



Notice is given that an ordinary meeting of the Environment and Planning Subcommittee will be held on:

**Date:** Tuesday 28 April 2015  
**Time:** 12.30 pm  
**Venue:** Pohara Boat Club  
Abel Tasman Drive, Port Taranaki

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## Environment and Planning Subcommittee

### AGENDA

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#### MEMBERSHIP

**Chairperson** Cr S Bryant  
**Members** Crs M Bouillir and B Dowler

(Quorum 2 members)

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# AGENDA

**1 OPENING, WELCOME**

**2 REPORTS**

2.1 B King.....5

RM140528 Land Use Consent Application

The application for resource consent seeks the following: to use existing facilities for commercial activities with non-complying surface of parking area within the Rural 1 zone.



## 2 REPORTS

### 2.1 B KING

Decision Required

<b>Report To:</b>	Environment and Planning Subcommittee		
<b>Meeting Date:</b>	28 April 2015		
<b>Report Author:</b>	Ina Holst-Stoffregen, Consent Planner		
<b>Report Number:</b>	REP15-04-01		
<b>Attachments:</b>	1	Attachment 1: Site Plan.	25
	2	Attachment 2: Land Transport Effects Relevant Objectives & Policies.	27
	3.	Attachment 3: Rural Environment Effects Relevant Policies & Objectives	29
	4.	Attachment 4: Site Amenity Effects Relevant Policies & Objectives	33
	5.	Attachment 5: Engineering Memorandum	35

#### 1. Summary of Proposal

- 1.1 An application has been made to utilise existing facilities at 65 Patons Rock (the property known as “RiverSea”) for commercial activities including music lessons and events, storytelling events, educational workshops, artist residencies and weddings. A full list of activities, frequencies, vehicle numbers and times is set out in Table 1 below.

**Table 1: Proposed Activities, Hours of Operation, Frequency and Number of Vehicles visiting the Site**

Proposed Activity	Hours of operation	Frequency	Maximum number of participants	Maximum number of vehicles
Up to ten individual music lessons per day	9.00am to 6.00pm	Two days per week	10 students per day	Up to 10 vehicles twice a week
Community choir rehearsals	5.00pm to 10.00pm	Up to twice weekly	30 singers per choir maximum	Up to 15 vehicles twice a week (or less as choir members are encouraged to carpool)
Music group practice	5.00pm to 10.00pm	fortnightly	20 musicians per practice maximum	Up to 10 vehicles (or less as musicians are encouraged to carpool)
Storytelling gatherings (organised as community fundraisers for local non-profit organisations)	5.00pm to 10.00pm	Six times per year	40 participants maximum	20
Educational	9.00 am to	Six times	40 participants	20

Proposed Activity	Hours of operation	Frequency	Maximum number of participants	Maximum number of vehicles
workshops	5.00 pm	per year	maximum	
House concerts	5.00 pm to 10.00 pm	Six times per year	70 guests maximum	35
Up to four artist residences per year – one artist per residency	Up to seven days per residency	Four times per year	One artist per residency	1
Weddings	9.00 am to late	One per year	Up to 100	50

- 1.3 The proposed activities will be held in two existing buildings, the “Octagons”, one of which has been specifically designed for such group activities and has been appropriately insulated to minimise noise and provide good acoustics. The overall aim of the applicant and the people residing at the site is to provide a facility that builds and supports the local community through arts, music and sharing of stories. Weddings will be held in the garden area and existing buildings will be used. A site plan, showing the buildings, access and parking areas is attached as Attachment 1.
- 1.4 Resource consent is required as commercial activities are not permitted activities in the Rural 1 zone. The activities have been carried out from the property without resource consent for a number of years, albeit at a much smaller scale. Over the years, the activities have become more popular with the wider community and have increased on the site.
- 1.5 Vehicle access to the property is via a shared private way (right-off-way) off the end of Battery Road. Concerns over the increased use of the accessway have been voiced by the three neighbours located to the west of the application site, which has prompted the applicant to apply for resource consent.
- 1.6 The application complies with the Tasman Resource Management Plan (TRMP) requirement for the number of parking spaces to be provided on site. However, the car parking area provided does not comply with the criteria to mark and seal these car parks. No additional signage is proposed. Services exist on the site. The wastewater disposal system will be required to be upgraded to cope with increased usage. Noise from events on the site will not exceed 110dB at source. The TRMP noise limits are measured at the notional boundary of the nearest dwellings, which are approximately 340 metres (Gardiner) and 480 metres (Cox) distant. Given these distances, TRMP noise limits should be able to be achieved. No cultural heritage sites will be affected by the commercial activities. However, should any earthworks take place on the site in conjunction with the proposal, appropriate steps need to be taken to ensure that no cultural heritage is to be disturbed or destroyed.

## 2. Site Description

- 2.1 The application site is located at 65 Battery Road, Patons Rock. It is 11.1289 hectare in area, legally described as Part Section 70 Takaka District. It is known locally as “RiverSea”.
- 2.2 The applicant also owns an adjoining 5.3364 hectare site, Lot 1 DP 398703, which has a separate title and is currently farmland leased for grazing. A covenant is registered against Lot 1 DP 398703, which ensures that it is held together with Part Section 70: the two parcels of land are not be transferred, leased or disposed of except in conjunction with each other.

- 2.3 The application site is a flat, coastal property. It is accessed via Battery Road, a 170 metre long public road maintained by the Council, and along a private way (right-of-way) which is approximately 450 metres in length. The first part of the access is over Council reserve, for which the Council has granted a right-of-way easement. The right-of-way then crosses Richard & Sage Cox's property. The application site is located at the end of the shared access way. Maintenance of the ROW is shared between the applicant and the Cox's.
- 2.4 The "RiverSea" site contains three consented dwellings, the two "Octagons", rural sheds and a workshop plus vegetable and ornamental gardens. There is a separate toilet in the larger octagonal building and coffee/tea making facilities in the smaller octagonal building. Both buildings have building consents and have been legally established. The larger octagon has an area of approximately 133 square metres and the smaller building is approximately 88 square metres in area, including verandahs. Extensive gardens and parking areas surround the buildings. The property is predominantly used for rural-residential activities.

**Figure 1: Map showing application site and access**



- 2.5 The site is surrounded by farmland on all sides. The wider Patons Rock area consists of rural, rural-residential and residential sized properties, which are utilised for a mix of rural and residential activities, including seasonal holiday accommodation.
- 2.6 There are existing consents that cover the residential activities on the site. Resource consent RM010235 was granted for changing the status of the "granny flat" on the property to a second dwelling. This second dwelling was originally a "grand-persons" flat that Council approved in 1995 and it was intended to be a temporary use. RM060913 was granted for the alteration and extension of the existing (second) dwelling to create an additional self-contained unit. This 2006 consent acknowledged that this would effectively be the third dwelling on the title. Building consents exist for all of the above mentioned buildings, which

are therefore considered to be legally established. Subdivision consent RM071167 was granted for a boundary adjustment.

Item 2.1

**3 Status of Application**

3.1 Zoning: Rural 1

3.2 Areas: Coastal Environment Area, Land Disturbance Area 1, Cultural Heritage Site NH25038.

Activity	Relevant permitted rule	Applicable rule	Status
To operate a commercial activity in Rural 1 Zone	17.5.2.1 (a) (vi)	17.5.2.9	Discretionary
Car parking spaces are marked out and sealed	16.2.2.3 (n)	16.2.2.6	Restricted Discretionary

3.3 Overall the proposal is deemed to be a Discretionary Activity.

**4 Notifications and Submissions**

**Written Approvals**

4.1 Prior to notification written approvals for the proposed activities were received from:

- Donald & Pamela Gardiner, owner/occupier, 238 Onahau Road;
- Dot & Murray Marshall, owner/occupier, 5 Battery Road;
- New Zealand Transport Agency (NZTA) – administers State Highway 60;

4.2 Pursuant to Section 104(3)(a)(ii) of the Resource Management Act 1991 (the Act), the hearing panel must not have any regard to any effect on these parties.

**Notification**

4.3 The application was limited notified to:

- Richard and Sage Cox, owner/occupier, 34 Battery Road;
- Raelene Mason, owner/ Taria Mason, occupier, 8 Battery Road;
- Oliver Brauer and Kim Shrigley, owner/occupier, 18 Battery Road;

**Submissions**

4.4 Apart from the written approvals, no submissions were received which were neutral or in support of the application.

**Submissions in Opposition**

Submitter	Reasons	Heard?
Richard & Sage Cox, 34 Battery Road; joint user of the shared access	Bursts of activities/traffic at events; noise, dust, headlight glare; figures of traffic movements incorrect as these do not include “base level traffic”; maintenance of driveway/access is poor; flooding issues, loss of amenity, public safety.	Yes
Oliver Brauer and Kim	Rural amenity and character; traffic related -	Yes



Submitter	Reasons	Heard?
Shrigley, resident at 18 Battery Road	concentrated traffic volume from events; difficulty of monitoring conditions relating to limiting vehicle numbers; traffic likely to be underestimated; noise, dust, headlight glare; traffic safety on wider roading environment; no alternative solutions considered.	
Taria Mason occupier of dwelling at 8 Battery Road	Traffic volume - young children living at the site and play in proximity to the road; increase in noise and dust from an unsealed surface; road not suitable for increased use; headlight glare from traffic travelling past; loss of privacy.	No

**Note:** the submissions should be read in their entirety to fully understand the submitters' points; with the summary above not to be taken as a full account of the reason provided.

- 4.5 A map of the location of these parties' properties, written approvals (Marshall & Gardiner) and submissions received in opposition (Brauer & Shrigley, Mason, Cox), are shown in Figure 2 (next page).

#### **Comments on Submissions**

- 4.6 The three submissions received in opposition relate mainly to traffic-related issues and no substantiated concerns are raised that relate to rural amenity or the actual activities carried out on the site such as noise from music events, choir practice or piano lessons (home occupation) and the like. Specific concerns relate to effects from increased traffic movements such as dust (specifically during the drier summer season), headlight glare at night, loss of privacy, poor maintenance of the ROW, traffic safety and inability to mitigate the adverse effects from increased use of the ROW or monitor traffic-related conditions of consent. The concerns appear to relate predominantly to concentrated "bursts of activity" during events and question the usefulness of averaging the traffic movement. Two of the submitters live on properties along a public road, while one submitter shares the access with the applicant. Two of the submissions raised the issue of "unconsented dwellings" on the application site. As described above, there are three residential activities, which have been legally established and have been granted resource consents and building consents. This includes the original skyline garage converted into a first dwelling, the granny flat/second dwelling and the new attached self-contained unit built by the King family.

**Figure 2: Map showing properties of submitters (Mason, Brauer&Shrigley, Cox) and people who have provided written approvals (Marshall, Gardiner).**



Item 2.1

## 5 Statutory Considerations

### Section 104

5.1 A decision on this application must be made under Section 104 of the Act. The matters for the Council to address are:

- Part 2 (Sections 5, 6, 7 and 8)
- Effects on the environment
- Objectives and Policies of the Tasman Resource Management Plan
- Other matters

## 6 Sections 6, 7, and 8

6.1 Whilst it is considered that under Section 6 of the Resource Management Act 1991 there are no matters of national importance relevant to this application the following other matters under Section 7 are:

### Other Matters

- S.7(b) the efficient use and development of natural and physical resources.
- S.7(c) the maintenance and enhancement of amenity values.
- S.7(f) maintenance and enhancement of the quality of the environment.

6.2 The proposal uses existing buildings and no new buildings are proposed. It is therefore considered that the quality of the rural environment and amenity values are maintained and that the proposal is considered as the efficient use and development of natural and physical resources.

## 7 Key Issues

7.1 The key issues are:

- Traffic related effects
- Permitted baseline
- Rural character
- Rural amenity and noise
- Services
- Positive effects
- Cultural heritage

### Key Issue - Traffic

7.2 The proposed activities have been mentioned in the three submissions as having an adverse effect on the safety and efficiency of traffic as well as the durability of the right-of-way. The direct adverse effects raised in the submissions included dust, headlight glare, loss of privacy and noise. Mr Cox has raised the possible use of an alternative access via an unformed paper road from the south, the flooding issue and how this could potentially affect the right-of-way in the future. He also raised the issue of using the esplanade reserve

for widening the right-of-way should this be required in the future. Please refer to the submissions for a full description of the issues raised

- 7.3 Section 11.1 of the Tasman Resource Management Plan deals with land transport effects and contains objectives and policies to enable a safe and efficient transport system. Objective 11.1.2 aims to provide a safe and efficient transport system where any adverse effects of the use of land on the transport system are avoided, remedied or mitigated. The policies 11.1.3.1, 11.1.3.2, 11.1.3.4 & 11.1.3.7 contained within this section of the plan seek to avoid, remedy or mitigate adverse effects of traffic generation, to avoid an increase in traffic safety risk, to ensure that adequate and efficient parking are provided and to avoid any adverse effects on amenity values and the safety and efficiency of the road network. Please refer to Attachment 2 for a copy of the relevant objectives and policies. Overall, it is considered that the proposal is generally consistent with the transport policies ensuring the safe and efficient use of the public road network.
- 7.4 Access to the application site from Patons Rock Road (access road) is via a short section of public road, Battery Road, which is identified as an access place in the Council’s roading hierarchy. This 170 metre long section of unsealed road is maintained by the Council. The access way that serves the application site was approved in October 1993 under consent RM93-0398. The Kings and the Coxs have shared maintenance responsibilities for the 455 metres of right-of-way. The current right-of-way is unsealed with a base course surface for the entire length and is generally in moderate condition.
- 7.5 The proposed activities will increase the usage of the right-of-way to a total of approximately 20 vehicle movements per day. It is the usual practice for traffic assessment to average the vehicle movements. However, it is acknowledged that in this case, there are short “bursts of activity” which appear to be the main concern of the submitters and relate to specific events. Traffic noise, headlight glare and dust will affect the Cox property and Masons specifically. Brauer and Shrigley are considered to be less affected due having a significantly greater setback from the road. Mason, located at Battery Road, in particular raised traffic safety as a concern due to having children reside at the property.
- 7.6 Noise from traffic passing properties located along the road and shared access way has been identified as an adverse effect on rural amenity. However, except for the property at 8 Battery Road (Mason property), the other two dwellings are set well back by more than 60 metres from the access way. Traffic noise can be mitigated by maintaining a slow speed environment as proposed by the applicant and in the draft conditions of consent. It is noted that the TRMP accepts that noise from traffic and machinery associated with farming (including recreational use) is part of the rural environment.
- 7.7 With regards to increased use on Council’s roading environment, the proposal has been discussed with Council’s Development Engineer Dugald Ley. Mr Ley has reviewed the traffic report provided by the applicant and has made recommendations regarding appropriate conditions. Mr Ley has stated that the proposal will not have a significant impact on Council’s infrastructure, in this case Patons Rock Road and Battery Road. He considers that the recommendations made in the traffic report submitted with the application are acceptable. Overall, it is anticipated that, as long as speed is appropriately controlled and there are adequate places to pass vehicles along the access way, any adverse effects of the proposed activities on the efficient use of the shared access and traffic safety will be no more than minor.

- 7.8 In his memorandum, Mr Ley states that trip generation from residences generally from remote properties can be as low as four to six movements/vehicles per day (VPD), whereas in an urban residential area can be up to 10 VPD. He continues that
- “Battery Road’s existing traffic therefore compares to serving approximately nine residential properties. Council’s current engineering standards show that its lowest ranked road, being a rural residential design having a 5m carriageway width, can accommodate up to 19 residences. The application shows there will be an additional 20 VPD or the equivalent of an extra three users making a total on Battery road of 12 users. It is therefore accepted that Battery Road has the capacity for the increased traffic envisaged by this application.”*
- 7.9 Mr Ley states that the right-of-way supports two practical users (two properties) and therefore one could expect that traffic movements would be in the order of 12 VPD and this was confirmed by the applicant’s consulting engineer stating that “very few vehicles were observed using the right-of-way”.
- 7.10 Mr Ley stated that *“right-of-ways with low use, tend to have vegetation encroachment towards the gravel carriageway and this would seem to be the case for this ROW. Vehicles are still able to pass at slow speeds as each vehicle uses part of the grass berm for passing. The applicant has offered a number of mitigation measures for the increased traffic on the ROW and these are supported by Council engineering department. ROWs are generally slow speed environments and this should be encouraged.”*
- Mr Ley’s memorandum is attached as Attachment 5.
- 7.11 In regards to traffic generated to the site it is noted that the Tasman Resource Management Plan does not limit numbers of people visiting a site in a private capacity and potentially there could be an unlimited number of large private gatherings, parties and recreational activities every day of the year. A comparison can also be made to the permitted baseline of extended family or friends staying for potentially longer periods of the year increasing the amount of traffic movements to and from the site, which in this case is limited by the small size of the three “dwellings” on the site.
- 7.12 Heavy vehicles are not part of the proposed vehicle mix and it is useful at this point to consider what can occur at the application site as a permitted activity in the rural zone and which could result in heavy vehicles using the right-of-way, as well as workers, staff and residents going to and from a rural site on a daily basis.
- 7.13 In terms of traffic safety, the width of the right-of-way has been found to be sufficient in the applicant’s traffic report to carry the current and predicted traffic volumes. The consultant recommended measures to control traffic effects such as passing bays (safety), speed humps and additional signage to lower speed, chemical stabilisation or a different type of aggregate (dust), strategic plantings (headlight glare) and a more comprehensive maintenance agreement. Improvements, such as better drainage, enforcing a slow speed environment and the use of a less dusty aggregate, could be made to the access way and a new maintenance agreement should be negotiated for general improvements and maintenance of the right-of-way for the benefit of both parties.
- 7.14 Parking has been assessed as per Figure 16.2C in the Tasman Resource Management Plan under places of assembly, which requires one space per four person’s design capacity. Consequently, for a wedding with 100 people in attendance, 25 car parking spaces would be required. Up to 18 car parks are provided in the maintenance yard and nine in the workshop yard, six cars near the Octagons, 11 in two separate parking bays near the entrance to the

site and 11 in front of the dwellings. This makes 55 spaces in total where cars can be parked. It is noted that the applicant's traffic assessment identified that the actual demand for weddings could be up to 50 parking spaces and that this number can be provided onsite. As car parking can be provided entirely within the site, the proposed activities are not expected to cause congestion issues.

- 7.15 The surface of the parking area matches the unsealed surface of the right-of-way. However, the unsealed car parking surface does not comply with the TRMP standards, which require sealing and marking of parking spaces if the number of car parks for a permitted activity in the Rural 1 zone exceeds four car parks. Due to the size of the entire property and the significant distances from other dwellings, no issues (such as dust or noise) are anticipated to arise from not sealing the car parking area. The requirement for marking the individual car parks is not considered to be necessary as the appearance of the existing (unmarked) parking spaces is more consistent with the character of the surrounding rural environment. However, it is recommended to place a small "park here" sign at the main car parking areas.
- 7.16 To address the adverse effects from larger events, traffic marshals could be used on the day and at various access points to encourage car pooling and ask visitors to the site to slow speed to reduce the impact on the driveway. Information sheets provided to visitors travelling to the site are considered to further alleviate the issue. The above measures are proposed as conditions of consent.
- 7.17 The applicant has volunteered a condition that any consent granted will cease when the property is sold, so the consent will not be attached to the land, but be made personal to the property owner.
- 7.18 To respond to Mr Cox's concerns regarding the flood issues and alternative options for relocating the access, the application has been discussed with Council's Resource Scientist (Rivers & Coast) Eric Verstappen. For some years there has been progressive but mild to low erosion occurring along this shoreline adjacent to the right-of-way and the reserve, and Mr Verstappen, who visited the site earlier this year, concluded that although the access was not immediately under threat, the need to relocate the right-of-way further landward may arise in the future due to coastal erosion and inundation issues.
- 7.19 The matters relating to reserve widening have been discussed with Council's Coastal Planner Rosalind Squires. Mr Cox, who has an easement over Council reserve, has been in contact with the Council about changing the location of the right-of-way in case coastal erosion was progressing. He has been advised by Council staff that if the right-of-way was washed away and no longer able to be reinstated on the surveyed alignment that the Council may consider granting permission to the re-establishment of a new right-of-way on the reserve, subject to a public consultation process. The King property has a similar right-of-way over the Council reserve.
- 7.20 As an alternative option, submitters have suggested that the applicants open up a paper road, which leads directly up to the applicant's boundary from the south. This paper road is unformed and not currently used as an access way. To be provided as a legal access, this part of the road (approximately 1500 metres) would need to be formed and provided with culverts. It would require extensive works to form the access and it would affect a large number of households. At this stage it is unlikely to be a viable option given the small scale nature of the proposed activity, but could be considered by the applicant as an option to provide alternative access in the future. In any case, this assessment has been based on the submitted proposal, which is to use the existing access way.

**Key Issue - Permitted baseline**

- 7.21 When forming an opinion for the purpose of Section 104 above, the Council may disregard an adverse effect of the activity on the environment if the plan permits an activity with that effect (section 104(2)). Under this provision and as a method prescribed in Section 104(2) of the Act for assessing an application, the proposal is compared with what could be done as a permitted activity under the relevant Plan. In this case, the permitted baseline provides a comparison in terms of the proposal and what can occur as of right particularly when assessing noise and traffic effects.
- 7.22 The Rural 1 Zone allows for rural activities such as horticulture, viticulture, farming, and forestry, which can take place at the application site without resource consent. Rural activities such as the above would also generate traffic from staff and heavy vehicles to the site and, in this case, would be using the existing right-of-way access. It is expected that these types of farm-related activities are likely to generate a similar number of traffic movements per year when compared to the proposed activities.
- 7.23 The application site has obtained resource consents for the existing three residential activities located on the site. These activities take place in dwellings designed to accommodate couples or small families. Currently there are three couples and one child living permanently on the site. The other buildings on the site are accessory buildings. It is acknowledged that seasonal workers and visitors also frequent the site and sometimes stay at "RiverSea". The Tasman Resource Management Plan does not restrict the number of people who can visit and stay at the dwellings provided they are not paying guests. In addition there is no limit on dwelling size or the number of bedrooms contained within a dwelling so if the consented dwellings were to be added to, these could house three extended families, which would most likely generate greater traffic movements for the longer term along the right-of-way access than from the existing households. This additional use of the access would also be a permitted activity. The base traffic has not been addressed under the traffic report submitted to the Council. Development Engineer Dugald Ley stated that trip generation from remote properties can be as low as four-six movements per day, which would create on average 18 daily traffic movements from the three households on the site.

**Key Issue - Rural Character and Loss of Productive Land**

- 7.24 The proposed activities are not considered to have an adverse effect on rural character and loss of productive land as activities will be held in existing buildings and utilise areas that have already been developed for residential use such as garden, access and parking areas and there will be no visible changes to the existing environment. The application site is 11.1289 hectares, and combined with the adjoining Lot 1 DP 398703, there is a total of 16.4653 hectares in area owned by the applicant. Soil-based and farming activities are still undertaken at "RiverSea". The residential development has been concentrated on the coastal part of the property, whilst the part of the property leased for grazing is kept separate from the proposed activities. The current proposal does not involve additional land to be taken out of production.
- 7.25 The site complies with building coverage in the Rural 1 zone, which ensures that the site will continue to be dominated by open space. The application site contains existing landscaping and is well setback from adjoining boundaries. The surrounding area is a mix of rural residential lifestyle blocks and rural productive activities. As the proposal is residential in nature, appearance and layout, contained within existing buildings and maintains open

space, it is not expected to have an adverse impact on the character of the surrounding rural environment.

- 7.26 Objective 7.1.2 of the Tasman Resource Management Plan aims to avoid the loss of land of existing and potential productive value to meet the needs of future generations. The plan enables the provision of non soil based activities within the rural zone provided that it does not diminish the availability of the productive land resource (Objective 7.2.2 & Policy 7.2.3.1 and 7.2.3.2). In addition to production activities, the rural environment is recognised also as a location for non soil based activities as per objective 7.2.2. TRMP policies 7.2.3.1, 7.2.3.2 and 7.2.3.5 refer to enabling activities which are not dependent on soil productivity, can be located on land which is not of high productive values and aim to ensure that activities not involved with soil-based production do not locate where they may adversely affect or be affected by such activities.
- 7.27 Section 7.4 of the plan contains objectives and policies that seek to provide an appropriate level of protection of rural character and amenity values whilst also ensuring that soil-based productive activities continue to operate without undue constraints. Objective 7.4.2 seeks to avoid, remedy or mitigate adverse effects of a wide range of activities including effects on rural character and amenity values. Policy 7.4.3.3 specifically deals with the maintenance and enhancement of local rural character, including such attributes as openness, greenness, productive activity, absence of signs, and separation of structures. Policy 7.4.3.6 seeks to ensure that physical or spatial buffers are applied in rural areas to avoid cross boundary effects to arise. For the reasons outlined above, it is considered that that the activity will be consistent with these provisions. Please refer to Attachment 3 for a list of the relevant objectives and policies.

#### **Key Issue - Rural Amenity Values**

- 7.28 It is considered that the proposed commercial activity (music lessons and events, storytelling events, educational workshops, artist residencies and weddings) will not adversely affect the amenity of the local area. None of the submissions have raised concerns relating to rural amenity issues, with submitters amenity concerns being restricted to the effects of traffic travelling past their properties, which has been considered in the traffic section above. Given the significant setbacks from other properties, it is unlikely that the proposed activities will have any direct cross-boundary effects (such noise from music or visual effects) on other properties in the vicinity.
- 7.29 The objectives and policies (5.1.1 & 5.2.2) within the Tasman Resource Management Plan seek to ensure that any adverse effects from the use of land on the use and enjoyment of neighbouring properties are avoided, remedied or mitigated. Policies under section 5.1.3 seek to avoid, remedy, or mitigate effects of noise, dust, glare, and vehicles beyond the boundaries of the site generating the effect. Objective 5.2.2 of the Plan seeks to maintain and enhance amenity values on site and within communities. The policies that follow aim to maintain privacy for rural dwelling sites, promote amenity through vegetation, landscaping and screening and to avoid, remedy or mitigate any adverse effects of activities on the rural amenity values of the area such as traffic. Please refer to Attachment 4 for a copy of the relevant objectives and policies.
- 7.30 The application site is a flat property that adjoins other rural properties and has views out over the Golden Bay coastal area. The site provides parking and buildings with an outdoor area for guests within the southern section of the property (please see attached site plan Attachment 1). This area is well screened with existing vegetation and setback from other



properties so that the privacy of adjoining properties is maintained. Large spatial separation distances are maintained from other properties.

- 7.31 A sign indicating the name of the property is located at the entrance to Battery Road and no other signage advertising the activities is proposed as a part of the application.
- 7.32 The permitted baseline in the Rural 1 zone is farm noise permitted in the rural zone under the current TRMP provisions. Measures to limit noise effects from the proposed activities include good insulation of the “Octagon” (which provides some sound attenuation) and to have no outdoor amplified music events on the site. Other mitigation measures include vegetation screening and the location of the building to the rear of the property and the large separation distances from other dwellings on adjoining properties. In addition, the organisers live onsite and are able to manage any issues that may arise.
- 7.33 The noise level is measured at the notional boundary of the nearest dwelling. The TRMP has the noise limits of 55dB LAeq in the daytime, and 40 dB LAeq or 70dB Amax at night (noting that Nighttime includes Sundays and public holidays) when the noise is measured at the notional boundary of the nearest dwelling.
- 7.34 The two nearest dwellings are some 340 metres to the east at 196 Onahau Road (Gardiner property) and approximately 480 metres to the north-west at 34 Battery Road (Cox property). Council’s Environmental Health Officer, Zoe Moulam has reviewed the application and makes the following comments:
- “Given these distances allow for a good degree of noise reduction, compliance with the TRMP noise limits should be able to be achieved. It is therefore only recommended that the standard TRMP noise limits apply to this consent, whether by a condition in the consent or by the standing TRMP conditions.”*
- 7.35 As far as the writer is aware, Council has not received any noise complaints related to the music events to date. Given the scale of the activity, it is not expected that the proposed activity will have any significant adverse effects in terms of noise. A noise condition has been proposed.
- 7.36 Overall, it is considered that the proposal is in general accordance with the objectives and policies of the Plan relating to site amenity and mitigating adverse effects. Given the existing environment and small scale nature of the proposal, it is considered that any adverse effects of amenity including noise from events held on the site, loss of privacy and outlook will be no more than minor. The maintenance and enhancement of amenity values on site will also rely upon the successful management of the site and surroundings by the owners and occupiers to further protect site amenity.

#### **Key Issue - Servicing**

- 7.37 In relation to services it has been acknowledged that increased visitor numbers could put additional pressure on existing services such as water and wastewater. The application and submitted wastewater report as well as drinking water provisions have been reviewed by relevant Council staff. The applicant has volunteered a condition to upgrade the existing system to address the demand and show compliance with Council requirements. The upgrade will require building consent and, depending on usage, may require a wastewater disposal consent if the proposal does not comply with Council criteria for discharges in the Rural 1 zone. Drinking water is currently supplied by water tanks. Stormwater control is not considered to change as no new structures or hardstand areas are being proposed.

**Key Issue - Positive Effects**

- 7.38 When the property was developed, the King family had in mind to establish facilities that would promote social, cultural and educational wellbeing of the community, which is a fundamental part of the Resource Management Act 1991, Part 2, Purpose and principles.
- 7.39 The “Octagon” is a small space (seating for 40 people) that does not lend itself to large functions, but is an intimate space designed to provide a warm and comfortable music room with good acoustics that accommodates community choirs and musicians who come together to practise. It is also a venue for the six story telling events held over the summer. The latter aims at sharing stories of the various community members and fosters understanding across a range of sectors within the community. The story telling events have been held at the “Playhouse” in Takaka over this last summer 2014/2015. Visiting musicians are invited to perform or hold workshops bringing an interesting array of people, skills and cultures to Golden Bay, adding to the range of cultural activities offered in the area.
- 7.40 The piano teacher, who resides at “RiverSea” is an active community member, who supports the schools and private students in their music endeavours. He often gives his time freely to community events and school functions and the music lessons are his main source of income. While overall the activities are considered as a commercial activity, the music lessons component of the proposal is similar in scale to that of a home occupation. Overall, the commercial activity has a strong focus on community and recreational activities.
- 7.41 The cultural and educational events and music lessons offered by the applicant and the people residing at the site are well supported and whilst it has been acknowledged that there are community halls that can be rented (as raised in one of the submissions), the “RiverSea” venue serves a purpose in the community as a private and purpose-built facility and as such is unique. The limits on numbers attending each function proposed by the applicant will minimise the extent to which events may cause adverse effects beyond the property boundaries. Furthermore, making the consent personal to the applicant will limit the activities on the site and a new property owner, should the property be sold in the future, will not be able to use the consent for a commercial or community activity without applying for a new consent.

**Key Issue - Cultural Heritage**

- 7.42 A cultural heritage site is listed on the site, which is generally considered to be an archaeologically sensitive area. As the proposed commercial activity will be carried out in existing buildings, it is considered that the activity will not to damage, disturb or destroy the site. However, if further development and earthworks will be carried out on the site in the future, which is dependent on visitor numbers and the demand on wastewater disposal, a building consent will need to be applied for. Written evidence from Heritage New Zealand will be required prior to applying for building consent to confirm that the proposed earthworks for the wastewater system upgrade will not adversely affect any archaeological material. At that stage, consultation with local iwi is encouraged.

**8 Summary of Key Issues**

- 8.1 The application is for a commercial activity within the Rural 1 Zone. The application is at the end of a shared access way. Under the TRMP, the proposal is a discretionary activity, which the Council must consider the application pursuant to Section 104(B) of the Resource Management Act 1991.

- 8.2 It is considered that the proposal is in general accordance with Part II matters of the Resource Management Act and the policies and objectives of the Tasman Resource Management Plan.
- 8.3 The proposed activities will be located within the existing purpose-built buildings and will not result in the loss of rural character or productive land. Rural amenity is not affected other than by the traffic effects resulting from increased vehicle movement along the right-of-way. The application site is well landscaped and open space is retained and no further buildings are proposed. There is sufficient parking within the property boundary. It is considered that any adverse effects of the proposal in relation to traffic can be addressed and mitigated to a large extent and conditions have been proposed to address traffic related concerns. In comparison to the permitted baseline, including rural activities involving the use of heavy machinery and the fact that the activities could take place without consent if these were private get-togethers or not charged for, overall the proposal is considered to have no more than minor effects on the rural environment and the adjoining properties.
- 8.4 The proposal has no adverse effect on the coastal environment or the cultural heritage site identified on the site.

## 9 Section 5 and Recommendation

- 9.1 As a planner weighing up all of the relevant considerations in terms of Section 5 of the Act, I consider that a grant of consent **would** promote the sustainable management of natural and physical resources and, on balance, I **Recommend** that the application be **Granted**, subject to conditions.

**That the resource consent application for Ben King, RM140528, be granted, subject to the following conditions:**

### General

1. The activity shall be in accordance with the information provided in the application and in accordance with the site plan attached to this consent (Attachment1). Where there are any discrepancies or apparent conflict between the information provided with the application and any conditions of this consent, the conditions shall prevail.

### Surrender of consent

2. The resource consent RM140528 shall be personal to the Consent Holder and that if the Consent Holder ceases to operate the activity and/or own the property, the consent shall lapse.

### Advice Note:

This condition has been volunteered by the Consent Holder with the intent that the benefit of the resource consent will not pass with the ownership of the land when the King family members are no longer registered on the certificate of title as the owners of the property.

### Visitor numbers and hours of operation

3. The maximum number of people visiting the site shall be in accordance with the information provided in the application and Table 1 below.

**Table 1: Proposed Activities, Hours of Operation, Frequency and Number of Vehicles visiting the Site**

Proposed Activity	Hours of operation	Frequency	Maximum number of participants	Maximum number of vehicles
Up to ten individual music lessons per day	9.00am to 6.00pm	Two days per week	10 students per day	Up to 10 vehicles twice a week
Community choir rehearsals	5.00pm to 10.00pm	Up to twice weekly	30 singers per choir maximum	Up to 15 vehicles twice a week (or less as choir members are encouraged to carpool)
Music group practice	5.00pm to 10.00pm	fortnightly	20 musicians per practice maximum	Up to 10 vehicles (or less as musicians are encouraged to carpool)
Storytelling gatherings (organised for community as fundraisers for local non-profit organisations)	5.00pm to 10.00pm	Six times per year	40 participants maximum	20
Educational workshops	9.00am to 5.00pm	Six times per year	40 participants maximum	20
House concerts	5.00pm to 10.00pm	Six times per year	70 guests maximum	35
Up to four artist residences per year – one artist per residency	Up to seven days per residency	Four times per year	One artist per residency	1
Weddings	9 am to late	One per year	Up to 100	50

**Car parking**

- The existing onsite (unmarked and unsealed) car parking spaces shall be maintained to provide adequate car parking spaces as shown on the attached site plan (Attachment 1). No vehicles shall be parked along the right-of way at any time. Appropriate onsite signage shall direct visitors to the main parking areas so that these are clearly identified.

**Speed limit**

- The Consent Holder shall place speed limit signs along the access that indicate a 20 km/h speed limit and shall provide a site plan showing the location of the signs to Council's Compliance Coordinator within three months of the date of issue of this consent.

**Information sheet**

- Within three months of the date of the grant of this consent, the Consent Holder shall prepare an information sheet for distribution to visitors to the site which emphasises road safety and low speed. As a minimum, the information sheet shall include the following:

- That Battery Road and the right-of-way way is a shared access used by a number of residents and a low speed is required for traffic safety and to minimise dust nuisance;
- That there are children, cyclists, horse riders and walkers who could be using the access way;
- That neighbours living close to the access road are negatively affected by evening vehicle headlight glare so please drive with lowered lights in the evening.
- That neighbours living close to the access road are negatively affected by evening vehicle noise so please drive quietly in the evening or early morning.
- That car pooling at least from Battery Road is encouraged to reduce the traffic on the road and the right-of-way way.

7. A copy of the information sheet shall be provided to the Council's Compliance Coordinator.

**Advice Note: The Consent Holder has volunteered to provide greater emphasis on** informing visitors about lowering speed. An information sheet is proposed with the intention to educate drivers and to minimise the effects on adjoining properties.

### Upgrade and maintenance of the right-of-way

8. The right-of-way shall be upgraded according to the recommendations made in the traffic report submitted with the application including:

- a) Clearing and trimming vegetation at the existing culvert;
- b) Dust reduction by using chemical stabilisation and by encouraging lower speed<sup>0</sup> and improve on the maintenance of the access way;

**Advice Note:** The use of chemical stabilisation may require a discharge permit (resource consent).

- c) Widening of the access between "RiverSea" and the bridge;
- d) Adding a pullout area about midway between Battery Road and the driveway of the adjoining property on the western boundary;

**Advice Note:** Conditions 8 (a), (b), (c) and (d) have been volunteered by the applicant.

- e) strategic plantings shall be undertaken where possible to create "side friction" to slow vehicles and reduce headlight glare and existing vegetation that impedes drainage shall be trimmed or removed;
- f) the drainage of the access way shall be improved where necessary to avoid ponding and reduce degradation of the right-of-way;
- (g) a less dusty aggregate such as lime chips or the local product FXQ shall be used on the access way;
- h) a maintenance regime of the right-of-way shall be drafted and submitted to Council's Compliance Coordinator within three months of the date of issue of this consent.

**Advice Note:** It is recommended that the above conditions (e-f) are discussed with the adjoining neighbours to reach an understanding that benefits all those who may be

adversely affected by the traffic travelling to the site.

Item 2.1

### Traffic Management

9. For any events with 20 participants or greater, the consent holder shall position two traffic marshals at the corner of Patons Rock Road and Battery Road and at the beginning of the right-of-way to encourage car pooling and slow speed.

### Noise

10. The noise generated by the proposed activities, measured at or within the notional boundary of any dwelling does not exceed:

	<b>Day</b>	<b>Night</b>
$L_{eq}$	55 dBA	40 dBA
$L_{max}$		70 dBA

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

Night = all other times, including public holidays.

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

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

**Notional Boundary** – *in relation to noise, means:*

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

### Wastewater Treatment

11. The wastewater treatment and disposal system for the Octagons shall be enlarged to serve the activities authorized by this consent, as follows. Additional capacity shall be added to provide a design capacity 1200 litres per day within 4 months of the consent becoming effective. Prior to educational workshops, house concerts and weddings being conducted additional capacity shall be added to provide a design capacity 1800 litres per day. Alternatively, these two upgrade stages may be done together within 4 months of the consent becoming effective.

**Advice Note:** A building consent will be required for the upgrade of the existing wastewater system. The upgrade will be required to show compliance with Council criteria for wastewater disposal as per TRMP rule 36.1.2.4 or a discharge permit (resource consent) will be required.

### Cultural Heritage

12. Prior to any earthworks for the above trenches being carried on the site, an Archaeological Authority or written evidence that such an Authority is not required from Heritage NZ, shall be submitted to the Council's Planner, Takaka.

## **Review**

13. Pursuant to Section 128(1)(a) of the Resource Management Act 1991, the Consent Authority may review any conditions of the consent at any time within one year from the activity commencing and thereafter within one month of the anniversary of the date of this consent to deal with any adverse effect on the environment relating to RM140528 which may arise from the exercise of the consent. The adverse effects include noise from events and traffic effects such as dust, headlight glare and noise.

## **GENERAL ADVICE NOTES**

### **Council Regulations**

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

### **Other 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 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.

### **Interests Registered on Property Title**

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

### **Monitoring**

4. Monitoring of this resource consent will be undertaken by the Council as provided for by Section 35 of the Act and a one-off fee has already been charged for this monitoring. Should the monitoring costs exceed this fee, the Council reserves the right to recover these additional costs from the Consent Holder. Costs can be minimised by consistently complying with conditions, thereby reducing the necessity and/or frequency of Council staff visits.

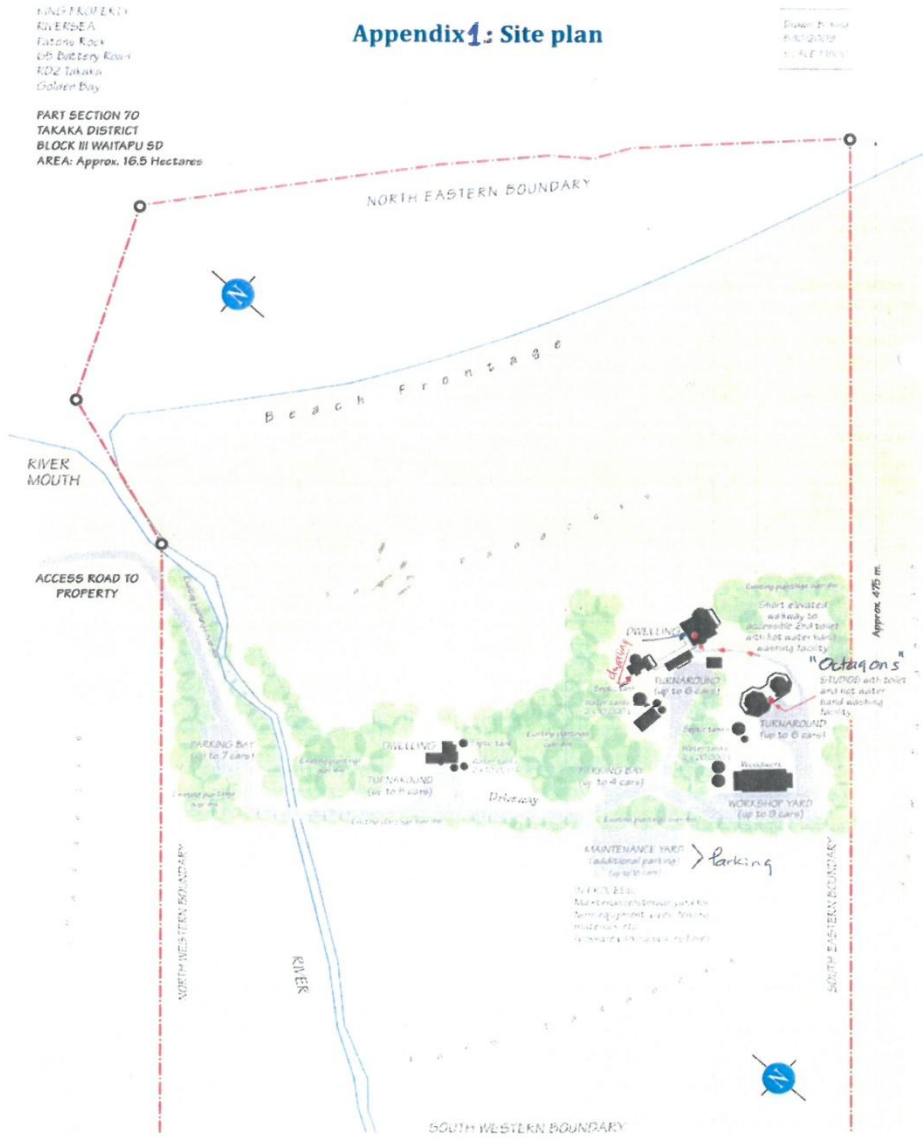






RM140528 B KING

Appendix 1: Site plan





**Appendix 4: Land Transport Effects Relevant Objectives & Policies**

**11.1 Effects on Transport Safety and Efficiency**

**11.1.1 Issue**

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 subdivision and land use activities.

**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.

**11.1.3 Policies**

*Refer to Policy sets 5.1, 6.1, 6.3, 6.5, 6.9 - 6.12, 6.14, 6.18, 6.19, 6.21, 7.2, 7.3, 13.1  
Refer to Rule sections 16.2, 16.3, 17.1 - 17.12, 18.7, 18.8, 18.9, 19.2*

- 11.1.3.1** To promote the location and form of built development, particularly in urban areas, that:
- (a) avoids, remedies or mitigates adverse effects of traffic generation;
  - (b) provides direct and short travel routes by vehicle, cycling and pedestrian modes between living, working, service, and recreational areas;
  - (c) avoids an increase in traffic safety risk;
  - (d) allows opportunities for viable passenger transport services to be realised;
  - (e) provides a clear and distinctive transition between the urban and rural environments;
  - (f) segregates roads and land uses sensitive to effects of traffic.

- 11.1.3.2** To ensure that land uses generating significant traffic volume:
- (a) are located so that the traffic has access to classes of roads that are able to receive the increase in traffic volume without reducing safety or efficiency;
  - (b) are designed so that traffic access and egress points avoid or mitigate adverse effects on the safety and efficiency of the road network.

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

**11.1.3.7** To ensure that adequate and efficient parking and loading spaces are provided, either on individual sites or collectively, to avoid or mitigate adverse effects on the safety and efficiency of the road network.



## Appendix 2 : Rural Environment Effects Relevant Policies & Objectives

### 7.1 Cumulative Effects of Land Fragmentation on Productive Opportunities

#### 7.1.1 Issues

**7.1.1.1** Cumulative adverse effects of the subdivision, development, and non-soil-based production uses of rural land, on:

- (i) the life-supporting capacity of soil, water and ecosystems in rural areas;
- (ii) the availability of land for soil and other natural resource-based production opportunities for the well-being of present and future generations;
- (iii) service provision, site amenity, contamination and natural hazard risk, and on heritage and landscape values.

#### 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.

*Refer to Policy sets 5.1, 6.2, 7.2, 7.3, 7.4, 9.1, 9.2, 10.1.*

*Refer to Rule sections 16.3, 17.5 – 17.7, 17.12, 18.1 – 18.13.*

**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.

### 7.2 Provision for Non Soil-Based Activities

#### 7.2.1 Issues

**7.2.1.1** How to provide for non-soil-based production uses in rural areas, without diminishing the availability of the productive 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 Policies

*Refer to Policy sets 5.1, 6.2, 6.5, 7.1, 7.3, 7.4, 8.2, 9.1, 9.2, 9.3, 14.1 – 14.4.*

*Refer to Rule sections 16.3, 17.5 – 17.12, 18.1 – 18.13.*

**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.

**7.2.3.2** To enable sites in specific locations to be used primarily for rural industrial, tourist services or rural residential purposes (including communal living and papakainga) with any farming or other rural activity being ancillary, having regard to:

- (a) the productive and versatile values of the land;
- (b) natural hazards;

- (c) outstanding natural features and landscapes, and the coastal environment;
- (d) cross-boundary effects, including any actual and potential adverse effects of existing activities on such future activities;
- (e) servicing availability;
- (f) the availability of specific productive natural resources, such as aggregates or other mineral sources;
- (g) transport access and effects;
- (h) potential for cumulative adverse effects from further land fragmentation;
- (i) maintaining variety of lot size;
- (j) efficient use of the rural land resource;
- (k) cultural relationship of Māori to their land.

**7.2.3.5** To ensure that activities which are not involved or associated with soil-based production do not locate where they may adversely affect or be adversely affected by such activities.

#### **7.4 Rural Character and Amenity Values**

##### **7.4.1 Issues**

**7.4.1.1** An appropriate level of protection of rural character, ecosystems and amenity values.

**7.4.1.2** How to ensure that soil-based productive activities are able to continue to operate without undue constraints in rural areas, including those due to reverse sensitivity.

##### **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.

##### **7.4.3 Policies**

*Refer to Policy sets 5.1, 5.2, 5.3, 5.5, 7.1, 7.2, 7.3, 9.1, 9.2, 11.2, 14.1, 14.3.*

*Refer to Rule sections 16.3, 17.5 – 17.12, 18.1 – 18.13.*

**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.

**7.4.3.3** 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.

**7.4.3.5** 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.







## Appendix 3: Site Amenity Effects Relevant Policies & Objectives

### 5.1 Adverse Off-Site Effects

#### 5.1.1 Issues

**5.1.1.1** 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.

#### 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.

#### 5.1.3 Policies

*Refer to Policy sets 6.4, 8.2, 33.1, 33.3, 33.4, 33.5, 35.1.*

*Refer to Rule sections 16.3, 17.1, 17.5, 17.6, 17.7, 17.8, 17.12, 18.7, 18.8, 36.1 - 36.7.*

**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.

**5.1.3.10** To avoid, remedy, or mitigate the effects of shelter belts, spray belts, horticultural plantings, plantation forestry and other vegetation on adjoining properties and on road safety matters including visibility, shading, and icing, while acknowledging the rural area as being a working environment.

### 5.2 Amenity Values

#### 5.2.1 Issues

**5.2.1.1** Amenity can be compromised in site development and site use.

#### 5.2.2 Objective

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

#### 5.2.3 Policies

*Refer to Rules sections 16.1, 16.3, 17.1, 17.2, 18.1.*

**Item 2.1**

- 5.2.3.1** To maintain privacy in residential properties, and for rural dwelling sites.
- 5.2.3.4** To promote amenity through vegetation, landscaping, street and park furniture, and screening.
- 5.2.3.6** To maintain and enhance natural and heritage features on individual sites.
- 5.2.3.7** To enable a variety of housing types in residential and rural areas.
- 5.2.3.8** To avoid, remedy or mitigate the adverse effects of traffic on the amenity of residential, commercial and rural areas.
- 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.

**Attachment 4**

## Appendix 5

### MEMORANDUM

**To:** Ina Holst-Stoffregen  
**From:** Development Engineer - Dugald Ley  
**Date:** 26 March 2015  
**File No:** RM140528  
**Subject:** **Music activity**

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The above application is to use a private property close to Paton Rocks community for commercial and community activities.

#### **Background**

The site is access off the sealed Paton's Rock road which carries approx over 200 users per day. Battery road comes off Paton's Rock Rd near the Paton's Rock settlement.

The first 179 metres (to where access to the sea departs from the road) is maintained by Council to an approx 4.5 metre gravel surface. The number of vehicles that use this section of road average at 55 vehicles per day. As there are only 4 residences down this road, it can be assumed that some (up to 50 %) of this traffic is from the public accessing the beach area.

Trip generation from residences generally from remote properties can be as low as 4 to 6 movements/vehicles per day (VPD), whereas in an urban residential area can be up to 10 VPD.

Battery Road existing traffic therefore compares to serving approx 9 residential properties.

Council's current engineering standards show that its lowest ranked road, being a rural residential design having a 5 metre carriageway width, can accommodate up to 19 residences.

The application shows there will be an additional 20 VPD or the equivalent of an extra 3 users making a total on Battery road of 12 users.

It is therefore accepted that Battery RD has the capacity for the increased traffic envisaged by this application.

Turning now to the right of way (ROW) off the end of Battery Rd, practical users reduce to 2 and therefore one could expect that traffic movements would be in the order of 12 VPD and this was confirmed by the applicant consulting engineer stating "very few vehicles were observed using the Right of Way".

Right of ways with low use, tend to have vegetation encroachment towards the gravel carriageway and this would seem to be the case for this ROW. Vehicles are still able to pass at slow speeds as each vehicle uses part of the grass berm for passing.

The applicant has offered a number of mitigation measures for the increased traffic on the ROW and these are supported by Council engineering department.

ROW's are generally slow speed environments and this should be encouraged.

**Conclusion**

The four recommendations as offered by the applicants engineering consultant are recommended to be included in the set of conditions if there was a mind to approve the application.

These suggested conditions will allow;

- Raised road humps to lower speeds therefore reduction in dust.
- Passing bays to allow the safe passing of vehicles at slow speeds.
- Maintenance regime to keep the ROW up to a good standard.
- Plantings to create “side friction” which will slow vehicles.