

STAFF REPORT

TO: Environment & Planning Subcommittee

FROM: Jane Harley, Consent Planner - Land Use

REFERENCE: RM090538

SUBJECT: **GARDENS OF THE WORLD LIMITED – REPORT EP09/11/10**
Report prepared for hearing of 23, 24 and 25 November 2009

1. APPLICATION BRIEF

1.1 Proposal

The application is for land use consent to build and operate a crematorium; place of religious assembly with seating up to 25 persons; memorial gardens; ticket kiosk; and associated parking, servicing and signage.

The crematorium will undertake an average of six cremations per week (Monday - Sunday) during the daytime, and place of religious assembly will have seating for up to 25 persons;

The ticket kiosk will be a 40 square metre building located at the entrance to the gardens, selling tickets to the gardens and over the counter non-alcoholic refreshments such as cold drinks and coffee. The building will also incorporate a small office. The kiosk will be open from 10.00 am to one hour before dusk seven days a week;

The memorial garden will have public access between 9.00 am and dusk seven days a week.

A discharge consent is also sought (RM090539) for discharge to air from the crematorium, a term of 35 years is sought for this consent. Refer to separate report prepared by Leif Pigott accompanying this report.

1.2 Location and Legal Description

The property is 3.8406 hectares in area and located at 95 Clover Road East, Hope (north-eastern corner of Paton Road-Clover Road East intersection) Aerial image of the site is attached as Appendix 1. The property has legal frontage to both Paton and Clover Roads.

The legal description of the land is Lot 1 DP 18219, Certificate of Title 12A/1049C.

1.3 Zoning and Consent Requirements

The land is zoned Rural 1 under the Tasman Resource Management Plan. (See Zone map attached as Appendix 2)

The land is within the area of Land Disturbance 1, no other area overlays affect the subject title.

The application is considered to be a Discretionary Activity under the relevant rules of the Tasman Resource Management Plan in the table below:

Activity	Relevant rules	Proposal	Status
Ticket kiosk, crematorium, chapel and onsite functions	17.5.2.1 (b) (vi), 17.5.2.2 – commercial activities are not permitted ;	Not permitted	Discretionary Activities Pursuant to 17.5.2.3
Discharge from Crematorium	36.3.10)(b)(x) – discharges from crematoria are listed as discretionary	Not permitted	Discretionary pursuant to 36.3.10
Building bulk and location	17.5.3.1 <ul style="list-style-type: none"> • 7.5m max height • 5 m boundary setback • Site coverage 5% or 2000m² max 	All buildings have been designed to comply	Permitted
Memorial gardens	17.5.2.1 – the activity of visiting the memorial gardens is not necessarily a commercial or community activity however the sale of a memorial plot and the memorial gardens function within the overall Gardens of the World Limited business is a commercial activity.	Not permitted	Discretionary Pursuant to 17.5.2.3
Wastewater discharge	36.1.5 (SWDA) permitted if: <ul style="list-style-type: none"> • Max average weekly flow does not exceed 2000l/day • Not located within wastewater management Area • No effluent run-off to surface water • Minimum 1.5m from adjoining property and 20m from any domestic bore • Various other controls 	Designed to comply	Permitted
Signs	16.1.5.1, 16.1.5.2 - One free standing sign per site, max 1m ² and no higher than 3m.	Second sign on one site that complies with height and size.	Restricted Discretionary Pursuant to 17.1.5.4
Access / Vehicle crossings	16.2..2.1 (q) - more than one crossing and; Figure 16.2A - Access standards (10m sealing required).	Two existing access ways; Sealing is proposed for the required 10 metres.	Permitted

Activity	Relevant rules	Proposal	Status
Parking and loading	<p>Figure 16.2C onsite Parking spaces required:</p> <p>“Place of assembly” requires 1 park per four persons’ design capacity, the existing car park has capacity for 60 cars and 4 bus parks, which based on the calculation above could indicate a capacity for 240 persons by car (4 per car) and 160 persons by bus (approx 40 per bus). No maximum numbers re proposed for events within the application, to meet permitted activity parking requirements they would need to be less than or equal to the figures above.</p> <p><i>Place of religious assembly/ crematorium also uses the place of assembly calculation – proposed capacity of 25 people in the building therefore six spaces are required</i></p>	<p>Gardens of the world, and associated Kiosk:</p> <p>Car parking proposed at 60 spaces plus four bus or when bus bays aren’t used a total of 84 car parks are available.</p> <p>Place of religious assembly and memorial gardens – site plan shows 13 proposed parking spaces.</p>	<p>Permitted (if maximum onsite numbers meet the requirements of 16.2C)</p> <p>Permitted</p>

2. INTRODUCTION

The Setting and Background

The subject property comprises an area of 3.8406 hectares and it is known as “Gardens of the World” which has been historically run as a small scale tourist garden, offering guided tours of the gardens and is open to the general public between the hours of 9am and dusk. This site contains extensive gardens and visitor car parking, a large tunnel house, grapefruit orchard, residential dwelling and various other outbuildings.

The site is screened from both Paton and Clover roads by mature planting, fencing and developed gardens.

The property sits amidst a range of horticultural blocks, lifestyle blocks and smaller rural residential holdings.

The subject site has been involved in the following historical consent processes to date:

30/11/88 TPA1018 – established a retail nursery;

30/08/91 application (910069) was made by Etheringtons to:

- a) subdivide Lot 1 of 1 hectare
- b) subdivide the nursery off as Lot 2
- c) construct and use a reception centre and operate the site as a tourist garden;

26/11/91 Council’s decision issued on 910069 which:

- a) declined the subdivision of Lot 1

- b) approved the subdivision of the nursery at Lot 2
- c) approved the establishment of a reception centre and tourist garden (copy attached as Appendix 3);

(Note: The Committee members made a call on the validity of this 910069 approval during the proceedings of RM080687 – it was determined that the consent holder had given affect to holding weddings and other functions within he gardens, and because the reception centre had not been constructed that part of the consent had therefore lapsed.)

16/12/91 The applicant lodged an appeal to the decision that declined the subdivision of Lot 1;

04/05/92 Consent Memorandum signed by appellant and respondent;

03/06/92 Consent Order released by Judge Treadwell to approve the Subdivision of Lot 1;

07/07/09 RM080687 & RM081020 Application declined by committee to establish and operate a crematorium and associated place of assembly and memorial garden, and a reception centre/café, and to discharge combustion products form the crematorium to air;

Appeal was lodged 31/07/09 to the decision on RM080687 and RM081020 above.

In summary, the 3.8406 hectare site has given affect to the tourist garden component of the 910069 approval and the site has since been used for weddings and other functions, the construction of a reception centre was not established and has therefore lapsed.

This application (RM090538) has been made subsequent to an appeal process being entered into for the declined decision of the first application RM080687. The fundamental difference between this current application and RM080687 is the removal of the function / reception centre building and activity and the addition of the ticket kiosk.

3. NOTIFICATION

The application was received by Council on 31 August 2009, Council processed this current application under the provisions of the Resource Management Act 1991 as a notified application, as Council considered the proposal had the potential to affect a wider section of the community for a variety of reasons. Council also considered the proposal had some potential to create effects that may have been more than minor.

The application was notified on 12 September 2009, submissions closed on 9 October 2009. The time frame for accepting submissions was extended until 19 October under S37 and 37A of the Resource Management Act 1991. A total of 220 submissions were received (2 of which were after the extended timeframe but accepted but accepted under S37 and 37A of the Resource Management Act 1991). There are 166 submissions that supported the application, of which 17 wish to be heard and 54 submissions opposed the application, of which 21 wish to be heard.

Matters raised by submitters are addressed through assessments and discussions throughout this report. A full list of the submitters can be found at the end of the report as Appendix 4:

4. SUMMARY OF SUBMISSIONS – GARDENS OF THE WORLD LTD RM090538

- **Submissions in Support = 166 total (including 2 late) 17 wish to be heard**
- **Submission in Opposition = 54 total, 21 wish to be heard**

Total Submissions received = 220

Total wish to be heard = 38

Submissions in Support (166)

The submissions in support have been received from a wide range of Nelson and Tasman Residents and have a common theme of supporting such a facility within an established garden setting. These submissions have identified the proposed activities as:

- complimentary to and compatible with the existing environment;
- a logical extension of the existing Gardens of the World experience, providing peaceful and tranquil surroundings for grieving families;
- an opportunity to have the gardens retained and maintained for public enjoyment in conjunction with the memorial garden and crematorium facility;
- an asset to the overall community of Nelson and Tasman;
- an excellent utilisation of the fabulous park grounds for rural land that has been out of horticultural production for so long;
- a needed facility for an aging population by a reputable Family;
- an important opportunity for the gardens to be retained, providing a more aesthetically pleasing landscape than bare paddocks;
- generating less nuisance effects than many permitted rural activities on the opposing residential submitters.

Of the submitters supporting the proposal, 17 have indicated they wish to be heard.

Submissions in Opposition (54)

The submissions in opposition are predominantly nearby residents who oppose on the basis of the potential adverse effects in relation to their properties, safety and overall amenity in this location. Of these effects the dominant and reoccurring issues can be summarised as follows:

- Traffic safety in relation to the surrounding road network and exacerbation of existing traffic issues;
- Parking demand not adequately catered for onsite;
- Under estimated traffic predictions presented by the application;
- Emissions from crematorium, and its effects on horticulture and health;
- Activity not compatible with the Rural 1 Environment;
- Loss of the sites productive potential and value;
- Activity incompatible with existing activities (both rural and rural residential);
- Stigma associated with a crematorium and its potential impact on property values and lifestyle;
- Precedent setting for further fragmentation and non rural land use;
- Opening the gates for larger commercial activity to follow.

There are 38 of the opposing submitters wish to be heard.

5. STATUTORY CONSIDERATIONS

The application is a discretionary activity in the Rural 1 Zone. As a discretionary activity the Council must consider the application pursuant to Section 104(B) of the Resource Management Act 1991.

The main matters for the Council to address in Section 104(B) are:

- Resource Management Act 1991 - Part II matters
- Objectives and Policies of the Proposed Tasman Resource Management Plan
- Adverse Environmental Effects
- Other Matters

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

After considering an application for a resource consent for a discretionary activity or 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.*

5.1 Resource Management Act - Purpose and Principles of the Act (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 Resource Management Act.

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

The critical issue of this consent is whether the proposal provides for the social, economic and cultural wellbeing of the community, and on balance, represents sustainable use of the rural zoned land resource, whereby traffic, noise, amenity and cumulative adverse effects can be avoided, remedied or mitigated to an acceptable level.

An analysis of Part II is necessary to assess whether the proposal meets the overarching purpose of the RMA. Sections 6 to 8 of the RMA are now commented upon, prior to a final evaluation of Section 5 of the RMA.

Although there are tensions inherent in the provisions of Part II, the provisions broadly indicate the level of weight to be given to each section, effectively establishing a hierarchy giving priority to the matters of national importance in Section 6 over the matters set out for having particular regard to in Section 7 and taking into account in Section 8.

5.1.2 Section 6: Matters of National Importance to be Recognised and Provided For

The application is neutral to all the matters in Section 6 of the Act, except matter 6(b) which it could be said to support:

5.1.2.1 Section 6(b)

Section 6(b) requires the protection of outstanding natural features and landscapes from inappropriate use and development.

While Gardens of the World has been man made and so is not naturally formed it is never the less an outstanding local landscape and the proposal will not jeopardise its visual importance to the local landscape.

From a district land use perspective the relevant issue in terms of Section 6(b) is the ability to enhance and maintain this established landscape. I believe that the proposal allows the significant landscape of Gardens of the World to be retained and enhanced for the community. The landscape is of sufficient scale to absorb the proposed buildings and associated car parking and screens potential adverse visual effects of any day to day activity associated with the proposal. As a result I do not regard the development as contrary to Section 6(b).

5.2.2 Section 7: Matters to be had Particular Regard to

The relevant matters that are to be had regard to in Section 7 of the Act are:

- (b) the efficient use and development of natural and physical resources:*
- (c) the maintenance and enhancement of amenity values:*
- (g) any finite characteristics of natural and physical resources:*

5.2.2.1

Section 7 (b) the efficient use and development of natural and physical resources is difficult to assess and opinions in the community are quite divided in terms of this proposal representing an efficient use of Rural 1 land. However in my opinion the property contributes significantly to the special rural amenity of this part of the Rural 1 Zone as it contains a remarkable variety of attractive trees. Retaining that amenity is important. The applicants proposal will not remove any of the trees or garden. The proposed buildings will be single story and will not visually detract from or dominate the visual amenity of the trees and garden. The proposed use will provide a means for funding the continued maintenance and development of this outstanding resource.

The proposal, when taken as a whole, would on balance both complement established gardens plans and amount to a multiple use package that meets the requirements of section 7(b).

5.2.2.2

Section 7(c) the maintenance and enhancement of amenity values has been discussed before but under the Rural 1 zone of the District Plan a wide range of development is anticipated.

While it is acknowledged that the onsite amenity values are maintained and enhanced by the proposal it is also acknowledged that the amenity values beyond the site in this location could be temporarily compromised during large gatherings, where increased traffic movement has effects beyond the site. There is a need to maintain traffic generation at an acceptable level in relation to the constraints of the road network. This matter is addressed through recommendations made by Council Engineering Staff (which is discussed in more detail in the assessment of effects in Section 6.2 of this report).

In my opinion, on balance and over the long term visual amenity of the area will not be greatly altered and buildings are all within the permitted baseline that sets the amenity of that zone. Buildings are an important component of the amenity of an area, and I note that all of the proposed buildings are well within the bulk and location requirements for the Rural 1 Zone.

Overall in a planning sense the changes to the amenity values can be construed to meet the requirements of amenity maintenance and enhancement in Section 7(c).

5.2.2.3

Section 7(g) requires decision makers to have regard to any finite characteristics of natural and physical resources. The proposal does involve Rural 1 land as special soil resource, However versatility of the property has been compromised by virtue of the size and shape of the site, and this is more fully explained in Mr Burtons report (Appendix 7). Overall the development is not depleting the land resource or removing its productive potential and is therefore not contrary to Section 7(g).

5.2.3 Section 8 Treaty of Waitangi

“In achieving the purpose of the Act, all persons exercising functions and powers under it, in relation to managing the use development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi

(Te Tiriti o Waitangi)” This proposal does not conflict with the principle of the Treaty of Waitangi.

5.2.4 Section 5 Purpose Of Sustainable Management

The purpose of the Act is to promote the sustainable management of natural and physical resources. The underlying philosophy is “enabling” in nature, so that people should be able to meet their needs as long as they do not compromise the ability of others to meet their needs now and in the future. Appropriate protection is to be afforded to the environment from any potential adverse effects.

From a district land use perspective the proposed crematorium with place of religious assembly and memorial gardens has the potential to play an important role in the social, cultural and economic wellbeing of the community. It has the potential to provide a suitable environment for grieving families against these potential benefits the potential adverse effects on the rural and residential amenity of those residing in the surrounding environment need to be taken into account and these are discussed in the assessment of effects Section 6.2 of this report.

The impacts of the buildings and signs fall in the Rural 1 Zone. These will be well within the TRMP’s permitted building bulk and location standards and they will be well screened from beyond the site so that they do not dominate the landscape. Therefore I consider those impacts will be no more than minor once construction activity has been completed.

Overall in relation to the district land use considerations in my opinion the proposal represents a sustainable development of an unusual site.

5.3 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 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.

5.4 Tasman Resource Management Plan

The most relevant Objectives and Policies are contained in:

- Chapter 5 “Site Amenity Effects”
- Chapter 7 “Rural Environment Effects”
- 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 rural 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 17.4 “Rural 1 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 addressed through the assessment of actual and potential effects below and analysis and discussion on the relevant policies and objectives later in this report.

6. ASSESSMENT

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

6.1 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 land is zoned Rural 1 and the Tasman Resource Management Plan and the permitted baseline can be considered in relation to the buildings in a Rural 1 Zone, but not in relation to the commercial activity of kiosk, and crematorium memorial garden.

The Rural 1 Zone Rules allow buildings, excluding dwellings and greenhouses up to 2000 square metres to be erected as a Permitted Activity. Such a building is permitted to be 7.5 metres in height and located 10 metres from road boundaries and 5 metres from internal boundaries. The proposed coverage is well under the permitted level of building coverage for the property.

The proposed buildings (ticket kiosk and crematorium/place of religious assembly) will be considerably less than what can be permitted as of right on this Rural 1 block. In terms of “buildings” in rural areas, the proposal can be seen as being less than the permitted baseline and that has to be considered when the visual effects are taken into account. The applicant has not provided elevation or design detail of the proposed 40 square metre kiosk located at the gardens entrance, however at this scale and size its visual impact is limited and the applicant may use the hearing forum to present further detail on the kiosk building.

The operation of a crematorium does not have any real comparison with a rural activity that is a permitted activity and therefore the permitted baseline has no real relevance to this aspect of the proposed activity.

The existing dwelling will become an onsite manager’s residence, which is effectively the same as the occupation of one dwelling in a Rural 1 Zone, which is an anticipated development for every certificate of title.

6.2 Assessment of Actual and Potential Effects

The adverse effects (both actual and potential) have been summarised into the following five groups:

1. Noise Effects
2. Rural and Rural Residential Amenity
3. Traffic Safety
4. Land Productivity and Fragmentation
5. Other Matters – Including Precedent/Cumulative Effects and Zoning

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

6.2.1 Noise Effects

Council's Regulatory Services Co-ordinator, Graham Caradus has provided a staff report in relation to noise from the proposed activities. A full copy of Mr Caradus's report dated 4 November 2009 is appended to this report as Appendix 5.

Mr Caradus concludes that the crematorium and place of religious assembly will not generate any significant noise and as the continuation of outdoor functions is comparable to those that already operate from the site that have done so without noise complaint, there are likely to be limited or no noise effect issues. He highlights the land owner's responsibility to adopt the best practical options for noise control and to comply with the Rural 1 Zone noise standards. Overall the noise effects are anticipated to be no more than minor.

6.2.2 Amenity

As outlined earlier in Part II discussions the provisions of Section 7 of the Act provides for the following "Other Matters" to have particular regard to:

- The efficient use and development of natural and physical resources;
- The maintenance and enhancement of amenity values;
- Maintenance and enhancement of the quality of the environment;

Note in the above that "**Amenity Values**" means 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. "**Environment**" means the social, economic, aesthetic, and cultural conditions which affect or which are affected by, amongst other things, ecosystems and their constituent parts, including people and communities, amenity values and all natural and physical resources.

So whilst the proposal involves the development of an activity and service that may have benefits for the wider community, the activity should not be to the detriment of the environment and the amenity of the immediate neighbourhood.

The extent to which the proposal represents efficient use and development of natural and physical resources will depend on the extent of adverse effects arising from the proposal can be avoided, remedied or mitigated having regard to the general direction afforded by the Tasman Resource Management Plan.

6.2.2.1 Rural and Rural Residential Amenity

The amenity issues include adverse effects of noise, dust and odour and adverse effects on visual amenity and loss of general amenity through having this activity operate within the neighbourhood. The traffic generated and parking required by the activity can also impact on the rural and rural residential amenity of the area.

Currently the environment of the immediate neighbourhood is characterised by a mixture of land uses including horticulture, viticulture, pastoral farming and rural residential lifestyle activities. The area includes the unusual topography of Burkes Bank / river flats and terracing. The proposal would not be out of character with the surrounding environment which contains smaller holding properties that are also not reflective of the typical Rural 1 Zone land resource. These existing activities are more rural residential, where there are no associated land productivity benefits and no essential need for them to be located in a rural area.

In the case of the Gardens of the World proposal there is no essential need for the activity to be carried out in a rural area; however the site has been selected for its high intrinsic value as an established garden landscape which is regarded to be complimentary to the concept put forward by Gardens of the World Limited.

The proposed commercial activities, events (and their associated traffic effects) and crematorium activities within the site have potential nuisance effects on the rural and rural residential amenity of the area. It is necessary to establish at what level these activities could be expected to operate without generating unacceptable effects on the surrounding environment.

Noise:

As assessed above in section 6.2.1, the applicants do not propose to exceed the permitted activity noise levels for the Rural 1 Zone. Outdoor music events will increase the noise for short periods of time in the surrounding area but these are still bound by the noise level limits for the Rural 1 Zone and because all activities on the site are bound within the Rural 1 noise limits, noise is not regarded as generating an effect that is more than minor.

Traffic:

The submissions received in opposition to the application have highlighted increased concern with the impact on the current traffic and parking situation. The traffic matters have been assessed by Council Transportation Manger, Gary Clark (Mr Clark's Report is attached as Appendix 6). These matters are discussed more specifically through the assessment of effects of Traffic in section 6.2.3 below. The potential impact on amenity from the traffic and parking is briefly discussed in this section.

The applicants propose to mitigate the potential effects of traffic by retaining the existing large format parking areas to cater for larger events, they do not propose marking of the carpark. To make the most efficient use of the car parking area Council would recommend that it be permanently marked out on the ground (eg: wooden partitions or painted stones).

The applicant also does not consider a capacity limit need be set for the size of outdoor functions that can operate from the site or the frequency in which they can occur. This original 91 consent did not stipulate a maximum number for outdoor functions but anticipated a maximum of 80 person's occupancy for the function centre. The function centre was not established and the outdoor events have operated with no limit since 1991.

The risk of not having maximum occupancy is less about the gardens inability to cope with the large number of people (this space is large enough to accommodate large volumes of people within it) and more about the designated car parking area with the number of vehicles generated by larger events (ie: an event where in excess of 60 cars and 4 buses arrive). The applicant would need to elaborate on how they propose to address these matters. Mr Clark has recommended that these situations could be covered by generic Management Plans for events at different thresholds and a special set of measures and considerations on a case by case basis for larger events.

I understand that funerals are not predictable and rely on last minute arrangements so successful management of the events would need to include internal policy where they accepted a set number of events per week/month that could be held from the Gardens of the World site and used alternative locations for additional functions and those events where larger numbers of guests are envisaged. If consent was granted it would be my recommendation for a limit to be set on the number of functions that could operate within the week/year.

The application has identified the present peak of functions being 25 per year, which could be a starting point for working through potential consent conditions. Site capacity and event frequency could be further explored within the hearing forum to establish an acceptable level for all parties.

The greatest difference generated by the proposal when comparing existing activities and those proposed by this application are the new effects created by the crematorium and associated memorial garden. The traffic movements to the crematorium have been clarified by the applicants as an average of 2 vehicle movement for unattended cremations and up to 8 for attended cremations, this as an isolated activity is not considered to generate excessive traffic movement that would be out of character or unacceptable in this location.

6.2.2.2 Visual Amenity

Other amenity matters include the “visual” amenity through the establishment of new buildings (kiosk building and crematorium) and signage. However due to the established nature of the site and its’ boundaries these will be well screened from the road and nearby dwellings. The visual amenity is not going to be significantly altered as viewed from the site boundaries and the low profile nature of the proposed buildings mean the buildings will be well within the site and blend into the surrounding landscape. The current application is intrinsically linked to the established visual amenity and botanical environment of Gardens of the World.

The concerns of submitters include adverse visual amenity created by overflow of cars outside the gardens of the world car parking area during functions and funerals of numbers unable to be catered for on site, in terms of parking. Photographs and evidence provided by nearby residents in their submissions highlights the impact that a large quantity of parked cars can have beyond the site. This impact is both a visual impact on the local environment and potential safety issues for vehicles and recreational users using the adjacent road carriageways. The applicant proposes a combination of signage and yellow lines to restrict cars parking on the roads verge, These measures coupled with the recommended traffic management plans to safely manage more infrequent larger events will help mitigate adverse visual impact from the larger volume of vehicles.

The development is accompanied by a comprehensive landscape plan for the memorial garden area that has been designed by Rory Langbridge. This plan shows the extensive planting and design that will be incorporated into the rear part of the property, surrounding the chapel, crematorium and memorial garden. This area has recently had the tall boundary plantings removed between the memorial garden site and the neighbouring property to the north east, a tall fence is now in place. The landscaping plan illustrates how existing plantings will be maintained as hedging together with additional hedge plantings along boundaries to ensure optimum privacy for visitors to the memorial garden and near by / adjoining properties. This landscape work is an extension of the Gardens of the World and will enhance the amenity both within and beyond the site.

There is a strong sense in supporting submissions that the site represents an ideal site for establishing this community facility in a peaceful and unique environment that provides appropriate onsite amenity required by the relevant families and groups, the established nature of the extensive gardens are considered a unique and special environment which would be preserved and well utilitised by the current proposal. The land has been substantially modified by the Gardens of the World activity and onsite development, it is a difficult site to compare to more traditionally used rural 1 land or rural activities situated on Rural 1 Zoned land.

The visual amenity of rural areas is considered to be high, however farm buildings can be quite large and occupy 5% of land in buildings (except dwelling and greenhouses which have no limitation) and up to a maximum 2000 m² of building footprint area can be built on sites larger than 4 hectares. On the subject site of 3.4798 hectares the total area of restricted buildings (i.e. not dwellings or greenhouses) could be as much as 1700 m². Note however that the uses of such buildings would need to meet permitted activity standards.

In summary the amenity of the area is well established, visually this will not alter significantly by the establishment of buildings. As evidence indicates however, the overflow of cars beyond the site can generate potential amenity issues. The nature of the activity has potential nuisance factors created by higher numbers of traffic movements, frequency of events and the general presence of non-rural activities operating from the site. These effects need to be managed at a level and in a manner that maintains an acceptable level of amenity of the area.

Because amenity involves people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes it is clear from submitters concerns that their appreciation of the pleasantness of the surrounding environment will be effected by the presence of the crematorium and funeral activities. The nature of the proposed activities introduces a psychological barrier that could have an impact on the amenity.

Amenity issues arising from the discharge to air for the crematorium have been assessed through associated Discharge consent RM090539.

6.2.3 Traffic

Traffic safety concerns relate to increased vehicle movements over the roading networks leading to the subject site (namely Paton Road, State Highway 6 and Clover Road East), as well as movements across the sites two vehicle access crossing places. The two existing crossing places are located along Clover Road East, which the applicant proposes to retain and upgrade with seal from the Clover Road East carriageway to no less than 10 metres within the property boundary to meet the permitted activity standards of the TRMP.

In the TRMP there are no rules relevant to this application to control vehicle movements to and from the site, unless the activity is defined as a Community Activity.

Based on the information supplied with the application it would be considered that compared to a rural activity the estimated vehicle movements would be considered to be far higher. The applicant has not volunteered a limit on any consent conditions so theoretically vehicle movements could be higher as discussed in the previous amenity section. The applicant has provided an estimate of average daily traffic movements in comparison to the current use of the site and this estimates an increase of between 10 and 16 traffic movements per day. Opposing submissions do not agree that this estimate reflects a realistic figure.

Mr Clarks Engineering Report (full copy is attached as Appendix 6) addresses the roading networks capacity and suitability for an increase in traffic volume. He also addresses the need to successfully manage the varying levels of traffic generated by the proposed activities. This report states:

“It is unreasonable and unsustainable to expect the proposal to provide for all of its needs within the site and to manage all of the effects by constructing significant infrastructure that may only be used very infrequently. The issue is finding the balance between these two extremes and what measures are required to address these effects.”

“The issue arises on the infrequent larger events which will need to be managed to ensure they are controlled in the immediate vicinity of the site. The parking demand will need to be managed and addressed to ensure all road users are able to use the road safely. It is proposed to recommend that a traffic management plan be prepared for the larger events to address these matters. This plan will need to be submitted to the Transportation Manager, Tasman District Council for approval. It is expected that there will be a set of generic traffic management plans for events at different thresholds and possibly a special set of measures for very large events. These larger events would be considered on a one by one basis.”

Proposed conditions of consent and further development of traffic management plans would ensure that the consent holders have undertaken all the required preparation and measures to better manage and control the vehicle movements generated by the activities within the site.

New Zealand Transport Agency (NZTA) who is responsible for the safe and efficient use of the State Highway network within New Zealand has submitted in opposition to the application. NZTA have identified issues at the intersection of SH 6 and Clover Road East that could be exacerbated by the increase in traffic proposed by the current application. The intersection matters are addressed in Mr Clarks report.

NZTA have also sought clarification as to the extent of the proposed non-alcoholic refreshment to be served from the ticket kiosk. This part of the application has been described as “over-the-counter refreshments” for visitors to the Gardens to purchase, so any condition of consent would ensure limitations on this activity so that it remains ancillary to the Gardens of the World activity and did not become a primary activity as a stand alone café or shop.

Mr Clarks concludes that the activity does have the ability to create some adverse effects. However these can be managed by conditions and monitoring of the activity. Accordingly I can support the development subject to the conditions of consent proposed.

6.2.4 Land Productivity and Fragmentation

The subject site was created by a 1991 subdivision, further land development of the site included conversion of a historic apple orchard into a large, landscaped garden which has been open to the public and used for functions over the last 15 years.

The 3.84 hectare site has not been used for ‘typical productive rural use’ since before the early 1990s. It is surrounded by a wide variety of productive and non productive land uses and in its current form it blends into the environment and is not out of character in this location.

Andrew Burton, Councils land scientist, has provided an overview and productivity assessment on the subject site (see Appendix 7) In this assessment it is noted that:

“Much of the application area is highly modified with regard to land surface contour and consequently soil characteristics as a product of the development “Gardens of the World”. This area covers approximately 2.5 hectares and due to the existence of paths, raised and sunken garden areas, pergolas, lakes,

ponds, stream and carparks it has extremely limited if any potential to be used for productive purposes such as horticulture, market gardening, grazing and the like. The likelihood of it being converted back to one of these uses is remote due to its high intrinsic value as a garden landscape and possibly the cost of such an exercise”.

The proposed development of the memorial garden area over the land currently used as a grapefruit orchard also has limited productive potential by virtue of its *small size which severely compromises the economic viability and potential of most crop choices*. The existing house and its surrounding garden *is viewed as having little to no potential productive value*.

Mr Burton’s productivity assessment found that the Gardens of the World site has already been so highly modified that it has extremely limited, if any potential to be used for productive purposes, he also notes that unmodified portion of the land (the grapefruit orchard) is not viable for future productive use.

In the view of this assessment I conclude that proposed development of this site does not create a loss of productive land. The sites future has already largely been determined by the extensive modification and investment of time and money in creating this unique Garden. These high intrinsic values are fundamental to the site being chosen for the proposed development. It would be fanciful to suggest that the site would be reinstated to productive use, or that the established gardens do not contribute to the sites uniqueness and suitability for the proposal.

The current application will intensify existing non-rural activities and submitters have raised concern about its impact on the future productive use and possible fragmentation of the site. The property sizes surrounding the Gardens of the world site range from 3442 m² which are clearly rural residential in nature to large horticultural blocks of 25 hectares.

The development will not jeopardise the productive potential of the land, given its existing characteristics, modification and overall small size. Where as the productive potential of Rural 1 land is important, the TRMP does not prohibit or preclude other uses of the land where site characteristics or special circumstances exist. It is considered that the subject site has these special characteristics.

This is discussed further through the assessment of Chapter 7 – Rural Environmental Effects in Section 9 of this report.

6.2.5 Other Matters

6.2.5.1 Precedent / Cumulative Effects

The granting of a resource consent does not necessarily create a precedent by itself but all resource consents must follow consistency in the application of legal principles. Whilst no two resource consents are ever identical it can be considered that granting of one consent may well have an influence on how another application should be dealt with. If a resource consent has aspects that can clearly distinguish it from the general such that its situation and or circumstances are unique or rare then precedent is unlikely to be able to be applied. In the subject case the writer considers that there are unique or rare circumstances that distinguish this application

from say one that may follow after to establish another similar activity on bare or a more conventional rural site.

In this case the proposed activity is not one considered to be intrinsically linked to the productivity of the land but it is land that has been so intensively modified that the proposed activities utilise and complement the established environment. The proposal uses an existing resource, and has the ability to mitigate potential adverse affects from the activity proposed. The question that needs to be addressed is whether this proposal can continue to make effective use of this resource without generating adverse effects on the environment that can not be avoided, remedied or mitigated to an acceptable level for this location.

There have been previous applications approved for alternative industrial/commercial activities within the Rural 1 zone, each assessed on a case-by-case basis as not producing adverse effects that are more than minor. As already highlighted the uniqueness of this site and the application detail is not likely to be replicated on other site or lead to a number of similar applications in Rural 1.

The committee will note that the site has already been granted resource consent approval in 1991 for the construction and operation of a reception centre, for up to 80 guests between the hours of 10am and 11pm. This activity was granted through RM910069 but has not been given effect to. The Council decision in 1991 considered the site suitable for the proposed reception building as it was complementary to the tourist garden facility. While there is some debate over the relevance of this previous decision to today's application and whether it has set a precedent for the site, I believe a comparison can still be made and there are similarities that can not be overlooked.

The current application no longer involves a reception centre, and relies on outdoor functions and events that are already undertaken on the site under the 1991 approval, the difference in this current application is the addition of the crematorium with memorial garden aspect the effects from this proposal could now be said to be potentially less than the reception centre concept already accepted by Council for this particular site almost 18 years prior.

While the two applications have been dealt with under different plans (The 1991 decision was made under the Resource Management Act 1991 and the Waimea Section of the Transitional District Plan and today's application is made under the Resource Management Act 1991 and Tasman Resource Management Plan) the planning framework and thrust of the policies and objectives for rural land remain consistent.

The effect of the proposal on property value has been raised by submitters. The matter of land values is not a matter for consideration under the Resource Management Act but it is noted that there are psychological implications surrounding death, funerals and the cremation process which could be a barrier or factor to potential purchasers in the area.

6.2.5.1 Appropriate Zone Consideration Under the TRMP

Opposing submitters have raised the view that there are still industrially zoned opportunities within the Nelson-Tasman Region that would be more appropriate for

the crematorium aspect of the proposal. The committee concluded in their decision to RM080687 that *“The proposed crematorium and memorial garden is not an industrial activity. It does not meet the definition, and nor would it look or sound like an industrial activity”*.

If the crematorium activity resulted in common industrial effects such as noise, dust, odour and inappropriate discharge then an industrial zone could be considered an appropriate zone to be undertaking cremations. However as outlined in the accompanying discharge report the cremation activity will not generate more than minor discharge effects. The other potential nuisance effects are not considered to be industrial in nature. A number of circumstances, as already outlined, have led the applicant to choose this site and subsequently apply to operate from a Rural 1 zoned piece of land.

There are no zones in the TRMP that *list* a crematorium as a permitted activity. Submitters have expressed the opinion that other zones such as Industrial and Mixed Business in the TRMP are better suited to the crematorium activity. The only zone that mentions crematorium activity by name is the Mixed Business Zone (MBZ), however following the cascade of rules in the MBZ it is categorised as a non-complying activity which is more restrictive than the discretionary status in most of the other zones. The discharge for a crematorium is also discretionary activity in every zone therefore every application for this requires a Resource Consent to be applied for.

The crematorium activity, when not mentioned by name could potentially meet parts of the definitions of community, commercial and industrial activities under the meaning of words in Chapter 2 of the TRMP. The committee, however, in its decision on RM080687 concluded that *“the facility can most appropriately be considered a commercial activity. The primary purpose of the facilities is as a business and the fact that the nature of the business happens to fulfil some aspects of the community activity is incidental.”*

There is one existing crematorium in the Tasman District; it is located in Inglis Street, Motueka. This crematorium is positioned within a Residential Zone and was granted through a Resource Consent process in 1994. The application received 41 submissions, of which five were in opposition. The Council’s approval received an appeal that was later withdrawn. This crematorium has operated from the site for the past 15 years and the file indicates no registered complaints relating to the activity.

7. RELEVANT NATIONAL POLICIES

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

8. 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.

9. 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 7: Rural Environment Effects
- Chapter 9: Landscape
- Chapter 11: Land Transport Effects

Chapter 5: Site Amenity Effects

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.

5.1.2 Objective

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.

Policies

5.1.3.1 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.

5.1.3.9 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.

5.1.3.14 To provide sufficient flexibility in standards, terms and methods for rural sites to allow for the wide range of effects on amenities which are typically associated with rural activities, and which may vary considerably in the short or long term.

5.2.2 Objective

Maintenance and enhancement of amenity values on site and within communities throughout the District.

Policies

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

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

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

The following extracts from the introduction, principal reasons and explanations for Chapter 5 are considered relevant:

“Land use frequently has effects which cross property boundaries. Those effects may add to or detract from the use and enjoyment of neighbouring properties. They may also affect natural resource values, such as air and water quality, or common goods such as views or local character.

Adverse cross-boundary effects are commonly noise, dust, vibration, odour, contamination, shading and electrical interference. Amenity values such as privacy, outlook, views, landscape, character and spaciousness may also be affected.

Within a site, amenity may stem from the versatility of the site; the proportions of buildings, open space, and vegetation; provision for vehicles; the benefits of daylight and sunlight both indoors and outside.

The health and safety of people, communities and property is a significant part of site amenity, both within the site and between sites. Contaminants, including noise, and fire, hazardous substances and natural hazards, are factors in maintaining or enhancing amenity values.

The density of development influences the degree of some effects. In other cases it influences the perception of when an effect becomes adverse: for example, development at urban density produces different expectations of privacy than is achieved in rural areas.

In rural areas, adverse effects are particularly apparent between residential activities with urban amenity expectations, and the range of possible rural land uses. In urban areas, adverse effects can occur between all types of activities.”

“Subdivision and development commonly occurs at locations which share attributes valued by the community, such as sustainable management of land for rural activities and scenic or natural attractions. Continued urban development at these locations may reduce those values. Sometimes developments may provide an opportunity for more formal protection of valued features and may include other mechanisms for enhancing the environment.

“Advertising in rural, recreation and residential areas is often a detraction from the amenity of these areas and in these areas, signs are restricted as to scale and positioning”.

Comment

Chapter 5 anticipates that some development proposal scan actually provide an opportunity to formally protect valued features. Submitters in support of this proposal view it as an ideal use of the Gardens of the World Resource, providing assurance that the gardens will be retained and protected as a valuable landscape.

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

The writer's opinion is that visual amenity will not change significantly provided that the boundary screening is retained and enhanced over time. The applicants propose low profile, non intrusive buildings and the development is on a site which shares attributes valued by the community, such as sustainable management of land for scenic or natural attractions. The proposal is complimentary to the existing garden resource and compatible with the surrounding environment if maintained at a level that will not override this existing character.

While an activity that contains commercial elements is not always compatible with rural site amenity policies and objectives, this proposal in this location has the potential to operate and be managed in such a way that general and neighbourhood amenities are not compromised.

Chapter 7: Rural Environment Effects

Relevant Issues:

Tasman District's land resource is largely rural. Rural character, amenity values, and the productive use of rural land underpin the social, economic and cultural well-being of the people of the District.

The fragmentation of rural land is the progressive breaking up of land parcels through subdivision in association with subsequent land use activities such as buildings, other structures and roads. Land fragmentation may occur for a variety of reasons. While fragmentation may allow for more intensive use of rural land for soil-based and other rural activities, with resulting social and economic benefits, the principal effect of land fragmentation in the Tasman District has been the cumulative reduction in opportunities for the productive potential of land to be taken up, either within sites or over larger areas.

As new structures or services are established, the range of soil-based production activities that can be physically or economically undertaken, progressively reduces in scope. The reduction in productive potential of any land, together with the physical coverage of productive land, may reinforce the demand for further fragmentation. This effect is particularly significant for the relatively small amount of land in the District with high productive value (approximately five percent). This land is a finite resource and its loss through fragmentation is effectively irreversible.

An important aspect of managing rural environmental effects is recognising the qualities and character of rural areas, and the legitimacy of existing established activities and a range of potential future activities which involve the productive use of the land resource.

An issue Council has to consider is how to provide for non-soil-based production uses in rural areas, without diminishing the availability of the productive land resource and how to maintain an appropriate level of protection of rural character, ecosystems and amenity values. This proposal does not take land out of production and uses an existing resource that is located on land that has already had its productive value modified.

7.1.2 Objective

Avoid the loss of potential for all land of existing and potential productive value to meet the needs of future generations, particularly land of high productive value.

Policies

7.1.3.2 To avoid, remedy or mitigate the effects of activities which reduce the area of land available for soil-based production purposes in rural areas.

7.1.3.3 To avoid, remedy or mitigate adverse actual, potential, and cumulative effects on the rural land resource.

7.2.2 Objective

Provision of opportunities to use rural land for activities other than soil-based production, including papakainga, tourist services, rural residential and rural industrial activities in restricted locations, while avoiding the loss of land of high productive value.

7.2.3.2 To enable site is specific location to be used primarily for rural industrial, tourist services, or rural residential purposes with any farming or other rural activity being ancillary, having regard to:

- c) outstanding natural features and landscapes;
- g) transport access and effects;
- j) efficient use of the rural land resources;

7.4.2 Objective

Avoidance, remedying or mitigation of the adverse effects of a wide range of existing and potential future activities, including effects on rural character and amenity values.

Policies

7.4.3.1 To ensure that there is sufficient flexibility for a wide range of productive rural activities to take place, while avoiding, remedying or mitigating adverse effects.

7.4.3.2 To provide for rural activities which may involve levels and types of effects, including noise, dust, smoke and odour, that may be permanent, temporary or seasonal, and that may not meet standards typically expected in urban areas.

7.4.3.3 To provide for the maintenance and enhancement of local rural character, including such attributes as openness, greenness, productive activity, absence of signs, and separation, style and scale of structures.

7.4.3.4 To exclude from rural areas, uses or activities (including rural-residential) which would have adverse effects on rural activities, health or amenity values, where those effects cannot be avoided, remedied or mitigated.

7.4.3.5 To exclude from rural-residential areas, uses or activities which would have adverse effects on rural-residential activities, health or amenity values, where those effects cannot be avoided, remedied or mitigated.

7.4.3.6 To ensure that adequate physical or spatial buffers or other techniques are applied when allowing new allotments or buildings primarily or exclusively for residential purposes in rural areas, so that productive land use opportunities are not compromised.

The following extracts from the introduction, principal reasons and explanations for Chapter 7 are considered relevant:

“People and communities value rural locations for purposes other than soil-based production, and where these purposes can be achieved without compromising productive values, rural character and amenity values, provision can be made for them. This objective, and associated policies, establishes a framework within which Plan provisions such as rules and zones are developed, and consent applications can be evaluated. The policy is supported by methods to encourage responsible management by resource users”.

“Rural areas are working and living environments. They also provide much of the amenity value and character of the District as a whole.

If rural character is to be protected, it is essential that productive rural activities are not overly constrained by standards and conditions based on amenity value that are set at a much higher level than biophysical necessity. Nevertheless, activities in rural areas should not involve effects that significantly adversely impact on rural character and amenity values. This set of objectives and policies aims to provide a balanced approach.

Inevitably some activities, by their scale, intensity or other effect, have the potential, individually or cumulatively, to adversely affect the environmental qualities and other aspects of the environment that this section protects. Such potential effects can be identified on the basis of activity types, and the effects of individual proposals can be evaluated through the application process”.

“The District’s diverse rural landscape, including the working rural landscape, requires careful consideration in terms of this objective whenever an activity or development is proposed that requires consent”.

Comment

Council has acknowledged the pressures and diverse usages of rural land. The Council has to constantly maintain the balance between these uses and at the same

time ensure that the fundamental purpose of the Act to promote the sustainable management of natural and physical resources.

The proposed activity meets objective 7.2.3.1-*To enable activities which are not dependent on soil productivity to be located on land which is not of high productive value* by being located on a small holding of 3.4 hectares, which has already had the land taken out of production. Mr Burton's assessment concludes that the land does not contain land with high productive value. This assessment emphasises how this land, while containing Class A soils, has had major modification and size limitations that affect its productive potential.

Where a non-soil-based activity is proposed its acceptance with rural residential occupiers would depend on the effects of the activity. In this application the resource is already well established and no land will be taken out of production by the location of the kiosk or chapel buildings. It is an activity that makes efficient use of the unique site as long as it operates at a level and frequency that still maintain the rural and rural residential amenity of the area it can be said to generate effects that on balance are no more than minor.

The visual impacts on rural amenity are not more than minor and the potential nuisance amenity impacts from traffic and non-rural activity operating in the area will be required to be managed through appropriate conditions of consent, activity and traffic management plans and a suitable monitoring regime that maintains an acceptable level of rural amenity in this location.

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.

11.1.2 Objective

A safe and efficient transport system, where any adverse effects of the subdivision, use or development of land on the transport system are avoided, remedied or mitigated.

Policies

11.1.3.4 To avoid, remedy or mitigate adverse effects of traffic on amenity values.

11.1.3.11 To ensure that signs do not detract from traffic safety by causing confusion or distraction to or obstructing the views of motorists or pedestrians.

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

“Intensive traffic-generating activities such as commercial and industrial activities need convenient access to major routes. Because access causes a reduction in the carrying capacity of roads and a potential conflict with passing vehicles, the location and detailed design of access is important. Accesses that are too wide or too narrow, at a position of impaired visibility or located too close to intersections, can cause traffic conflict”.

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

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

Comment

The above objectives and policies identify the need to avoid conflicts with traffic 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 takes advice from Council’s Engineering experts in regards to the proposed activities and their effects on traffic and roading. It has been concluded that the existing roads are marginally below the required standard of today, however they are functioning and meeting Council’s current level of service so with the recommended conditions of consent the engineering and traffic effects can be satisfactorily mitigated.

Summary of Policies and Objectives

The policies that are considered relevant to this application are summarised above. The objectives and policies that relate to site amenity and the rural environment are particularly relevant to this application.

In particular Objective 5.1.2, supported by Policy 5.1.3.1 seeks to protect the amenity of the area and to control built development. Built development is not proposed outside of the permitted activity bulk and location requirements of the TRMP.

By contrast, Objective 7.2.2 supported by Policies 7.2.3.2(c)(g) and (j) makes provision for activities other than soil based production and in particular tourist services on rural land.

Objective 11.1.2 is to provide a safe and efficient transport system, where any adverse effects of the use or development of land on the transport system are avoided, remedied or mitigated. Council's Engineering Staff are satisfied that the proposed activity is consistent with the land transport policies and objectives.

10. SUMMARY

The application is a discretionary activity in the Rural 1 Zone. As a discretionary 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 adverse effects such as noise, parking and building design can meet permitted performance standards. Those potentially adverse effects relating to the activity and its affect on amenity can be managed within suitable conditions of consent, and onsite management so as to continue to use the existing resource sustainably.
- **Objectives and Policies of the Tasman Resource Management Plan (TRMP)** - The Tasman Resource Management Plan provides several objectives, policies and rules that protect land of high productive value and established amenity values within each zone. The TRMP does not prohibit or preclude other uses of the land where resources and landscapes are used efficiently and appropriately and where distinctive site characteristics or special circumstances exist. It is considered that the subject site has these special characteristics. On balance it is considered that the proposal is not contrary to the relevant policies and objectives and is in keeping with the general thrust of the TRMP.
- **Adverse Environmental Effects** – The noise, odour and dust will meet the permitted standards and the visual amenity will not be significantly altered by this proposal. While there are concerns over the frequency and total number of events undertaken on the site, it is considered appropriate to use conditions of consent to keep these events within an anticipated level in order to maintain acceptable on and off site amenity. The status quo for the current site is that of a large established tourist garden with limited value for alternative land based productivity.
- **Other Matters** – The nature of the proposed activities in this established garden environment combine to provide a complementary and practical use for the Gardens of the World site. In this case the activity is considered appropriate within the Rural 1 zoned property at 95 Clover Road East. Annual review of the activity through conditions of consent will ensure the activity remains appropriate and operates inline with any consent approval.

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

After considering an application for a resource consent for a discretionary activity or 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.

11. RECOMMENDATION – LAND USE

Pursuant to Section 104(B) of the Resource Management Act 1991, I recommend the application by Gardens of the World Limited to build and operate a crematorium; place of religious assembly with seating up to 25 persons; ticket kiosk; and associated parking, servicing and signage at 95 Clover Road East, be **GRANTED**.

12. CONDITIONS

Should the Hearing Committee **grant** consent I recommend the following conditions be imposed:

General

1. The establishment of the proposed crematorium, place of religious assembly, memorial gardens, tourist gardens, ticket kiosk, associated parking, servicing and signage shall be in accordance with the application dated August 2009 and plans attached to and forming part of this consent labelled RM090538 Plans A - E and dated 3 November 2009.

Where there is any apparent conflict between the information provided with the application, further information and any condition of consent, the conditions shall prevail.

Tourist Gardens and Associated Ticket Kiosk

2. The ticket kiosk building shall be established in accordance with the Site Plan attached to and forming part of this consent labelled RM090538 Plan A and dated 3 November 2009.
3. The ticket kiosk shall be no greater than 40 square metres in area and shall not provide outdoor seating.
4. The kiosk shall sell entry tickets to the Gardens of the World and ancillary sales shall be limited to over-the-counter non-alcoholic refreshments.
5. The hours of operation for the ticket kiosk and the ancillary sale of refreshments shall be limited to between 10.00 am and one half an hour after sunset.

For the purposes of this condition sunset is the time when the sun disappears behind the western ranges as viewed from the Gardens of the World site.

6. The hours of public access to the public Gardens of the World shall be limited to one half an hour after sunset, but not before 9.00 am on any day.

Place of Religious Assembly / Crematorium

7. The Place of Religious Assembly / Crematorium Building shall be constructed in general accordance with the site plan, floor plans and elevation drawings labelled RM090538 Plans B,C, D and E and dated 3 November 2009.

8. The Place of Religious Assembly / Crematorium Building shall be registered as a place of religious assembly for a maximum seating capacity of 25 people at any one time.

Landscaping

9. Landscaping of the Memorial Garden shall be undertaken and thereafter maintained in accordance with the attached Landscaping Plan designed by Rory Langbridge, marked RM090538 Plan B and dated 3 November 2009;

Implementation of the plantings referred to in the Landscape Plan shall include:

- a) Amenity plantings and hedging on boundaries shall be implemented in the first planting season after the consent commences;
- b) The remainder of the landscape planting shall be progressively implemented from the first planting season after commissioning of the Place of Religious Assembly / Crematorium Building;
- c) Boundary plantings shall be maintained so as not to exceed 6 metres in height.

Event Management

Note: For the avoidance of doubt “Event” is defined as any booked event or function undertaken on the site and includes weddings, funerals, concerts and other public or private functions

10. The consent holder shall stagger the booking of events in a manner that provides no less than two hours between the conclusion of one event and the commencement of another.
11. The consent holder shall hold no more than ten events in any one week from the site.
12. The consent holder shall keep an onsite register recording the dates of events. This register shall be made available to Council staff on request for the purposes of monitoring and enforcing conditions of this consent.
13. Outdoor events shall be limited to between the hours of 10.00 am and 11.00 pm.
14. In the event of an outdoor concert or public event, entry shall be by pre-purchased tickets with a limit of 200 tickets per function.

Noise

15. Noise generated by the activity on the site, when measured at or within the notional boundary of any dwelling on any adjacent site in a Rural zone, or at or within the boundary of any site within the residential zone, does not exceed:

	Day	Night	Saturdays 6.00 pm to 9.00 pm, Sundays and Public Holidays
L _{Aeq} (15 minutes)	55dB	40dB	40dB
L _{AFmax}		70dB	

Note:

Night = 9.00pm to 7.00am inclusive.

*Day= all other times but excluding Saturdays 6.00 pm to 9.00pm,
Sundays and Public Holidays."*

Noise must be measured and assessed in accordance with the provisions of NZS6801:2008 *Acoustics - Measurement of environmental sound* and NZS6802:2008 *Acoustics – Environmental noise.*"

Note: For the avoidance of doubt notional boundary, in relation to noise means:

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

Access and Parking

Traffic and Parking Monitoring

16. The consent holder shall monitor the parking and traffic occurring as a result of activities and all events held on the site. The monitoring shall be undertaken for a two year period from the date of commencement of this consent and submitted to Council's Transportation Manager for consideration and review every six months.

Traffic Management Plan

17. The consent holder shall submit a Traffic Management Plan developed by a suitably qualified Traffic Engineer to address the parking and traffic demands generated by larger events (events resulting in excess of 60 cars and four buses or 84 cars and zero buses). This plan shall be implemented when the expected demand of the activity exceeds the capacity of the carpark.

The Traffic Management Plan is to be submitted to Council for the approval of the Transportation Manager prior to the activity commencing on the site.

Corner Splay

18. The consent holder shall vest a 8 metre x 8 metre corner splay with Council to retain intersection visibility at the junction of Paton Road and Clover Road East. This shall be undertaken within 12 months of this consent becoming effective.

Note:

This is volunteered by the applicant in consultation with Engineering Department of the Tasman District Council and shall be to the satisfaction of Council's Transportation Manager.

No Parking Sign

19. The consent holder shall place "No Parking on Grass" signs on the fencing of Lot 1 DP 18219, adjacent to both Paton Road and Clover Road East.

Yellow no stopping lines

20. The consent holder shall formally submit a Service Request to the Council's Engineering Department for the painting of yellow parking limit (no stopping) lines either side of the two vehicle crossings on Clover Road East. These shall extend for at least 5 metres either side of the existing crossings.

Note: All costs of this process and works are to be met by the consent holder and the parking limit lines are to be in place prior to the activity commencing on the site.

Access upgrade

21. The consent holder shall upgrade and seal the (existing) two access points into the subject property from Clover Road East prior to the activity commencing on the site. The seal shall extend from the existing sealed road edge for a distance of at least 10 metres inside the subject property. The design shall be in accordance with Figure 1 below.

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

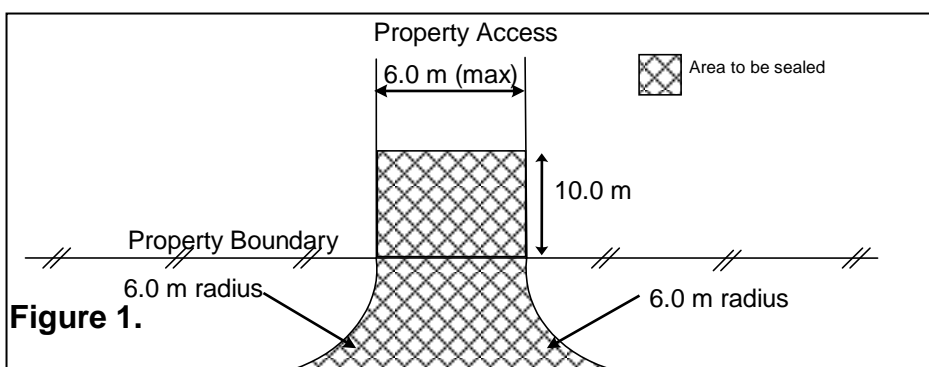


Figure 1.

22. The driveway access to the Memorial Garden and Crematorium shall be upgraded to include a passing bay that shall be located in such a position and formed to the satisfaction of Council's Transportation Manager.

Directional Signage

23. The Gardens of the World sign shall also contain directional information to direct traffic into the onsite parking area. This shall be erected prior to any events taking place from the chapel building.

Revised Parking and Access Plan

24. The consent holder shall submit a revised car parking and access plan to the satisfaction of Council's Transportation Manager within three months of this consent becoming effective. This plan shall be implemented prior to the activity commencing from the site and shall:
- a) take access from the existing crossing on Clover Road and show an exit point onto Paton Road;
 - b) provide for no less than 60 car parks and four bus parks or 84 cars and 0 buses;
 - c) show onsite manoeuvring for all classes of vehicles;
 - d) show how the parks will be physically marked on the ground;
 - e) The carpark design shall incorporate design features that avoid the spill of artificial light beyond the boundaries of the site. Features such as security lighting, accessway and carpark illumination shall utilise discrete lighting fixtures that direct light downward.

Signs

25. The consent holder shall be entitled to erect two on-site advertising signs at each entrance off Clover Road East. The signs shall not exceed 1 square metre in area or 3 metre in height, and shall meet all Permitted Activity standards for signs in the Rural 1 zone. The signs shall be for the purposes of identification of The Gardens of the World, Memorial Gardens and the place of religious assembly; they shall also contain the appropriate directional information to direct traffic safely toward the onsite parking.
26. All internal parking and directional signage, in addition to signage referred to in condition 27 above, shall be positioned so as not to be visible from beyond the property boundaries.

Glare

27. All exterior lighting shall be directed away from adjoining properties and roading networks.
28. All exterior building surfaces (excluding windows) and solid fencing shall be finished in a non-reflective surface.

Financial Contributions

29. The Consent Holder shall, no later than the time of uplifting the building consent for the first stage of building developemnt, 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:

Financial Contribution – Building	
Component	
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

30. Pursuant to Section 128(1)(a) and 128(1)(c) of the Act, the Council may, during the month of April each year, review any conditions of the consent 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 therefore appropriate to deal with at a later stage; and/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; and/or
 - c) to assess the appropriateness of imposed compliance standards, monitoring regimes and monitoring frequencies and to alter these accordingly; and/or
 - d) to review the noise limits specified in Conditions 15 of this consent should these be deemed to be inappropriate; and/or
 - e) to review the appropriateness of the access and parking requirements specified in Conditions 16-24 inclusive of this consent.

ADVICE NOTES

Council Regulations

1. This is not a building consent and the consent holder shall meet the requirements of Council with regard to all Building and Health Bylaws, Regulations and Acts.

Other Proposed Tasman Resource Management Plan Provisions

2. This resource consent only authorises the activity described above. Any matters or activities not referred to in this consent, associated Discharge Permit RM090539 or covered by the conditions must either:
 1. comply with all the criteria of a relevant permitted activity rule in the Tasman Resource Management Plan (TRMP);
 2. be allowed by the Resource Management Act; or
 3. be authorised by a separate resource consent.

Consent Holder

3. This consent is granted to the abovementioned Consent Holder but Section 134 of the Act states that such land use consents “attach to the land” and accordingly may be enjoyed by any subsequent owners and occupiers of the land. Therefore, any reference to “Consent Holder” in the conditions shall mean the current owners and occupiers of the subject land. Any new owners or occupiers should therefore familiarise themselves with the conditions of this consent, as there may be conditions that are required to be complied with on an ongoing basis.

Development Contributions

4. 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.

Monitoring

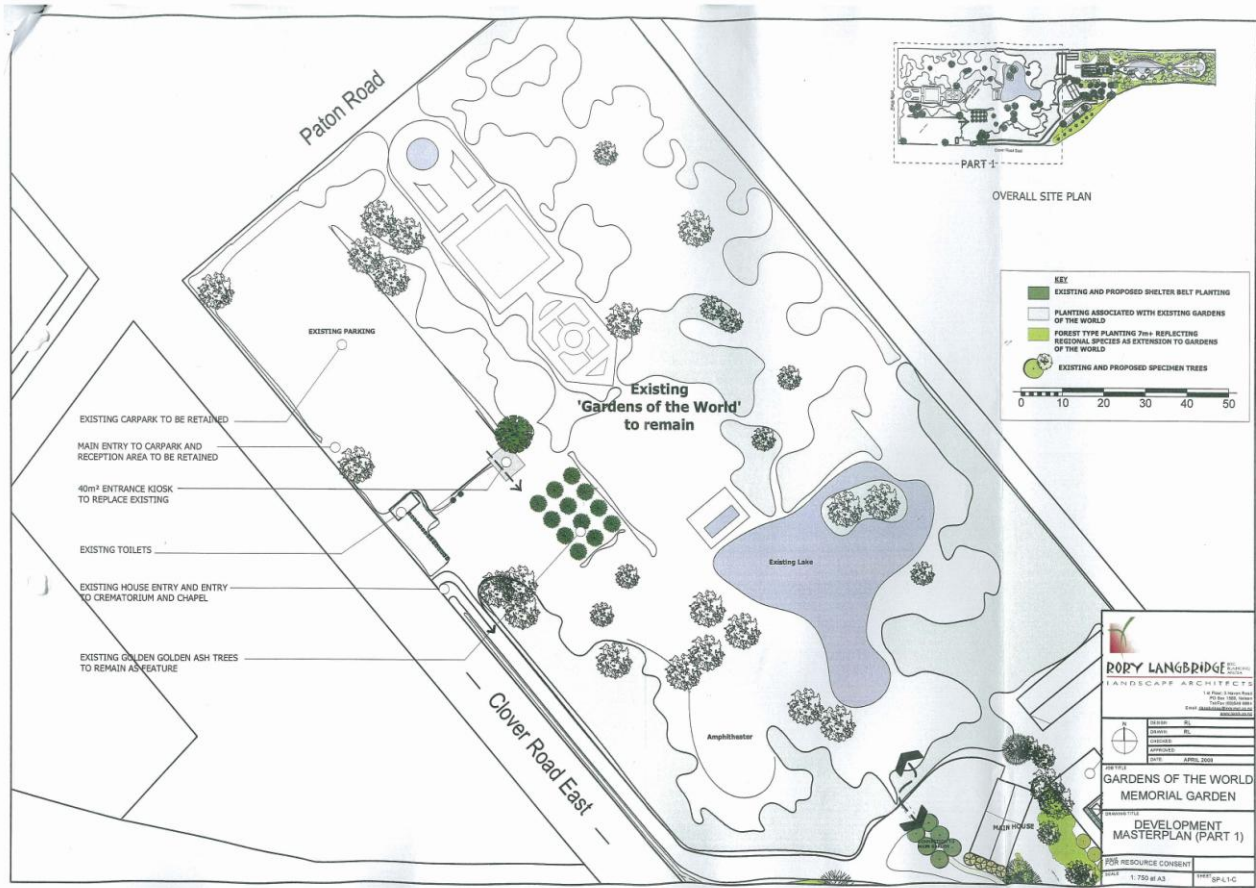
5. Monitoring of the consent is required under Section 35 of the Resource Management Act 1991 and a deposit fee is payable at this time. Should monitoring costs exceed this initial fee, Council will recover this additional amount from the Consent Holder. Costs are able to be minimised by consistently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

Interests Registered on Property Title

6. The Consent Holder should note that this resource consent does not override any registered interest on the property title.

Jane Harley

Consents Planner, Land Use

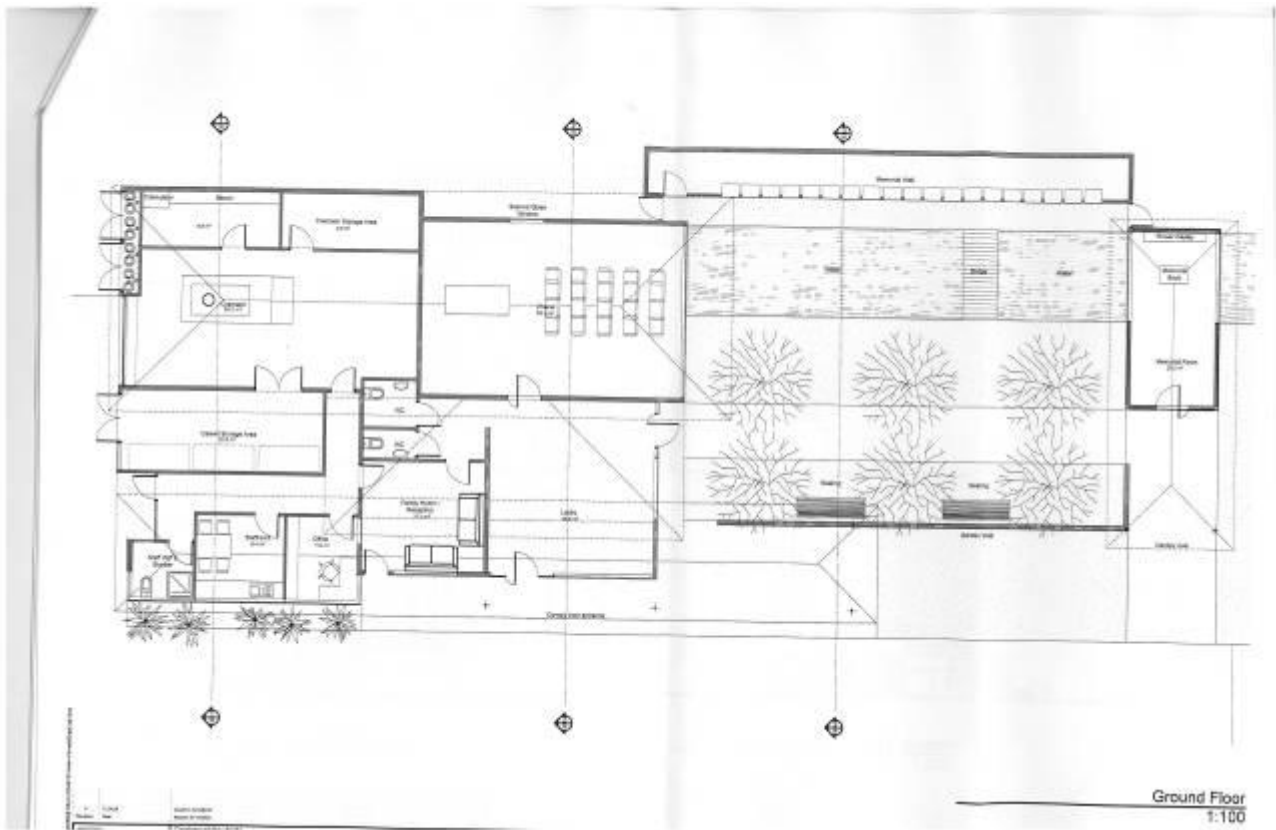


Gardens of the World Site Plan

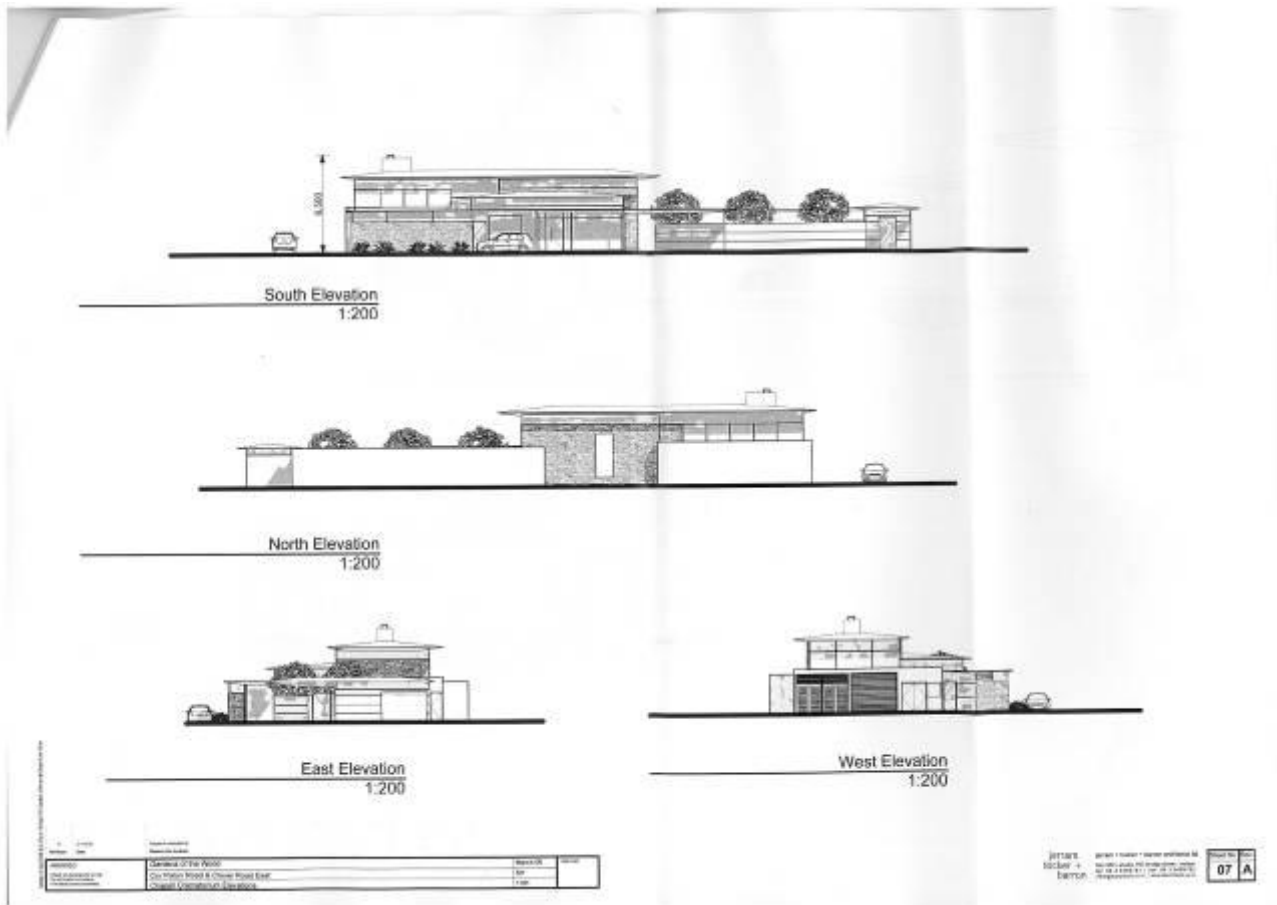
Plan B dated 3 November 2009
 RM090538, Gardens of the World Limited



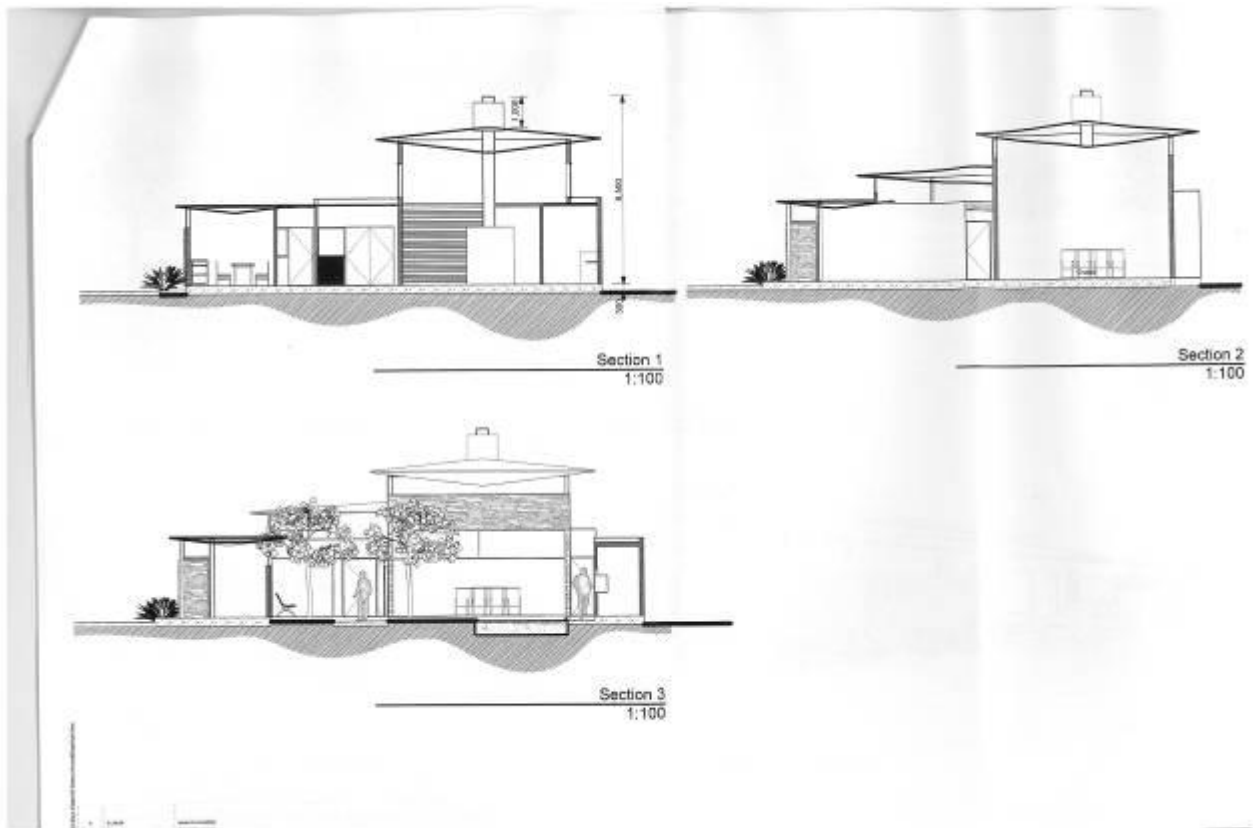
Memorial Garden Site Development and Landscape Plan



Crematorium / Place of Religious Assembly Floor Plan



Crematorium / Place of Religious Assembly Elevations



Crematorium / Place of Religious Assembly Sections

List of Appendices

- Appendix 1** **Aerial Map of Application Site**
- Appendix 2** **Zone Map of Application Site**
- Appendix 3** **Copy of RM910069**
- Appendix 4** **Full list of submitters**
- Appendix 5** **Memo from Graham Caradus, Regulatory Services Co-ordinator**
- Appendix 6** **Staff Report from Gary Clark - Transportation Manager**
- Appendix 7** **Staff Report from Andrew Burton - Resource Scientist, Land**

APPENDIX 1
Aerial Photograph of Application Site



APPENDIX 2
Zone Map of Application Site



KEY  Rural 1 Zoned Land

**Copy of RM910069
(four pages)**

In the matter of the
Resource Management
Act 1991

and

In the matter of the
application lodged
by

**ETHERINGTON
INVESTMENTS LTD**

for a Resource
Consent

APPLICATION: Etherington Investments Ltd, sought consent to the following proposals in relation to a property at Clover Road East, Brightwater, being C.T. 8A/112, Lot 2, DP 7317 and Lot 1, DP 12578, Blk X, Waimea Survey District:

1. To create by subdivision an allotment of approximately one hectare to be used for rural residential purposes in the Rural A Zone.
2. To create by subdivision an allotment of 7783 square metres being land upon which Etherington's Nursery is situated.
3. To establish and operate tourist gardens incorporating a reception centre, including facilities for weddings and other functions, and various outdoor entertainments and attractions on the balance area.

DECISION: The Tasman District Council considered the application at its meeting held on Wednesday 13 November, 1991 and resolved as follows:

THAT pursuant to Section 105 of the Resource Management Act 1991, Council declines the application of Etherington Investments Ltd for a non-complying subdivision in respect of proposed new Lot 1.

Reasons for the Decision

1. The effect on the environment will not be minor and that granting the application would be contrary to the District Plan.
2. The Council is not satisfied that this case is sufficiently differentiated to warrant approval of what would be a residential allotment in the Rural A Zone.

THAT pursuant to Section 105 of the Resource Management Act 1991, Council grants consent to Etherington Investments Ltd for a non-complying subdivision in respect of proposed new Lot 2, subject to the following conditions:

1. The existing metal access to the rear of proposed Lot 2 shall be upgraded by sealing with a two-coat bitumen seal (Grade 4 bitumen chip seal and Grade 6 locking coat) from the edge of the existing carriageway to the property boundary. Formation width shall be 4 metres and it is noted that no culvert is required.
2. All works shall be constructed in strict accordance with the Code of Practice for Engineering Works and are to be to the District Engineer's satisfaction. The Tasman District Council is to be contacted prior to the commencement of any engineering works on this subdivision:

Reasons for the Decision

1. The nursery is recognised as an existing stand alone operation separated by Clover Road from the balance of the property.
2. The nursery is not related to the balance horticultural use.
3. It was considered that there would be no benefit in requiring the nursery to be tied by title to the balance area as this area served no practical purpose in mitigating any adverse effects of the nursery operation.

Notes to Applicant

1. The applicants are reminded that all conditions of previous consents must be adhered to. In particular, the Council notes that the provision of at least 20 clearly marked car parks has not been complied with.
2. The Council encourages the applicant to erect on-site traffic control signs to aid safe exiting movements from the site.

THAT pursuant to Section 105 of the Resource Management Act 1991, Council grants consent to Etherington Investments Ltd to construct and use a reception centre to be used in conjunction with a tourist gardens incorporating facilities for weddings and other functions, subject to the following conditions:

1. That the reception centre be sited and erected in accordance with the plans submitted and that it be registered as a place of public assembly for a maximum occupancy of 80 people.
2. That the kitchen facilities be installed to the standard required under the Food Hygiene Regulations and the premises be registered under these Regulations prior to their use.
3. That the hours of operation of the reception centre be limited to between 10.00 a.m. and 11.00 p.m. and no sale of liquor licence be permitted.

4. That the sewerage disposal system be based on a septic tank for anaerobic digestion with an aeration chamber for the treatment of effluent prior to disposal of the final effluence by subsurface irrigation and such system be to the satisfaction of the District Environmental Health Officer.
5. That a potable water supply be provided to the satisfaction of the District Environmental Health Officer.
6. That at least 50 car parks and 4 bus parks be provided and marked out in general accordance with the plan submitted. The parking area and access is to be an all weather dust proof surface to Council's satisfaction.
7. That road widening of 2 metres (1 metre either side) be undertaken from the Clover Road/Paton Road intersection to ten metres past the proposed entrance/exist onto the subject site to the District Roading Engineer's satisfaction. This is to be done and at the applicant's expense.
8. That the entrance/exit onto the proposed site be designed and constructed to the satisfaction of the District Roading Engineer taking into special consideration sight lines and width.
9. That the use of the property be so controlled that the maximum uncorrected hourly equivalent noise levels (Leq) measured at any point ten metres from a residentially used building on any adjacent site shall not exceed the following levels:

Daytime - 50 dBA
Night time - 40 dBA

Definitions: The following definitions shall apply:
 - a) Daytime - between 0700 hours and 2200 hours
 - b) Night time - between 2200 hours and 0700 hours weekdays after 1800 hours Saturday and on Sundays and on Public Holidays.
 - c) Leq - the level of steady noise which contains the same amount of sound energy as a varying noise contains over the measuring interval of one hour.
 - d) dBA - the sound level obtained when using a sound meter having its frequency response "A" weighted.
10. That the applicant meet the requirements of the Council with regard to all Building and Health By-laws, Regulations and Acts.

11. All works shall be constructed in strict accordance with the Code of Practice for Engineering Works and are to be to the District Engineer's satisfaction. The Tasman District Council is to be contacted prior to the commencement of any engineering works on this subdivision.

Reasons for the Decision

1. The site is considered suitable for the proposed activity subject to the proposed conditions being implemented. The Council considered that the proposed reception building will complement the tourist garden development.
2. The effects of the activity are considered to be acceptable. In reaching this conclusion the Council was guided by examining the additional impacts that the proposal would have on top of those that would occur in relation to the tourist gardens which were considered a permitted activity.
3. The proposal gives effect to policies in the Regional Planning Scheme regarding tourism.

Notes to Applicant

1. The applicants are advised that they must obtain all necessary resource consents from the Nelson Marlborough Regional Council before the operation commences.
2. With regard to condition 3. this condition does not restrict the ability of the site to be used by a caterer with an endorsed off licence or by a host providing liquor at a wedding for example.

THAT pursuant to Section 105 of the Resource Management Act, 1991, Council declines the application of Etherington Investments Ltd for a non-complying subdivision in respect of proposed new Lot 3.

Reasons for the Decision

1. The effect of approving this subdivision would consequentially permit the creation of proposed new Lot 1 to which the Council has refused to consent.
2. Council considered that the applicants provided no compelling reasons why proposed new Lot 2 should be permitted.

Dated this 26th day of November, 1991.



P.R. FOWLER,
SECRETARY

APPENDIX 4 – FULL LIST OF ALL SUBMITTERS

<u>DATE</u>	<u>NAME AND ADDRESS</u>	<u>POSITION AND WISH TO BE HEARD</u>
15/09/09	R A Aberrhart QSM ONZN 2a Crescent Street Richmond Nelson 7020	Support Yes
16/09/09	David Westley 132 Aldinga Avenue Stoke Nelson 7011	Support Yes
17/09/09	Kensington Court Lifecare C/- Joan Holmes 18 McMahan Street Stoke Nelson 7011	Support No
18/09/09	A B Barclay Support 142 Best Island RD 1 Richmond 7081	No
21/09/09	J M Amberger 2 Crescent Street Richmond 7020	Support No
22/09/09	G H G Evans 4 Fenn Place Wakefield 7025	Support No
21/09/09	D P Gibbs Support 53C Lord Auckland Road Wakefield 7025	Not stated
21/09/09	C M Gibbs Support 53 Lord Auckland Road Wakefield 7025	No
23/09/09	Bryan Sellars 270 Main Road Hope Richmond 7020	Support No
23/09/09	John Buxton Support 286 Main Road Hope Richmond 7020	No
23/09/09	E G Plummer 2 Vining Crescent Stoke Nelson 7011	Support No

DATE	NAME AND ADDRESS	POSITION AND WISH TO BE HEARD
23/09/09	A J Ross Support 89 Queen Street Richmond Nelson 7020	No
25/09/09	L E Remnant Flat 1 No 69 Tasman Street Nelson 7010	Support
25/09/09	R M Coman Support 7 Majestic Way Nelson 7010	No
24/09/09	L J Donald Support 27A Churchill Avenue Richmond 7020	No
24/09/09	V A Quartly Support 17 Farleigh Street Atawhai Nelson 7010	No
24/09/09	C D Donald Support 27A Churchill Street Richmond Nelson 7020	Not stated
24/09/09	A R Quartly Support 17 Farleigh Street Atawhai Nelson 7010	No
24/09/09	J K Reeves Support 256C Annesbrook Drive Tahuanau Nelson 7011	Not stated
24/09/09	M R & S A Everett 266 Paton Road RD 1 Richmond	Oppose No
23/09/09	A A Watt (T.S.S.F) 12A Jenkins Place Wakatu Nelson 7010	Support Yes
23/09/09	L J Thawley Support 17 Nile Road RD 1 Upper Moutere 7173	No
23/09/09	Jennifer Soper 53 Croucher Street Richmond Nelson 7020	Support No

DATE	NAME AND ADDRESS	POSITION AND WISH TO BE HEARD
23/09/09	Helen Borcovsky 29 Gladstone Road Richmond Nelson 7020	Support No
23/09/09	S H Pascoe Oppose 17 Haycock Road RD 1 Richmond 7081	Yes
25/09/09	Kelvin Baigent 1 Haycock Place Richmond Nelson 7020	Support No
25/09/09	K J Beattie Support 12 Phoebe Place Richmond Nelson 7020	No
25/09/09	A K Ferguson 5 Yateley Place Richmond Nelson 7020	Support Yes
25/09/09	D M Day Support 57 Grove Street Nelson 7010	No
25/09/09	F R Way Support Flat 1 No 177 Princes Drive Nelson 7010	
25/09/09	Michael van Dillen 22 Kaka Street Stoke Nelson 7011	Support No
25/09/09	Rev L H Leuthard Catholic Presbytery PO Box 37 Nelson 7040	Support No
25/09/09	Cash Gould Support 11 College Street Motueka 7120	No
25/09/09	N M Beattie Support 12 Phoebe Place Richmond Nelson 7020	No
25/09/09	J S Beattie Support 12 Phoebe Place Richmond Nelson 7020	No

DATE	NAME AND ADDRESS	POSITION AND WISH TO BE HEARD
25/09/09	Sally Baigent 1 Haycock Place Richmond Nelson 7020	Support Not stated
25/09/09	G F Dunning Flat 16 No 327 Nayland Road Stoke Nelson 7011	Support
25/09/09	L F Merrick Flat 2 No 22 Bledisle Avenue Stoke Nelson 7011	Support
25/09/09	M F Woodhouse 43 Cleveland Terrace Nelson 7010	Support No
25/09/09	P C Buckle 27 Athol Street The Glen RD 1 Nelson 7071	Support No
25/09/09	Evelyn Holmwood 35 Olympus Way Richmond Nelson 7020	Support Yes
25/09/09	Barry Holmwood 35 Olympus Way Richmond Nelson 7020	Support Yes
29/09/09	G H Williams Maori Pa Road Delaware Bay	Support No
29/09/09	S R & E N Parker 3184 Archers Road Penzance Bay RD 5 Rai Valley 7195	Support Not stated
29/09/09	J R J McCormick 34 Nile Street Nelson 7010	Support No
29/09/09	B J Fletcher 34 Nile Street Nelson 7010	Support No
29/09/09	L A Cawdron 21 Woodstock Place Stoke Nelson 7011	Support Not stated

DATE	NAME AND ADDRESS	POSITION AND WISH TO BE HEARD
29/09/09	Shirley MacMillan 142 The Ridgeway Stoke Nelson 7011	Support No
29/09/09	Patrica Falleni 7 Taunton Place Stoke Nelson 7011	Support No
29/09/09	J C Davis Support 7 Taunton Place Stoke Nelson 7011	No
29/09/09	L Reeve Support 11 Phoebe Place Richmond Nelson 7020	No
29/09/09	E E Valk Support 776 Lower Queen Street RD 1 Richmond 7081	No
29/09/09	C J Valk Support 776 Lower Queen Street RD 1 Richmond 7081	No
9/05/38	R H Anderson 163 Staples Street Motueka 7120	Support No
1/10/09	B G Hardie-Boys 49 Grove Street Nelson 7010	Support No
1/10/09	F A D`Herville 67 Golf Road Tahunau Nelson 7011	Support No
2/10/09	K H P Beck Support 42 Marlborough Crescent Richmond Nelson 7020	No
2/10/09	A F Cotter Support Flat 7 No 91 Grove Street The Wood Nelson 7010	
2/10/09	Bishop of Nelson Rt. Rev. V R Ellena PO Box 100 Nelson 7040	Support Yes

DATE	NAME AND ADDRESS	POSITION AND WISH TO BE HEARD
1/10/09	Diane Strong 2 Strong Loop Mariri RD 2 Upper Moutere 7175	Support Yes
1/10/09	Mrs Brenda Page 14 Heritage Crescent Richmond Nelson 7020	Support No
1/10/09	R N Eden Support 385 Pugh Road RD 1 Richmond 7081	No
1/10/09	E P Eden Support 385 Pugh Road RD 1 Richmond 7081	No
1/10/09	L D Amberger 10 Blair Terrace Richmond Nelson 7020	Support No
1/10/09	G F Etherington 109 Totara View Road Wakefield 7025	Support Yes
1/10/09	P G Moffitt Support 16 Rintoul Place Brightwater 7022	No
1/10/09	A A Moffitt Support 16 Rintoul Place Brightwater 7022	No
1/10/09	R G Amberger 27 King Street Richmond Nelson 7020	Support No
1/10/09	E Salvador Support 439 Lower Queen Street Richmond Nelson 7020	No
29/09/09	Eunice Stewart 404 Main Road Stoke Nelson 7011	Support No
30/09/09	John Hobbs Support 404 Main Road Stoke Nelson 7011	No

DATE	NAME AND ADDRESS	POSITION AND WISH TO BE HEARD
30/09/09	Trina Hobbs Support 404 Main Road Stoke Nelson 7011	No
30/09/09	C A Carey Support Flat 2 No 25 Stead Crescent Stoke Nelson 7011	
30/09/09	D J F Lawes Support Flat 16 No 24 Karaka Street Stoke Nelson 7011	
30/09/09	Mr P K Graham Unit 15 No 24 Karaka Street Stoke Nelson 7011	Support
30/09/09	Brian Tones Support Flat 22 No 24 Karaka Street Stoke Nelson 7011	
30/09/09	George Carter 50 Ngawhatu Road Stoke Nelson 7011	Support No
30/09/09	W D & J E Beaumont 45A Haycock Road Hope RD 1 Richmond 7081	Support Not stated
1/10/09	C J Berkett Support 185 Ranzau Road Hope Nelson 7020	No
1/10/09	M Stokes Support 5 Treeton Place Wakefield 7025	No
5/10/09	D J M McKee 11 Highgrove Way The Wood Nelson 7010	Support No
1/10/09	Rachel Stokes 15 Treeton Place Wakefield Nelson 7025	Support No
5/10/09	Jeanette Ellis 199 Main Road Hope RD 1 Richmond 7020	Oppose Not stated

DATE	NAME AND ADDRESS	POSITION AND WISH TO BE HEARD
5/10/09	Anna Loach Support 76 Tui Glen Road Atawhai Nelson 7010	No
5/10/09	J ChancellorSupport 316 Shunfu Road 0564 Singapore	Yes
5/10/09	J E Wasley Support 122 Edward Street Wakefield 7025	No
5/10/09	P G Harris Support 35 Tyree Drive Nayland Stoke Nelson 7011	No
5/10/09	A F K Palmer 116 Aniseed Valley Road RD 1 Richmond 7081	Support No
6/10/09	M A McCarthy 33 Norwich Street Stoke Nelson 7011	Support No
6/10/09	C F McLaughlan 31A The Ridgeway Stoke Nelson 7011	Support No
6/10/09	B G Newport 101 Arapiki Road Stoke Nelson 7011	Support No
6/10/09	J D McGilvary 16 Windleborn Place Richmond Nelson 7020	Support No
5/10/09	R & J Baillie Support 112 Mt Heslington Road RD 1 Brightwater 7091	No
29/09/09	C F Gribble Support 18 Leicester Street Stoke Nelson 7011	No
6/10/09	M R Reid Support 39 Otia Drive Richmond Nelson 7020	No

<u>DATE</u>	<u>NAME AND ADDRESS</u>	<u>POSITION AND WISH TO BE HEARD</u>
6/10/09	A Hooper Support Main Road Yes Belgrove RD 1 Wakefield 7095	
6/10/09	M G Pullan Support 759 Wakefield-Kohatu Highway RD 1 Wakefield 7095	Not stated
6/10/09	H G Pullan Support Belgrove No RD 1 Wakefield 7095	
7/10/09	C Moresby Support 8 Lammas Street Richmond Nelson 7020	No
7/10/09	J R Moresby Support 8 Lammas Street Richmond Nelson 7020	No
7/10/09	G & M Teague 430 Patons Road RD 1 Richmond Nelson 7081	Oppose No
7/10/09	C Grooby Support 36 Grooby Road Ngatimoti RD 1 Motueka 7196	No
6/10/09	T A Squires Support 52B Atkins Street Motueka 7120	No
5/10/09	R W Harris Support 35 Tyree Drive Nayland Stoke Nelson 7011	No
5/10/09	S Yarrall Support 50 Ngawhatu Road Stoke Nelson 7011	No
8/10/09	Dr G Harker Support 127 Collingwood Street Nelson 7010	No
8/10/09	L J Roberts Support 18 Washbourn Drive Richmond Nelson 7020	No

DATE	NAME AND ADDRESS	POSITION AND WISH TO BE HEARD
8/10/09	C J & S J Little 331 Paton Road Hope RD 1 Richmond 7081	Oppose Yes
8/10/09	A & T Terrell 388 Paton Road Hope RD 1 Richmond 7081	Oppose Yes
8/10/09	A A Little 253 Paton Road RD 1 Richmond 7081	Oppose Yes
8/10/09	M Harrison 68 Waimea West Road Brightwater 7022	Support No
8/10/09	K & E King 38 Pughs Road RD 1 Richmond 7081	Support No
8/10/09	S B Higgins 34 Moore Road RD 1 Wakefield 7095	Support Yes
8/10/09	M Hermsen-Wanrooy 30C Iwa Street Mapua 7005	Support No
8/10/09	C A Hurd 276 Rutherford Street Nelson 7010	Support No
8/10/09	R M Williams 9 Shelbourne Street Nelson 7010	Support No
8/10/09	J M Daniell 1 Chamberlain Street Nelson 7011	Support No
8/10/09	J Gardner 26 Patons Road RD 1 Richmond 7081	Support Not stated
9/10/09	L A Kerr 15 Bryant Road Brightwater 7022	Support No

<u>DATE</u>	<u>NAME AND ADDRESS</u>	<u>POSITION AND WISH TO BE HEARD</u>
9/10/09	S O'Brien Support 55D Oxford Steet Richmond Nelson 7020	No
9/10/09	W & G Deaker 386 Paton Road Hope RD 1 Richmond 7081	Oppose No
9/10/09	Stephen Richards 43 Clover Road East RD 1 Brightwater 7091	Oppose Yes
9/10/09	S K Nisbett Support Totara Heights RD 1 Wakefield 7095	No
9/10/09	G & L Watson 142 Aniseed Valley Road Hope Richmond 7020	Oppose Yes
8/10/09	L Mitchell Support 85 Aldinga Road Stoke 7011	No
8/10/09	K Cohn Support 12 Montrose Drive Nelson 7010	No
9/10/09	J & P Barr Oppose 128 Haycock Road RD 1 Richmond 7081	Yes
9/10/09	A J Lenton Support 33 Cawthron Crescent Nelson 7010	No
6/10/09	J & J Lambie 17 Ardilea Avenue Nelson 7010	Support Not stated
8/10/09	NZ Transport Agency Atten: M Weir PO Box 27-477 Wellington 6011	Oppose Yes
7/10/09	A R Rae Support 1Carmen Drive Motueka 7120	No

DATE	NAME AND ADDRESS	POSITION AND WISH TO BE HEARD
9/10/09	D J Bennett Support 20 St James Avenue Richmond 7020	No
9/10/09	K A Hahn Support 403 Main Road Spring Grove Wakefield	No
9/10/09	B A Wislang Support 103 Aniseed Valley Road RD 1 Richmond 7081	No
9/10/09	A M WislangSupport 103 Aniseed Valley Road RD 1 Richmond 7081	No
9/10/09	E M McKee-Benbow 55 Neale Avenue Stoke Nelson 7011	Support No
9/10/09	Tiakina Te Taiao Ltd C/- Ann Sheridan PO Box 1666 Nelson 7040	Neutral No
8/10/09	R Wasley Support 31 Athol Street RD 1 Glenduan Nelson 7071	No
8/10/09	N Wilson Support 602 Main Road Stoke Nelson 7011	No
8/10/09	L J Kotua Support 116A Kawai Street Nelson 7010	No
8/10/09	L A Callister Support 19 Tresillian Avenue Nelson 7010	No
8/10/09	K L StratfordSupport 3 Penzance Street Nelson 7010	No
9/10/09	M D LeaningSupport 47 Douglas Road Annesbrook Nelson 7011	No

<u>DATE</u>	<u>NAME AND ADDRESS</u>	<u>POSITION AND WISH TO BE HEARD</u>
9/10/09	R Venner Support 15A Atawhai Drive Nelson 7010	No
9/10/09	V Cairns-Dixon 7 Arthur Vista Atawhai Nelson 7010	Support No
9/10/09	M W & A D Hill 444 Paton Road RD 1 Richmond	Oppose Yes
9/10/09	H E Greenhough 411 Paton Road RD 1 Richmond	Oppose No
9/10/09	P Battley Oppose C/- Laska Cellars 163 Wills Road RD 1 Upper Moutere	No
9/10/09	A Greenhough & J Wheeler 411 Paton Road RD 1 Hope Nelson 7081	Oppose Yes
9/10/09	D I McIntosh Oppose 162 Lord Rutherford Road Brightwater 7022	No
9/10/09	R L Hadfield Oppose 59 Hoddy Road RD 1 Richmond 7081	No
9/10/09	J C Van Der Stop 59 Hoddy Road RD 1 Richmond 7081	Oppose No
9/10/09	C R Barry Oppose 6 Coleridge Place Stoke Nelson 7011	No
9/10/09	C ERound & R C Barry 86 Clover Road East RD 1 Richmond 7081	Oppose Yes
9/10/09	K J Harris Oppose 5 Collins Road Hope Richmond 7020	No

<u>DATE</u>	<u>NAME AND ADDRESS</u>	<u>POSITION AND WISH TO BE HEARD</u>
9/10/09	S L Harris 5 Collins Road Hope Richmond 7020	Oppose No
9/10/09	J D Zimmerman 28 Giblin Street Richmond Nelson 7020	Oppose No
9/10/09	C D Zimmerman 28 Giblin Street Richmond Nelson 7020	Oppose Yes
9/10/09	A L Zimmerman 8A Haycock Place Richmond Nelson 7020	Oppose No
9/10/09	A & P Schroder 135 Washington Road Nelson 7010	Support No
9/10/09	W G & C E Raats 135 Haycock Road RD 1 Richmond 7081	Oppose Yes
9/10/09	M Lenton 33 Cawthron Crescent Stoke Nelson 7011	Support No
9/10/09	N Lenton 24A Coster Street Stoke Nelson 7011	Support No
9/10/09	D M Morris 383 Pugh Road RD 1 Richmond 7081	Support Not stated
9/10/09	L Kilkelly & Tony Murphy 126 Clover Road East RD1 Richmond 7081	Oppose No
9/10/09	K & S Hills Three Gables 84 Clover Road East RD 1 Richmond 7081	Oppose Yes
9/10/09	A Hills & H Wickert 19 Kingsley Place Richmond Nelson 7020	Oppose No

<u>DATE</u>	<u>NAME AND ADDRESS</u>	<u>POSITION AND WISH TO BE HEARD</u>
9/10/09	J Pollitt and S Foote 13 Haycock Road RD 1 Richmond 7081	Oppose Yes
9/10/09	M R & D K Irvine 80 Clover Road East RD 1 Brightwater 7090	Oppose Yes
9/10/09	K R Kerr Support 12 Chartwell Place Richmond Nelson 7020	No
9/10/09	S C Beach Oppose 8 Brunner Street Nelson 7010	No
9/10/09	Living in Hope Incorporated C/- Trina Zimmerman Clover Road East RD 1 Richmond	Oppose Yes
9/10/09	Karenne Mines 25 Brougham Street Nelson 7010	Oppose No
9/10/09	Trina Zimmerman Clover Road East RD 1 Richmond 7081	Oppose Yes
9/10/09	R & J Aubrey C/- R Aubrey 66 Oxford Street Richmond Nelson 7020	Oppose Yes
9/10/09	Jan Harvey Oppose 53 Angelus Avenue Richmond Nelson 7020	No
9/10/09	J MacIntyre Oppose 40 Park Drive Richmond Nelson 7020	No
9/10/09	John Selwood 7 Hathaway Court Nelson 7010	Oppose No
9/10/09	D A CockroftOppose Flat 1 Not stated 92 Churchill Road Rothesay Bay Auckland	

<u>DATE</u>	<u>NAME AND ADDRESS</u>	<u>POSITION AND WISH TO BE HEARD</u>
9/10/09	G S Marshall 409 Paton Road RD 1 Richmond 7081	Oppose Yes
9/10/09	N Doherty 61 Westdale Road RD 1 Richmond 7081	Oppose Yes
9/10/09	M M Marshall 409 Paton Road RD 1 Richmond 7081	Oppose No
9/10/09	E M Greenhough Braeburn RD 2 Upper Moutere 7175	No Oppose
9/10/09	Pratt Horticultural Services Ltd PO Box 3206 Richmond 7050	Oppose No
9/10/09	S & M Harris 23 Wastney Terrace Atawhai Nelson 7011	Support No
9/10/09	G Barber PO Box 163 Nelson 7040	Support No
9/10/09	B Wheatley 23 Wastney Terrace Atawhai Nelson 7010	Support No
9/10/09	W Russell 44 Quebec Road Nelson 7010	Support No
9/10/09	P R Toms 14 Herbert Street Richmond Nelson 7010	Support Not stated
9/10/09	S M Harris Apartment 9 39 Trafalgar Street Nelson 7010	Support No
9/10/09	V Fox Hoddy Road RD 1 Richmond 7081	Support No

<u>DATE</u>	<u>NAME AND ADDRESS</u>	<u>POSITION AND WISH TO BE HEARD</u>
9/10/09	S Toms Support 22 White Road Hope RD 1 Richmond 7081	No
9/10/09	C Bond Support 6 Ken Wadsworth Way Stoke Nelson 7011	No
9/10/09	S Pinker Support 61 Brooklands Road Atawhai Nelson 7010	No
9/10/09	N A Johnston 13 Panorama Drive Stoke Nelson 7011	Support No
9/10/09	J Toms Support 91 Maisey Road RD 1 Richmond 7081	No
9/10/09	K P Herniman 34 Montrose Drive Atawhai Nelson 7010	Support No
9/10/09	J Wasley Support 122 Edward Street Wakefield 7025	No
9/10/09	A B Wasley Support 122 Edward Street Wakefield Nelson 7025	Yes
9/10/09	Z M Braunstein 69 Washington Road Washington Valley Nelson 7010	Support No
9/10/09	S J Braunstein 69 Washington Valley Road Washington Valley Nelson 7010	Support No
9/10/09	D Higgins Support 55 Greenvine Lane Mt Heslington RD Brightwater 7091	No
9/10/09	G Thomas Support 59 Edens Road Hope RD 1 Richmond 7081	No

<u>DATE</u>	<u>NAME AND ADDRESS</u>	<u>POSITION AND WISH TO BE HEARD</u>
9/10/09	R Thomas Support 59 Edens Road Hope RD 1 Richmond 7081	No
23/09/09	A & P Brodie 437 Paton Road RD 1 Richmond 7081	Oppose Yes
13/10/09	S M Chamberlain 258 Rutherford Street Nelson 7010	Support No
13/10/09	L & S Max Support Stonehurst Farm RD 1 Richmond 7081	No
14/10/09	Hope School Board of Trustees C/- Mike Brown Waimea Estates PO Box 3444 Richmond 7050	Oppose Yes
15/10/09	P J RainbowSupport 115 Edens Road RD 1 Richmond 7081	No
15/10/09	L Arnold Oppose 210 Haycock Road RD 1 Richmond 7081	No
16/10/09	L M Wilson Oppose 21 Newman Avenue Brightwater 7022	No
16/10/09	B & J HelemOppose 406 Paton Road RD 1 Richmond 7081	Yes
16/10/09	O Winbush Oppose 116 Clover Road West RD 1 Brightwater 7091	No
16/10/09	Callum Gibson 116 Clover Road West RD 1 Brightwater 7091	Oppose No
16/10/09	S McLean Oppose 41 Teapot Valley Road RD 1 Brightwater 7091	No

<u>DATE</u>	<u>NAME AND ADDRESS</u>	<u>POSITION AND WISH TO BE HEARD</u>
16/10/09	M Hobson Oppose 124 Clover Road East RD 1 Richmond 7081	Yes
19/10/09	G Lash Support 22 Vining Crescent Stoke Nelson 7011	No
19/10/09	W D Day Support 96 Pigeon Valley Road Wakefield Nelson 7025	Yes
8/10/09	J A Fanselow 148 Tasman Street Nelson 7010	Support No
7/10/09	A E Chaney Support 9 Fawdan Way Richmond Nelson 702	No

220 submissions printed



Memorandum

Environment & Planning Department

TO: Jane Harley

FROM: Graham Caradus

DATE: 4 November 2009

FILE NO: RM090538

SUBJECT: REVISED RESOURCE CONSENT APPLICATION: GARDENS OF THE WORLD LTD: CREMATORIUM COMPLEX

1. I note that the revised application does not have provision for a conference centre or Café. The likely sources for nuisance noise are therefore substantially reduced compared to what was previously proposed. The operation is obliged generally to meet three standards in relation to noise as detailed in paragraphs 2, 3 and 4 below.
2. The first obligation is to meet the specific standard prescribed in the TRMP for Noise, Rural 1 zone. This establishes a “Day” and “Night” L₁₀ and L_{max} level at the notional boundary of any dwelling in the rural zone or on any site within the residential zone. The hours of operation of the activity are identified in the application as those hours which are defined both as “Day” and “Night” in the TRMP rural 1 zone noise standard by virtue of the intended operation in the evenings and on Sundays and some public holidays. Currently the performance standard set for the rural area is:

	Day	Night
L ₁₀	55 dBA	40 dBA
L _{max}		70 dBA
3. The second obligation in relation to noise is to comply with s16 of the RMA. This places a duty on occupiers of land to “*adopt the best practicable option to ensure that the emission of noise....does not exceed a reasonable level.*” This requirement places additional obligations over and above any need to comply with the TRMP noise standards.
4. In association with the obligations imposed above, the applicant is also obliged to ensure that “excessive noise” is not generated. Section 326 of the RMA says:

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), **the term "excessive noise" may include any noise emitted by any—**

(a) **Musical instrument**; or

(b) **Electrical appliance**; or

(c) Machine, however powered; or

(d) **Person or group of persons**; or

(e) Explosion or vibration.

Note that in the copy of section 326 above I have **bolded** those parts considered of greatest relevance.

5. The notation and method of describing noise limits is being changed throughout the District to reflect the recent updating of the New Zealand Standard. That is being picked up incrementally with changes to the TRMP as they occur, and the intent is that the new descriptors will also be picked up in any resource consent issued in which noise is included as a consent condition. The planner may choose to have any consent granted remain silent on the matter of noise in which case the performance standard specified in the zone rule will apply. However, should noise limits be imposed in any consent that is granted to the applicants, the following is recommended as the way in which the noise condition should be written:

"Noise generated by the activity on the site, when measured at or within the notional boundary of any dwelling in a Rural zone, or at or within the boundary of any site within the residential zone, does not exceed:

	Day	Night	Saturdays 6.00 pm to 9.00 pm, Sundays and Public Holidays
L _{Aeq} (15 minutes)	55dB	40dB	40dB
L _{AFmax}		70dB	

Note:

Night = 9.00pm to 7.00am inclusive.

Day= all other times but excluding Saturdays 6.00 pm to 9.00pm, Sundays and Public Holidays."

Noise must be measured and assessed in accordance with the provisions of NZS6801:2008 *Acoustics - Measurement of environmental sound* and NZS6802:2008 *Acoustics - Environmental noise.*"

Graham Caradus
Environmental Health officer, Coordinator Regulatory Services

Gardens of the World

Proposal

The proposal seeks to increase the activity on the existing Garden of the Worlds site at the corner of Paton Road and Clover Road East. It is proposed to construct and operate a crematorium with an associated chapel and memorial gardens.

There is parking for the activity within the site to accommodate some 13 spaces near the proposed crematorium, along with car parking in the Gardens of the World for around 60 cars and four coaches. The site has two access points, both being on Clover Road East.

The existing site is already used for some events that range in size with some activities generating a number of traffic movements and high parking demand. The larger events related to funeral activities within the site.

Adjacent Roads

Both Paton Road and Clover Road East carry relative low traffic flows with volumes typically being less than a 1000 vehicles per day or around 100 vehicles per hour during the peak periods. These roads have sufficient width to carry higher flows without any capacity issues along its length. The roads are straight and visibility along its length is sufficient for motorists to slow down and stop should a conflict situation arise.

Intersection

The intersection of Paton Road and Clover Road East is currently controlled by give way signs with Paton Road required to give way. A chevron board has been placed at the head of the tee intersection to provide better guidance to approaching motorists. There was also a crash at this intersection which involved a vehicle travelling through the junction. This sign has addressed this issue and there has been one reported at this intersection since this incident in 2001. The reported crash occurred in 2009 and involved a driver who had been drinking.

The layout of the intersection is typical of a tee junction. There are no safety issues with this intersection. The give way control is appropriate with visibility limited by the vegetation in the area. A corner splay is required to assist in providing better inter visibility at the intersection.

It has been noted in the previous hearing and by submitters that vehicles park too close to the intersection during high attendance events. The parking of vehicles too close to the intersection can create some safety issues. This can be addressed by appropriate conditions of consent.

Crash History

I have carried a detailed analysis of the New Zealand Transport Agency's crash database for the five year period from 2004 to 2008. This is the typical crash analysis period that I would consider appropriate for this road environment and is consistent with best practice. This is due to the changes in the road network that have happened, the recording of crashes and it is not what I would call an area that 10 years is warranted.

This analysis has showed that there have been no reported crashes at the intersection for this period. I noted above a crash reported in 2009 which was not related to the design of the intersection. This was not in the analysis period because it falls outside the calendar five year period.

There have been no reported crashes at the intersection of Clover Road East and SH6 that can be attributed to the junction.

There have been four reported crashes along Paton Road for the five year period from 2004 – 2008. There were nine reported crashes including two fatal crashes for the period from 2000 – 2003. Since these crashes there have been various measures installed to address this unacceptable crash record. These measures included speed restrictions, speed humps, improved signage and better delineation. These initiatives have addressed the crashes that have occurred along Paton Road.

Matters to be Addressed

The proposed development will increase the level of traffic using the roads in this area during the day as a result of onsite events and in particular funeral services being held at the Gardens of the World site. These activities are very difficult to provide reliable traffic data on due to the unknown nature of the service to be provided. Some of these events are expected to be no more than very private affairs where as some of these services will be very large.

It is unreasonable and unsustainable to expect the proposal to provide for all of its needs within the site and to manage all of the effects by constructing significant infrastructure that may only be used very infrequently. The issue is finding the balance between these two extremes and what measures are required to address these effects.

The site has the capacity to cater for most events that number around the 100 people attending the site based on approximately 1.5 persons per vehicle. This level is also not expected to have any noticeable impact on the road network because of the relatively low volume, the current widths of the surrounding roads and the dispersed nature of the arrivals and departures. I also note that these events typically occur outside the peak flows on the road network.

The issue arises on the infrequent larger events which will need to be managed to ensure they are controlled in the immediate vicinity of the site. The parking demand will need to be managed and addressed to ensure all road users are able to use the road safely. It is proposed to recommend that a traffic management plan be prepared for the larger events to address these matters. This plan will need to be submitted to the Transportation Manager, Tasman District Council for approval. It is expected that there will be a set of generic traffic management plans for events at different thresholds and possibly a special

set of measures for very large events. These larger events would be considered on a one by one basis.

The car park layout as not been included in the documentation and therefore it is unclear exactly how the space will comply with best practice in this area. The access arrangements also require some consideration as to how vehicles enter and exit the site along with the requirements of the larger vehicles.

It is suggested that there may be some benefit in separating the access points to enter and exit only to improve circulation and traffic patterns too and from the site. There is some merit in allowing an exit only onto Paton road at the northern end of the site.

This access point can be safely achieved because of the slow speed environment created by the nearby intersection. This will simplify the enter arrangements on Clover Road East. Accordingly a parking and access plan is required to be submitted for Councils approval.

Review and monitoring

Due to some of the unknown elements of the proposal, it is also considered necessary to have a review and monitoring condition. This condition will allow the effects to be identified and changes to conditions of consent if required to address these matters. Changes to the activity could include

- more on site parking such as the removal of the Australian garden;
- alternative parking off site in the vicinity of the activity for large events;
- limits on the size of services that can be held on site; and
- hours of operation.

The condition should allow parking and traffic surveys to be undertaken at the various sized events held at the site. While I do not expect any noticeable effects for a traffic point of view for this activity, there are sufficient mitigation measures to address any unforeseen impacts through the review and monitoring condition.

Submissions

A number of submissions have been received on the proposed activity including one from NZTA. I note that it is not unusual for NZTA to submit in opposition to an activity that increases traffic movements.

The submissions generally raises concerns about traffic safety, vulnerable road users, parking demands and increases in the traffic flows in the area.

Traffic Safety

As noted above I have reviewed the crash database and importantly considered the number of crashes for the five year period 2004 to 2008 full calendar years. The crash pattern over the last ten years shows a significant trend downwards in the number of crashes and the severity.

This has occurred even with the noticeable increase in the traffic flows along this road. This directly attributed to the number of safety improvements that have been implemented along this route.

These improvements will also ensure that the level of safety along Paton Road is unchanged. Paton Road has excellent sight distances as it is a straight road and all the intersections along its length are controlled with either stop or give way signs.

The straight nature allows motorists to assess the road environment ahead and take the necessary course of action when a conflict situation arises. This includes matters relating to pedestrians and cyclists.

The intersection of Clover Road East and Paton Road is well designed for the current traffic flows and the movements expected as part of the new activity. It provides an appropriate give way control at the head of the tee intersection along with a centre island to better highlight the intersection. Chevron board has placed opposite the head for more guidance. The intersection layout along with the proposed changes to the access arrangements of the new activity will allow this intersection to continue to operate safely.

The safety of Clover Road East has also been raised as an issue. This road is wider than Paton Road and is also straight. The sight distances along this road are excellent with the exception of a vertical curve as motorists approach. This vertical curve restricts forward sight distance and as a result motorists tend to slow down as travel this section. There is sufficient warning of the approaching Paton Road intersection for no safety issues to arise. There is also sufficient sight distances approaching intersection and for motorists exiting the intersection to allow safe turning movements to occur.

The location of some of the overflow parking demand may result in some safety issues at the intersection. The traffic management plan will address these matters through the use of road cones and staff to ensure parking is controlled.

Increased Traffic Flows

The road widths for both Paton Road and Clover Road East are sufficient to accommodate the current traffic volumes along with the additional movements associated with the new activity. While during the larger events some isolated congestion may occur, this is not considered to be of any significance. It will be of relatively short duration and in itself does not create any safety issues. This low level of congestion is likely to occur at the junction but it is able to be accommodated within the current intersection configurations.

NZTA have concerns relating to the increase in turning movements at the intersection of SH6 and Clover Road East. The site is well located in terms of the arterial road network. This allows visitors to access the site via a well designed road network. The intersection has excellent sight distances and excellent approach sight distances for motorists using the state highway. The peak movements associated with the new activity are outside the peak flows along the state highway. While the intersection is controlled by stop signs, the sight distances at the hold bar easily meets the requirements for this speed environment.

The layout of the intersection is similar to other intersections throughout the country with others carrying significantly more traffic without safety issues. The crash history for this intersection shows there have been no reported crashes since 2004. Accordingly I expect no safety matters to arise for the increased use of the intersection.

Recommendation

I have reviewed the application along with the submissions. I conclude that the activity does have the ability to create some adverse effects. However these can be managed by conditions and monitoring of the activity. Accordingly I can support the development subject to the conditions of consent below.

Conditions of Consent

Traffic and Parking Monitoring

The consent holder shall monitor the parking and traffic occurring as a result of activities and all events held on the site. The monitoring shall be undertaken for a two year period from the date of commencement of this consent and submitted to Council's Transportation Manager for consideration every six months.

Traffic Management Plan

The consent holder shall submit a Traffic Management Plan developed by a suitably qualified Traffic Engineer to address the parking and traffic demands generated by larger events (events resulting in excess of 60 cars and 4 buses or 84 cars and 0 buses). This plan shall be implemented when the expected demand of the activity exceeds the capacity of the carpark.

The Traffic Management Plan is to be submitted to Council for the approval of the Transportation Manager prior to the activity commencing on the site.

Corner Splay

The consent holder shall vest a 8 metre x 8 metre corner splay with Council to retain intersection visibility at the junction of Paton Road and Clover Road East. This shall be undertaken within 12 months from this consent becoming effective.

Note: This is volunteered by the applicant in consultation with Engineering Department of the Tasman District Council and shall be to the satisfaction of Council's Transportation Manager.

No Parking Sign

The consent holder shall place "No Parking on Grass" signs on the fencing of Lot 1 DP 18219, adjacent to both Paton Road and Clover Road East.

Yellow no stopping lines

The consent holder shall formally submit a Service Request to the Council's Engineering Department for the painting of yellow parking limit (no stopping) lines either side of the two vehicle crossings on Clover Road East. These shall extend for at least 5 metres either side of the existing crossings.

Note: All costs of this process and works are to be met by the consent holder and the parking limit lines are to be in place prior to the activity commencing on the site.

Access upgrade

The consent holder shall upgrade and seal the (existing) two access points into the subject property from Clover Road East prior to the activity commencing on the site. The seal shall extend from the existing sealed road edge for a distance of at least 10 metres inside the subject property. The design shall be in accordance with Figure 1 below.

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

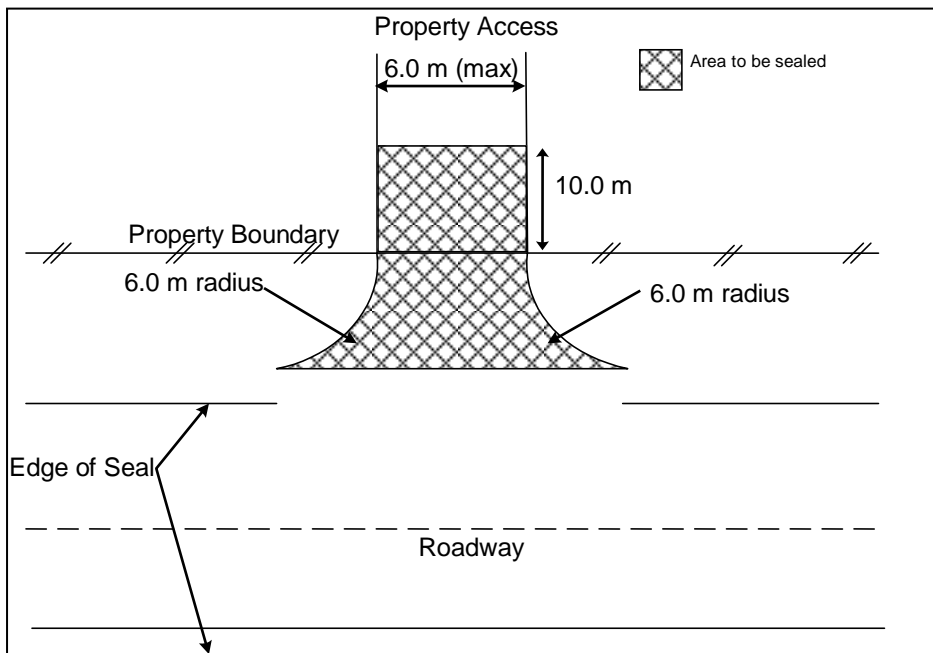


Figure 1.

The driveway access to the Memorial Garden and Crematorium shall be upgraded to include a passing bay that shall be located in such a position and formed to the satisfaction of Council's Transportation Manager.

Directional Signage

The Gardens of the World sign shall also contain directional information to direct traffic into the onsite parking area. This shall be erected prior to any events taking place from the chapel building.

Revised Parking and Access Plan

The consent holder shall submit a revised car parking and access plan to the satisfaction of Council's Transportation Manager within three months of this consent becoming effective. This plan shall be implemented prior to the activity commencing from the site and shall:

- a) take access from the existing crossing on Clover Road and show an exit point onto Paton Road;

- b) provide for no less than 60 car parks and four bus parks or 84 cars and 0 buses;
- c) show onsite manoeuvring for all classes of vehicles;
- d) show how the parks will be physically marked on the ground;
- e) show the parking area to be finished to an all weather surface that is constructed of dust free material.
- f) The carpark design shall incorporate design features that avoid the spill of artificial light beyond the boundaries of the site. Features such as security lighting, accessway and carpark illumination shall utilise discrete lighting fixtures that direct light downward.

TO: Jane Harley

FROM: Andrew Burton, Resource Scientist (Land)

DATE: 2 November 2009

FILE NO: RM090538

SUBJECT: LAND PRODUCTIVITY ASSESSMENT

The Soil Map of the Waimea County South Island, New Zealand maps the soils on the application area as Ranzau stony clay loams. These soils are formed on the main terrace above the present flood plain of the Waimea Plains. The Ranzau stony clay loam is acknowledged as being a highly versatile soil and suited to a wide range of productive uses. This is highlighted by their ranking in the "Classification System for Productive Land in the Tasman District" produced by Agriculture NZ for the Tasman District Council in 1994. This system classes the soils of the application area as "A". The classification system takes into account the climate and topography and the intrinsic properties of the soil, including fertility, depth and structure.

Class A land is the most versatile land in the district. The potential uses for this class are nursery, floriculture, orchards, market garden, cropping, pastoral and production forestry. Surrounding land uses adequately demonstrate the potential of the land for land based productive purposes. The Ranzau soils are some of the most intensively used soils in the district.

Much of the application area is highly modified with regard to land surface contour and consequently soil characteristics as a product of the development "Gardens of the World". This area covers approximately 2.5 hectares and due to the existence of paths, raised and sunken garden areas, lakes, ponds, stream and car parks it has extremely limited if any potential to be used for productive purposes such as horticulture, market gardening, grazing and the like. The likelihood of it being converted back to one of these uses is remote due to its high intrinsic value as a garden landscape and possibly the cost of such an exercise.

The rest of the application area is occupied by the existing house and surrounding gardens and up until recently approximately 0.7 hectares of grapefruit trees. The house and garden is viewed as having little to no potential productive value. The area that was in grapefruit trees has all the attributes of class A land. Its major limitation to use is its small size which will severely compromise the economic viability and potential of most crop choices.

The application is to build a crematorium and memorial room, construct a lake and develop a garden, paths, pergolas, etc on the area predominantly covered once by the grapefruit orchard. Substantial landscape modification will be required to achieve this and much of the area will be affected. Effectively this will result in the loss of that area as a whole for potential productive use e.g. horticulture, grazing, etc. For the same reasons as described previously for the Gardens of the World area, the likelihood of this area, once developed, being reinstated to productive use is remote.