graham Caradus (see Appendix 4(a) and 4 (b)) the landowner or consent holder is responsible for adopting the best practical options to control the noise generated onsite.

The applicant has requested dispensation from the noise standards that are likely to be exceeded at the southwest (car park) boundary.

It is acknowledged that noise is an anticipated effect from any day care facility involving outdoor play areas and traffic to and from the site. A report in respect of potential noise effects associated with the proposal has been provided by an experienced acoustic consultant with the application for resource consent. The applicant proposes the establishment and maintenance of 2.0 metre high acoustic fencing along the southwest and southeast boundaries that will help mitigate car park noise on adjoining residential properties, while the remaining external boundaries will be fenced with a 1.8 metre standard paling domestic fence. However, fencing may not avoid or completely remedy play or traffic noise. It is the consultant's opinion that this noise will comply with the guideline outlined in NZS 6802:1991 for the reasonable protection of community health and amenity.

The acoustic consultant also concludes that noise from vehicles on the site is expected to comply with the Plan's noise rules when received within neighbouring properties and that this noise is generally not considered unreasonable or to have more than a minor adverse effect due to the hours during which the noise will occur and the likely existing uncontrolled traffic noise from both William and Edward Streets.

Council's Environmental Health Officer, Graham Caradus, questions the statement that "*the assertion that noise associated with vehicle movements on site would be expected to have minimal adverse effect on neighbouring properties*", given the potential number of vehicle movements that will occur with accompanying door slamming and engine start-ups delivering and collecting up to 65 children and 12 staff and the close proximity of three neighbouring properties.

Mr Caradus does have concerns for the potential degree of noise disturbance that could be caused to neighbours. However, if appropriate noise mitigation measures were put in place this could result in noise emissions across site boundaries that should comply with the noise rules under the TRMP and with the NZ Standard guidelines mentioned above.

It is noted that the play areas are located adjacent to the Edward and William Street frontages with the nearest dwelling being a minimum of 24 metres away. In addition playground surfaces will be covered with artificial grass to minimise impact noise. The three submitters who address noise as one of adverse issues do not specifically mention noise arising from children, but rather the noise generally generated by the activity in a currently quiet residential area. This therefore, is presumed to include noise from the traffic entering and leaving the site.

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 playing a musical instrument considered as normal residential activities could potentially be more intrusive.

It is expected that the applicant will provide noise mitigation measures indoors but these have not been addressed in the application. In respect of any external plant associated with the building that may include extractor systems and/or air conditioning units, the applicant's acoustic consultant is of the opinion that these systems can be designed installed and operate in compliance with the Plan's noise standards.

All noise mitigation measures for both indoors and outdoors will need to form part of an overall Management Plan for the facility. The ability to comply with these standards will rely heavily on the management of the centre and implementation of appropriate management strategies.

To date Council do not have any registered complaints relating to the noise generated from day care centres in the region. A survey of eight childcare centres has been carried out in the Richmond, Stoke and Nelson areas specifically in respect of noise and/or traffic complaints. All are located in residential zones and sited in densely populated residential areas. None of those interviewed has had any complaints and several also had no parking available on site. This has been endorsed by Compliance Officers from both Nelson City and Tasman District Councils.

Overall, if appropriate noise mitigation measures are put in place, the proposal should meet the Residential Zone noise emission standards which could therefore be considered to have adverse effects that will be no more than minor. This noise standard would then be considered acceptable for the location. The residential noise standard is copied into condition 7 at the end of this report; it is also reinforced by the review condition 27 which could be used in the event of unforeseen noise issues arising.

5.3.7 Transport Effects

Adverse traffic effects were identified by submitters as the primary area of concern relating to this application. Traffic safety concerns include increased vehicle movements, road and pedestrian user safety and increasing numbers of parked cars on Edward and William Streets. Submitters also feel that the additional traffic exiting William Street onto Salisbury Road will exacerbate the increasingly difficult ability to turn right into Salisbury Road. These concerns have been discussed with Council's Roding Engineer 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 affect the safe and efficient operation of either William or Edward Streets.

It is accepted that drop off (8.40 am to 9.05 am) and pick up (2.55 pm to 3.15 pm) times associated with Henley School have a significant impact on the current parking situation in Edward Street adjacent to the subject site. William Street is also affected to a much greater degree with parking on both sides of the street for a considerable distance from the Henley Street entrance at these times.

A survey on Edward Street only was conducted on six separate occasions at the times specified above, A car count was also carried out during January when no school was in session. The school day counts were conducted on both wet and fine days to assess whether additional traffic was generated on wet days. This appeared not to be the case. The total number of cars dropping off/parking and picking children up did not exceed 18 cars on any one day and on each occasion there were at least two cars that were not school related. Much of the current parking congestion in Edward Street at the park/drop off/pickup times is exacerbated by the way in which people park when delivering or collecting children and this could be greatly improved with suitable road marking both at the intersection with William Street, and with parking limit lines near the entrance to accesses along Edward Street. A large furniture removal truck parked most evenings and some days on the eastern side of Edward Street is not conducive to current traffic safety for either pedestrians or car parking but Council has no bylaw in place that can remedy this ongoing problem.

Parking for the proposal will be provided on site and this will limit the additional number of cars that may choose to park on Edward Street. Access to the day care building is located at the far end of the driveway with staff parking at the street end of the car park. This will encourage care givers/parents to drive onto the site and park near the building entrance to drop children off. The ability to turn and exit the site in a forward direction is also provided. It should be noted that the facility does not have specific session times and therefore visitor parking demand is erratic as a result of different setdown and collection times of children across the day.

Because of the existing demand for on street parking in the vicinity, it is important that the proposal is self sufficient in terms of catering for its parking demand on the site. In this instance the proposal meets the requirements of the TRMP. Concern has been expressed by the submitters that 12 car parks is not a sufficient number where up to 12 equivalent staff are to be employed. The applicants provide evidence from previous facilities operating throughout the country that indicate that the 12 spaces provided will fully cater for the staff and visitor parking demand of the activity. There is no doubt that the majority of parking generated across a day relates to staff parking demand with up to nine of the 12 proposed spaces likely to be used by staff. It is also acknowledged that in some instances, both staff and visitors are likely to travel by foot.

Good visibility when exiting the subject site onto Edward Street could be secured by painting the white "parking limit" lines on either side of the physical crossing and appropriate landscaping maintained at a lower height adjacent to the access. These will not reduce the available parking spaces for the existing residential activities and should discourage people from parking over accesses to other properties. Because of the sufficient amount of available onsite parking and internal nature of the drop offs and pickups, Council's Engineer Mr Ley, concludes that the proposed activity will have minimal adverse effect on the efficient and safe operation of Edward Street.

Overall, Edward Street and the site itself is considered capable of managing the increase of traffic by providing safe onsite facilities without compromising the safe and efficient use of Edward and William Streets. This proposal does not generate an unrealistic or out of character increase in traffic for such an area.

5.3.8 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 having particular regard to amenity, traffic and noise effects, it is considered that when taken as a whole that they will not adversely affect the amenity of the neighbourhood.

In relation to precedent effect, a precedent has already been established by the existing schools and pre-schools in the surrounding area. The need for an early childhood facility must be assessed on its own merit. Although there is an obvious need for further pre-schools generally as waiting lists are high, I do not believe that granting consent to this application would lead to an immediate increase of community activity applications.

5.3.9 Property Values

Concerns have been raised that property valuations will be affected by the proposal. However the Environment Court has determined that "Effects on property values are not a relevant consideration in determining whether a resource consent should be granted". (Foot v Wellington CC EnvC W73/98)

5.3.10 Summary of Effects

Richmond has a fast growing population and an increase in school rolls over the next few years is expected to be significant. Childcare facilities are part of the traditional residential amenity and while they can generate adverse effects, these can be mitigated by sensitive design, fencing, landscaping and limitations on the number of children and operating hours. The potential adverse effects from a community activity involving 65 children on a 1929 m² residentially zoned property have been discussed and mitigating measures assessed. However, it is considered that the site is of sufficient size to accommodate the activity and 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 will have a positive effect on the rapidly expanding Richmond and environs areas.

6. RELEVANT STATUTORY PROVISIONS

6.1 Relevant National Policies

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

6.2. 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.

6.3. 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 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

6.3.1 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 development on site amenity are avoided, remedied, or mitigated.
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; 5.2.4 To promote amenity through vegetation landscaping and screening; 5.2.8 To avoid, remedy or mitigate the adverse effects of traffic on the amenity of residential areas; 5.2.10 To allow signs in residential areas that are necessary for information, direction or safety.
5.3.A.0 Accommodation of a wide range of residential activities and assessable community facilities in urban areas	5.3A.2 To allow for healthcare, educational and cultural facilities and other local community activities, including in Residential areas, providing these do not compromise the character or amenity of the residential neighbourhood.

Comment

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

It is considered that visual amenity will not be adversely altered when viewed from Edward or William Streets. The appearance of the facility is that of a large low profiled single storied brick building. Generally it will be the shade sails that will alter the amenity visually as these are located in front of the building adjacent to both street frontages. However to mitigate any adverse effects, the shade sails and equipment shed will be partly obscured by the 1.8 metre high fence and solid amenity planting along the road boundaries. In addition fencing up to 2 metres (including acoustic fencing) is to be provided around the entire boundary of the site.

The policies that seek to avoid, remedy or mitigate the effects of noise is backed up by permitted activity noise levels for each zone. It is acknowledged that a community activity involving children will result in noise disturbance on neighbouring properties. Assessment must be made as to 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 facility limit the periods of noise to hours when a high percentage of nearby residential homes will not be occupied. This also ensures that there will be no noise generated from the site during weekends and public holidays, when residential dwellings generally have a higher occupancy. Should consent to this application be granted the consent holder is required to comply with noise standards and a consent condition could be imposed to ensure the noise standard for the residential zone will be complied with.

The weekday traffic movements on and off the site will be greater in number and frequency than two average residential households (on two sites) but these movements are now contained to one vehicle crossing, where noise mitigation measures in respect of acoustic fencing will be provided. Having the site unoccupied and quiet in the evenings, during weekends and public holidays when most residential sites have greater occupation, is seen to further mitigate adverse amenity effects on surrounding sites in respect of noise.

Signs are permitted where necessary to advertise the existence of an activity. Signage on the building and a free standing sign will exceed the size normally permitted in a Residential Zone but both contain a limited amount of wording and the free standing sign is sited in such a position and at a height that is not out of keeping with the surrounding landscape.

Community activities are provided for in the Residential Zone where they do not compromise the character of amenity of the residential neighbourhood. The proposed building is considered to be compatible with other properties in the surrounding area. The area has a mixture of older character early 20th century homes and more recent dwellings. It is considered that the single storey building has sufficient off street parking, landscaping and noise mitigation measures to minimise any potential adverse effects occurring from the activity.

The maintenance and enhancement of amenity values on site will largely rely upon successful management of the facility and establishment of appropriate policies and practices that further protect the site amenity. ABC has a proven record of successful implementation of these policies. Such practises would be monitored and reviewed as part of any consent approval for the day care facility.

6.3.2 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</p> <p>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</p> <p>To encourage development to incorporate sustain urban design principles by:</p> <ul style="list-style-type: none"> (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.
<p>6.6.0</p> <p>Maintenance and enhancement of the distinctive characters of urban settlements and integration between settlements and their adjoining landscapes</p>	<p>16.7.19K</p> <p>To provide for community activities and facilities within the Residential Zone where the nature, scale and intensity of the development is compatible with the Residential environment, and adverse effects on visual amenity, noise and traffic can be avoided, remedied or mitigated.</p>

Comment

The successful design and establishment of urban areas relies on the proposed location and management of facilities such as these so that potential adverse effects are mitigated as far as is practical. Establishing community resources in an urban environment must be done in such a manner to ensure that the nature, scale and intensity is compatible with the residential environment while providing and maintaining high standards of amenity and safety. This proposal provides a community facility in an accessible convenient residential location near existing schools ranging from kindergarten to secondary school where adverse effects of amenity noise and traffic safety can be mitigated.

Council's Engineering staff 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 stormwater generated by the proposed activity.

The proposed landscaping and fencing around the perimeter and driveway of the property has been attractively designed to maintain safety of pedestrians and vehicles using Edward Street.

6.3.3 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>11.1.0 A safe and efficient transport system, where any adverse effects of the subdivision, use or development of the land on the transport system are avoided, remedied or mitigated.</p>	<p>11.1.1 To promote the location and form of built development, particularly in urban areas, that:</p> <ul style="list-style-type: none"> (a) avoids, remedies or mitigates adverse effects of traffic generation; (b) avoids an increase in traffic safety risk; (c) avoids an increase in traffic safety risk. <p>11.1.2 To ensure that land uses generating significant traffic volume:</p> <ul style="list-style-type: none"> (a) are located so that the traffic has access to classes of roads that are able to receive the increase in traffic volume without reducing safety or efficiency; (b) are designed so that traffic access and egress points avoid or mitigate adverse effects on the safety and efficiency of the road network. <p>11.1.2B To avoid, remedy or mitigate adverse effects of traffic on amenity values.</p> <p>11.1.3 To control the design, number, location and use of vehicle accesses to roads; including their proximity to intersections and any need for reversing to or from roads; so that the safety and efficiency of the road network is not adversely affected.</p> <p>11.1.4 To ensure that adequate and efficient parking and loading spaces are provided, either on individual sites or collectively, to avoid or mitigate adverse effects on the safety and efficiency of the road network.</p> <p>11.1.7 To ensure that signs do not detract from traffic safety by causing confusion or distraction to or obstructing the views of motorists or pedestrians.</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.

Having regard to:

- adequate parking and manoeuvring area being provided on the subject site;
- the closure of existing accesses off William and Edward Streets with the proposed access now being located further from the Edward and William Streets intersection;
- the enhancement of visibility at the entrance to the site;
- suitable parking limit lines being provided along Edward Street;
- the activity being partially non sessional, thus avoiding peak times in respect of nearby school drop off and collection times;

- the property being well linked into the surrounding residential neighbourhood by footpaths; and
- the location of the signs proposed not compromising traffic safety,

it is my opinion that the proposal will neither jeopardise the safety of the pedestrian, vehicular and cycle traffic on Edward and William Streets, nor the Plan's objectives for the continued safe and efficient operation of the land transport network in the area.

7. SUMMARY

The application is a non complying activity in the Residential Zone. As a non complying activity the Council must consider the application pursuant to Section 104(B) 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 the potential adverse effects and particularly the traffic and noise effects can be managed so that the surrounding developed residential environment will remain unaltered. In my opinion the activity is a sustainable urban development at the subject site.
- **Objectives and Policies of the Proposed Tasman Resource Management Plan** - The establishment of a community activity, in this instance an early care childcare facility located in an urban environment with adjoining residential properties is considered appropriate. The Tasman Resource Management Plan provides several objectives, polices 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 is not contrary to the thrust of the objectives and policies of the Proposed Tasman Resource Management Plan.
- **Adverse Environmental Effects** – Additional traffic and noise have been identified as having the most potential to generate adverse effects. Onsite management policies and all practicable measures taken to control noise ensure the noise nuisance will be no more than minor and will meet permitted residential activity standards. Visual amenity will be mitigated by fencing, landscaping and planting around the perimeter of the property. Onsite management of traffic and proposed acoustic fencing will reduce the impact of noise generated from 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.
Council's existing roading, pedestrian and service infrastructure utility services have the capacity to service the proposal.
- **Other Matters** – There is an obvious demand for childcare facilities in the Richmond area. Imposed conditions of consent including limitations on days and hours of operation and maximum numbers of children that can be catered for on site, along with ongoing compliance of such conditions will ensure that potential cumulative effects from the granting of this consent are avoided and the activity remains within the scale originally proposed.

Section 104B of the Resource management Plan 1991 (as amended) provides:

“After considering an application for a resource consent for a discretionary or a non complying activity, a consent authority-

- (a) may grant or refuse the application; and*
- (b) if it grants the application, may impose conditions under section 108.”*

8. RECOMMENDATION

Subject to conditions of consent the proposal to establish and operate an Early Childhood Education Facility at 34-36 Edward Street Richmond be **GRANTED**.

General

1. The establishment and operation of the early childcare education facility (hereinafter referred to as “the facility”) 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 65, with 25 children aged under 2 years and 40 children aged between two and five years.
3. The hours of operation for children attending the facility shall be 7.00 am – 6.00 pm Monday to Friday excluding public holidays.

Building Setback

4. No part of the equipment storage building or pole structures supporting the shade sails shall be sited closer than 0.9 metres from either the Edward Street or William Street legal road boundaries.

Building Coverage

5. The overall coverage of all buildings constructed on the site, including the shade sails, shall not exceed 38.6 per cent of the total area of both allotments.

Advice Note:

Lot 1 DP 11540 and DP 2080 comprising a total area of 1,919 square metres are required to be held together pursuant to Section 75 of the Building Act 2004.

Walls

6. The length of the south-west wall of the main building shall not exceed 15.18 metres and the north-western wall elevation shall not exceed 15.4 metres. Two metre high acoustic fencing (deemed “buildings” under the PTRMP) shall be provided as indicated on Plan A attached to this consent.

Noise

7. Noise generated by the facility, 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:

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

8. The Consent Holder shall provide a noise management plan that addresses the steps to be taken to mitigate noise emissions from the activity on the site. This plan shall include, but not be limited to, specific measures relating to the provision of noise attenuation fences as required by Condition 9 (and the timing of their construction), the provision of double glazing or use of “hush” glass on both the applicant’s and neighbours buildings, the provision of artificial grass for playground areas and measures to be taken to attenuate noise from plant associated with the building.
9. The Consent Holder shall construct a 2.0 metre high acoustic fence along the south-western, south-eastern and north eastern (to where it adjoins Lot 1 DP 11540) boundaries of DP 2080 and the south eastern boundary of Lot 1 DP 11540 to reduce noise emissions. A 1.8 metre high fence along the remaining external boundaries shall be constructed. Allowance for height reduction at the access to the property shall be provided as shown on Plan A (see Appendix 6).

Access, Parking and Road Marking

10. A minimum of 12 car parks shall be provided for the facility and the car parks shall be laid out in accordance with those shown on Plan A attached to this consent. Six car parks located closest to Edward Street shall be marked for use by staff only.
11. The car parks, manoeuvring areas and access 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 facility activities commencing on site.
12. A new access crossing shall be formed and the existing accesses shall be closed off prior to the facility activities commencing. The new access shall have a maximum width of 6.6 metres measured at the legal road boundary and shall be located at the location shown on Plan A attached to this consent. The Consent Holder shall reinstate the footpaths adjacent to both Edward and William Streets as part of the works.

Advice Note:

The Consent Holder is required to apply to the Council’s Engineering Department for a Vehicle Access Crossing Permit for the above works to commence.

13. The Consent Holder shall arrange for the following upgrading of road markings on Edward Street to be undertaken and the day care facility shall not commence operation until these items have been completed:
- a) The painting of white parking limit lines at each private entrance on both sides of Edward Street for a distance of 100 metres from the William Street intersection. These are to be painted and located 1.5 metres back from the edge, on each side of the crossings on Edward Street;
 - b) Painted "Give way" markings and associated signage to be installed on the Edward Street leg of the intersection;
 - c) "No stopping" lines on both sides of the road to be placed around the curved section of the Edward Street and William Street intersection.

Advice Note:

The requirement for the consent holder to "arrange" the road markings does not require the consent holder to itself undertake the work.

Advice Note:

All costs and works associated with Conditions 12 and 13 shall be met by the Consent Holder and completed prior to the day care facility commencing on the site.

Road Signage and Corner Snipe

14. Two "children" warning signs shall be erected on Edward Street, one on either side of the facility, prior to the facility activity commencing.

Advice Note:

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

15. a) The proposed fencing and associated planting at the corner of William and Edward Streets shall be set back to form a corner snipe measured from the apex for 2.0 metres in each direction.
- b) The Consent Holder shall provide planting within the triangle created by the corner snipe that shall not exceed 0.5 metres in height at maturity, so that visibility can be maintained.

Advice Note:

Planting within the triangle is to be included in the landscape plan required by Condition 19 below.

Servicing

16. All redundant water, wastewater and stormwater connections shall be sealed off at the main and the existing connection upgraded or replaced with new connections.
17. Power and telephone shall be connected to the facility via an underground service.

18. All conditions numbered 13 to 18 inclusive shall comply with Tasman District Council Engineering Standards 2004.

Landscaping

19. In addition to the concept planting plan provided, the Consent Holder shall submit a landscape planting plan and maintenance schedule for approval by Council's Reserves Manager. Subsequent implementation shall be in accordance with the planting details described on such approved plans. The landscape planting shall be maintained and any plants that die shall be replaced during each planting season.
20. Amenity planting 0.9 metres wide shall be provided along the Edward and William Street frontages as indicated on the Plan A attached to this consent. Planting shall consist of species "Pittosporum Mountain Green" that at maturity are no less than 2.0 metres in height and spaced no greater than 1.5 metres apart.
21. There shall be no planting along the Edward Street road boundary over 0.5 metres in height within 14.4 metres of the north-western corner of the property adjacent to the access, so that visibility can be retained.
22. All planting shall be implemented by (date of planting season) and be maintained on an ongoing basis.

Signage

23. The free-standing double-sided sign shall not exceed 1.62 square metres in area and the sign mounted on the gable end of the building shall not exceed 1.0 square metre in area.
24. The lettering height on both signs shall not be less than 100 millimetres.

Gate

25. The Consent Holder shall install a gate at the entrance to the car park adjacent to Edward Street that shall be secured at all times when the facility is closed.

Financial Contributions

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

Financial Contribution – Building	
Component	Contribution
Building Consent (\$0 to \$50,000 value)	0%
Building Consent (\$50,001 to \$200,000 value)	0.5%
Building Consent (above \$200,001 value)	0.25%

Notes:

- (1) The financial contribution is GST inclusive.
- (2) The building consent value is GST exclusive.
- (3) The contribution due on a building should be identified separately from other contributions set for any resource consent for an activity that includes buildings.
- (4) The financial contribution shall be determined by taking the total estimated value of the work required for a building consent and applying each component identified in the table to that value and the contribution is the sum of the components.

Review

27. That pursuant to Section 128(1) (a) and 128(1) (c) of the Resource Management Act 1991, the Consent Authority may review any conditions of the consent within 12 months from the date of issue and annually thereafter for any of the following purposes:
- a) to deal with any adverse effect on the environment which may arise from the exercise of the consent and which it is appropriate to deal with at a later stage; or
 - b) to deal with inaccuracies contained in the consent application that materially influenced the decision made on the application and are such that it is necessary to apply more appropriate conditions; or
 - c) to assess the appropriateness of imposed compliance standards, monitoring regimes and monitoring frequencies and to alter these accordingly; or
 - (d) to review the noise limits specified in Condition 7 of this consent should these be deemed to be inappropriate; or
 - e) to review the appropriateness of the access and parking requirements specified in Conditions 10 to 12 inclusive of this consent.

Advice Note:

Condition 27(d) allows the Council to review the noise limits specified in Conditions 7 and 8. 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.

Safety Protocols

4. The Early Childhood Education facility is responsible for the development of safety protocols that all parents will enter into, ensuring safe traffic practices when delivering and collecting children from the facility.

Ministry of Education

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

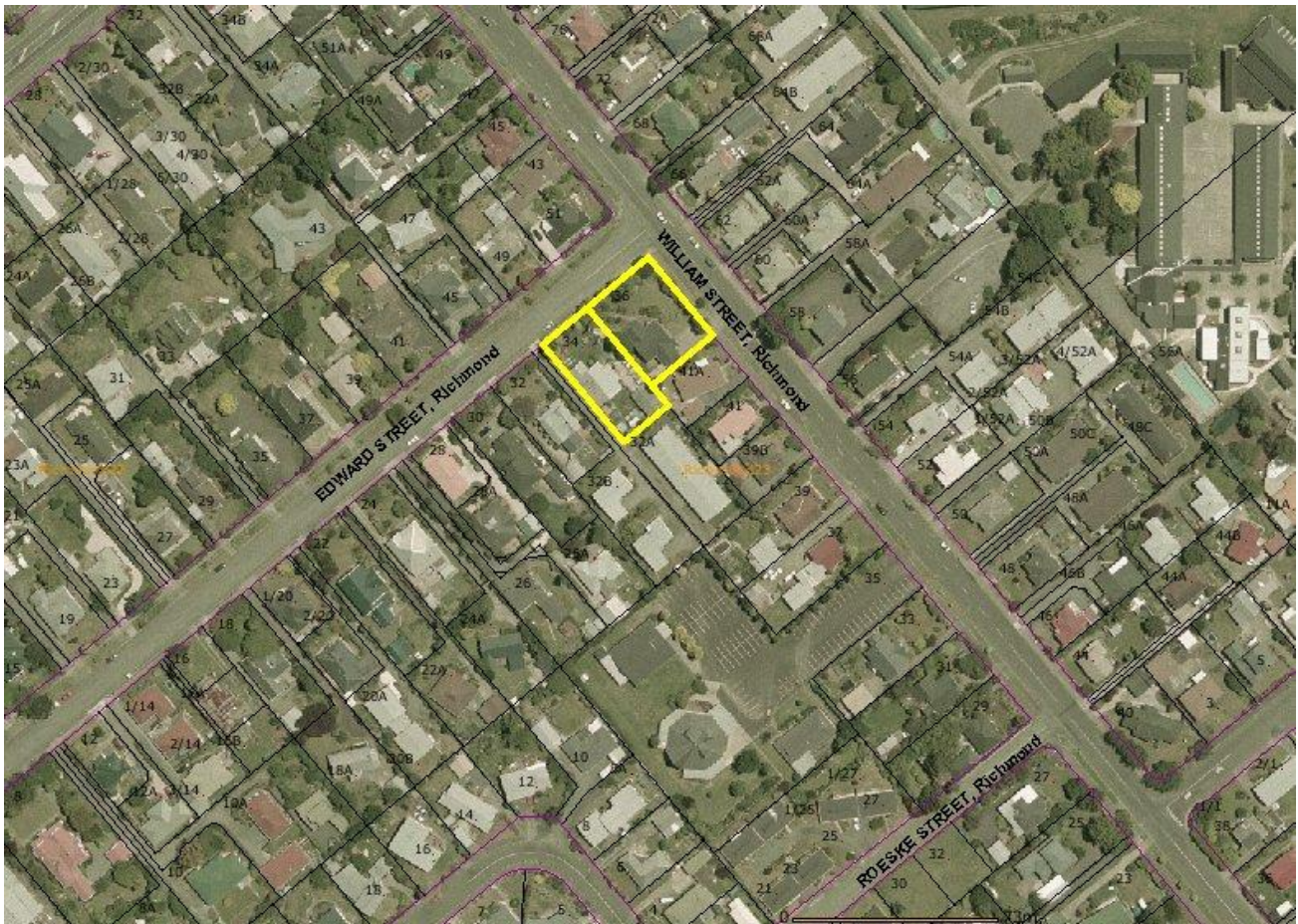
Monitoring

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

Janne Shaw
Consent Planner Land

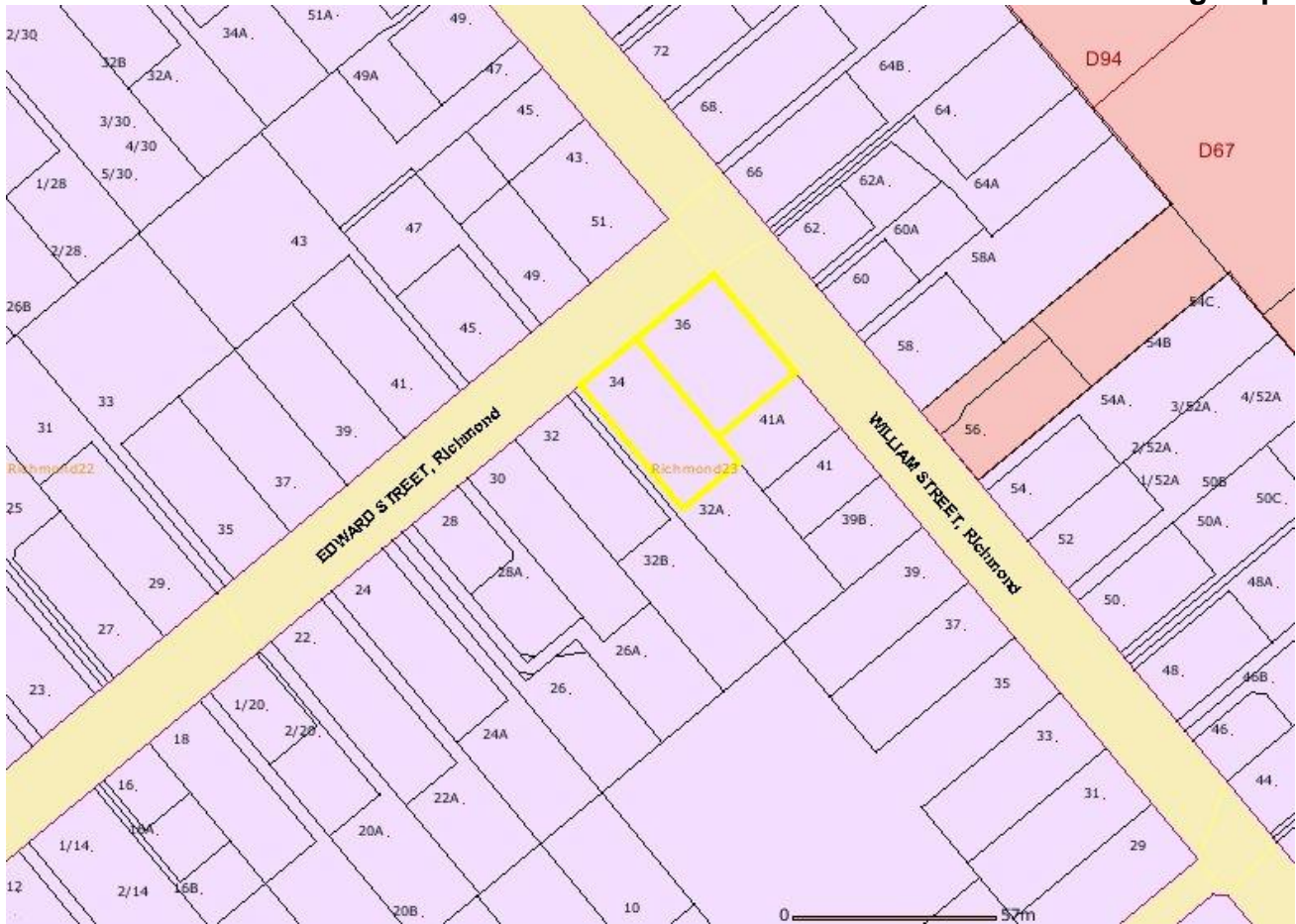
Appendices

- 1. Application Site**
- 2. Zoning Map**
- 3. Location of submitters**
- 4a. Noise Report 1 from Graham Caradus, Environmental Health Officer, dated 23 January 2008**
- 4b. Subsequent Noise Report 2 from Graham Caradus, Environmental Health Officer, dated 5 March 2008**
- 5. Memo from Dugald Ley, Council Development Engineer, dated 6 March 2008**
- 6. Plan A - Site Plan**



Highlighted in Yellow - Subject site at 34 and 36 Edward Street

APPENDIX 2 Zoning Map



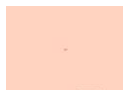
KEY



Residential Zone

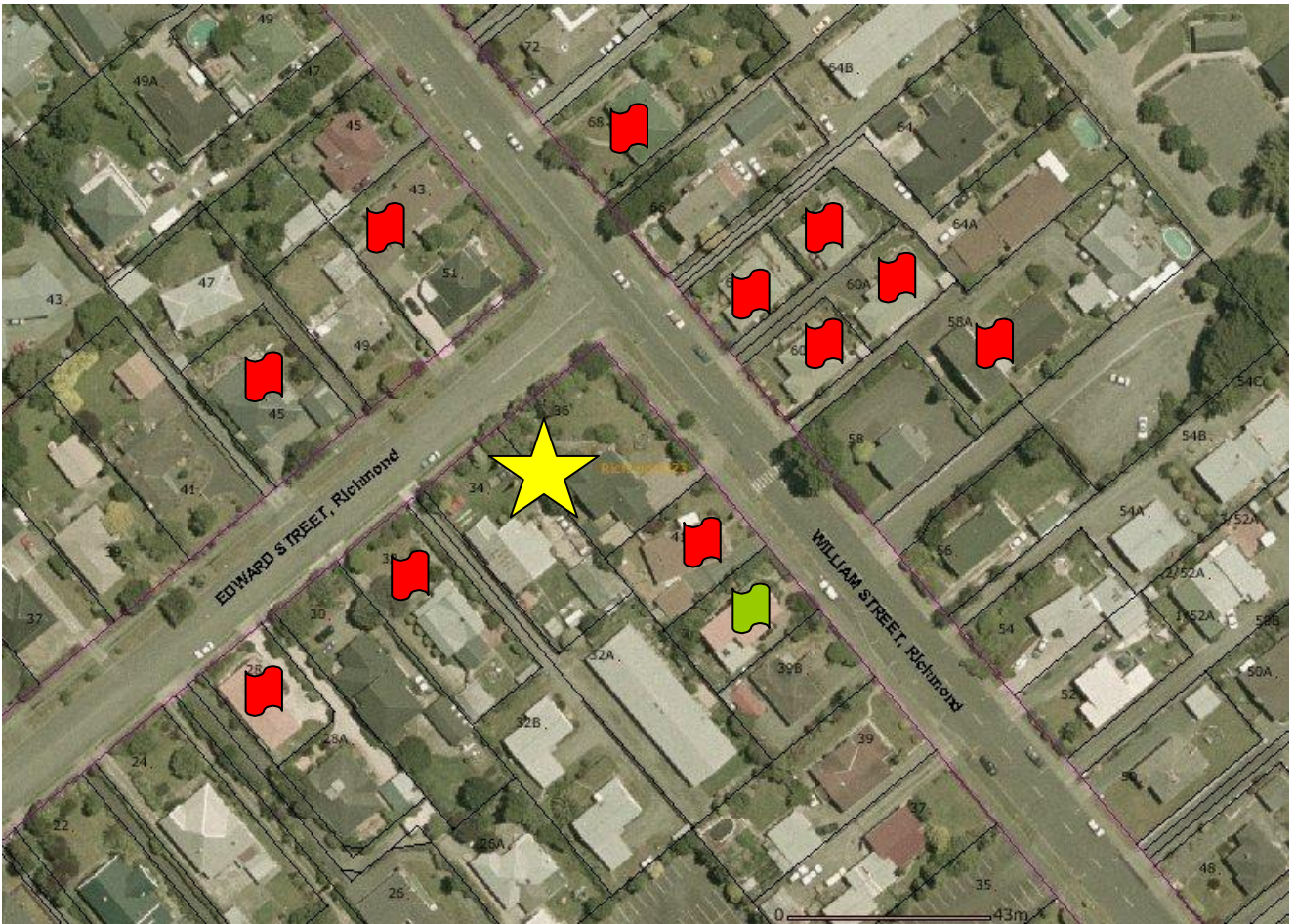


Road Reserve



Designation D67 – Henley Primary School
Designation D94 – Waimea Intermediate

APPENDIX 3
Location of Submitters



Application Site



Submitters in Opposition (*with the exception of 7 Washbourne Drive*)



Neutral Submission

Environment & Planning Department

TO: Janne Shaw
FROM: Graham Caradus
DATE: 23 January 2008
FILE NO: File No. RM 071190
RE: **Resource Consent Application: Ireland Developments Ltd Early Childhood Education Centre, 34-36 Edward Street, Richmond**

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

I confirm the comments made by the applicant's acoustic consultant: indeed there does appear to be a typographical error in the TRMP 17.1.2 (l). The L_{max} level specified should relate to night time levels and not to day time levels. The L_{max} level will therefore not be of consequence during the normal business hours of the proposed ECEC (7.00 am to 6.00 pm Monday to Friday).

I note that 3.1 of the Acoustic Engineering Services report, in calculating the expected noise levels at the worst affected neighbouring property boundaries that L_{10} levels have been used based on a one hour assessment. *NZS 6801 : 1991 Measurement of Sound* is the standard by which compliance with TRMP specifications are tested. Clause 5.4.5.2 states "A 10 to 15 minute minimum sample interval is recommended...." Similar comments are made in *NZS6802 : 1991 Assessment of Environmental Sound* clause 5 and it is recognised in that section that the time measurements for individual measurements shall not exceed 1 hour. These recommendations are followed when ever possible by Council staff undertaking noise measurements and typically 10 to 15 minute measurements are completed. It is suggested that a breakdown of the one hour L_{10} levels, is likely to reveal higher levels if measurement periods of 10 to 15 minutes are used over the periods of peak activity, which is understood to be typically around 8.30 am.

The assertion that "noise associated with vehicle movements on site would be expected to have minimal adverse effect on neighbouring properties" is questioned, given the potential number of vehicle movements that will occur with accompanying door slamming and engine start-ups delivering and collecting up to 65 children and 12 staff and the close proximity of three neighbouring properties.

Para 3.2 of the Acoustic Engineering Services report, in calculating the expected noise levels from children playing outside, has arrived at a variety of L₁₀ 'expected' levels. What is not clear is whether these are "corrected" levels. Comment later in the report suggesting that noise will not be clearly audible on adjoining properties suggests that these are not "corrected" levels. NZS6802 : 1991 *Assessment of Environmental Sound* clause 4.3 and 4.4 make comment about special audible characteristics, and specify that the L₁₀ descriptor may be reduced arithmetically by 5 dBA in such cases. It is contended that the noise generated by children playing outdoors, which will range from joyous shouts and squeals to cries associated with discomfort, disagreement or pain, and are of such a nature as to meet the standard of having a special audible character. A similar special audible character is likely to be associated with musical activities as well. If that is the case the 51 dBA and 53 dBA values calculated will exceed the corrected compliance level of L₁₀ 50dBA. The suggestion that such noise will not be clearly audible on adjoining properties is questioned.

There are legislative obligations imposed on the occupier of any land in relation to noise in addition to those in the TRMP. 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.

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.

In conclusion, based on the information provided, I have concerns for the potential degree of noise disturbance that could be caused to neighbours.

Graham Caradus
Environmental Health Officer

Environment & Planning Department

TO: Janne Shaw
FROM: Graham Caradus
DATE: 5 March 2008
FILE NO: File No. RM 071190
RE: **Resource Consent Application: Ireland Developments Ltd Early Childhood Education Centre, 34-36 Edward Street, Richmond.**

Further to my previous memo on the above, I have viewed the two tagged submissions you have referred to me.

I do not consider that the comments made either by Chris Clark or the Bouterey's are inconsistent with the predictions of the applicant's acoustic consultant. The expectation is for noise to be associated with this proposed activity, and note that the applicant's acoustic consultant has gone as far as to make some predictions in his report of typical levels that can be expected. Those predicted levels approach the current TRMP limits (or exceed them if a tonal component penalty is applied).

The matter of contention will be the effect of noise at the predicted level in this neighbourhood. It appears that the objector's submissions contend that this is currently a quiet neighbourhood and by implication that they enjoy a better noise climate than the TRMP requires in a residentially zoned area. They also appear to recognise that with the proposed Early Childhood Education Centre operating, that this will not continue to be the case. It seems that we are in reasonable agreement on that matter, but I note that all of the noise controls mentioned in my last report can reasonably be expected to remain.

Put another way, the TRMP sets an expected performance level for noise but the submitters may expect it should be set at a lower level to accommodate such activities as sleep for shift workers during the day. Whilst sympathetic to their needs and recognising the current situation they report, we are not able to impose any higher performance standard for noise than that currently specified in the TRMP.

TO: Janne Shaw, Consent Planner
FROM: Dugald Ley, Development Engineer
DATE: 6 March 2008
REFERENCE: RM071190
**SUBJECT: EARLY CHILDHOOD AND EDUCATION CENTRE, 34-36
EDWARD STREET, RICHMOND**

INTRODUCTION

This application is for the removal of two existing residential dwellings and the replacement building over both lots. The dedicated centre will cater for up to 65 children and up to 12 FTE staff will be employed. The centre will have access off Edward Street and will be connected to Council-supplied infrastructure.

BACKGROUND

The application site as set out in the consent is located on the corner of William Street and Edward Street with the sole access off Edward Street. The application is fully detailed in the applicant's supporting papers.

Generally the Engineering department supports the above application subject to suitable conditions being imposed to mitigate adverse effects that may eventuate from this change of use.

SERVICES

Wastewater

The two existing older style houses have separate connections. One will need to be abandoned and sealed off at the main. The lateral for reuse will need to be checked for soundness if that option is required, otherwise the applicants will need to apply for a new connection.

Stormwater

A stormwater reticulation system is available at the intersection of William Street and Edward Street. In essence, the two existing buildings are being replaced "like with like" albeit a slightly increased coverage. The effects therefore are deemed minor and no upgrades of the downstream stormwater system is envisaged.

Water Supply

Currently 2x15mm water supply connections service the two existing sites. It is likely at least one will be required to be blanked off at the main and the other connection upgraded to provide increased flows for the facility and to provide firefighting protection in the building. That application is yet to be received. It is envisaged that an application for an increased supply would be approved.

Power and Telephone

It is envisaged that these services will be available and that services will be relocated underground as per Council's standards.

Roading

The two present existing vehicle accessways come off both Edward Street and William Street. The application proposed to abandon the William Street access and relocate the Edward Street access to the extreme south-west boundary of the two amalgamated lots. All redundant crossings are to be "walled" up and the berms made good.

William Street and Edward Street have an approximate 10 metre carriageway width which provides two moving lanes and two parking lanes. Access is to be achieved off the lesser trafficked road and this is approved. The intersection of William Street and Edward Street is not regulated with either "stop" or "give way" signage or marking.

The applicant's traffic report sets out the traffic issues adequately. The proposal is to provide 12 car parking spaces plus one space for a loading zone. The applicant proposes that all 12 car parks will not be used all of the time and with some staff not using vehicles, it is likely that there will be vacant spaces available for parents/care givers to drop children off. It would appear that Edward Street has additional capacity to allow further "on street" parking.

On previous similar applications, some submitters have complained of vehicles parking over their driveways and to this end if consent is granted the applicant is to provide painted limit lines at the private vehicle crossings from Williams Street for a distance of 100 meters from that intersection along Edward Street. The intersection should also be marked out with parking limit lines at the tangent points and no stopping lines around the curve.

There is also potential for pedestrian clashes at the footpath intersection of Edward Street and William Street, ie the 90° bend and to mitigate this, the applicant should provide a 2.0m x 2.0m corner splay to vest with Council as road at no cost or clear this area such that sight visibility is available to pedestrians at the 90 degree bend.

The new private access crossing on to the site shall be to Council's standard which is a 6.0 m wide crossing, which will provide a two-way access. The applicant's plan shows all vehicles can enter and exit the site in a forward direction. Councillors will be aware of a number of new early childhood facility applications in the Tasman area. Council has limited knowledge of how these will function in terms of traffic effects once they are fully running. It is prudent to allow a revision clause for, I suggest, 12 months after the centre is running such that should there be any unknown adverse effects these can be remedied

Presently the intersection of Edward Street and William Street is uncontrolled and with traffic involving young children it is suggested that the applicant provides give way markings and signage on the Edward Street leg.

RECOMMENDATION

It is Engineering's view that the application will have only minor effects and that subject to conditions these effects could be mitigated if the committee were of a view to grant consent.

The following suggested conditions are therefore stipulated:

1. All redundant vehicle crossings are to be walled up and made good, and the applicants are to apply for a new 6.6 m crossing.
2. All redundant water, wastewater and stormwater connections to be sealed off at the main and the existing connection upgrade or replaced with new connections.
3. Power and telephone to be connected to the facility via an underground service.
4. Parking limit lines at each private entrance on Edward Street (both sides) for a distance of 100 m from the William Street intersection to be provided by the applicant to TDC standard.
5. Drivers who drop off/deliver children to the centre are required to enter into a "safety protocol" agreement to protect the safety of children.
6. A review clause to reassess the application to verify predictions once the centre has been operating for 12 months.
7. A 2.0m x 2.0m corner snipe in the form of shrubs and no higher than 0.5m in height shall be located on the property at the corner of Edward and Williams st.
8. Give way markings and signage shall be arranged to be installed on the Edward Street leg of the intersection.
9. No stopping lines shall be arranged to be placed around the curve section of the Edward Street and William Street intersection, ie tangent point to tangent point.

Dugald Ley
Development Engineer

